

**CITY OF FENTON, MISSOURI  
625 NEW SMIZER MILL ROAD, FENTON, MO 63026  
MINUTES OF THE BOARD OF ALDERMEN COMMITTEE MEETING  
THURSDAY, OCTOBER 13, 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, October 13, 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 Terry Bereitschaft - <i>Present</i>	Alderman Chris Clauss - <i>Present</i>
Alderman Ralph Cruts – <i>Present</i>	Alderman Robin Huels – <i>Present</i>
Alderman Brian Wisbrock - <i>Present</i>	Alderman Scott Maserang - <i>Present</i>
Alderman Ron Harrell - <i>Present</i>	Alderman Susan Jokerst - <i>Present</i>

Eight 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  
Public Works Director Dan Howard  
City Clerk Jane Hungler  
St. Louis County Police Sergeant Holtz

## MAYOR'S COMMENTS

Mayor Maurath thanked the St. Louis County Police Department for training they provided earlier in the evening and congratulated Tucker Schnerre on his promotion to sergeant.

Mayor Maurath announced on Sunday, October 22<sup>nd</sup> at 6:00 p.m. Fenton will be hosting a movie night, showing Hocus Pocus in Fenton City Park.

## PUBLIC COMMENTS

There were no public comments.

Alderman Harrell made a motion to move Planning and Zoning topics next on the agenda. 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.

## PLANNING AND ZONING COMMISSION REPORT – *Ald. Harrell, Liaison*

- **Announcements:**

- ❖ **Planning and Zoning Commission Chairperson called a Workshop Session to discuss proposed amendments to the City's Comprehensive Development Plan at City Hall in advance of the Commission meeting on November 1<sup>st</sup> at 6:00 p.m.**

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

- ❖ **Approval, with conditions, of 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."

**Conditions of Approval:**

1. The approval is for a proposed 45,675-square-foot Self-Storage Facility as indicated on plans submitted with the application and dated August 10, 2022, and September 14, 2022.
2. Construction of the Self-Storage Facility may not commence on the Premises until such time the 0.27-acre parcel addressed as 743 Gravois Road is rezoned from "R-3" St. Louis County Zoning to "C-1" and a Boundary Adjustment Plat is approved.
3. Alternative exterior building materials as indicated on the elevation plans submitted with the application are approved in conjunction with this Site Plan approval.
4. The Community Development Director may administratively approve any minor changes to the site plan, including any changes required by another reviewing entity, such as the Fenton Fire Protection District and MSD.
5. Separate Building, Land Disturbance, Sign, and Occupancy permits will be required.
6. Compliance with all other applicable City Codes and Ordinances.

The Petitioner, Nick Pass, 9909 Clayton Road, St. Louis MO, was present to answer questions. There were no questions.

- ❖ **Approval, with conditions, of CASE 2022-SP-04:** Petition by Brittany Lach, on behalf of Amazon, for a Sign Plan for proposed "PID" Planned Industrial Development.

**Conditions of Approval:**

1. The approval is for the overall Sign Plan for Amazon at 655 Assembly Parkway as indicated in plans submitted with the application and dated September 22, 2022.
2. Municipal Zoning Approval by the City of Fenton and Sign Permits issued by St. Louis County will be required. Plans submitted with the required permits shall include the location of the proposed Signs and square footage of the Sign faces.

3. Compliance with all other applicable City Codes and Ordinances.

The Petitioner, Jason Vangalis, Manager Economic Development for Amazon, 1245 E. Washington Ave., Madison WI was present to answer questions. Also present via videoconference was Missy Monier, Parker Davis, and Jenes Anin. There were no questions.

Mayor Maurath explained this is a Sign Plan review. The request seeks a deviation, as allowed by the Code under certain criteria, from Sign regulations in relation to the number of Signs allowed. In reviewing the application, he and the Planning and Zoning Commission consider the request a Health and Safety issue, as the parcel is very large, approximately twenty-six (26) acres, and as it is a logistics company the signage is needed for the flow of traffic more safely.

❖ **Approval of CASE 2022-TXT-04:** A Consideration of amendments to Chapter 430, Article II of the Zoning Code related to driveways.

Community Development Director Amy Starck explained during review of the site plan what she considers a scrivener's error in codification was found regarding driveway regulations, as it measures the driveways at the street not the right-of-way. Measuring at the street takes into account measuring the turn radius of the apron, narrowing the driveway.

Alderman Jokerst inquired on why discussion of proposed amendments to Comprehensive Development Plan. Mayor Maurath explained this workshop would allow review of the plan with all amendments that have been made to the Code.

