

**CITY OF FENTON, MISSOURI
625 NEW SMIZER MILL ROAD, FENTON, MO 63026
MINUTES OF THE BOARD OF ALDERMEN COMMITTEE MEETING
THURSDAY, SEPTEMBER 1, 2022
7:00 P.M.**

CALL TO ORDER

Mayor Maurath called the Board of Aldermen Meeting of the City of Fenton, St. Louis County, Missouri to order at 7:00 p.m. on Thursday, September 1, 2022. The meeting was held at Fenton City Hall and via Zoom Videoconference (RSMo 610.015).

PLEDGE OF ALLEGIANCE – Mayor Maurath led the Pledge of Allegiance.

ROLL CALL

City Clerk Jane Hungler called the roll:

Alderman Ralph Cruts - <i>Absent</i>	Alderman Chris Clauss - <i>Present</i>
Alderman Terry Bereitschaft - <i>Present</i>	Alderman Brian Wisbrock - <i>Present</i>
Alderman Robin Huels - <i>Present</i>	Alderman Scott Maserang - <i>Present</i>
Alderman Ron Harrell - <i>Present</i>	Alderman Susan Jokerst - <i>Present</i>

Seven Aldermen were present at the opening of the meeting.

CITY OFFICIALS PRESENT:

Mayor Joe Maurath
City Attorney Erin Seele, Esq.
City Administrator Andrea N. Finkbiner
Community Development Director Amy Starck
City Clerk Jane Hungler
St. Louis County Police Captain Kevin Lawson

MAYOR'S COMMENTS

Mayor Maurath shared he would like to invite the public to join him on September 11, at 10:00 a.m. at Heroes Memorial in Fenton City Park for observance in honor and remembrance of the heroes and victims of September 11, 2001. There may be a speaker from the American Legion. He suggested providing doughnuts and juice.

PUBLIC COMMENTS

There were no public comments.

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

- **Consideration of amendments to certain Sections of Chapter 335, Stop and Yield Intersections, Railroad Crossings, Etc., of the Municipal Code regarding traffic control signals.**

Below are proposed amendments (italics and underlined) to certain Sections of Chapter 335, Stop and Yield Intersections, Railroad Crossing, Etc., of the Municipal Code relating to traffic control signals, as requested by the St. Louis County Police Department, Fenton Precinct:

➤ **Section 335.040 Stop And Yield Signs.**

[R.O. 2009 § ; 335.040]

A. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

B. Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign *or traffic control signal* shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

➤ **Section 335.050 Vehicle Entering Stop Intersection.**

[R.O. 2009 § ; 335.050]

Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign or *traffic control signal* shall stop as required by Subsection (B) of Section 335.040 and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

Captain Lawson explained this will help Officers as it will also identify traffic control signals and help cite the violation and the prosecution process.

After discussion, Alderman Clauss made a motion to forward to the September Board of Aldermen meeting the consideration of amendments to certain Sections of Chapter 335, Stop and Yield Intersections, Railroad Crossings, Etc., of the Municipal Code regarding traffic control signals. The motion was seconded by Alderman Jokerst. Upon a vote being taken, it was announced that the motion was passed unanimously by the Committee.

- **Consideration of amendments to Section 205.720, Obstructing Public Places, and Section 345.080, Pedestrian Walking Along Roadways, of the Municipal Code regarding safety concerns on roadways.**

Below are two (2) proposed amendments (italics and underlined) to the Municipal Code to address safety concerns on roadways:

➤ **Amend Section 205.720 to add intent provision to be in compliance with recent law as follows:
Section 205.720 Obstructing Public Places.**

A. Definition. The following term shall be defined as follows:

PUBLIC PLACE - Any place to which the general public has access and a right of resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern, or other place of business and also public grounds, areas, or parks.

B. It shall be unlawful for any person to stand or remain idle either alone or in consort with others in a public place in such manner so as to knowingly and actually:

1. Obstruct any public street, public highway, public sidewalk, or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic, or pedestrians;
2. Commit in or upon any public street, public highway, public sidewalk, or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon, and thereto;
3. Obstruct the entrance to any business establishment, without so doing for some lawful purpose, if contrary to the expressed wish of the owner, lessee, managing agent, or person in control or charge of the building or premises.

C. When any person causes or commits any of the conditions in this Section, a Police Officer or any Law Enforcement Officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this Section.

➤ **Amend current Section 345.080 to address safety concern of not just walking in a street but also standing and sitting when a sidewalk is available as follows:**

Section 345.080 Pedestrians Walking Along Roadways.

