

CITY OF FENTON
625 NEW SMIZER MILL ROAD, FENTON, MO 63026
MINUTES OF THE BOARD OF ALDERMEN COMMITTEE MEETING
THURSDAY, SEPTEMBER 8, 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 8, 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 Cruets - *Absent*

Alderman Terry Bereitschaft - *Present*

Alderman Brian Wisbrock - *Present*

Alderman Ron Harrell - *Present*

Alderman Chris Clauss - *Absent*

Alderman Robin Huels - *Present*

Alderman Scott Maserang - *Present*

Alderman Susan Jokerst - *Present*

Six Aldermen were present at the opening of the meeting.

CITY OFFICIALS PRESENT

Mayor Joe Maurath

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

City Administrator Andrea N. Finkbiner

Community Development Director Amy Starck

City Clerk Jane Hungler

Public Works Director Dan Howard

Financial Consultant Tammy Alsop

St. Louis County Police Precinct Captain Kevin Lawson

MAYOR'S COMMENTS

Mayor Maurath reminded there will a 9-11 remembrance 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. Staff secured doughnuts from Olde Towne Donuts, and coffee, and juice from Panera Bread Company will be available.

PUBLIC COMMENTS

There were no public comments.

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

- **July 31, 2022, Monthly Financial Report.**

Alderman Huels summarized the monthly financial report. There were no questions or concerns.

- **Consideration of the 2022 Mid-Year Budget Amendment.**

Department Heads and Financial Consultant Tammy Alsop reviewed the financial data through June 30th to determine adjustments. Available for review were the necessary mid-year adjustments to the 2022 budget.

Financial Consultant Tammy Alsop overviewed the proposed 2022 Mid-year budget amendments. There were also various other revenue and expenditure items that might need an adjustment, but at this time Financial Consultant Tammy Alsop recommended waiting until year-end.

Alderman Wisbrock inquired on the how often reconciliation occurred with YMCA. Financial Consultant Tammy Alsop shared there is still transition occurring. The YMCA invoices the City quarterly for \$350,000 as per management agreement and additional approved operating or capital expenses and the City invoices the YMCA also for expenses. City Administrator Nikki Finkbiner shared contracts are being amended to transfer YMCA expenses directly to the YMCA otherwise the City invoices the YMCA for those expenses monthly. Financial Consultant Tammy Alsop shared there will be an annual reconciliation in late first quarter 2023 reflecting the 2022 contribution vs. expenses for review.

Alderman Wisbrock inquired if memberships were increasing. Financial Consultant Tammy Alsop replied she did not have that information, however; the quarterly report should include the membership count.

Alderman Jokerst suggested placing update of YMCA transition in the newsletter.

Mayor Maurath stated in discussion with Financial Consultant Tammy Alsop in relation to the discussion for occupancy permit in commercial areas within the C-1 districts; he inquired if the City does not know the businesses in the buildings, how is the City getting paid for utilities and taxes and if the revenues have been reviewed for accuracy. Financial Consultant Tammy Alsop shared she is aware that Ameren and Spire collect the tax, she is unsure on how they determine if they are a residential or commercial account. She will inquire for further information.

After discussion, Alderman Huels made a motion to forward to the September Board of Aldermen meeting the consideration of the 2022 Mid-Year Budget Amendment. The motion was seconded by Alderman Wisbrock. Upon a vote being taken, the motion passed unanimously by the Committee.

- **Consideration of an extension to an agreement with Sikich, LLP (formerly Hochschild, Bloom & Company, LLP) to continue to provide the City Financial Services.**

Following competitive bidding for the City's financial services via a Request for Proposal (RFP) in 2013, the City approved an agreement with the City's current financial service provider, Sikich, LLP (formerly Hochschild, Bloom & Company, LLP), via Ordinance 3347. Since such time, the City has

extended the agreement to continue services with Sikich, LLP. The most recent extension was in October of 2021, via Ordinance 4172.

As the existing agreement is set to expire on December 31, 2022, an extension to the agreement will need to be approved by the Board of Aldermen to continue services in 2023 (through December 31st). The City's current 2022 agreement also approved a monthly fee of \$7,500 (for sixteen (16) hours per week); however, the proposed monthly fee for 2023 is \$7,750. It is noted that this is the second rate increase since 2019.