Community Development Director Amy Starck explained the Plan was implemented in 1997 and has been amended three (3) times since implementation. It was amended in 2003 and twice in 2009. During the codification process, the Planning and Zoning Commission postponed making amendments to the Plan until the Zoning Code codification was completed. During the workshop she will be utilizing a revised map reflecting the amendments to the Plan for the Commission to review to assist them in the review process for additional amendments needed to support the Code, if any. The Board of Aldermen does not have final authority over amendments as it is the duty of the Commission.

Mayor Maurath noted for the record, people have commented that the City has not reviewed the Plan since 1997, which is not true as there have been amendments made and the Commission looked at it and could have made additional amendments at those times, if warranted. He believes the Commission feels it is important to review for needed amendments now that the codification has been completed. The public has ability to attend Commission meetings, listen to comments, and suggest recommendations for consideration.

Alderman Wisbrock inquired if this will be revision to the Plan. Community Development Director Amy Starck replied it is a workshop for discussion only. Amendments would be approved in regular Commission meeting and would be adopted by resolution. Alderman Wisbrock further inquired if there would be new maps if amendments were adopted. Community Development Director Amy Starck replied yes.

• **Other items from the Community Development Department:**

There were no other items.

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

There were no items for discussion.

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

There were no items for discussion.

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

• **Discussion regarding Business Licenses.**

During the September 8, 2022, Committee Meeting, the Board requested that Staff reach out to the Fenton Fire Protection District (FFPD) to see what information they have regarding businesses located in the City. Their email response from the FFPD's Fire Marshal was available for review.

For further discussion, an *example* Business License Application (one of many reviewed) of another municipality was also available for review.

Typical information collected is:

- General Business Information (Name, address, phone number, email address)
- Owner/Representative Contact Information (Name, address, phone number, email address)
- Description of the nature of the business.
- Property Owner Information (if different from the business owner).
- Number of Employees.
- Letter of No Tax Due (for businesses that collect sales taxes).

The above information allows Staff to review the business information already on file to ensure that the business operation is in compliance with the Occupancy Permit and/or Special Use Permit (and provides the ability for the City to deny the required license if it is found that they are not); have current contact information for business, owner, and property owner; have an estimate of the number of people employed in the City and in what sector of business; and ensure that, if applicable, taxes are being collected. Additional questions can include if the business sells/serves alcohol or has gaming machines to ensure they have obtained the required licenses from the City.

Furthermore, some municipalities include a question regarding if the business would like to receive information from the City (i.e. Newsletter) and in what form (paper or email). It was also noted that one (1) City kept a list of the City's businesses on their website and as part of the application would ask the business if they would like to be included on the list.

Finally, it is noted that if a business is deemed to be non-compliant with the City Code, the business license can be revoked or held until such time any and all deficiencies are addressed.

Although the application would be available online (via GovBuilt or CivicPlus), the application will still require review by Staff (City Clerk, Finance, and Community Development) to ensure all applicable licenses have been obtained, taxes are being collected, and the business is operating under a current, valid Occupancy Permit and/or SUP. Additionally, the contact data will be shared with the Police Department, specifically for emergencies and false alarm contacts, and the City Administrative Assistant for the City's newsletter, and (if approved) listing on the City's website as a City of Fenton Business.

Based on the above, and as Staff time will be involved, it is suggested that at least a nominal fee be required for the application, such as \$50 – similar to the Occupancy Permit application fee.

Alderman Jokerst stated she loved this idea and asked who would be responsible for reviewing and upkeep of data and how often. City Administrator Nikki Finkbinder replied Finance Department, City Clerk, and Community Development Department, possibly on a quarterly basis.

Alderman Maserang inquired if application feature is already built-in software or would there be an additional program needed. City Administrator Nikki Finkbinder replied both platforms provided the ability to create needed forms, CivicPlus or GovBuilt. She can further research best option if the Board desires to move forward with Business License request. Alderman Maserang suggested a tier fee structure, \$50 - \$500.

Alderman Clauss inquired other than gathering current information, what are example of non-compliance. City Administrator Nikki Finkbinder shared if use has changed, and current use is not allowable in the District, or they could be non-compliant in violation of Fenton Code such as sign violations, or in violation of their approved Special Use Permit (SUP). If they were found in violation this would allow ability to hold business license until they become compliant before moving forward with Municipal Court procedure. Alderman Clauss expressed she agrees with a tier fee structure.

Alderman Huels inquired if Code Enforcement verified SUP compliance after issuance. Community Development Director Amy Starck replied yes. Alderman Huels expressed she feels with follow up inspections from Code Enforcement, Fire Protection District, Police Department, and completing the form online there should not be need for tiered fee if the purpose of license is for data collection.

Alderman Wisbrock stated he is in favor of the Business License, not only for emergency contact information but more for statistical data collection such as daytime and nighttime population, how many businesses are in the City, how many people are employed in the City, traffic patterns, that may help new businesses analysis locating in Fenton.

