

**CITY OF FENTON**  
**625 NEW SMIZER MILL ROAD, FENTON, MO 63026**  
**MINUTES OF THE BOARD OF ALDERMEN COMMITTEE MEETING**  
**THURSDAY, APRIL 13, 2023**  
**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, April 13, 2023. 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 - *Present*

Alderman Terry Bereitschaft - *Present*

Alderman Brian Wisbrock - *Present*

Alderman Ron Harrell - *Present*

Alderman Chris Clauss - *Present*

Alderman Robin Huels - *Present*

Alderman Scott Maserang - *Present*

Alderman Susan Jokerst - *Present*

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

City Clerk Jane Hungler

Public Works Director Dan Howard

St. Louis County Police Precinct Sergeant Begley

Financial Consultant Tammy Alsop - *via Zoom Videoconference*

**MAYOR'S COMMENTS**

Mayor Maurath recognized Deb Abbott, member of Planning and Zoning Commission, Mike Abbott, member of Parks and Recreation Committee, and Gary Siebert, member of the Board of Adjustment were in attendance of the meeting.

Mayor Maurath congratulated all newly elected officials and noted there will be no change in members of the Board.

Mayor Maurath thanked the residents for voting and passing Proposition U. Missouri Municipal League (MML) believes the passage shows the voters trust in the City.

He further noted Missouri State Legislators are currently considering bills to eliminate sales tax on food, which is reported to be about 20% to 25% of our sales tax revenues. City Administrator Nikki Finkbiner shared the Missouri Municipal League (MML) report released earlier in the day suggested the bill is still pending. We are watching this closely as this may have a large impact on the City's revenue if passed and encouraged all to contact legislators.

**PUBLIC COMMENTS**

There were no public comments.

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

- **February 28, 2023, Monthly Financial Report (Draft).**

Alderman Cruts summarized the draft monthly financial report.

- **2022 Amended Budget.**

A summary of the proposed budget amendments, with details by fund to close out fiscal year 2022 were available for review. Alderman Cruts summarized the amendments. There were no further comments or questions.

Alderman Cruts made a motion to forward to the April Board of Aldermen meeting the 2022 amended budget. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Committee.

- **Consideration of a Supplemental Cooperation Agreement with St. Louis County, Missouri for the allocation of Community Block Grant Funds for the year 2022.**

A copy of the Municipal Housing and Community Development Supplemental Cooperation Agreement for the 2022 Community Development Block Grant (CDBG) which needs to be considered for approval by the Board was available for review. Execution of the agreement is required to receive the requested funds.

Alderman Cruts made a motion to forward to the April Board of Aldermen meeting the consideration of a Supplemental Cooperation Agreement with St. Louis County, Missouri for the allocation of Community Block Grant Funds for the year 2022. The motion was seconded by Alderman Huels. Upon a vote being taken, the motion passed unanimously by the Committee.

- **Request to continue utilizing Amazon Business Prime.**

In February of 2020, the Board approved a request by Staff to create an Amazon Business account for the City under a Government Account, which limits the number of users on the account (who can use the account), controls what can be purchased, provides a cost savings on co-op purchases, and allows the City to make tax-exempt purchases under the Amazon Tax Exempt Program (ATEP).

On May 27, 2021, the Board approved the City upgrading the account to a Prime membership for \$179 per year but requested that this matter be brought back in a year to decipher if the annual fee is cost effective. On April 28, 2022, the Board approved renewing the Prime account at \$179 per year.

It is noted that Amazon Business is frequently used by Staff to purchase supplies online, and the Prime membership provides an efficient way to make purchases with our tax-exempt status and allows the account administrators and the Finance Department to track purchases and invoices. Additionally, the online ordering does not require Staff leaving the offices to make the purchases and the Prime membership does not require a minimum purchase and typically has one (1) and two (2) day deliveries.

Based on the above, Staff is requesting that the Board consider allowing the City to renew the Prime membership for the annual cost of \$179, and further requests that Staff be able to continue to renew annually without Board approval, unless the membership cost increases.

Alderman Cruts made a motion to forward to the April Board of Aldermen meeting request to renew the Prime membership for the annual cost of \$179, and Staff be able to continue to renew annually without Board approval, unless the membership cost increases. The motion was seconded by Alderman Wisbrock. Upon a vote being taken, the motion passed unanimously by the Committee.