Alderman Huels made a motion to forward to the September Board of Aldermen meeting the consideration of an extension to an agreement with Sikich, LLP (formerly Hochschild, Bloom & Company, LLP) to continue to provide the City Financial Services. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Committee.

Alderman Jokerst made a motion to move Health and Safety topics next on the agenda. The motion was seconded by Alderman Bereitschaft. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

HEALTH AND SAFETY – *Ald. Jokerst, Chairman (Cruts, Wisbrock, Clauss)*

• **Discussion regarding residential re-occupancy inspections.**

As discussed at the August Committee Meeting, the City does not require re-occupancy permits for existing residential dwellings (for rent or sale pending) when a new tenant or owner moves into a residential dwelling. Residential Occupancy Permits are only obtained for new residential construction.

Some municipalities that contract with St. Louis County for building inspection services also contract with the County for residential re-occupancy inspections while other municipalities issue Residential Occupancy Permit through City staff. A Municipal Matrix was available for review. The contract can be based on the terms developed by the City for the inspection but would require the City fully adopting the County's Property Maintenance Code and amending the current contract for services with the County.

City Administrator Nikki Finkbiner shared with questions that arose during prior discussions for procedures for re-occupancy permits for existing residential dwelling either for rent or for sale, St. Louis County representatives, Curt Juergens and Michael Kolar, were in attendance to address questions the Board may have regarding residential re-occupancy inspection services that are provided by St. Louis County Department of Public Works.

In response to questions, Curt Juergens explained that rental and for sale re-occupancy inspections are not typically separated in their contract. If there would be a desire to separate, it would need review of their legal department. Curt Juergens shared the contract is set up for both rental and for sale when an occupancy changes. If a rental dwelling is sold to a new owner and there is no change of occupants, a re-occupancy inspection would not be required. If a rental dwelling is sold to a new owner and there is change occupants, a re-occupancy inspection would be required. If a home dwelling is sold to a new owner a re-occupancy inspection would be required.

Michael Kolar overviewed what entailed in an inspection. Michael Kolar shared the minimum safety / health-life safety inspections review include the electrical, plumbing, mechanical mechanisms, check for fire hazards, safety hazards, smoke detectors, egresses, etc.

Alderman Maserang inquired how they became aware of an occupant change in rental dwellings and if they used a third-party, such as Ameren for such information. Michael Kolar replied they contracted with Ameren in the past, but no longer contract with a third party for information and it is possible it will not be known of a change in occupancy.

Alderman Jokerst shared her conflict that if an owner sells their home a buyer will have an inspection and she feels this inspection is duplicative of that inspection and not necessary. City Administrator Nikki Finkbinder stated inspections are typically not required for residential sales. Michael Kolar stated there are currently two (2) inspections in St. Louis County one as required by law by the County and American Society of Home Inspectors, which is not required by law. Some areas of the inspections may overlap but are not duplicated. St. Louis County is restricted by code and ordinance, based on building codes and international property and maintenance code (International Code Council (ICC)). American Society of Home Inspectors however do not require certifications or training. Michael Kolar stated there is a significant difference in the inspections. A standard home inspection usually takes two (2) to three (3) hours to complete that may include running dishwasher and microwave. St. Louis County inspection usually takes thirty (30) to forty-five (45) minutes.

Alderman Maserang inquired on what the typical issues found during St. Louis County inspections were. Michael Kolar replied electrical such as extension cords, space heaters; smoke detectors and fire warning, security such as dead bolts, fire egress, fire separation holes in basement ceilings (allowing fire to jump from one floor to next); mechanics such as improperly installed water heaters. Alderman Maserang inquired on bedrooms in basements. Michael Kolar shared they look for all measured bedrooms. If home was not built for legal bedroom in the basement, typically it does not have proper egress. They also measure square footage all legal bedroom within a dwelling, regardless of the type of dwelling, to determine occupancy limit to address overcrowding.

Mayor Maurath stated from his perspective he does not feel the inspections are needed. He is trying to determine to problem that is trying to be resolved.