Mayor Maurath clarified the Business License is to gather information on businesses within the City, he feels it hard to believe City does not already know this information. The Occupancy Permit allows Staff to know the typical businesses and SUPs are inspected on an annual basis by Code Enforcement. Mayor Maurath expressed the concept of the Business License is to gather information and does not feel a tiered fee structure is needed. He shared he believes St. Louis County already collects this information through their Occupancy and re-occupancy application and this information is also available through the Fenton Fire Protection District (FFPD) and St. Louis County Police Department. Mayor Maurath expressed he feels information can be gathered through St. Louis County, FFPD, and St. Louis County Police Department rather than moving forward with Business License. He feels the question more importantly is are businesses paying correct utility and sales tax due. He further stated he is not opposed to Business License, however; the fee should be minimal to cover cost.

Alderman Bereitschaft shared in discussion with FFPD it was stated that information is not available. Alderman Bereitschaft expressed he feels as this application collects the same data information from all businesses there should be a flat fee.

Alderman Jokerst stated she is in favor of the Business License and a \$50 flat fee.

Alderman Maserang shared he does not renew annually with St. Louis County for his business, but he does renew annually with the City of Crestwood.

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

❖ **Discussion regarding Proposition U (Use Tax).**

City Administrator Nikki Finkbinder shared this was on the agenda per the Board's request to keep discussion of Prop U on agenda for consideration to place proposition on April 2023 ballot. If Board desires to place proposition on April 2023 ballot, an ordinance will need to be passed and certification needs to be submitted to St. Louis County by January 24<sup>th</sup>.

Alderman Wisbrock expressed he is in favor of proposition on the April ballot as he anticipates a higher voter turnout as there are six (6) candidate positions, (Mayor and five (5) aldermanic positions), on the ballot. He feels better education of the proposition is key for passage.

Mayor Maurath asked the City Attorney for advice on what can be put forth for education and advocacy of the proposition. City Attorney Erin Seele advised the City can educate; however, no city resources can be used to advocate.

City Administrator Nikki Finkbinder suggested to consider a Town Hall meeting to educate and invite Missouri Municipal League (MML) representative to speak prior to an upcoming meeting.

Alderman Clauss clarified that she could print cards stating she is in favor of the proposition if she paid for the cards. City Attorney Erin Seele replied yes, as long as no City resources were utilized, and cards may need to state, "paid for by Chris Clauss".

After discussion, Alderman Bereitschaft made a motion to invite Missouri Municipal League representative to speak at least thirty (30) minutes prior to an upcoming meeting regarding Proposition U (Use Tax). 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)*

• **Request to purchase a flail mower.**

In the 2022 Capital Budget, \$35,000 was allocated to a flail mower attachment to replace the Boom mower sold earlier this year. The flail mower attachment would be mounted on one of the City's John Deere 5100E tractors.

The flail mower would be utilized to maintain the inside and a portion of the outside of the dams in the park system along with the riverbank, shoulders along South Old Highway 141 and Gravois Road, west of Highway 141, and many other areas around the City that are not accessible with traditional mowers but still require maintenance. Currently, some of these areas are maintained with weed eaters.

If approved, this purchase will be made through Sourcewell, a cooperative purchasing program, for \$35,500. Our dealer's representative has indicated if we order the flail mower by November, it should be available for install on our tractor in approximately twenty (20) weeks.

Alderman Clauss inquired on difference between Boom mower and flail mower. Public Works Director Dan Howard shared he feels the flail mower the purpose is the same, but the operation is different. The Boom mower was designed for more rural ditches, roadways and fields, flail mower is more practical and has lower chance of throwing debris for safer use on roadways and dams.

Alderman Jokerst asked how much the Boom mower was sold for. Public Works Director Dan Howard shared the Boom mower and tractor sold for \$100,000.

Alderman Bereitschaft clarified that this will reduce manpower needed for weed eating. Public Works Director Dan Howard replied yes. Alderman Bereitschaft inquired if flail mower will be utilized in



brush clearing. Public Works Director Dan Howard shared they utilize brush hogs primarily, and this mower also has capacity to reach 12' down embankments and can cut up to 3" saplings.

Mayor Maurath shared he misunderstood and thought this flail mower would be a pull behind not a side attachment. Public Works Director Dan Howard shared to obtain a pull behind that allowed side cutting, a larger tractor would need to be purchased.

After discussion, Alderman Maserang made a motion to forward to the October Board of Aldermen meeting the approval of request to purchase flail mower \$35,500. The motion was seconded by Alderman Bereitschaft. Upon a vote being taken, the motion passed unanimously by the Committee.