Mayor Maurath noted he prefers to try to buy local as much as possible.

- **Presentation and request by Infinity Hospitality, LLC for a CID, TDD, and Tax Abatement for the redevelopment of a property located at 800 S. Highway Drive.**

A redevelopment proposal was available for review and attached as part of the minutes.

Vinod Patel, 800 South Highway Drive, Fenton MO 63026, Infinity Hospitality, LLC shared the property has been vacant for approximately four to five (4-5) years and noted there are a lot of issues with the property. They have had a couple potential buyers but were not able to make the sale work because of zoning. They would be hands on and are proposing an upgrade with dual brand name hotel by Marriott with upscaled restaurant, sport/social venue, and possible freestanding retail strip center with end cap. The project would cost \$40-50 million dollars. He expressed the project would generate taxes and revenue for the City and County. He shared the only way to make it work is with help from the City and County through CID, TDD, and tax abatement incentives estimated at \$4-5 million dollars and create 150-250 jobs.

Mayor Maurath asked for clarification on why the difference in the proposal between the estimated development cost totaling \$44.8 million dollars while the summary cost totals were \$38.8 million. Vinod replied possible glitch in numbers.

Alderman Jokerst inquired on proposal tearing down only part of the structure, she believes the entire structure is not safe. Vinod replied due to 20' easement to make the project work with conception cost and increase in interest rate.

Hemal Patel explained difference in development cost vs summary cost is construction cost built in outside the soft costs engineering.

Mayor Maurath inquired if the \$44.8 million dollar project is asking City to participate in the \$3.5 million dollar acquisition cost also. Hemal replied no, acquisition cost is listed for owner invested equity. Mayor Maurath inquired if they were aware that the previous owner of this property has a lawsuit pending with the City Administrator and according to those records the sale price was \$2.5 million not \$3.5 million dollars. Vinod stated they had to buy out their partner and now they are the sole owner of the property. Mayor Maurath inquired if they are asking the citizens of Fenton to subsidize their buyout. Vinod responded no; this is the construction cost. Mayor Maurath expressed he feels the costs do not make sense and there are too many deficiencies in the proposal. Hemal stated they can revise the proposal to show the appropriate numbers.

Alderman Bereitschaft expressed confusion on project proposal and whether it is a partial tear down or a complete tear down. Hemal shared they would try to utilize the main building structure in front with only part of it being torn down and the back to buildings would be partially torn down as well to utilize the building foundation.

Alderman Clauss stated she did not want to lead them on for consideration of the request as she does not have much interest in the project and feels they are asking City to subsidize the project when there are other businesses in the City that have not received incentives from the City. Alderman Cruts echoed Alderman Clauss' comment and stated if the project would move forward, he feels the whole structure needs to be torn down and if not assurance would be needed for safety concerns. Vinod shared they did not want to use old building but with easement running through the middle of current building, a new building cannot be built on the easement. Mayor Maurath asked if they were aware of the easement and that may have been a factor of the sale price. Vinod replied yes and further shared that before Covid the other partner wanted a different hotel brand, but they were not interested in that.

Mayor Maurath reiterated he feels if the City gives out the tax incentive there is no benefit to the citizens of Fenton. Vinod stated they are not asking the City to fund the whole project cost of \$44.8 million dollars, only a portion approximately \$4 million dollars. Hemal stated the ask is not to take

away from what the City is currently receiving but rather to subsidize part of the increase the City will receive when the project is completed.

Alderman Jokerst expressed she feels they were aware of easement when purchased and asked what incentive they are requesting from City. Vinod stated TDD would be through County and Court, CID for 1% tax on room rate and up to \$5 on special easement assistance and tax abatement would be Fenton. Hemal stated it is hard to compete with properties across the highway that have a TIF, he feels their TIF throws the property tax and does increase other development. The development of the property would increase the tax. Mayor Maurath stated the City turned down the TIF for that development when requested.

Alderman Huels echoed Board comments and she feels it would set a precedence and has not been offered to any other business in Fenton. She further expressed she believes they were aware of the easement when purchased and that it not the responsibility of the residents to fund the project.

