

CITY OF FENTON, MISSOURI
625 NEW SMIZER MILL ROAD, FENTON, MO 63026
MINUTES OF THE BOARD OF ALDERMEN COMMITTEE MEETING
THURSDAY, NOVEMBER 3, 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, November 3, 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>Present</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>

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
Public Works Director Dan Howard
Community Development Director Amy Starck
City Clerk Jane Hungler
St. Louis County Police Sergeant Begley
St. Louis County Police Neighborhood Policing Officer (NPO) Dilks

MAYOR'S COMMENTS

Mayor Maurath reminded everyone of the Annual Lighting Ceremony at 6:00 p.m. on Friday, November 18th. There will also be holiday market vendors from 4:00 p.m. to 8:00 p.m. and pictures with Santa.

The Budget Hearing will be held on Thursday, November 10th at 6:00 p.m.

Planning and Zoning Commission began a Comprehensive Plan review on November 1st and will reconvene hearings in January 2023.

PUBLIC COMMENTS

There were no public comments.

Alderman Huels made a motion to move St. Louis Steamers Soccer Club topics under Miscellaneous 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.

MISCELLANEOUS

- **Consideration of a request by St. Louis Steamers Soccer Club for a lease and development agreement for a soccer field in Fenton City Park.**

The St. Louis Steamers Soccer Club has requested that the City consider a lease and development agreement for one (1) soccer field in Fenton City Park.

Jason Glover Executive Director, St. Louis Steamers Soccer Club overviewed a draft proposed agreement, similar to an agreement he found between City of Austin, Texas and Austin Stadco, LLC. Agreement would be for installing turf on one (1) soccer field located in Fenton City Park at a cost of approximately \$800,000, a ten (10) year term with four (4) five (5)-year extensions, pay annual lease rent of \$25,000 years 1-2, \$30,000 years 3-7, \$40,000 years 8-10, \$43,000 years 11-20, and \$45,000 years 21-30. St. Louis Steamers Soccer Club would: operate and maintain field for events, provide capital plan reserve fund for improvements and renovations, have parking and pavilion reserved for turf rental (but available for use when no event at turf field), retain revenue for rental of turf field, and set rental fees per hour to sustain rental revenue. This would provide an opportunity to grow the park.

Mr. Glover voiced that currently there is only one (1) soccer field at Fenton City Park with lights, if there were lights on other fields, he feels there would be more opportunity for more field rentals. He is familiar with flooding at Fenton City Park, they have experienced flooding of soccer fields they rent at Minnie Ha Ha Park in Sunset Hills and if approved, the Club would carry flood insurance. Mr. Glover stated there is a desire for turf fields, if approved it would offer turf field time slot availability seven (7) days a week with the possibility that residents of Fenton could utilize the field from sunrise until 3-4 p.m., Monday through Friday. The turf field could be rented out on weekends through the Club and noted that other sports can also be played on a turf field. Mr. Glover stated he wants to bring recreational soccer leagues back to Fenton and use turf. Mr. Glover shared he believes the Club brought the Minnie Ha Ha Park to life over time through their rentals with addition of restrooms, concessions, and additional fields with lights and feels they have the same opportunity in Fenton and if the first field is successful, there are more fields to possibly expand the agreement.

Alderman Jokerst inquired other parties renting the field, how that would be handled and who would they be renting from City or Club. Mr. Glover shared the Club would manage all rentals on the turf field through their website. Alderman Jokerst inquired how would Club deter destruction to the turf. Mr. Glover responded they would recommend installing fencing around the field to prevent wildlife and vehicle traffic on the field, also fences decrease water flow during a flood, that would be at their

cost to install. Alderman Jokerst inquired who would pay for capital improvements and repairs. Mr. Glover responded the Club would through reserve funds.

Alderman Huels shared there is a possibility of \$500,000 capital plan project for field lighting upgrade may be in the 2023 budget and expressed she feels, if approved, it would be more of benefit to the Club than to the residents. She further inquired who would maintain the field and pick up trash. Mr. Glover stated that the Club would maintain field inside the fence and feels if lighting upgraded it would be paid overtime with a set field lease revenue. Alderman Huels inquired if the Club would use, work, and sell concession, the revenue would go to the Club. Mr. Glover responded yes, the Club would pay the worker and an agreed upon percentage would be paid to the City. Alderman Huels asked the City Attorney if there were concerns of conflict if another entity has flood and liability insurance on City property. City Attorney Erin Seele advised to refer to City insurance provider but believes they would recommend that City continue to carry insurance as well since it is still City property.