- **Request to purchase two (2) Exmark 144" Zero Turn Mowers.**

It is requested to amend the Capital Budget to include the purchase of two Exmark 144" Zero Turn Mowers. If approved, these mowers would be able to reduce the amount of labor required to cut the main park and the Fabick property by up to half allowing for manpower to be utilized performing other tasks. The mowers and labor currently used to maintain these areas include three (3) 72" zero turn mowers and a John Deere tractor with a 15' pull behind finish mower.

The cost for the two (2) 144" Exmark zero turns, based on the state bid contract is \$127,998. This would be covered by the sale of the John Deere 6110M and Boom mower, sold for \$100,000 in 2022, and the \$35,000 listed in the 2022 Capital Budget, originally allocated for an additional 96" zero turn mower. If approved, we have been informed by the dealer we could have these before the end of the year prior to an anticipated price increase.

Alderman Maserang inquired if any of the current mowers would be considered for surplus if this request approved. Public Works Director Dan Howard replied yes, two (2) mowers, six (6) – eight (8) years old, would be requested for surplus. Alderman Jokerst asked why the request to purchase additional mowers. Public Works Director Dan Howard replied it is best practice to maintain an equipment replacement cycle. Alderman Wisbrock expressed he feels it is best practice to maintain an equipment replacement cycle as equipment has life cycles, it reduces maintenance and parts, keeps equipment reliable and keeps the department more efficient.

Alderman Cruts inquired if the \$35,000 listed in the 2022 Capital Budget was allocated for this purchase or for the flail mower. Public Works Director Dan Howard replied they are two (2) separate budgeted items.

Alderman Bereitschaft inquired on when 2023 grass season typically begins. Public Works Director Dan Howard replied March or April. Alderman Bereitschaft suggested waiting to purchase due to if purchased now, it would not be utilized until March and time would be lost on warranty. Public Works Director Dan Howard replied there is a five (5) 2500-hour warranty and two (2) year unlimited hour warranty and if purchased after end of November there is an anticipated 5% – 10% price increase.

Mayor Maurath inquired if two (2) of current equipment to be surplus, how many remaining mowers would there be. Alderman Maserang inquired what would be the anticipated surplus price. Public Works Director Dan Howard stated of the six (6) mowers, four (4) would remain and surplus two (2) at an anticipated \$3,000 each.

After discussion, Alderman Maserang made a motion to forward to the October Board of Aldermen meeting the approval of request to purchase two (2) Exmark 144" Zero Turn Mowers for \$127,998. The motion was seconded by Alderman Bereitschaft. Upon a vote being taken, the motion passed unanimously by the Committee.

Mayor Maurath further suggested to consider purchasing a compatible pull type finish mower for the tractor.

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

- **Request to extend the existing contract with Top Care for Mowing Services.**

At this time, it is requested for the City to exercise the first renewal option for the 2023 City Grass Cutting program between the City and Top Care. As indicated in the 2022 bid awarded to Top Care, the extension, if approved, would be \$171,750.00 for the same properties contracted for mowing in 2023 if all are cut thirty (30) times. The 2022 contract was for \$165,900.00 if all areas were mowed thirty (30) times. As of October 6, 2022, the City has paid Top Care \$114, 900.00 for mowing services with only a couple of weeks remaining for the mowing season.

It is the recommendation of Staff to exercise the City option for the first renewal, as indicated in approved Ord. 4200 on February 24, 2022, with Top Care for the 2023 mowing season.

Alderman Jokerst asked Public Works Director Dan Howard if he was satisfied with service Top Care has provided. Public Works Director Dan Howard replied overall yes. There was further discussion if contract would be extended, could there be adjustments to the properties Top Care would mow. Public Works Director Dan Howard replied yes, there is an option in the contract that allows adjustments to areas and number of cuts.

Alderman Wisbrock made a motion to forward to the October Board of Aldermen meeting the request to extend the existing contract with Top Care for Mowing Services for one (1) year. The motion was seconded by Alderman Clauss. Upon a vote being taken, it was announced that the motion was passed unanimously by the Committee.

- **Request to amend the contract with FireTech, LLC for annual maintenance and on-call maintenance/repair services for the City's sprinkler system by removing the RiverChase system.**

Currently, the City has an agreement with Fire Tech, LLC for Annual Maintenance and On-Call Maintenance and Repair Services for the City's Sprinkler Systems, as approved by Ordinance 4103 on February 25, 2021. The City is in the second term of the agreement, which does not expire until February 28, 2022. Per Exhibit A of the agreement, as amended, the scope of services includes the annual service and on-call maintenance services of the sprinkler system at the RiverChase YMCA. Per the YMCA, they would like to enter into an agreement directly with Fire Tech, LLC for these services.

Based on the above, Staff suggests that the Board consider amending Exhibit A of the City's agreement with Fire Tech, LLC to remove services for the RiverChase YMCA.