Except as may otherwise be provided in this Chapter 345 and subject to Section 205.720, (prohibiting obstructing any sidewalk or street), people along roadways shall abide by the following safety rules:

- A. Where sidewalks are provided, it shall be unlawful for any pedestrian person to walk along and upon, operate a wheelchair/electric wheelchair, stand upon, or sit in an adjacent roadway at any time.
- B. Where sidewalks are not provided, any pedestrian person walking along and upon a highway or operating a wheelchair/electric wheelchair upon a roadway shall, when practicable, walk only on do so only along the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

State Law reference— Similar provisions, RSMo 300.405.

Captain Lawson explained this will help Officers address the safety hazard, especially at busy intersections, and cite the violation and the prosecution process. Alderman Maserang inquired if this would also apply to persons walking on residential area streets in lieu of walking on provided sidewalks. Captain Lawson replied this would address that concern.

After discussion of the safety issues, Alderman Clauss made a motion to forward to the September Board of Aldermen meeting the consideration of amendments to Section 205.720, Obstructing Public Places, and Section 345.080, Pedestrian Walking Along Roadways, of the Municipal Code regarding safety concerns on roadways. The motion was seconded by Alderman Harrell. Upon a vote being taken, it was announced that the motion was passed unanimously by the Committee.

- **Requested amendment to the existing contract for Prosecuting Attorney Services with Tim Engelmeyer and Engelmeyer & Pezzani, LLC. regarding hourly billable services rate.**

The City has a contract with Tim Engelmeyer and Engelmeyer & Pezzani, LLC for Prosecuting Attorney Services, as approved in June of 2019 via Ordinance 3950, and amended by Ordinances 4075 and 4092. Per Section II, Hourly Billable Services, of the contract the Prosecuting Attorney's (P.A.) rate/hour is \$100 for certain services not contained in the monthly flat fee services. The P.A. is requesting that the contract be amended to increase the hourly billable services rate to \$150, which is comparable with the hourly rate he receives from other cities, as follows:

- Chesterfield \$120 (this is also being reviewed)
- Valley Park \$190
- Des Peres \$150
- Twin Oaks \$150
- Green Park \$150

It is noted that this rate is an "as needed" rate, separate from the Flat Fee Services rate contained in Section I of the contract, which is \$1,200/month. For reference, a draft of the proposed amendment as proposed in Section II of the contract was available for review.

After discussion, Alderman Clauss made a motion to forward to the September Board of Aldermen meeting the requested amendment to the existing contract for Prosecuting Attorney Services with Tim Engelmeyer and Engelmeyer & Pezzani, LLC. regarding hourly billable services rate. The motion was seconded by Alderman Jokerst. Upon a vote being taken, it was announced that the motion was passed unanimously by the Committee.

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

- **Consideration of amendments to the Employee Evaluation Policy.**

Last year, the Board approved the 3-point rating scale in lieu of the 5-point rating scale to measure the employee's performance as either "exceeds expectations", "meets expectations", or "does not meet expectations" on the annual evaluation form. A copy of the current 3-point scale Job Performance Evaluation Forms for reference was available for review.

In review of the City's Personnel Manual, specifically Section 7.2.2 Performance Evaluations, and the existing Employee Evaluation Policy, which did not specifically reflect recent amendments to Section 7.2.2, Staff requests that the Board consider adopting the amended Employee Evaluation Policy that was available for review.

After discussion, Alderman Wisbrock made a motion to forward to the September Board of Aldermen meeting the consideration of amendments to the to the Employee Evaluation Policy. The motion was seconded by Alderman Huels. Upon a vote being taken, it was announced that the motion was passed unanimously by the Committee.

- **Discussion regarding 2022 Employee Appreciation Luncheon.**

Traditionally, the City of Fenton has an Annual Employee Appreciation Luncheon in December at RiverChase. (Note: Due to Covid the past two (2) years, the event was catered with boxed lunches delivered to each City location).

If approved by the Board for this year, Staff is suggesting the luncheon be held on Friday, December 2 in the former library space. Upon approval, the caterer is still to be determined by Staff and cost will be forthcoming.

This event is budgeted under line item 10101-57880 Awards and Recognition, with a budgeted amount of \$2,000. With fewer employees this year, the estimated cost for this event will be well under that amount.

After discussion, Alderman Wisbrock made a motion to forward to the September Board of Aldermen meeting the 2022 Employee Appreciation Luncheon. The motion was seconded by Alderman Huels. Upon a vote being taken, it was announced that the motion was passed unanimously by the Committee.