Alderman Huels noted there were only two (2) members of the committee present. Alderman Wisbrock suggested to continue discussion until all four (4) committee members are seated. Alderman Wisbrock shared looking to future with the trend of more corporations buying residential dwellings then converting to rental dwelling he feels the discussion needs to be continued. Alderman Wisbrock shared most corporations typically pay cash in lieu of securing loans, which does not require inspections.

Alderman Maserang inquired if City Administrator Nikki Finkbinder could follow up with St. Louis County if the contract could be for rental dwellings only, as he would be in favor of inspections for rental dwellings only not pending sales.

Alderman Huels inquired if there was overwhelming number of homes within the City that are owned by corporations than rented out. City Administrator Nikki Finkbinder stated there were quiet a few within the City owned by LLC's, but she did not know whether they were corporation businesses or individuals.

Alderman Jokerst shared as this concern is under Health and Safety, if approved she feels there would be several homes within the City that would not pass inspections. If concern is for safety, it would need to apply to all, and she was not in favor of that. Alderman Wisbrock expressed it would only apply when property changed occupancy.

Mayor Maurath inquired if it was known that it is a trend that corporations were buying homes and if so, he was unaware of that happening in the City of Fenton, except the one (1) incident in Courtney Estates.

Alderman Maserang voiced concern that sometimes St. Louis County would be unaware of change of occupancy, he is in favor of rental re-occupancy; however, if there are occupancy changes that are unaware of and not inspected, he is unsure if implementing inspections would be appropriate.

Alderman Wisbrock shared his information came from an article online regarding real estate investors buying 18% of United State homes in 3rd quarter of 2021. Mayor Maurath inquired if that was Fenton. Alderman Wisbrock replied nationwide. Mayor Maurath stated he wanted to know about what is happening in Fenton, he did not care about nationwide. Alderman Wisbrock commented he understood Mayor Maurath's comment but the statistics he referred to are nationwide. Mayor Maurath restated he feels this topic was brought forward with the one (1) recent incident, it was rectified and does not see the problem Citywide, and feels it is overreach of government. Alderman Jokerst expressed she does not see it as a problem currently but if it becomes a problem reconsider adopting re-occupancy inspections at that time.

Mayor Maurath inquired on committee quorum present. City Attorney Erin Seele advised no motion can be made by the Committee with only two (2) members of present.

Alderman Bereitschaft expressed he feels safety is most important.

After discussion, Alderman Jokerst made a motion to open topic to the full Board. There was no second. The motion died.

- **Discussion regarding street trees.**

During the April 14, 2022, Committee Meeting, the Board requested that Staff research "street trees" (trees that are planted in the public right-of-way (ROW), typically between the street curb and the sidewalk in residential areas) and during the August 11th Committee Meeting, the Board asked that Staff start drafting a "Street Tree Program" for the City.

Street Tree Program

Based on the conversation in research of a street tree program, Staff found the document that appeared to be a former program used by the City that was available for review. According to the document, the City only replaced dead street trees.

In review of other municipalities' street tree programs, there are a variety of programs. Some are street tree "replacement only" programs and others are not; some require a cost share with the resident (or business); some have an on-staff arborist to plant the tree and others use a contractor, some only plant a replacement tree in the public ROW, while others will provide a replacement tree on private property in lieu of the ROW. Based on the above, Staff selected the three (3) programs offered by Creve Coeur, Ellisville, and Chesterfield for further discussion. Overall, the programs are fairly similar but differences in the programs for consideration have been highlighted.

Alderman Jokerst shared she feels street trees promote environment and aesthetics, and she supports beautifying Fenton with street and sidewalk safe trees. Alderman Jokerst inquired if the property owner could be responsible for trimming street trees in front of their homes. City Attorney Erin Seele advised it would be higher liability risk to trim street trees vs. mowing grass in ROW, due to the fact it could require them to climb tree to trim it, the risk of them hurting themselves or someone/something else is higher and as it is City property, the City could be liable. That type of work is for someone trained to perform the duty and covered by City insurance.

