

**CITY OF FENTON, MISSOURI**  
**625 NEW SMIZER MILL ROAD, FENTON, MO 63026**  
**MINUTES OF THE SPECIAL MEETING OF THE BOARD OF ALDERMEN**  
**THURSDAY, FEBRUARY 4, 2021**  
**6:30 P.M.**

Mayor Brassers stated in light of the current public health crisis and related emergency declarations, the Board recognizes that it would be dangerous and impractical, if not impossible, for its meeting to be physically accessible to the public in accordance with the County's current Social Distancing requirements. The Board also recognizes the need for the public's business to be attended to in order to protect the public health, safety, and welfare. To balance both, and in accordance with Sec. 610.020, RSMo. and R-20-01, this meeting will not be open to in-person public attendance but rather accessible by the public in real time ONLY by a video/teleconference call via "Zoom".

**CALL TO ORDER**

Mayor Bob Brassers called the special meeting to order at 6:30 p.m. via Zoom Videoconference (RSMo. 610.015) and explained the reasons for conducting the meeting via videoconference, i.e., due to the State of Emergency (as specified in the notice above) on Thursday, February 4, 2021.

**PLEDGE OF ALLEGIANCE** Mayor Brassers led the Pledge of Allegiance.

**ROLL CALL**

City Clerk Jane Hungler called the roll:

Alderman Ralph Cruts - <i>via video conference</i>	Alderman Chris Clauss - <i>via video conference</i>
Alderman Andrew Sobey, Jr.- <i>via video conference</i>	Alderman Robin Huels - <i>via video conference (6:37)</i>
Alderman Brian Wisbrock - <i>via video conference</i>	Alderman Tom Heard - <i>via video conference</i>
Alderman Joe Maurath - <i>via video conference</i>	Alderman Susan Jokerst - <i>via video conference (6:41)</i>

Six Aldermen were present at the opening of the meeting.

**CITY OFFICIALS PRESENT**

Mayor Bob Brassers - *via video conference*  
City Administrator Andrea N. Finkbiner - *via video conference*  
City Attorney Erin P. Seele, Esq. - *via video conference*  
City Clerk Jane Hungler - *via video conference*  
City Prosecuting Attorney Tim Engelmeyer - *via video conference*  
Court Administrator Lauren Rabbitt - *via video conference*  
City Prosecuting Attorney Assistant Kelly Blain - *via video conference*

Mayor Brassers stated that he called this Special Meeting for:

- **Discussion Regarding The Vacant Assistant To The Prosecuting Attorney Position In Municipal Court.**

City Prosecuting Attorney Tim Engelmeyer explained with SB 572 passing several years ago, it requires all cities to separate prosecuting functions from court functions. Part of the separation was hiring a Prosecuting Attorney Assistant to help prepare cases for Prosecuting Attorney as before SB 572, the former court clerk probably was cross-over of those duties. Kelly Blaine has had that position the last several years and has been invaluable in keeping everything moving as she does work to get Mr. Engelmeyer prepared for court. Kelly was offered and accepted a job with a large arbitration and mediation firm and her last day was last Friday. Filling the position may take time as the position is part-time and is specialized, with training and certifications required. Mr. Engelmeyer further shared

that the City Administrator Nikki Finkbinder, himself, Court Administrator Lauren Rabbitt, and Judge Billings discussed different ideas and a suggestion is to have his office provide those Prosecuting Attorney Assistant duties. His firm would delegate his paralegal from his office to do these duties for Fenton until a replacement is found or as long as the City is happy with the arrangement. In discussion with City Attorney Erin Seele and City Administrator Nikki Finkbinder on conference call, we are estimating a month at the earliest and most likely two months or more for the hiring process, and the City cannot wait that long as crime does not stop. The idea is to implement this arrangement to continue moving forward and to keep the court up and running. Currently, there is a time crunch as cases are backed up.

Alderman Maurath inquired if there would be a conflict of interest with this arrangement. City Prosecuting Attorney Tim Engelmeyer replied no. Mr. Engelmeyer explained that this idea is being employed by other cities and has been vetted. He further explained that he did his homework and contacted Creve Coeur and Hazelwood to check and see how this arrangement was going for them and no major issues were reported.

Alderman Huels joined at 6:37.

Alderman Clauss inquired on time constraint, because last time it took a long while to fill the position. City Prosecuting Attorney Tim Engelmeyer acknowledged that was a big concern but will do several things to gauge interest and employ someone. City Attorney Erin Seele explained that there was no time limit in the proposed contract amendment for these services but noted that these services could be terminated by the City Administrator without affecting the rest of the contract if a problem was encountered or the position was filled.

Alderman Heard expressed this seems like a reasonable and rational approach and stated he is happy to move forward with this.

Alderman Maurath asked if anyone had any comments or additional questions.

City Administrator Nikki Finkbinder stated she is comfortable with this proposal and is willing to see how it works and will wait to advertise only if not working.

Court Administrator Lauren Rabbitt stated she is ok trying it. In meantime, she has to learn the duties so she can train his paralegal. She hopes it works out and if not, then the City can try to find someone else; she did put feelers out there to see if anyone interested.

City Prosecuting Attorney Tim Engelmeyer shared that Kelly Blaine offered to assist in getting his paralegal trained, but as she is starting a new job, he is not sure how much time she will have.

Alderman Jokerst joined at 6:41.

Alderman Maurath summarized the discussion and plan: use City Prosecuting Attorney Tim Engelmeyer's individual as Prosecuting Attorney Assistant and then if run into problems, go out and advertise. Following discussion of the next steps, there was no objection to Alderman Maurath being the sponsor of the bill.

- **Consideration Of Bill 21-02: An Ordinance Authorizing The Mayor To Execute A Second Amendment To The Contract For Prosecuting Attorney Services With Tim Engelmeyer And Engelmeyer & Pezzani, LLC.**

Alderman Maurath desired first reading of Bill No. 21-02. City Attorney Erin Seele read the Bill one time by title only.

Alderman Maurath made a motion to seek a waiver of the rules for a second reading. The motion was seconded by Alderman Heard. Upon a vote being taken, it was announced that the motion was passed unanimously by the Board of Aldermen. City Attorney Erin Seele read Bill No. 21-02 for a second time by title only.

Alderman Maurath made a motion that Bill No. 21-02 be enacted as Ordinance No. 4092. The motion was seconded by Alderman Clauss.

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

Alderman Cruts	<i>Aye</i>	Alderman Clauss	<i>Aye</i>
Alderman Sobey	<i>Aye</i>	Alderman Huels	<i>Aye</i>
Alderman Wisbrock	<i>Aye</i>	Alderman Heard	<i>Aye</i>
Alderman Maurath	<i>Aye</i>	Alderman Jokerst	<i>Aye</i>

It was announced that Bill No. 21-02 was passed by the Board of Aldermen and would become Ordinance No. 4092 when and if signed by the Mayor.

### **ADJOURNMENT**

At 6:44 p.m., Alderman Huels made a motion to adjourn. The motion was seconded by Alderman Sobey. 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