Alderman Wisbrock made a motion to forward to the October Board of Aldermen meeting the request to amend the contract with FireTech, LLC for annual maintenance and on-call maintenance/repair services for the City's sprinkler system by removing the RiverChase system. The motion was seconded by Alderman Clauss. 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 to switch the City's cellular service provider.**

Staff is requesting that the Board consider switching the City's current cellular service provider from T-Mobile (formerly Sprint) to Verizon. Verizon provides a public safety priority plan, offered through the GSA Cooperative, which prioritizes the devices issued to certain public agencies, including



municipalities. The largest complaint from employees is regarding the current service provider is dropped calls and poor/limited cell service.

Currently, the City has eight (8) lines with T-Mobile, with an approximate cost of \$45 per line (equipment lease and plan). Per Verizon, the City will have the ability to purchase the equipment (phones) outright for \$39.99 per line/month (plan details below).

Verizon Smartphone Public Safety Plan:

- Unlimited talk, text, and data with public safety priority and preemption \$39.99 per month per device.
- Additional unlimited hotspot is an additional \$5 per month per device.
- The Q4 promotions and pricing were available for review. These are the promotional offers.
- The bill credit for Q4 is \$200 per smartphone line ordered. Therefore, if you have eight (8) lines, the bill credit is \$1600. This begins after two (2) bill cycles and pays out over ten (10) months.
- With the GSA contract, the City will have upgrades eligible at ten (10) months and no device recovery or termination fees.

Based on the above, Staff is requesting to:

- 1) Terminate the existing month-to-month contract with T-Mobile (this should be a no cost to the City).
- 2) Set up ten (10) new devices with Verizon (the existing eight (8) lines, plus two (2) additional lines) for the following: at \$39.99/line/month: **Mayor**, City Administrator, City Clerk, Community Development Director, Public Works Director, Building and Grounds Technician, **Fleet Mechanic**, Code Enforcement Officer, Recreation Supervisor, and NPO Officer. The approximate cost for the new equipment is well under the \$1,600 bill credit, with each phone costing \$29.99 - \$49.99 (or under \$400 for all devices).
- 3) Add two (2) hotspots for the Public Works Director and Code Enforcement Officer (to use laptops and tablets in the field).

Alderman Clauss inquired if past Mayors had city cell phones. City Administrator Nikki Finkbinder replied no. Mayor Maurath expressed he did not request phone, it was suggested for City use for Sunshine purpose. City Attorney Erin Seele shared under Sunshine law currently, private cell phone records are not applicable as they are not records retained by the City, but noted courts can subpoena for private cell phone if used for public business, and Sunshine law could change.

After discussion, Alderman Harrell made a motion to open the topic to the full Board of Aldermen. The motion was seconded by Alderman Huels. Upon a vote being taken, the motion passed unanimously by the Committee.

Alderman Harrell made a final to approve the request to switch the City's cellular service provider with exception of cell phone for Mayor. 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.

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

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

Alderman Cruts summarized the monthly financial report. There were no comments or questions.

- **Request for a City Credit Card for the Recreation Supervisor.**

Currently, the following positions have City Purchasing Credit Cards through Commerce Bank: City Administrator, City Clerk, Court Administrator, Public Works Director, and Building and Grounds Maintenance Technician. The highest credit limit is \$5,000.

As a Purchasing Card is no longer provided for a Parks and Recreation Director, Staff is requesting that a card be issued to the Recreation Supervisor with a \$5,000 credit limit (same as that previously permitted for the Parks and Recreation Director position). This card will mainly be utilized to purchase supplies for the concession stands through vendors that do not invoice the City (i.e. Wal-Mart and Sam's Club). If approved, the employee will be required to sign the City Credit Card Usage Agreement, as required by the City's Financial Policy.

Alderman Cruts made a motion to forward to the October Board of Aldermen meeting the request for a City credit card for the Recreation Supervisor with a \$5,000 credit limit. The motion was seconded by Alderman Jokerst. Upon a vote being taken, it was announced that the motion was passed unanimously by the Committee.

**PARKS AND RECREATION** – *Ald. Huels, Liaison*

- **Announcements:**

- ❖ **Audrey Wattler, Ward 3, was administered the oath of office to serve on the Parks and Recreation Committee, term ending January 2024.**

- ❖ **A Certificate of Appreciation was presented to Deb Rogers for her service on the Parks and Recreation Committee, February 2020 – October 2022.**

- ❖ **Lynn Hughes was elected to the vacant Secretary position.**

- ❖ **The Parks and Recreation Committee approved utilizing a revised Park Report Form for a trial period.**

- ❖ **The following items were continued the next Parks and Recreation Committee Meeting:**

- **Discussion regarding the proposed Farmers Market Operational Policies and Guidelines and the 2023 Farmers Market season.**

- **Consideration of an Eagle Scout request to host a 5k run/walk in Fenton City Park.**

- **Parks and Recreation Committee recommended the following:**

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

- ❖ **Approval of a request by George Scott to mow the old fields in Fabick Nature Preserve in March of 2023.**

- ❖ **Approval of a request by Scott George for the City to purchase seeds for volunteers to plant in City Parks, at a cost not to exceed \$1,000.**

Alderman Huels made a final motion to approve the request by Scott George for the City to purchase seeds for volunteers to plant in City Parks, at a cost not to exceed \$1,000. 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.

