

CITY OF FENTON, MISSOURI
625 NEW SMIZER MILL ROAD, FENTON, MO 63026
MINUTES OF THE BOARD OF ALDERMEN COMMITTEE MEETING
THURSDAY, SEPTEMBER 2, 2021
7:00 P.M.

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 call via "Zoom"

CALL TO ORDER

Mayor Bob Brasses called the committee meeting to order at 7:00 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, September 2, 2021.

PLEDGE OF ALLEGIANCE Mayor Brasses led the Pledge of Allegiance.

ROLL CALL

City Clerk Jane Hungler called the roll:

Alderman Ralph Cruts - *Present*

Alderman Kevin Yarbrough - *Absent*

Alderman Brian Wisbrock - *Present*

Alderman Joe Maurath - *Present*

Alderman Chris Clauss - *Present*

Alderman Robin Huels - *Present*

Alderman Tom Heard - *Present*

Alderman Susan Jokerst - *Present*

Seven Aldermen were present at the opening of the meeting all via video conference.

CITY OFFICIALS PRESENT:

Mayor Bob Brasses - *via video conference*

City Attorney Erin P. Seele, Esq. - *via video conference*

City Administrator Andrea N. Finkbiner - *via video conference*

St. Louis County Police Precinct Captain Kevin Lawson - *via video conference*

St. Louis County Lieutenant Aaron Schafer - *via video conference*

City Clerk Jane Hungler - *via video conference*

MAYOR'S COMMENTS

Mayor Brasses stated he shared an email with the Board regarding a resident opinion. If there are any questions, Mayor Brasses requested that they be directed to him.

Mayor Brasses further stated he and the Personnel Chairman are working diligently on personnel raises to bring to the Board.

PUBLIC COMMENTS

No public comments were made.

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

- **Discussion regarding renewal of the full-service contract with St. Louis County to provide Police Protection Services for the City through the St. Louis County Police.**

For discussion and consideration, an amended draft copy of the Police Service Agreement between the City of Fenton and St. Louis County for a proposed ten (10)-year period (initial one (1)-year term, plus nine (9) one (1)-year renewal terms) from 2022 to 2033 was available for review.

Outside of expanding the renewal period from five (5) years to ten (10) years, the agreement terms appear to be consistent with the existing agreement set to expire December 31, 2021. The proposed maximum rate increase per renewal term will also remain the same at 5%, with the initial 2022 term increase being 0.15% more (\$4,442.32) than the current 2021 term rate.

As indicated in the draft agreement and Explanation of Costs (Exhibit A), the proposed staffing will remain the same with one (1) Precinct Commander (Captain); three (3) Sergeants; twenty-two (22) Police Officers, including a Business Resource Officer (BRO), Neighborhood Police Officer (NPO), Parks Officer, and a Detective; and an Office Administrator. The costs also include three (3) Police Officers for Courts when needed for security during Court hearings, including a Bailiff. It is noted that the City only pays for the Court Protection and Security costs when utilized.

Alderman Maurath requested for the record a clarification of the total number of officers in the draft contract. City Administrator Nikki Finkbiner replied total twenty-seven (27) consisting of: twenty-two (22) commissioned officers of which four (4) are specialty, one (1) Captain, three (3) Sergeants, and an Office Administrator.

Alderman Maurath inquired for the record why the proposal is for a ten (10) year contract. St. Louis County Lieutenant Aaron Schafer shared County has five (5) year, ten (10) year, and fifteen (15) year contracts with other municipalities. He feels a five (5) year contract does not reflect a long-term commitment from either the St. Louis County Police Department or from the municipality. He noted that a benefit with a ten (10) year contract is it offers more stability.

Alderman Maurath inquired further for the record the \$4,442.32 increase for the 2022 term. Lieutenant Schafer shared the St. Louis County Police Department is entering twenty-seventh (27th) year providing full-service protection to the City of Fenton. Lieutenant Schafer further expressed they value the partnership and the collaborative and individual growth for both sides. Lieutenant Schafer expressed the Flock system has been an instrumental tool in their investigations. On September 15th St. Louis County Police Board will be meeting with Flock to discuss entering an agreement with Flock. The increase is due to indirect cost for raises for Communications/Dispatching Service Personnel.

Alderman Maurath inquired about the number of patrol vehicles in the City of Fenton Precinct. Lieutenant Schafer replied cars are rotated through the fleet to allow for maintenance, ability to keep mileage lower on vehicles, and allowance for coverage for additional services if needed. Alderman Maurath inquired on ratio of officer to assigned patrol vehicles. Lieutenant Schafer shared there are

designated resident officer vehicles assigned to three (3) Sergeants, the BRO, and the remaining are per shift pool vehicles.