City Administrator Nikki Finkbiner shared if the Board desired Staff to draft a Street Tree Program and if so, does the Board desire replacement only trees, would the homeowner need to request a replacement tree, would there be an annual cap number availability for replacements, what is the budget amount for replacement trees, would it be a cost match program, and a contractor would be needed to plant the trees, etc.

Alderman Jokerst shared she feels offer to residents and businesses, limit one (1) tree per resident or business annually, there should be an annual cap of available trees, consider programs such as

Missouri Relief program to help offset cost, she likes the cost match program and would like Missouri native replacement trees only.

Alderman Maserang suggested to keep annual cap to a minimal number as in future Public Works Department will still need to trim and maintain the trees. Alderman Maserang inquired if there were any programs available through Missouri Department of Conservation (MDC) to help offset cost. City Administrator Nikki Finkbiner stated replacement trees would need to be a sustaining size to increase the survival of the tree.

City Administrator Nikki Finkbiner asked for further specific direction for the program such as: replacement only, allow for placement in yard vs. ROW, annual budget amount, program donations for trees, and an annual maximum number of trees, so that Staff could draft a Street Tree Program to present to the Board.

Alderman Jokerst shared she feels if a resident wants to plant a tree in their yard that would be their cost not City, however a ROW tree would be City. City could provide resident program information such as MDC, for assistance with purchasing trees for their yards.

Alderman Wisbrock agreed with suggestion to provide resident program information. Alderman Wisbrock further shared planting a number of trees each year in the ROW, after 25-30 years when trees mature, trees would need to be replaced, trimmed, or cut down and need to cognizant to weigh out cost for future maintenance.

City Administrator Nikki Finkbiner shared that in discussions with Public Works Director Dan Howard, he has a longer list from residents requesting the removal of healthy street trees than he does of unhealthy/dead street trees to be removed.

Alderman Maserang suggested an annual maximum of 15-20 replacement street trees. Alderman Jokerst shared after discussion she feels the program may not be that significant; it may be only a couple trees requested annually.

Alderman Wisbrock expressed he feels input is needed from Public Works Director Dan Howard before moving forward. Public Works Director Dan Howard shared he and City Administrator Nikki Finkbiner met with an arborist with MDC last year. In that discussion regarding root systems, he shared the root on a tree follows where the best soil is, typically the better soil is on top not down deep. He has been advised by several arborist there are no true safe street trees that would not potentially do damage. Alderman Wisbrock shared he is in favor of more trees but sidewalks that have roots growing under them in search of soil and water, cause sidewalks to buckle creating a safety hazard.

Alderman Jokerst inquired on Board interest for tree program for trees at a discount to be planted in yards in lieu of ROW. Alderman Wisbrock shared he would be in favor of program for yard not in the ROW. Mayor Maurath shared through time it has been realized that trees in the ROW may not have been the best idea with the damage they have done to sidewalks and streets and feels the City needs to move away from trees in the ROW. Mayor Maurath expressed he likes the idea of program for trees at a discount to be planted in yard but will need stringent rules and regulations or maybe direct residents to MDC programs. Alderman Maserang inquired if legal for City to plant trees on private property. City Attorney Erin Seele responded yes, a program can be established with criteria and define the public purpose. Alderman Huels inquired how would it be regulated and enforced if they were required to trim and/or maintain that tree.

Alderman Wisbrock suggested maybe provide a list on website, as to what are the best types of trees to plant in the City of Fenton as MDC recommends. Alderman Bereitschaft and Alderman Jokerst shared they liked Alderman Wisbrock's suggestion to provide list of best trees that survive and stay healthy in Missouri.

PARKS AND RECREATION COMMITTEE - Ald. Huels, Liaison

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

- **Announcements from the Parks and Recreation Committee meeting:**
 - Discussion regarding the proposed Farmers Market Operational Policies and Guidelines and the 2023 Farmers Market season was continued to the next Parks and Recreation Meeting to allow staff time to explore changes to the day/time, location of the Farmers Market and food truck options.

- **The Parks and Recreation Committee recommended the following:**
 - Approval of locations for the three (3) benches donated by Winter Brothers Charitable Foundation.
 - Approval of a budget for proposed events in the parks for 2023.