- ❖ **Approval of proposed Capital Projects Plan to be included in the 2023 Budget.**

- ❖ **Approval of a liability waiver to allow for organized volunteer projects in the parks and to provide funding under the budget for volunteer projects.**

Alderman Huels made a final motion to approve the liability waiver to allow for organized volunteer projects in the parks and to provide funding under the budget for volunteer projects. 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.

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

- ❖ **Consideration of a deferred revenue payment to the YMCA for annual memberships.**

In April 2022, pursuant to Ordinance No. 4210, the City entered into an agreement for the management and operation of the RiverChase by the YMCA for a five-year period beginning on July 1, 2022.

The YMCA has submitted an invoice for reimbursement of \$91,967.44 for the deferred revenue received by the City for Annual Memberships between July 2021 – June 2022. In review of the revenue from Annual Memberships, Staff believes the deferred revenue to be \$91,683.47.

Based on the above, Staff is requesting that the Board approve \$91,638.47 for payment processing.

Alderman Huels made a motion to forward to the October Board of Aldermen meeting the consideration of a deferred revenue payment to the YMCA for annual memberships. The motion was seconded by Alderman Clauss. Upon a vote being taken, it was announced that the motion was passed unanimously by the Board of Aldermen.

- ❖ **Consideration of proposed recreational programs for 2023.**

Staff is requesting a 2023 budget for youth and adult sports programs for the parks. Proposed programs would consist of the existing adult softball leagues at Fenton City Park and would introduce new programs as well. The proposed new programs in 2023 are Adult Kick Ball, Adult Wiffle Ball League, Adult Sand Volleyball, and Youth T-Ball. Each sport would have three (3), six (6) to seven (7) week sessions, running from early April to October. Each session would run independently of each other.

If the programs are approved, it would allow for programming to take place seven (7) days a week in Fenton City Park during spring, summer, and fall. A copy of the proposed expenditures and revenues for the programs was available for review.

Alderman Jokerst inquired if approved would there be enough staff to run the programs and further suggested putting programs on hold until staff is in place. Public Works Director Dan Howard shared this is the reason Parks and Recreation Director Chris Sartorius was hired and believes it can be accomplished. However, the programs need approval to hire and seek participant interest in the programs.

Alderman Maserang expressed Parks and Recreation Director Chris Sartorius was hired to run these types of programs and he supports Chris' and has confidence that they can be accomplished. Alderman Wisbrock expressed he is excited and is in favor of the programs.

Alderman Maserang inquired on condition of volleyball courts. Public Works Director Dan Howard responded they are in need maintenance and is scheduled for that maintenance.

Mayor Maurath inquired on programs for kids. Public Works Director Dan Howard replied programs will be available through Scott Gallagher, STL Steamers, Vetta, and STL Athletics.

Following discussion, Alderman Huels made a motion to forward to the October Board of Aldermen meeting the consideration of proposed recreational programs for 2023. 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.

❖ **Request for an agreement with Scott Gallagher for a 2023 Soccer.**

The City of Fenton is looking to partner with Scott Gallagher LLC, for the 2023 City of Fenton soccer program. The City partnered with Scott Gallagher this past fall consisting of one hundred (100) participants with many complements to the program and partnership with the City.

The program for 2023 will consist of a winter instructional at the park with a practice and play, a spring instructional session held at Fenton City Park, summer camp session held at Fenton City Park and an open game schedule for the fall session held at Fenton City Park. Each session will run independently of each other.

Under the agreement, the City will advertise, register, and collect fees for all participants for the programs offered. Scott Gallagher would provide the instruction and coaching for the programs and have agreed to compensation of \$15 per participant per session.

If approved, the first session will be scheduled to begin the first week of January. Each session would consist of six (6) weeks.

Following discussion, Alderman Huels made a motion to forward to the October Board of Aldermen meeting the request for an agreement with Scott Gallagher for a 2023 Soccer. 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.

❖ **Consideration of amendment to Chapter 130, Parks and Recreation Committee, of the Municipal Code.**

Following a discussion with the Mayor and Parks and Recreation Committee Liaison regarding the responsibilities and duties of the City's Parks and Recreation Committee, it was noted that clarification regarding duties and responsibilities may need to be included in Chapter 130, Parks and Recreation Committee, of the City's Municipal Code.

The proposed amendments and existing code were available for review, discussion, and consideration by the Board.