Alderman Maserang inquired on ages of participants. Mr. Glover replied typically four (4) – twelve (12) years old and some high school age participants. Alderman Maserang inquired if this would be approved if they would still continue to use Minnie Ha Ha Park fields also. Mr. Glover replied yes, their Club will continue to use multiple facilities. Alderman Maserang inquired how many current teams are in their organization. Mr. Glover replied approximately one hundred fifty (150) players, fifteen (15) select teams, and a recreational portion that has hundreds of youth participants. Alderman Maserang inquired if he anticipated growth of participants with the new Major League Soccer (MLS) starting in St. Louis. Mr. Glover replied they do not plan on growth but assumes there will be. Alderman Maserang inquired if proposed lease agreement was for one (1) field with turf only or if it included access to additional grass fields. Mr. Glover replied yes one (1) field with turf. Alderman Maserang inquired on the Annual St. Paul Soccer Tournament utilization of the field. Mr. Glover stated they had no concerns, and they would make the rental reservation with donated time with St. Paul to continue their annual tournament.

Alderman Clauss inquired on request for parking and pavilion being reserved for turf rental only (but available for use when no event at turf field). Mr. Glover replied they would want space reserved for the participants utilizing the turf field for better access. Alderman Clauss asked if the Club would be using the City concession stand. Mr. Glover replied yes. Alderman Clauss inquired on who would be responsible for trash collection due to additional traffic from usage. Mr. Glover replied, the Club would be responsible for trash collection if within the turf field, however beyond the scope of the turf field would be the City. Alderman Clauss asked for clarification under property insurance policy on the tenant's right to mortgage or pledge. Mr. Glover explained he used this talking point from the City of Austin lease example.

Alderman Bereitschaft clarified the desired field that is being requested to be leased, if the field would be subdivided into smaller fields and what the size of field was. Mr. Glover replied standard field is one hundred twenty (120) yards long by eight-five (85) yards wide, and they will divide into four (4) smaller fields, and they are requesting field #2 in back of pavilion. Alderman Bereitschaft inquired if that field is utilized for City events. Public Works Director Dan Howard replied field #2 is not used for City events. Alderman Bereitschaft expressed concern with request for reserved parking as he feels there is ample parking throughout the park and feels it would be a disservice to patrons utilizing the park. Alderman Bereitschaft inquired on draw to turf fields. Mr. Glover replied with turf fields there are no rainouts, can train on fields in the winter, a better opportunity to not cancel trainings due to rain, no bad grass patches on field, and it allows more play time.

Alderman Wisbrock shared overall he likes the idea, however, if request moves forward, he would like to see a clause in agreement that would include fields to be restored back to grass should agreement be

terminated. Mr. Glover agreed. Alderman Wisbrock inquired if lights upgraded would there be a fee for electric to offset cost or who is responsible for paying the electric bill. Mr. Glover responded that the cost of electricity would be built into the lease agreement and there would be different rates for day and night rental fees; City would pay the bill. There are an anticipated one hundred eighty (180) available night rentals to determine the cost. City Administrator Nikki Finkbiner shared that currently the City charges different rental fee for day vs. night rental and further clarified the proposed light upgrade that will be considered at the budget hearing is for multiple fields not just one (1) field.

Alderman Wisbrock shared based on an annual \$25,000 lease, weekly rental revenue would be \$480 and expressed that currently the fields are not rented every week of the year and feels with over one hundred (100) acres of park land there is plenty of park space for patrons to utilize.

Alderman Cruts inquired where the funds would come from to cover the cost to install turf as it is a large expense. Mr. Glover shared fundings are through investment group, Olis, LLC, and funds have already been raised. Alderman Cruts inquired if additional field rental lease considerations were limited. Mr. Glover stated if an opportunity for additional fields, it would be requested through an amendment to agreement for each field. Alderman Cruts expressed concerns of reserved parking and concession rental and further inquired on proposed percentage from concessions to be paid to the City. Mr. Glover replied, a percentage of gross sales, not profit.

Alderman Jokerst asked if the agreement and installation of the turf was contingent on the upgrade of field lighting. Mr. Glover replied he feels the agreement would help offset cost with lease and lighting upgraded as lighting increases availability of rental in evenings and turf increases play time opportunity and feels it is great idea to have both. Alderman Jokerst expressed she feels the purpose of the park is for public use and is opposed to leasing middle fields (#2 or #3) but may consider end fields (#1 or #4). Mr. Glover stated he is not opposed to leasing a different field.