- **Other items from the Parks and Recreation Department:**
 - **Discussion regarding the City of Fenton Swim Team.**

The City currently has a swim team, that is part of a “Municipal Swim League” (swim teams formed by surrounding municipal recreation centers). The team is coached by RiverChase employees and practices at RiverChase during the summer months. The team also participates in meets at other municipal recreational centers, and two (2) meets are held at RiverChase each summer. In the past, the team’s practices and meets were coordinated by a City of Fenton Recreation Supervisor at RiverChase, and assistance to set-up and tear-down for the meets were performed by staff at RiverChase and Public Works.

With the recent YMCA take over of the management and operations of RiverChase, hosting a team will prove difficult as the City will need to appoint a City representative to oversee and coordinate the team and coaches (per the Muni League By-Laws, the City’s representative must be a City employee) and coordinate with the YMCA’s schedule for practices and meets at the RiverChase YMCA pool during the summer. Additionally, per the YMCA, they will minimally provide summer swim team opportunity at RiverChase YMCA.

Based on the above, and to give the City ample time to inform anyone who may want to participate on the team next year as well as informing the Municipal League of the City’s participation, Staff is requesting that the Board decide if they would like to continue to have a municipal swim team. If it is determined that the City will no longer have a team, the YMCA will reach out to interested participants to provide information regarding their swim team.

After discussion, Alderman Huels made a final motion to approve the YMCA to provide summer swim team opportunity at RiverChase YMCA and reach out to interested participants to provide information regarding their swim team and notify the Municipal Swim League as to such. The motion was seconded by Alderman Maserang. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen

PLANNING AND ZONING COMMISSION REPORT - Ald. Harrell, Liaison

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

- **Announcements for the Planning and Zoning Commission Meeting:**
 - **Election of Chairperson, Vice-Chairperson and Secretary** – The Planning and Zoning Commission elected Callen Yeoman as Chairperson, Kevin Sherrel as Vice-Chairperson, and Deb Abbott as Secretary.
 - **CASE 2022-SPR-05:** A Petition by Chuck It In Storage for Site Plan Review of a new Self-Storage Facility. The parcels are addressed as 747 Gravois Road, zoned “C-1” Commercial

District and 743 Gravois Road, zoned St. Louis County Zone District “R-3” **has been CONTINUED at the request of the Petitioner.**

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

- **Approval of CASE 2022-TXT-03:** Consideration of amendments to the Zoning Code related to Home Occupations.

Legislation was recently passed by the State of Missouri via House Bill 1662, which limits local authority in the regulation of Home Occupations which requires certain changes to the City’s Code.

A proposed DRAFT of a new *Section 425.030 Additional Requirements for Home Occupations* intended to replace existing Section 425.030 to comply with the new legislation was available for review. The draft has been reviewed by the City Attorney. Additionally, Staff is proposing an amendment to *Section 400.030 Definitions* to remove the definition of Home Occupation as Home Occupation and other related terms are now defined within the new Section 425.030.

Mayor Maurath stated this is not a City of Fenton amendment, this is state statute amendment and stated he feels this amendment is the most bogus law that has been passed that really restricts municipalities on what can and cannot come into their municipalities. Mayor Maurath further suggested to contact legislators in opposition.

City Administrator Nikki Finkbiner asked City Attorney Erin Seele if she knew if the Missouri Municipal League (MML) planned to pick this amendment item up for an action item. City Attorney Erin Seele shared yes, as the legislators on the floor promised to revisit the amendment and admitted it was unclear.

City Administrator Nikki Finkbiner suggested placing on next agenda to draft a letter for the Mayor to sign and send in opposition of the amendment. City Attorney Erin Seele expressed it would be a good consideration.

- **Other items from the Planning and Zoning Department:**

- **Additional consideration regarding the recommendation for Case 2022-TXT-02: Consideration of amendments to Chapter 405 Addendum A: Fee Schedule of the Zoning Code related to the application fees.**

At the August 3, 2022 Planning and Zoning Commission Meeting, the Commission recommended approval of the following changes to the Fee Schedule:

1. Increasing Commercial Municipal Zoning Approval fees by \$25;
2. Increasing Residential fees from \$15 to \$25;
3. Increasing Residential Occupancy Fees to \$25.