If amendments are approved, Staff would also request that the City Attorney attend the next Parks and Recreation Committee Meeting to assist Staff in the presentation of the amendments to the Committee.

Alderman Jokerst inquired on why requirement for written park inspection report and further suggested amending to requirement for written or oral park inspection report.

Mayor Maurath stated for the record this clarifies responsibility and duties of the Committee and provides guidance, nothing was removed.

Alderman Clauss clarified that Parks and Recreation Committee is not constituted by statute. City Administrator Nikki Finkbiner responded correct, it is not required by statute and duties are not defined, it is allowed to be created but has no authority.

Following discussion, Alderman Huels made a motion to forward to the October Board of Aldermen meeting the consideration of amendments to Chapter 130, Parks and Recreation

Committee, of the Municipal Code. 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.

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

- **Request to amend the contract with Barcom Security for Security/Fire Alarm Monitoring, Maintenance, and Repair Services by removing services at RiverChase YMCA.**

Currently, the City has an agreement with Barcom Security for Security/Fire Alarm Monitoring, Maintenance, and Repair Services, as approved by Ordinance 4060 on July 23, 2020 and amendment by Ordinance 4082 on November 23, 2020. Per the YMCA, they would like to enter into an agreement directly with Barcom Security for these services.

Based on the above, Staff suggests that the Board consider amending Exhibit 1 of the City's agreement with Barcom Security to remove services for the RiverChase YMCA.

Alderman Jokerst made a motion to continue to the October Board of Aldermen meeting the request to amend the contract with Barcom Security for Security/Fire Alarm Monitoring, Maintenance, and Repair Services by removing services at RiverChase YMCA. The motion was seconded by Alderman Wisbrock. Upon a vote being taken, it was announced that the motion was passed unanimously by the Committee.

- **Discussion regarding the U.S. Army Corp of Engineer's Yarnell Creek Flood Risk Study.**

Mayor Maurath shared the City received the findings of the Yarnell Creek Flood Risk study and suggested sending notice to interested parties should they wish to review a copy of the report and further suggested placing notice in newsletter and on website of the same.

Alderman Maserang asked for background of events and cost that initiated the study. Public Works Director Dan Howard explained there were two (2) flash flood events and property damage at Larkin Williams Road/Horan Drive in 2019, U.S. Army Corp of Engineer's worked in a joint funding effort for summary of the event that caused the flood, study to evaluate flood risk reduction alternatives for the purpose of minimizing future flood damages to structures, an evaluation of the capacity of storm sewers along Yarnell Creek and the cost was approximately \$125,000 as it was 50/50 cost-share agreement.

Alderman Jokerst expressed she feels the City can consider impervious services utilizing forest services along the creek beds and the river to help absorb water. City has recently cleaned out three (3) culverts in that area at a cost of \$25,000 each.

Public Works Director Dan Howard shared this is discussion tool to help consider alternative selections on what is City would desire to accomplished and noted some of the analysis is outside the City limits. Alderman Jokerst suggested informing the property owners along Yarnell Creek of the study as City is not responsible for private property.

Alderman Maserang inquired if there were parking lot restrictions to help reduce runoff. City Administrator Nikki Finkbiner replied there are requirements defined within the code.

Mayor Maurath noted this study was initiated to help understand responsibility, options, and alternatives with cost for management of flood risk along the Yarnell Creek watershed for all parties involved.

Alderman Maserang inquired if federal or state grant funds were available to private parties to help with cost. Public Works Director Dan Howard responded most items listed in study are FEMA related and City cannot participate in private property items. Private parties would have to seek funding on their own, not through the City.

Alderman Wisbrock expressed he feels it is a tool in the toolbox to help in the Comprehensive Plan and it will help with property development requests that are within the floodplain.

## **MISCELLANEOUS**

- **Discussion regarding a letter to State representatives regarding home businesses (HB 1662).**

A draft letter was available for the Board's review and consideration to have the Mayor send to State legislators regarding recent changes in Missouri law regarding home-based businesses (HB 1662) and the City's ability to regulate the same.

It is also suggested that the Board consider sharing the finalized letter with the MML to distribute to other municipalities to possibly use as a template to create their own letter.

Alderman Jokerst shared she agrees a letter needs to be sent however she feels the draft presented needs amendment and is unprofessional. Alderman Clauss expressed she would like to see the third to the last paragraph (loopholes in the legislation and detriment to homeowners) brought to the top of the letter.

Mayor Maurath suggested Board to submit comments to Staff for revision. City Administrator Nikki Finkbiner suggested placing notice in the Mayor portion of newsletter, post copy of the approved ordinance, and provide contact information of representatives to voice concerns.

After discussion, Alderman Clauss made a motion to forward to the October Board of Aldermen meeting a letter to State representatives regarding home businesses (HB 1662) with amendments as discussed. 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.