Alderman Jokerst inquired for clarification on who's responsibility it is to pay for equipment such as LiveScan. Lieutenant Shafer replied LiveScan is a court requirement not Police. City Administrator Nikki Finkbiner further clarified LiveScan is a Show-Me-Court requirement. Alderman Jokerst inquired on responsibility of cost for radar trailer. Lieutenant Shafer replied, if County paid the expense for the trailer, it would be a reimbursement from the City to the Police Department as it would be specific equipment for the use in the City of Fenton.

Mayor Brasses inquired on the Board's thoughts on Article VI - Right of Termination if a six (6) month timeframe notice from either party would be sufficient time to find alternative coverage or would the Board want to consider a longer timeframe. Upon discussion, Lieutenant Shafer shared this is a typical clause in their patrol contracts, they do have a few contracts that are for dispatching only that differ. Alderman Heard expressed he would consider a longer timeframe. Lieutenant Shafer shared that State Statute will not allow municipality to be unprotected if they are over 400 residents.

Alderman Heard inquired on procedures for dispute. City Attorney Erin Seele expressed there is no forced mediation or arbitration, the dispute would go through the court for determination. Alderman Heard asked if the annual increases could be negotiable. Lieutenant Shafer replied he or Physical Services Unit are available to explain increases or decreases as it relates to County costs. City Attorney Erin Seele shared from a legal standpoint, it is not in the contract that increase is related to County cost, it reads they can increase up to 5%, but noted it has not been the history of their increases as the past increases have been tied to County's costs. Alderman Cruts questioned if contract costs would be reduced if cannot provide number of officers as he heard there is a shortage and Lieutenant Shafer replied County would always fulfill the needs of the contract.

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

• **Discussion regarding the 2021 Employee Appreciation Luncheon.**

Typically, Staff would bring the request to have the Employee Appreciation Luncheon to the Board in September, however, due to the current unknown COVID-19 situation, Staff feels it is too early to make a decision on this matter and will present it to the Board for consideration in October.

Alderman Maurath suggested to forward to the October Board of Aldermen Committee meeting for further consideration of 2021 Employee Appreciation Luncheon for further review of Covid concerns and guidance.

• **Third Quarter Career Achievement Awards. Discussion regarding 2022 employee.**

Mayor Brasses stated each year, the City recognizes all employees who have achieved five-year milestones on a quarterly basis and will receive a gift card valued at ten (\$10.00) dollars per year of service. This quarter, we are recognizing the following July, August, and September anniversary for 2021:

Nikki Finkbiner – City Administrator – 15 years - \$150.00 gift card

The achievement and gift certificate will be presented at the September 23, 2021 Board of Aldermen Meeting.

• **Discussion regarding 2022 employee salaries.**

Alderman Maurath shared the discussions are continuing for personnel increases and requested to have the Finance Chairman involved in the process to bring a consideration to the Board. Alderman Heard expressed he would welcome the opportunity to be involved.

Mayor Brasses shared the Merit Matrix is a program based on calculations by salary quartile, performance evaluation rating and percentage table model. Mayor Brasses further expressed the matrix can be compiled for all employees or there can be separate matrix for salary and non-salary employees. Alderman Maurath suggested a presentation for further explain/overview of the matrix.

Alderman Jokerst inquired if all annual evaluations are approved by the Board and if they are reviewed during open or executive session. City Administrator Nikki Finkbinder replied no, the Board approves evaluations for the City Administrator and City Clerk. Mayor Brasses stated he processes the evaluation, is open to comments from the Board for the evaluation and presents evaluations to the Board for approval. City Attorney Erin Seele stated the Mayor presents the evaluations for the City Administrator and City Clerk to the Board for final approval during executive session. All other evaluations are approved by the appropriate Department Heads.

- **Discussion regarding hiring processes for Public Works.**

Upon discussion, Alderman Maurath made a motion to forward to the September Board of Aldermen meeting to amend the personnel manual to authorize the Public Works Director, with the approval of the Mayor, Chairperson of the Personnel Committee, and the City Administrator to offer hiring Maintenance Worker I position at \$1.00 above base pay if candidate already possesses a Commercial Driver's License (CDL) instead of approval from the full Board to allow a more fluent hiring process. The motion was seconded by Alderman Huels. Upon a vote being taken, the motion passed unanimously by the Committee.

- **Discussion regarding employee paid time off (PTO).**

Alderman Maurath shared prior there was an amendment to increase the amount of PTO to attract new employment. Currently the personnel manual reads "upon their first (1st) day of employment, will accrue thirteen (13) hours of PTO. Then after the completion of their Probation Period, they will continue to earn thirteen (13) hours/month of PTO through December of that year."