The increase to the Residential fees was an increase in the filing fee from \$15 to \$25 while the Commercial fee was an overall increase of \$25 to the application fee without an increase to the \$15 filing fee.

Upon further review, Staff is recommending that all filing fees be increased to \$25 for consistency, and that the proposed \$25 total increase to the Commercial fees include increasing the filing fees to \$25 with the remaining \$15 of the proposed overall \$25 increase being applied to the application fee. It is noted that the total amount will still reflect those amounts reviewed by the Commission, the proposed changes are just an amendment to how the proposed increase is allocated to the filing fee and application fee.

Following discussion, Alderman Harrell made a motion to forward to the September Board of Aldermen meeting the additional consideration regarding the recommendation for Case 2022-TXT-02: Consideration of amendments to Chapter 405 Addendum A: Fee Schedule of the Zoning Code related to the application fees. The motion was seconded by Alderman Wisbrock.

Alderman Jokerst expressed she found it unnecessary for each lot in excess of seven (7) lots be \$90. Why not make fee \$100 charge for each additional lot? Community Development Director Amy Starck noted the #6 – Preliminary Plat, Planned Unit Development, and Minor Subdivision application fee is not part of the proposed in amendment, it is the current fee.

After discussion, Alderman Wisbrock rescinded his second. Alderman Harrel rescinded his first.

Alderman Harrell made a motion to the September Board of Aldermen meeting the additional consideration regarding the recommendation for Case 2022-TXT-02: Consideration of amendments to Chapter 405 Addendum A: Fee Schedule of the Zoning Code related to the application fees with amendment to #6 to remove each additional lot in excess of seven (7) lots fee for \$90.00 per lot and make fee for each additional lot \$100. The motion was seconded by Alderman Wisbrock. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen

MISCELLANEOUS

- **Consideration of a date for the 2023 Budget.**

Every year in November, a Public Hearing is held to review the proposed Budget for the following year (which is reviewed again during the December Committee Meeting and typically adopted by Ordinance at the December Board of Aldermen Meeting).

Last year, the Public Hearing for the Budget was held in advance of the November Board Meeting. Below are possible dates/time for the Public Hearing this November:

- Thursday, November 3rd at 6:00 p.m. (in advance of the Committee Meeting at 7:00 p.m.)
- Thursday, November 10th at 6:00 p.m. (in advance of the Committee Meeting at 7:00 p.m.)
- Thursday, November 17th at 7:00 p.m.
- Monday, November 21st at 6:00 p.m. (in advance of the Board Meeting at 7:00 p.m.)

Following discussion, Alderman Huels made a motion to hold 2023 Budget Hearing on Thursday, November 10th at 6:00 p.m. (in advance of the Committee Meeting at 7:00 p.m.). The motion was seconded by Alderman Maserang. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

- **Request for the P.A. Assistant to attend the MACA Fall.**

The City's Prosecuting Attorney (P.A.), Tim Engelmeyer, is requesting that the City of Fenton split the cost for the P.A. Assistant to attend the MACA (Missouri Association for Court Administration) Fall Conference. The cost would be split with Valley Park.

Per the City's contract with the P.A., as amended by Ordinance 4092, the City is to pay for any training reasonably necessary for the P.A. Services. Per the P.A., the training provided at the conference is needed for the P.A. Assistant to remain certified.

The City has a "Training and Education" line item in the 2023 Budget for the Prosecutor Department at \$500. The proposed cost for the training and lodging is between \$196.50 and \$251.

Alderman Jokerst made a motion to forward to the September Board of Aldermen meeting the request for the P.A. Assistant to attend the MACA Fall. The motion was seconded by Alderman Wisbrock. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

- **Request to purchase landscape plants for City Hall.**

Currently the City has \$50,000 in the 2022 Capital Plan for landscaping at City Hall. In review of the landscape plan developed for the planting and after discussion with the landscape architect, Staff would like to begin planting some of the plants this fall (if available and conducive to fall planting) in front of the City Hall building.