- **Consideration of John Fabick Award Nominations.**

This year, there were two (2) nominations for the John Fabick Community Service Award:

- ❖ Matt Runge who diligently volunteered and worked on project to improve entrances to Forest Knoll Subdivision such as collecting money, removing bushes, hauling/removing decorative rock and painting post signs.
- ❖ Vince Lochirco who dedicates his time creating wooden toys and puzzles in his basement, that are donated to Mercy Hospital Children's Unit and Cardinal Glennon Children's Hospital for a gift to a child who is going through a rough time.

Alderman Jokerst inquired if award intended for service to community or a Fenton resident/business making society better.

Mayor Maurath expressed he feels it is for someone who goes above and beyond not for Fenton but the betterment of the community.

Alderman Cruts shared he knows both nominees and believes they are both good choices.



Alderman Bereitschaft stated he would abstain from voting as he was instrumental in one of the nominations.

Alderman Wisbrock expressed he feels both are equal nominations, however he is partial to action performed in the City of Fenton. Therefore, he would vote for Matt Runge.

Alderman Harrell shared he feels both are great candidates, however the argument is one benefited Fenton and the other benefited causes outside Fenton.

Alderman Cruts shared Matt Runge's project was not a one-day event, it took approximately three (3) – four (4) months to complete.

Alderman Huels asked if it is considered a community service project if money was collected from neighbors for the project. The other candidate did not seek money for reimbursement, he donated the toys he made. Alderman Jokerst responded she felt it is a community service project as money was collected to better the community not for profit.

Alderman Jokerst expressed she was in favor of Matt Runge for community improvement that needed to be accomplished, where Vince Lochirco is an ongoing hobby and is a fantastic hobby.

Mayor Maurath expressed he feels both are deserving of the award. He viewed the joy that is brought to those in need, and he viewed maintaining a subdivision entrance is good, but feels it should have been maintained over the years. Mayor Maurath expressed both are good candidates.

Alderman Maserang shared he feels Vince Lochirco has brought more joy to more people over the years.

There was discussion of awarding two (2) winners. Alderman Jokerst expressed she feels there should be one (1) nomination as there are so many deserving of awards.

Alderman Wisbrock suggested a vote. After discussion, Alderman Wisbrock made a motion to nominate Matt Runge for the 2022 John Fabick Award. The motion was seconded by Alderman Clauss.

Alderman Jokerst inquired if the only motion being made was for Matt Runge.

Alderman Wisbrock was willing to rescind his first. Alderman Clauss did not rescind her second.

Upon the roll being called, the Board of Aldermen voted as follows:

Alderman Cruts	<i>Abstain</i>	Alderman Clauss	<i>Aye</i>
Alderman Bereitschaft	<i>Abstain</i>	Alderman Huels	<i>Aye</i>
Alderman Wisbrock	<i>Aye</i>	Alderman Maserang	<i>Nay</i>
Alderman Harrell	<i>Nay</i>	Alderman Jokerst	<i>Aye</i>

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

- **Request to surplus furniture at RiverChase.**

The City has hallway furniture at RiverChase that the YMCA does not have a desire to keep and the City does not have a place to store or repurpose. The furniture is twenty-three (23) years old.

Based on the above, Staff is seeking permission to surplus the furniture. As Staff does not believe the furniture can be resold, Staff will most likely have to dispose of the furniture.

Alderman Wisbrock made a motion to forward to the October Board of Aldermen meeting the request to surplus furniture at RiverChase. 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.

- **Consideration of a request from St. Paul Catholic School for a walk-a-thon on October 31, 2022.**

St. Paul Catholic School is requesting, as they have in past years, Police assistance and road closure of Forest Knoll Drive, New Smizer Mill Road, Woodway Drive to Woodway Circle for the duration of the walk-a-thon on Monday, October 31, 2022, from 12:45 p.m. – 1:45 p.m. Route is outlined on application for a walk-a-thon.

Alderman Huels made a motion to forward to the October Board of Aldermen meeting the consideration of a request from St. Paul Catholic School for a walk-a-thon on October 31, 2022. The motion was seconded by Alderman Cruts. Upon a vote being taken, it was announced that the motion was passed unanimously by the Board of Aldermen.

### **EXECUTIVE SESSION**

At 9:25 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 Bereitschaft	<i>Aye</i>	Alderman Huels	<i>Aye</i>
Alderman Wisbrock	<i>Aye</i>	Alderman Maserang	<i>Aye</i>
Alderman Harrell	<i>Aye</i>	Alderman Jokerst	<i>Aye</i>

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

### **ADJOURNMENT**

At 10:00 p.m. Mayor Maurath reconvened the meeting at which time, with no other business before the Board, Alderman Wisbrock 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