Hemal stated he anticipates the property tax would increase by \$100,000 (\$50,000 now and increase to \$150,000) if improved and would only ask for a temporary abatement. Mayor Maurath stated the City does not have a property tax. Hemal stated needed to present to City before presenting a request to the County.

Alderman Jokerst inquired why previous developments presentations were not followed through. Hemal stated the building and property has many challenges, the hotel brands they deal with were not willing to come here for a two (2) story building, hospitality industry declined due to Covid, and denial of zoning changes.

Mayor Maurath stated City has laws and Codes in place to address the current condition of property, the City is requesting the property to be cleaned up and brought up to Code and further shared the City has not offered incentives to any prior requests.

Alderman Cruts made a motion to forward to the April Board of Aldermen meeting the denial of request by Infinity Hospitality, LLC for a CID, TDD, and Tax Abatement for the redevelopment of a property located at 800 S. Highway Drive. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Committee.

Hemal inquired if he could present to St. Louis County. Mayor Maurath stated City has no control over St. Louis County. City Attorney Erin Seele shared typically County requires letter of approval from the City, however that request was not on this agenda for consideration.

- **Request for the Mayor to execute and understanding of services letter in conjunction with the City's Auditing Services.**

On October 28, 2021, via Ordinance 4173, the City of Fenton approved an agreement with Botz, Deal & Company P.C. for auditing services for the fiscal years 2021, 2022, and 2023. A letter regarding the understanding of services for the fiscal year 2022 from Botz, Deal & Company, P.C. that needs to be executed by the City in conjunction with the City's Auditing Service Agreement was available for review. At this time, it is requested that the Board approve the Mayor executing the understanding of services letter.

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

Alderman Cruts made a final motion to approve the request for the Mayor to execute and understanding of services letter in conjunction with the City's Auditing Services. The motion was seconded by Alderman Wisbrock. 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:**

- The April 5<sup>th</sup> Planning and Zoning Commission Workshop to discuss amendments to the Comprehensive Development Plan was cancelled and rescheduled for May 2<sup>nd</sup> at 6:00 p.m.

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

- **Approval, with conditions, of CASE 2023-SUP-07:** A Petition by Estes Trucking for a Special Use Permit to operate a Truck Terminal at 205 Soccer Park Road. The property is zoned “CP-1” Commercial Park District.

**Conditions of Approval:**

1. Approval of the Special Use Permit is for Estes Trucking to operate a Truck Terminal at 205 Soccer Park Road, as indicated on the plans provided with the application and dated March 3, 2023.
2. Compliance with all other applicable City Codes and Ordinances.

Doug Tieman 3000 Little Hill Expressway, St. Charles MO with CEC Engineering was present to answer any questions. There were no questions.

- **Approval, with conditions, of CASE 2023-SPR-01:** A Petition by Estes Trucking for Site Plan Review of a proposed building addition at 205 Soccer Park Road. The property is zoned “CP-1” Commercial Park District.

**Conditions of Approval:**

1. This approval is strictly for the building addition and associated site improvements for Estes Trucking at 205 Soccer Park Road, as indicated on plans dated March 3, 2023.
2. The Off-Street Parking Area shall be brought into compliance with the 30-foot front Buffer Areas required in the “CP-1” District, or the Petitioner will need to obtain a variance from Section 415.080(E)(2) of the Code to expand the existing non-conforming parking area before the Site Plan will be approved by the Director in conjunction with a Building Permit.
3. A Separate Special Use Permit will be required for the use of the property as a Truck Terminal.
4. In addition to a Building Permit, a Major Land Disturbance Permit will be required before any construction will be permitted.
5. Any proposed stormwater control for the site will require review and approval by MSD. Review and approval by the Fenton Fire Protection District (FFPD) will also be required.
6. Any needed changes based on MSD or FFPD review may be administratively reviewed and approved by the Community Development Director.
7. Compliance with all other applicable City of Fenton Codes and Ordinances.

Alderman Wisbrock inquired if there was discussion regarding storm water runoff.

Doug Tieman 3000 Little Hill Expressway, St. Charles MO with CEC Engineering shared the addition is to the north of existing building, the undeveloped area will be paved with an underground detention to handle the storm water and has to be reviewed and approved by Metropolitan Sewer District (MSD) before a building permit can be issued.