Alderman Maurath expressed he does not feel the increase of PTO has helped the City to gain employment. Alderman Maurath suggested benefits need to be reviewed and consider amending to decrease the amount of PTO.

Alderman Cruts agreed to consider decreasing PTO for new hire employees and grandfather current employees to the current PTO time. In response to questioning from the Mayor, City Attorney Erin Seele expressed she agrees that current employees need to be grandfathered. Alderman Huels inquired if Alderman Maurath had a suggestion of a proposed new PTO. Alderman Maurath replied no he did not and suggested the Board to review previous manuals as he remembers PTO was 120 hours for 1-4 years and probationary did not accrue time in their first year. Alderman Heard commented he believes current PTO is little generous compared to his benefits from his corporate career and current employees need to be grandfathered. Alderman Heard asked how much the current PTO is a differentiator in the hiring process is. City Administrator Nikki Finkbinder replied, current averages out to two (2) weeks of PTO, which covers vacation and sick time, for the first year and does not have information on how current PTO influences hiring.

Alderman Maurath stated current PTO is twenty (20) days for 1-4 years, twenty-five (25) days for 4+-14 years and thirty (30) days for 15+ years and eleven (11) holiday per year. If employee has 15+ years of service, there is potential for six (6) weeks of time off plus holidays and he feels this is not in the best interest of the City. Alderman Jokerst shared she feels current PTO is extremely generous and needs to be reviewed as current PTO does not appear to be improving employee retention.

Mayor Brasses inquired if amended, could the cost savings be allocated to enticing new hires with better pay. Alderman Maurath asked if a signing bonus could be allowed. City Attorney Erin Seele replied, would need to be tied to work completed.

Alderman Clauss shared the current pay scale is not in line with corporate and that is why the current PTO package is offered. Alderman Jokerst stated she feels government pay scale is more generous than corporate.

Alderman Maurath made a motion to work with Staff and review previous benefits and bring information back to the Board. The motion was seconded by Alderman Cruts. Upon a vote being taken, the motion passed unanimously by the Committee.

COMMUNITY AFFAIRS – *Ald. Clauss, Chairman (Yarbrough, Maurath, Heard)*

• **Discussion regarding the Annual Lighting Ceremony.**

Typically, Staff would bring the request to hold the Annual Lighting Ceremony to the Board in September, however, due to the current unknown COVID-19 situation, Staff feels it is too early to make a decision on this matter and will present it to the Board for consideration in October.

Alderman Clauss suggested to forward to the October Board of Aldermen Committee meeting for further consideration of annual lighting ceremony for further review of Covid concerns and guidance.

• **Discussion regarding alternate delivery options for the City's monthly newsletter.**

Alderman Clauss shared in discussion with City Administrator Nikki Finkbiner, with the amount of surplus of newsletters, there is a request to consider a survey of residents for delivery via email or access through the website/social media and discontinue mailing of newsletters.

Alderman Clauss made a motion to forward to the September Board of Aldermen meeting the request to publish notice to residents for further consideration of alternate delivery options for the City's monthly newsletter. The motion was seconded by Alderman Heard. Upon a vote being taken, the motion passed unanimously by the Committee.

CAPITAL IMPROVEMENTS – *Ald. Huels, Chairman (Cruts, Maurath, Heard)*

There were no items for discussion.

PUBLIC WORKS/FORESTRY – *Ald. Wisbrock, Chairman (Yarbrough, Clauss, Jokerst)*

• **Request for acceptance of a City Street Striping Bid.**

The bid opening for the City Street Striping Contract was held on August 12, 2021. This project consists of striping roadways and painting of arrows and stop bars throughout the City. This Contract is for one (1) year with the option to renew for up to two (2) additional years. The City received two (2) bids for the contract.

STF, LLC dba Traffic Control Company submitted the lowest bid for a total of \$52,890.46. This price is for the first year with a three percent (3%) increase each year for the following two (2) years if the City decides to renew.

At this time, it is requested to approve STF, LLC dba Traffic Control Company for the City's Street Striping Contractor.

Alderman Wisbrock made a motion to forward to the September Board of Aldermen meeting the request of acceptance of a City Street Striping Bid. The motion was seconded by Alderman Jokerst.

Alderman Clauss inquired if there was any concern for amount of money being spent to paint streets. Alderman Jokerst replied lowest bid is suggested. City Administrator Nikki Finkbiner shared the bid is for stop blocks and striping, it is budgeted each year, and Dan is saying it needs to be done, but unfortunately current vendor was not able to complete by the end of their contract at the end of July.

