

CITY OF FENTON, MISSOURI
625 NEW SMIZER MILL ROAD, FENTON, MO 63026
MINUTES OF THE SPECIAL MEETING OF THE BOARD OF ALDERMEN
THURSDAY, AUGUST 26, 2021
IMMEDIATELY FOLLOWING THE BOARD OF ALDERMEN MEETING

Mayor Brasses stated in light of the current public health crisis, including specifically the high community transmission in St. Louis County, and related CDC health guidelines, the Board recognizes that it would be dangerous and impractical to have public indoor group gatherings and recognizes that some members of the public may not feel comfortable attending such in-person meetings. 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 called "Zoom"

CALL TO ORDER

Mayor Bob Brasses called the Board of Aldermen meeting to order at 8:31 p.m. via Zoom Videoconference (RSMO 610.015) and explained the reasons for conducting the meeting via videoconference, i.e., due to the recent State of Emergency (as specified in the notice above) on Thursday, August 26, 2021.

PLEDGE OF ALLEGIANCE - Mayor Brasses 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 Kevin Yarbrough - <i>Present</i>	Alderman Robin Huels - <i>Present</i>
Alderman Brian Wisbrock - <i>Present</i>	Alderman Tom Heard - <i>Present</i>
Alderman Joe Maurath - <i>Present</i>	Alderman Susan Jokerst - <i>Present</i>

Eight Aldermen were present at the opening of the meeting all by video conference.

CITY OFFICIALS PRESENT:

Mayor Bob Brasses - *via video conference*
City Attorney Erin Seele, Esq. - *via video conference*
City Administrator Andrea N. Finkbiner - *via video conference*
City Clerk Jane Hungler - *via video conference*
City Planner Amy Starck - *via video conference*
Public Works Director Dan Howard - *via video conference*
Park and Recreation Director Tye Lydon - *via video conference*
St. Louis County Police Precinct Captain Kevin Lawson - *via video conference*
Municipal Judge Chuck Billings - *via video conference*
Court Administrator Lauren Rabbitt - *via video conference*
City Prosecuting Attorney Assistant Kelly Blain - *via video conference*

Mayor Brasses stated that he called this Special Meeting for:

- **Request for Municipal Court Staff to attend the 2021 Fall Professional Development Seminar.**
Per Section 5.4.8 of the City's Personnel Manual, Staff is seeking permission for the Court Administrator and Assistant Court Administrator to attend the 2021 Fall Professional Development Seminar in Cape Girardeau on Wednesday, September 23rd and Thursday, September 24th. The cost of the registration for both to attend the conference is \$300.00 and the cost for lodging for both clerks is \$384.00. The total cost would be \$684.00.

The Court has a \$781.64 remaining balance in the Travel, Lodging, and Meals budget line and a \$183.33 remaining balance in the Training and Education budget line; therefore, Staff is also seeking a 2021 Budget amendment for the additional \$116.67 for the registration to the Training and Education budget line.

Additionally, Staff is seeking permission to close the Fenton Municipal Court on Wednesday, September 23rd and Thursday, September 24th in order for both clerks to attend the conference to obtain credits for continuing education.

It was noted that Staff did not receive information about the conference and registration until after the August Committee Meeting deadlines and the deadline to register is August 31st.

Court Administrator Lauren Rabbitt shared she will have her laptop with her for ability to periodically check in.

Alderman Maurath made a motion to approve the request for Municipal Court Staff to attend the 2021 Fall Professional Development Seminar, close courts on September 23rd and 24th and amend 2021 budget as requested. 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.

- **Discussion regarding a request for the City to release its utility rights within a portion of a utility easement at 950 Bolger Court.**

The property owners of Lot 20-B of Executive Industrial Park subdivision, addressed as 950 Bolger Court, are requesting that the City of Fenton vacate the hatched portion of an existing 15' utility easement as recorded in Plat Book 149, Pages 10-14. Said portion of the easement runs under the southwest portion of the existing office warehouse building and does not contain any utilities. (Note: The property owner has also submitted to the Community Development Department deeds vacating the same portion of the easement from Spire, Union Electric, Missouri-American Water, MSD, Charter Communications, and AT&T).

The purpose of the easement vacation is for the property owners, Bolger Properties, to sell the property. In an effort to accommodate the property owner's desire to close on the sale of the property, it is being requested that the Board consider vacating the portion of easement indicated in the attached plat. Should the Board desire to approve the request, an Ordinance will be required (see Bill 21-74).

City Planner Amy Starck explained the property is for sale. As the easement is under a warehouse office building, Staff does not see a reason for the City to retain the easement rights. City Attorney Erin Seele stated it has been verified with other utilities they have no concerns to vacate the easement.

Alderman Heard inquired how a building was allowed to be built over an easement. City Administrator Nikki Finkbiner replied it depends on the type of easement and if access is needed to the easement the burden is on the property owner.

- **Consideration of Bill 21-74 – Ord. releasing the City's utility rights within a portion of a utility easement within Lot 20-B (addressed as 950 Bolger Court) of Executive Industrial Park Subdivision.**

Bill 21-74 Ord. releasing the City's utility rights within a portion of a utility easement within Lot 20-B (addressed as 950 Bolger Court) of Executive Industrial Park Subdivision

Sponsor: Maurath

Alderman Maurath desired first reading of Bill No. 21-74. 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 Wisbrock. 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. 21-74 for a second time by title only.

Alderman Maurath made a motion that Bill No. 21-74 be enacted as Ordinance No. 4159. 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 Yarbrough	<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. 21-74 was passed by the Board of Aldermen and would become Ordinance No. 4159 when and if signed by the Mayor.

EXECUTIVE SESSION

At 8:41 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...Section 610.021(3) Hiring, Firing, Disciplining Or Promoting Employees... And Section 610.021(12) Sealed Bids And Related Documents, Until The Bids Are Opened; And Sealed Proposals And Related Documents Or Any Documents Related To A Negotiated Contract Until The Contract Is Executed, Or All Proposals Are Rejected. 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 Yarbrough	<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 the motion was passed unanimously by the Board of Aldermen.

ADJOURNMENT

At 9:21 p.m., Mayor Brasses reconvened the meeting at which time, with no other business before the Board, Alderman Clauss made a motion to adjourn the meeting. 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.

Respectfully submitted,

Jane Hungler
City Clerk
City of Fenton