- **Approval, with conditions, of CASE 2023-SUP-05:** A Petition by Royal Bank of Missouri for a Special Use Permit for a Freestanding ATM Facility at 18 Fenton Plaza. The parcel is addressed as 14 Fenton Plaza and is Zoned “OT-2” Olde Towne District.

**Conditions of Approval:**

1. This Special Use Permit is solely for Royal Banks of Missouri to locate a freestanding ATM with a drive-through at 18 Fenton Plaza, as indicated on plans dated February 24, 2023.
2. Directional signage to be reviewed and approved by the Community Development Director.
3. Municipal Zoning Approval and a Building Permit through St. Louis County is required.

4. Compliance with all other applicable City of Fenton Codes and Ordinances.

- **Approval, with conditions, of CASE 2023-SUP-06:** A Petition by Ahmad Shawar of Stars Liquor and Tobacco for a Special Use Permit to operate a Liquor Store at 645 Gravois Road. The property is zoned “OT-2” Olde Towne District.

**Conditions of Approval:**

1. Approval of the Special Use Permit is for Stars Liquor and Tobacco to operate a Liquor Store at 645 Gravois Road, as indicated on the plans provided with the application and dated March 1, 2023.
2. Compliance with all other applicable City Codes and Ordinances.

The Petitioner, Michael Stevenson, was present to answer any questions. There were no questions.

- **Approval, with conditions, of CASE 2023-SUP-08:** A Petition by Fenton Fire Protection District for a Special Use Permit to operate an Emergency Services Facility at 845 Gregory Lane. The property is zoned “PG” Public and Governmental District.

**Conditions of Approval:**

1. Approval of the Special Use Permit is for Fenton Fire Protection District operate an Emergency Services Facility at 845 Gregory Lane as indicated on plans provided with the application and dated March 6, 2023.
2. Compliance with all other applicable City Codes and Ordinances.

- **Approval, with conditions, of CASE 2023-SPR-02:** A Petition by Fenton Fire Protection District for Site Plan Review of a building addition at 845 Gregory Lane. The property is zoned “PG” Public and Governmental District.

**Conditions of Approval:**

1. This approval is strictly for the proposed building addition for Fenton Fire Protection District at 845 Gregory Lane, as indicated on plans dated March 6, 2023.
2. The site plan shall be amended to indicate the required 10-foot width for the Accessible parking spaces.
3. A Separate Special Use Permit will be required for the use of the property as an Emergency Services Facility.
4. In addition to a Building Permit, a Land Disturbance Permit will be required for the Off-Street Parking Area expansion.
5. Any proposed stormwater control for the site will require review and approval by MSD. Any needed changes based on MSD review may be administratively reviewed and approved by the Community Development Director.
6. Compliance with all other applicable City of Fenton Codes and Ordinances.

Alderman Bereitschaft inquired if storm shelter would be utilized by Fenton Fire Protection District (FFD) only. Mayor Maurath responded shelter is required by Code and will be utilized by FFD only.

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

There were items for discussion.

**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.

- **Announcement from the Parks and Recreation Committee meeting:**

- Discussion regarding a bathroom in Fabick Nature Preserve was continued to allow staff to obtain additional information.
- The Parks and Recreation Committee discussed “Native Plantings – No Mow” signage.

- **The Parks and Recreation Committee recommended the following:**
  - **Approval for staff to investigate grants for a Master Plan for the Bud Weil Annex.**
  - **Approval for staff to review grants for the “Eco-Experience Concept” pathways in Fabick Nature Preserve, as drafted in the 2018 Master Plan**
- **Other items from the Parks and Recreation Department:**  
There were no items for discussion.

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

- **Request to have the annual flu shot clinic at RiverChase YMCA.**

Per St. Luke’s Workforce Health, the Annual Flu Shot Clinic for City employees can be scheduled for Tuesday, October 10 at RiverChase YMCA from 9:00 a.m. to 11:00 a.m. Rob BeSore of St. Luke’s Workforce Health has been instrumental once again in scheduling this event with the City. This year City will also be coordinating this event with RiverChase YMCA to be held in their MP1 room.