- **Request to attend the 2022 Missouri Association for Court Administrators (MACA) Conference.**

Per section 5.4.8 of the City's Personnel Manual, Staff would like to request permission for the Court Administrator and Assistant Court Administrator to attend the 2022 Missouri Association for Court Administration (MACA) Fall Conference on Wednesday October 12th, Thursday October 13th, and Friday October 14th. As the training will be held in Columbia, Missouri, this will also require closure of the Courts on these days. Staff is seeking approval to attend the 2022 MACA Fall Conference and close the Courts on the days that staff will be attending the conference.

The cost of registration for both to attend is \$350.00; and the cost for lodging for both will be \$436.00 total. The total cost for both clerks to attend is \$1,075.38, which is within the Department's \$1,000.00 budget line for meals, lodging and travel and \$2,000.00 budget line for training and education. An expense form for a breakdown of costs was available for review.

Mayor Maurath noted for the record the conference is for continued accreditation.

After discussion, Alderman Wisbrock made a motion to forward to the September Board of Aldermen meeting the request to attend the 2022 Missouri Association for Court Administrators (MACA) Conference. The motion was seconded by Alderman Jokerst. Upon a vote being taken, it was announced that the motion was passed unanimously by the Committee.

COMMUNITY DEVELOPMENT AND AFFAIRS – *Ald. Bereitschaft, Chairman (Harrell, Clauss, Maserang)*

- **Discussion regarding Business Licenses.**

During the August 11th Committee Meeting, the Board requested that Staff provide additional information regarding Business Licenses. A spreadsheet that provided information regarding Business Licenses in surrounding communities was available for review.

Should the Board consider instituting a Business Licenses, it is suggested by Staff that the license fee be based on square footage of the business (not gross receipts) and the fee not exceed \$1,000, but also not be less than \$25 to minimally cover the City's personnel costs to process the license applications. Also, the Board may want to consider the fee being based on the type of business (i.e., warehouse/office and distribution and industrial uses (due to increased traffic) versus retail/restaurant/service uses).

Alderman Bereitschaft expressed that Fenton is an appealing place to do business and would like to keep it appealing. He feels the main reason for the business license is to capture business information more than fees. He feels the process and fee structure should be kept simple.

Alderman Jokerst expressed she feels the fee to not exceed \$1,000 is too much, a cap is needed but feels it should be lower.

Alderman Huels expressed she is not in agreement with implementing a business license, the businesses are where the revenue comes from for the City. She further inquired who would be responsible to gather and disseminate the information. City Administrator Nikki Finkbiner replied, the Permit Coordinator and Community Development Director.

Alderman Maserang shared he is not opposed to business license as neighboring municipalities also require business license. He feels business expect to pay an annual business license fee. He feels it is important to have the information and the businesses are licensed. As a business owner himself he has to obtain several business licenses for his business. Alderman Maserang inquired on average approximate square footage of large warehouse/office and distribution and industrial uses businesses. City Administrator Nikki Finkbiner replied typical average is over 200,000 square feet.

Alderman Jokerst acknowledged Alderman Huels' inquiry on who would be responsible to gather and disseminate the information due to shortage of staff and further shared she feels the fee should be nominal such as \$50-\$200. She stated she feels City does take measures to protect the business and be a business-friendly City and a business license would benefit the police, fire district, and City Staff with current business information and it is not unreasonable.

Alderman Maserang stated Fenton does not impose real estate tax or personal property tax on residents or commercial properties. He pays a business license fee and real estate tax to the City of Crestwood annually for his business. He further shared he feels a business license benefits the business owners.

Alderman Harrell inquired if the Board feels it is an incentive to locate in Fenton as the City does not impose real estate or personal property taxes. He feels a low nominal business license fee is not unreasonable.

Mayor Maurath inquired how many other municipalities in St. Louis County do not charge a property tax. City Administrator Nikki Finkbiner said she could not address that inquiry at that time. Mayor Maurath stated he does not think any, and to try to compare to what other municipalities do, does not work for him. He shared he is unsure of what is trying to be accomplished with the business license request. He feels this stemmed from the loss of online sales tax vote. He feels the annual budgeted \$700,000 for slab replacement is already paid by the businesses. Mayor Maurath inquired if a nominal fee of up to \$500 based on Staff cost time is an appropriate cost to capture information on businesses and if it is unknown what businesses are in the Fenton community, suggested considering networking with the Fire District for the information. Mayor Maurath expressed he feels this consideration should be postponed.