Alderman Huels inquired on typical number of participants on weekend. Mr. Glover responded with four (4) smaller fields within the one leased field, approximately forty-eight (48) to sixty (60) participants.

Alderman Wisbrock voiced he likes that the program targets younger families and feels this is the desired base to utilize the local retail business sector.

Alderman Harrell inquired if there was need for equipment storage. Mr. Glover replied, would need to be discussed for an agreement between both parties as there will be equipment needed for maintenance. Alderman Bereitschaft asked if there would be request for bleachers or if spectators would bring their own seating. Mr. Glover shared at this time they would bring their own seating outside the fencing.

Mayor Maurath voiced he believes it is owed to the citizens that the Board further review options; he feels the timeline is extremely aggressive, discussion to include the expense to upgrade field lights will be in upcoming budget hearing, need opportunity to inform public before moving forward, need to review budget, statistics of parking and traffic flow, and consider an option that the City install turf and rent directly.

Alderman Wisbrock made a motion to continue to discuss further options, questions, and the consideration of a request by St. Louis Steamers Soccer Club for a lease and development agreement for a soccer field in Fenton City Park. 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.

Mayor Maurath suggested to continue with the next Miscellaneous topic request by Winter Green Estates, Phase Two, for a gate at the entrance of Winter View Circle. There were no objections.

- **Request by Winter Green Estates, Phase Two, for a gate at the entrance of Winter View Circle.** City Administrator Nikki Finkbinder shared discussion has been continued at the request of the petitioner and all parties involved.

The HOA has been informed by the St. Louis County Police Department – Fenton Precinct that the gate needs to remain open at all times until a decision is obtained.

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

- **Consideration of the annual cost adjustment for the Police Protection Services agreement with St. Louis County.**

Per the agreement adopted under Ord. 4171 for the St. Louis County Police Department to provide the City's police protection services, the annual cost adjustment for the next renewal term, January 1, 2023 – December 31, 2023 was available for review.

The 2022 annual cost is currently \$2,890,724.05. The adjustment for 2023 is a 3.51% increase of \$101,602.48, for a new annual cost of \$2,992,326.53. This increase will be included in the City's 2023 Budget.

Alderman Huels inquired if the increase will stay in the Fenton Precinct. St. Louis County Police Sergeant Begley replied yes.

Mayor Maurath inquired what the 3.5% increase included. St. Louis County Police Sergeant Begley shared the cost increase is for pay, benefits, training, and essential services such as field supervision, marked patrol vehicle usage, and criminal investigation resources.

Alderman Clauss inquired if the support and indirect costs included support from outside the Fenton Precinct such as Tactical Support, Canine Unit, and Drug Unit. St. Louis County Police Sergeant Begley replied yes.

Alderman Cruts exited the meeting at 8:14 p.m.

After discussion, Alderman Clauss made a motion to forward to the November Board of Aldermen meeting the consideration of the annual cost adjustment for the Police Protection Services agreement with St. Louis County. The motion was seconded by Alderman Jokerst. Upon a vote being taken, it was announced that the motion was passed by the Committee.

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

- **Consideration of a job description for Adult Sports Official.**

In October, the Board approved a budget for additional sports programs in the parks, including Adult Kickball and Wiffleball. Currently the City only has a job description for Youth Sports Officials but does not have a description for the proposed adult sports.

Based on the above, Staff suggest that the Board consider the proposed job description for Adult Sports Officials, specific to Adult Kickball and Wiffleball. This position will be seasonal or occasional. It is also suggested that this position be paid \$18 per hour to ensure that we are able to attract applicants.

A copy of the proposed pay level ranges as well as an amended organizational chart indicating the proposed position was available for review.

After discussion, Alderman Wisbrock made a motion to forward to the November Board of Aldermen meeting the consideration of a job description for Adult Sports Official. The motion was seconded by Alderman Jokerst.

Alderman Jokerst inquired if there were policies if employees, such as referees and umpires, were threatened from persons outside of City employment. Public Works Director Dan Howard replied yes within the league rules.

Alderman Maserang clarified starting pay rate \$18.00 per hour. Public Works Director Dan Howard replied yes to attract candidates as the position is part-time. Alderman Maserang inquired on starting pay rate for Maintenance Worker I. Public Works Director Dan Howard replied \$15.08 per hour.