It is noted that this event is also open to the public; however, the appointments are set for the employees first and then advertised to the public (i.e., City website, etc.). Those that want to participate must bring a copy of their insurance card. Those who do not have insurance may receive a shot at their own cost (\$28). Medicare is also accepted with Medicare card and driver’s license. There will be no cost to the City for this event.

After discussion, Alderman Jokerst made a motion to forward to the April Board of Aldermen meeting the request to have the annual flu shot clinic at RiverChase YMCA. The motion was seconded by Alderman Clauss. Upon a vote being taken, the motion passed unanimously by the Committee.

**MISCELLANEOUS**

- **Consideration of a request by St. Paul Catholic Church for a Temporary Liquor License.**

St. Paul Catholic Church is requesting a temporary liquor license for a picnic to be held at the church grounds located at 15 Forest Knoll Drive on Friday, May 26<sup>th</sup> from 5 – 10 p.m. and Saturday, May 27<sup>th</sup> from 10 a.m. – 10 p.m. The applicant has submitted all needed documents to process the liquor license and meets the qualifications of Section 600.055.

Alderman Cruts made a motion to forward to the April Board of Aldermen meeting the request by St. Paul Catholic Church for a Temporary Liquor License The motion was seconded by Alderman Bereitschaft. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

- **Request to purchase an RC Slope Mower.**

On March 16<sup>th</sup>, Staff along with the Mayor had an opportunity to demo a Radio Controlled (RC) Slope Mower on the Presslar Lake dam in the Fabick Nature Preserve. An RC Slope Mower is a remote-controlled mower that is capable of mowing up to fifty-degree (50°) slopes and is capable of cutting up to one- and one-half inch (1 1/2”) diameter growth. The mower is powered by a gas engine, operates on a track system instead of tires/wheels, and is controlled by one (1) operator utilizing a remote-control unit with a range of up to one thousand feet (1,000’). The unit demonstrated had a fifty-two-inch (52”) cutting width with a twenty-seven and a half (27.5) HP engine. Pictures of the mower and the area that was cut during the demonstration were available for review. As indicated in the dam photo, half (1/2) of the dam was cut and accomplished within twenty (20) minutes with one (1) operator.

The City is responsible for maintaining three (3) dams within in our parks system at least once a year to keep the vegetation cut and “woody” growth from establishing on the dams. Currently, the City performs this maintenance utilizing three to four (3-4) employees with weed eaters (line trimmer heads and at least one (1) with a metal cutting head for the “woody” material). Staff has attempted to utilize other equipment with no success due to the extreme slope of the dams.

Our current operation utilizing weed trimmers only allows for one (1) dam to be cut per day (utilizing three to four (3-4) employees). During this operation, the employees are placed in extreme circumstances due to the slope of dams. These areas are very difficult to simply walk on, or in the circumstance, walk and operate equipment. The City, on multiple occasions, had to send employees to urgent care due to bee stings (apparently bees like the conditions), twisted/sprained ankles, and injured backs. Additionally, equipment has been damaged due to the conditions, at no fault of the employees.

At this time, Staff is requesting to purchase an RC Slope Mower to add to our fleet. If approved, the mower would not only be utilized to maintain the dams, more than once a year, but will be used in other areas that have been requested to be maintained. These include areas along the Meramec riverbank where the brush hog cannot get into and the new flail mower cannot reach, areas in the Olde Towne Park and Fabick Nature Preserve, and newly cleared areas of honeysuckle to minimize the regrowth.

The cost of a new fifty-two-inch (52”) RC Slope Mower is \$65,450 with options; however, a couple of used/low hour machines with a one-year warranty priced in the mid \$40,000 are also available. If approved, this purchase would need to be added to the 2023 Capital Plan and would be paid for through Parks and Stormwater funds.

After discussion, Alderman Cruts made a motion to forward to the April Board of Aldermen meeting the request to purchase a new TK-52XP RC Slope Mower. The motion was seconded by Alderman Clauss. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

#### **EXECUTIVE SESSION**

At 8:06 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, (2) Leasing, purchase, or sale of real estate, 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>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 by the Board of Aldermen.

#### **ADJOURNMENT**

At 9:01 p.m. Mayor Maurath reconvened the meeting, with no other business before the Board, Alderman Cruts made a motion to adjourn. The motion was seconded by Alderman Bereitschaft. 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