Alderman Jokerst shared she agrees, she feels license fee should be based on Staff cost time. Alderman Huels inquired if the business would fill out information online what would be the repercussion if not completed. City Administrator Nikki Finkbiner replied a business license would not be issued. Alderman Bereitschaft shared maybe consider a flat fee rather than based on square footage. Alderman Jokerst stated she feels it will not be a hinderance to businesses if there is a fee for a business license and likes the consideration the fee be based on cost incurred to obtain the information.

Alderman Bereitschaft stated this is not for revenue but rather for gathering information on City businesses. Alderman Maserang agreed and further expressed the smaller businesses should not be paying the same fee as larger businesses.

Mayor Maurath noted for the record he is adamantly opposed to property tax.

Alderman Jokerst suggested gathering more information on programs cost, Staff cost, and how it would be implemented before suggesting fee structure.

Alderman Wisbrock inquired if someone could contact the Fire District and inquire if they have current contact information on City businesses, daytime population, what the business does, and if there would be an addition charge to implement program in GovBuilt. City Administrator Nikki Finkbiner shared there may be a onetime charge to create a form within GovBuilt. City Administrator Nikki Finkbiner inquired on the Board's desire to move forward with the consideration of business license before research time is conducted.

After discussion, Alderman Bereitschaft made a motion to continue to the October Board of Aldermen Committee meeting the discussion regarding Business License and have Staff gather information as discussed. The motion was seconded by Alderman Clauss. Upon a vote being taken, it was announced that the motion was passed unanimously by the Committee.

CAPITAL IMPROVEMENTS – *Ald. Maserang, Chairman (Bereitschaft, Harrell, Huels)*

No items for discussion.

PUBLIC WORKS/FORESTRY – *Ald. Wisbrock, Chairman (Bereitschaft, Clauss, Maserang)*

- **Request to seek Request For Proposals (RFP) for Plumbing Services.**
The existing agreement with Bieg Plumbing Company, Inc. for Plumbing Services (on call, as needed) is set to expire on December 21, 2022 (Note: the City does have an option to renew for another year term).

Noting that the existing contract was approved in 2015, Staff would like to seek new Request For Proposals (RFP) to compare the existing contract with other prospective on-call, as needed plumbing contractors. City Administrator Nikki Finkbiner noted as this a request for RFP it is a final motion approved by Committee that approves Staff to seek RFPs immediately.

After discussion, Alderman Wisbrock made a motion to approve request to seek Request For Proposals (RFP) for plumbing services. The motion was seconded by Alderman Bereitschaft. Upon a vote being taken, it was announced that the motion was passed unanimously by the Committee.

INFORMATION SERVICES – *Ald. Harrell, Chairman (Bereitschaft, Huels, Maserang)*

- **Request for additional Adobe Acrobat Licenses.**
As approved by the Board in 2018 and again in 2021, the City currently has ten (10) Adobe Acrobat Licenses at a current annual cost of \$2,038.80 (\$16.99/license at \$169.90/ month). Staff is needing to purchase two (2) additional licenses for both Bookkeepers in the Finance Department, which would increase the annual cost to \$2,446.56/year (\$16.99/license at \$203.88/month).

Staff is seeking approval to purchase the two (2) additional licenses and to increase the “not to exceed” budget limit for the licensing from \$2,400 to \$2,880. This would allow a per license increase up to \$20/month for the twelve (12) licenses.

Mayor Maurath noted that licenses are assigned to individual computers and cannot be shared. Alderman Clauss inquired if there were any unused licenses that were assigned to RiverChase staff.

City Administrator Nikki Finkbinder replied yes however, those licenses have been reassigned to current Recreation Supervisor – Sports and Rentals and the Permit Coordinator.

After discussion, Alderman Harrell made a motion to forward to the September Board of Aldermen meeting the request for additional Adobe Acrobat Licenses. The motion was seconded by Alderman Huels. Upon a vote being taken, it was announced that the motion was passed unanimously by the Committee.

MISCELLANEOUS

- **Request to forward a Bill to the September Board Meeting calling the Tuesday, April 4, 2023 General Election.**

Alderman Maserang made a motion to forward to the September Board of Aldermen Meeting a Bill calling the Tuesday, April 4, 2023 General Election. 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.

- **Request to destroy records in accordance with the Missouri Records Retention Schedules.**

Staff is requesting approval to destroy records (list was available for review) effective upon the retention destroy date. The records to be destroyed exceed the retention requirements as stated in the Missouri Municipal Records Retention Schedule.