Alderman Bereitschaft asked if the \$18.00 was per hour or per game. Public Works Director Dan Howard replied per hour.

Upon a vote being taken, it was announced that the motion was passed by the Committee.

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

• **Discussion regarding Business Licenses.**

A preliminary draft of a Business License application was available for review. The final formatting will be through the software used to place the application online (CivicPlus or GovBuilt). There is not a cost to place the application online with CivicPlus. Having the application development through the GovBuilt system will have a one-time cost (Staff is waiting on an estimate); but will allow for a database to be integrated in the system, saving Staff data entry time.

If the Board is still considering adopting a business license, Staff requests that this matter be forwarded to the December Committee meeting to allow Staff additional time to draft the needed amendment to the Municipal Code and obtain estimated costs from GovBuilt.

Alderman Bereitschaft expressed he liked the form and that it included the St. Louis County Police letter in the form.

After discussion, Alderman Bereitschaft made a motion to forward to the December Board of Aldermen Committee meeting the consideration of Business Licenses. The motion was seconded by Alderman Clauss.

Alderman Jokerst suggested a need for rearrangement as the questions between Section A and Section B may be missed in the current layout. City Administrator Nikki Finkbinder explained this will be an online form, not paper so layout will be continuous. GovBuilt is working on drafting an online form with an anticipated one-time cost of \$800 to create the form and the Municipal Code will need to be amended to reflect the requirement of business license. Alderman Bereitschaft suggested the Board approve the online format before proceeding.

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 to keep discussion of Prop U on agenda for consideration to place proposition on April 2023 ballot and the Board requested that Staff contact Missouri Municipal League (MML) representative and invite them to speak at least thirty (30)

minutes prior to an upcoming meeting regarding Proposition U (Use Tax). Stuart Haynes expressed a presentation will take approximately one (1) hour. Staff is seeking dates to schedule a presentation.

Alderman Maserang inquired on price difference to place on November ballot vs. April ballot. City Attorney Erin Seele explained expense is based on cost sharing, municipalities 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.

Alderman Bereitschaft made a motion to call a meeting on Thursday, December 8th at 6:00 p.m. and have representative from MML attend to give presentation on Proposition U (Use Tax). The motion was seconded by Alderman Wisbrock.

Alderman Wisbrock rescinded his second. Alderman Bereitschaft rescinded his first.

After discussion, Mayor Maurath called a meeting on Thursday, December 8th at 6:00 p.m. and have representative from MML attend to give presentation on Proposition U (Use Tax).

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

• **Request to extend the contract with R.V. Wagner, Inc. for Street and Sidewalk Replacement for another one-year term.**

It is requested at this time to renew the agreement with R.V. Wagner Contracting, Inc. for Street Slab and Sidewalk Replacement Services for another one-year term (January 1, 2023 – December 31, 2023). The 2021 agreement with R.V. Wagner Contracting, approved via Ord. 4178, R.V. Wagner indicated an increase in the unit prices by 5% for 2023 over the unit pricing for 2022 if the option to renew was exercised by the City. The unit price for residential streets will be \$70.82/square yard and industrial \$74.24/square yard. \$700,000 is anticipated to be budgeted in the 2023 Capital Plan for street and sidewalk replacement/repairs.

Alderman Maserang made a motion to forward to the November Board of Aldermen meeting the request to extend the contract with R.V. Wagner, Inc. for Street and Sidewalk Replacement for another one-year term. 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 extend the contract with Traffic Control Company for Street Striping for another one-year term.**

It is requested by Staff to renew the existing agreement with Traffic Control Company for Street Striping Contract for another one-year term (January 1, 2023 – December 31, 2023). The agreement approved via Ord. 4166, the increase in unit pricing will be three percent (3%) across all items. If all areas are striped, the total cost will be \$54,477.17. If approved, this cost will be included in the 2023 Capital Improvement Plan.

Alderman Maserang made a motion to forward to the November Board of Aldermen meeting the request to extend the contract with Traffic Control Company for Street Striping for another one-year term. The motion was seconded by Alderman Harrell.

Alderman Clauss inquired how often striping is performed. Public Works Director Dan Howard replied annually and that it was needed.

Upon a vote being taken, it was announced that the motion was passed unanimously by the Committee.