The estimated cost for the fall 2022 planting is approximately \$8,000. This cost includes the purchase of the plants, topsoil, and compost, as well as the rental of needed equipment (Dingo) and approximately three (3) hours to use the design consultant if needed.

City Administrator Nikki Finkbinder noted that at this time only wooded materials would be purchased due to it being late in the season.

Alderman Jokerst made a final motion to purchase landscape plants for City Hall. The motion was seconded by Alderman Huels. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

- **Consideration of regulations for Golf Carts on public streets Request to surplus obsolete office equipment.**

Currently the City of Fenton does not have regulations regarding golf carts on public streets. Per Section 304.034 RSMo (below), it appears that if the City does not adopt regulations regarding golf carts on the City's streets, they may not be deemed legal.

304.034. 1. Notwithstanding any other law to the contrary, the governing body of any municipality may by resolution or ordinance allow persons to operate golf carts or motorized wheelchairs upon any street or highway under the governing body's jurisdiction. A golf cart or motorized wheelchair shall not be operated at any time on any state or federal highway, but may be operated upon such highway in order to cross a portion of the state highway system which intersects a municipal street. No golf cart or motorized wheelchair shall cross any highway at an intersection where the highway being crossed has a posted speed limit of more than forty-five miles per hour.**2.** Golf carts operated on city streets shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the governing body. Golf carts are not subject to the registration provisions of chapter 301.**3.** As used in this section, a "golf cart" means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty miles per hour.

Alderman Jokerst expressed she feels there needs to be a regulation.

Captain Lawson shared this issue was brought forward by Sergeant Holtz and after reviewing surrounding municipalities it is presented for consideration to protect the City and residents, especially with age of person operating the golfcart and equipment on streets without proper safety equipment such as lights, safety triangle, or seat belts for children. Alderman Jokerst inquired if insurance would be required. City Administrator Nikki Finkbinder shared it is not required but it is proposed in the draft. Alderman Jokerst inquired on allowance of crossing at crosswalks on busy streets. City Administrator Nikki Finkbinder replied only if the street they are crossing is 45 miles per hour or less.

Alderman Maserang inquired if this would apply to side-by-sides or mopeds. City Administrator Nikki Finkbinder replied no, side-by-sides and mopeds are defined differently in state statutes and are regulated by different traffic codes.

Alderman Jokerst suggested if passed to place notice in the newsletter.

Mayor Maurath stated he feels this is reasonable and a safety issue. Alderman Wisbrock stated he is in favor and needs to include requirements for safety triangle, lights, and insurance. City Administrator Nikki Finkbiner replied those requirements are in the proposed draft and further noted seat belts are not in the proposed draft.

Alderman Harrell inquired if a driver's license was required to operate golfcart on the road. City Administrator Nikki Finkbiner replied yes, it is a state requirement. The golfcart has to obey same rules as a motor vehicle, it has to meet same regulations as motor vehicle except it does not have to be registered, does not have to be titled, and does not have to be inspected (some municipalities do require inspections).

Captain Lawson shared he feels it is a good regulation and gives guidelines. City Attorney Erin Seele explained difference between resolution is a formal written motion and ordinance puts into law and can authorize a municipal penalty if violated.

Following discussion, Alderman Huels made a motion to forward to the September Board of Aldermen meeting the consideration of regulations for Golf Carts on public streets as presented with the addition of requirement of seat belts. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

- **Request to surplus obsolete office equipment.**

Staff is seeking approval for disposal of obsolete office equipment listed below. This office equipment has served the City well but is no longer needed as they are obsolete. This equipment cannot be resold, it will need to be destroyed or recycled.

- HP printer. Serial # usbxm13332
- HP printer. Serial # Cnf8h5hhlp
- Brother printer. Serial # u64238b6n157200
- Dell Desktop Service Tag number 4G22BT2
- Dell Computer Monitor Model Number: 1908FPc

Alderman Bereitschaft made a final motion to surplus obsolete office equipment. The motion was seconded by Alderman Harrell. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

EXECUTIVE SESSION

There was no executive session held.

ADJOURNMENT

At 8:19 p.m. with no other business before the Board, Alderman Huels 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