Staff is also requesting the Board approve a one-time shredding service to pick up records from location as this provides for secure destruction and provides the necessary capacity to make short work of large shredding jobs. To have The Shred Truck perform a secure on-site one-time shredding service, with a cost of \$89.00 per 96-gallon bin (which holds ten (10) copy paper boxes per bin), with an anticipated eighty (80) boxes; Staff is requesting approval for a one-time shredding cost not to exceed \$750.

After discussion, Alderman Jokerst made a motion to forward to the September Board of Aldermen meeting the request to destroy records in accordance with the Missouri Records Retention Schedules. 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.

- **Discussion regarding placing Proposition U on an upcoming election ballot.**

Mayor Maurath shared he feels Proposition U (local use tax) should be placed on the April 2023 ballot and noted for the record he feels it was confusing and not explained or presented properly to the residents for the last ballot. City Administrator Nikki Finkbinder shared if the Board desired the Prop U to be on the April 2023 ballot for best cost effectiveness, the topic could be placed as a revolving item on upcoming agendas and place educational materials regarding the proposition on social media outlets.

Mayor Maurath stated he does not want to keep pushing proposition; however, he feels it is important to present at least one more time to educate residents to help them understand the proposition.

Alderman Maserang shared he feels the proposition failed miserably the first time in Fenton and other municipalities; he does not believe people will change their minds and at what point will voters become bored with the proposition.

Alderman Jokerst shared she feels it is a confusing proposition and agrees lack of education could have been the reason the proposition did not pass at the last election. She expressed as a voter she does not like it when a proposition keeps appearing on a ballot if it did not pass. She feels it is key to explain why proposition is back on the ballot and need to better educate the proposition.

Alderman Wisbrock agreed with Alderman Jokerst that it could send wrong message if proposition continues to be placed on the ballot, and expressed he feels future retail sales tax may decline as more people are trending toward shopping online. He shared need to take the opportunity to educate.

Alderman Harrell voiced he feels it is a small protection for brick-and-mortar retail in Fenton. He feels it is perk to have ability to buy online, sometimes at a lower cost. Mayor Maurath suggested to talk to the retail stores to help educate also. City Administrator Nikki Finkbiner further suggested the Chamber of Commerce.

Alderman Bereitschaft inquired what the Committee will do in relation to the proposition. City Administrator Nikki Finkbiner suggested getting more educational material out to the public.

Alderman Clauss suggested that this is a big mountain to climb and a plan was needed outlining what will the City do this time vs. what was lacking last time to educate on the proposition.

Alderman Maserang inquired on cost for issue on November ballot vs. April ballot. City Clerk Jane Hungler shared expense is based on cost sharing, cities that have candidates and/or measures on a ballot pay their share of this cost, while the county covers the remaining costs. Election costs are influenced by the number of jurisdictions sharing the ballot and by the number of candidates' or propositions that a jurisdiction has on the ballot cost is determined per registered voter.

City Administrator Nikki Finkbiner suggested to place Proposition U on the monthly upcoming Board of Aldermen Committee meeting under the Community Development and Affairs for further discussion.

After discussion, Alderman Bereitschaft made a final motion to place Proposition U on the monthly upcoming Board of Aldermen Committee meeting under the Community Development and Affairs for further discussion. The motion was seconded by Alderman Harrell. Upon a vote being taken, it was announced that the motion was passed unanimously by the Board of Aldermen.

- **Request to amend the existing contract with Cardinal Vending to remove vending machines at RiverChase YMCA.**

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 second term of the agreement does not expire until February 28, 2023. Per Exhibit A of the agreement, Cardinal Vending provides six (6) vending machines at RiverChase YMCA (in addition to the vending machines at City Hall and Public Works). Per the YMCA, they would like the vending machines moved over to their agreement with Cardinal Vending, and Cardinal Vending has stated that they are willing to amend the existing agreement with the City in order to accommodate this request.

Based on the above, Staff suggests that the Board consider amending Exhibit A of the City's Vending Machine Services agreement with Cardinal Vending, Inc. to remove the vending machines at RiverChase YMCA from the agreement terms.

After discussion, Alderman Clauss made a motion to forward to the September Board of Aldermen meeting the request to amend the existing contract with Cardinal Vending to remove vending machines at RiverChase YMCA. The motion was seconded by Alderman Huels. Upon a vote being taken, it was announced that the motion was passed unanimously by the Board of Aldermen.

EXECUTIVE SESSION

There was no executive session held.

ADJOURNMENT

At 7:58 p.m. with no other business before the Board, Alderman Jokerst made a motion to adjourn. The motion was seconded by Alderman Maserang. 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