- **Request for an amendment to the contract with Cochran Engineering for On-Call, As-Needed Engineering Services for the oversight of the Rudder Road STP Improvement Project.**

As required by the Surface Transportation Program (STP) and in accordance with the Missouri Department of Transportation (MoDOT) Local Public Agency Manual (LPA), detail records and material testing are required when administering the Construction phase of projects.

As part of the On-Call Engineering Services agreement with Cochran Engineering approved on February 25, 2021, by Ord. 4100, Cochran has submitted a lump sum proposal for the Construction Engineering Services (CE) for the Rudder Rd STP-4989(614) project. The services provided under the contract will include review of all required shop drawing submittals, review and approve material certifications, daily site visits and inspections, record keeping of the daily diary and daily quantity books, preparation of change orders, prepare monthly estimates for payment to the contractor and perform all required material testing services.

The submitted proposed cost by Cochran Engineering is \$73,441.00. If approved, this cost will be included in the Capital Improvement Plan. At this time, it is requested to contract with Cochran Engineering for the Construction Engineering on the Rudder Rd. Project.

Alderman Maserang made a motion to forward to the November Board of Aldermen meeting the request for an amendment to the contract with Cochran Engineering for On-Call, As-Needed Engineering Services for the oversight of the Rudder Road STP Improvement Project. The motion was seconded by Alderman Bereitschaft.

Alderman Jokerst asked Public Works Director Dan Howard if he was satisfied with performance of Cochran Engineering. She expressed she feels the recent quote received for the public restroom of over \$200,000 was excessive. Public Works Director Dan Howard replied they are responsive and good to work with. The estimate received was an engineering quote for an all-brick building, materials, prevailing wage, and the actual cost is unknown until project would be placed out for bid. Mayor Maurath shared there are state statute regulations that municipalities have to follow that can increase the cost of a project.

Aldermen Clauss asked for clarification on Scope of Services 1: “However, the furnishing of such project representation will not make Cochran responsible for the construction methods and procedures used by the Contractor or for the Contractor's failure to perform work in accordance with the contract documents”. Public Works Director Dan Howard responded he nor Cochran cannot tell the contractor the means and methods of how to perform the work but rather he and Cochran’s job is to make sure they are performing per specs and plans.

Upon a vote being taken, it was announced that the motion was passed unanimously by the Committee.

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

- **Request to extend the contract with Gateway Tree Care, LLC for Tree Removal Services for a one-year term.**

It is requested at this time to renew the contract with Gateway Tree Care, LLC for Tree Removal Services for one-year term (January 1, 2023 – December 31, 2023) for the removal and trimming of trees within the City of Fenton park system and residential areas. Gateway has agreed to extend the contract at the same rate as 2022, as provided in the existing agreement approved via Ordinance 4257. If approved, Staff will be requesting that \$100,000 be included in the 2023 Capital Plan.

Alderman Wisbrock made a motion to forward to the November Board of Aldermen meeting the request to extend the contract with Gateway Tree Care, LLC for Tree Removal Services for a one-year term. The motion was seconded by Alderman Maserang.

Alderman Jokerst asked Public Works Director Dan Howard if he was satisfied with performance of Gateway Tree Care. Public Works Director Dan Howard replied yes.

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)*

There were no items for discussion.

MISCELLANEOUS

- **Discussion regarding the City’s Solid Waste and Recyclable Materials Collection and Disposal Services contractor.**

Mayor Maurath expressed he is not happy with the service being provided to residents on Allen Road and Busch Forest Lane by Waste Connections.

Public Works Director Dan Howard shared after discussions with Waste Connections earlier in the day; Waste Connections confirmed they are having issues with the drivers on that route and are working to correct the problem. Alderman Wisbrock inquired if Waste Connections is aware of expectations. Public Works Director Dan Howard shared Waste Connections is aware of their expectations and the City is imposing a penalty as allowable per the contract, which is a \$1,000 fine. City Administrator Nikki Finkbinder explained the penalty cost will be deducted from the monthly invoice payment.

EXECUTIVE SESSION

At 8:39 p.m. Alderman Clauss made a motion to enter into Executive Session pursuant to Section 610.021 (3) hiring, firing, disciplining, or promoting employees and (13) Individually identifiable personnel records, performance ratings or records pertaining to employees and or applicants for employment. The motion was seconded by Alderman Huels.

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

Alderman Cruts	<i>Absent</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 by the Board of Aldermen.

ADJOURNMENT

At 9:05 p.m. Mayor Maurath reconvened the meeting at which time, 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