Alderman Heard voiced he believes it is a safety concern and reflects a symbol of needed maintenance and caring for the community.

Alderman Wisbrock discussed portion of road on Old Gravois that was torn up by Missouri American Water for water line repair and they do not pay for repainting or restriping of repaired roadway. And further striping has not been performed in several years as there are places you cannot even see it, and with Staff shortages, increase risk of injuries to block traffic, and equipment and signage needed, it is not beneficial to perform in-house.

Alderman Maurath stated he would argue that Missouri American Water is responsible for their repairs to include stripping and painting. There is a section of the River Road that Missouri American Water, for over one year, has still not been repaired to satisfaction. Alderman Wisbrock expressed he agrees and believes that River Road project is still pending and not signed off yet.

Alderman Clauss inquired if they were responsible to repair to same condition prior to repair. Alderman Wisbrock replied they are responsible to repair in like. Alderman Clauss suggested follow up of repair at San Sebastian and San Simeon. Alderman Wisbrock replied that is on current list that is submitted to Missouri American Water for follow up repair every week.

Upon a vote being taken, the motion passed unanimously by the Committee.

INFORMATION SERVICES – *Ald. Heard Chairman (Yarbrough, Wisbrock, Huels)*

There were no items for discussion.

MISCELLANEOUS

- **Request to forward a Bill to the September Board Meeting calling the Tuesday, April 5, 2022, General Election**

Alderman Maurath made a motion to forward to the September Board of Aldermen meeting the request to forward a Bill to the September Board Meeting calling the Tuesday, April 5, 2022, General Election. The motion was seconded by Alderman Clauss. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

- **Consideration of the placement of Purple Heart signs.**

As a follow up to the memo from Dan Howard, Public Works Director dated July 28th in reference to the placement of Purple Heart Signs and the discussion at the August 5th Committee Meeting:

As discussed at the August 5th Committee Meeting, Staff has verified that the City became a Purple Heart City on February 28, 2019. It is further noted Sydney Staton, Commander of the Military Order of the Purple Heart (MOPH) Missouri Chapter 125 shared they hold their meetings at the American Legion Post #400-Fenton.

One sign has been placed at the entrance to the City Park near the Heroes Memorial and Staff is looking for direction as to where to place the other two signs.

Suggested locations were:

- City Hall
- American Legion Post on Gravois Road
- near Fenton Fire House #2 on Bowles Avenue and Horan Drive
- Highway 141

Once the locations have been decided, Public Works will place the signs or if applicable, work with St. Louis County or MoDOT for an agreement to place signs in prospective right-of-way.

After discussion, Alderman Clauss made a final motion to place the second (2nd) sign by the American Legion Post on Gravois Road and work with MoDOT for agreement to place third (3rd) sign on Highway 141 near City Hall. The motion was seconded by Alderman Wisbrock. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

- **Consideration of a Liquor License for Missouri Pickleball Club, LLC.**

Missouri Pickleball Club, LLC, 747 Gravois Bluffs Boulevard, Fenton, MO 63026 has made an application for a liquor license with the City of Fenton for liquor by the drink and Sunday sales, consumption on the premises.

The applicant has submitted all needed documents to process the liquor license and meets the qualifications of Section 600.055; (*contingent on final approval of Occupancy Permit*).

Alderman Huels made a final motion to approve the request for liquor license for Missouri Pickleball Club, LLC. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

- **Discussion regarding Board of Aldermen Committees.**

Mayor Brasses stated he put this on the agenda to discuss what committees do, what a chairman does and what they should not do since it is not defined in the Code. Mayor Brasses discussed that aldermen should not speak to vendors directly as they can assume you are making a promise for which you could be liable and asked the City Attorney to discuss the role of legislatures. City Attorney Erin Seele discussed that aldermen have no individual power but as a legislative body pass laws and determine policy to steer the City in the direction the Board believes the City should go – such as prioritize funding on stormwater over other items and policies on how to make purchases. It is then Staff's role to implement those policies and budgetary decisions to move the City forward in the direction designated by the Board. City Attorney Seele also echoed the Mayor's concerns about contacting vendors directly for the reasons stated by the Mayor as well as to avoid conflict of interest, appearance of impropriety, or bias. Finally, City Attorney noted that Committees are unique to Fenton so it really is up to Fenton as to how they operate but more clarity could be helpful so there is more guidance.

Discussion ensued as to whether the Board needed to have more firm rules as to the role of Committees and specifically for Chairpersons – how involved should they be in City processes and Staff meetings. The Board seemed comfortable without written rules and noted there needed to be a balance between being informed and able to represent the committee and overstepping Staff's authority or performing the job Staff is hired to perform. Discussion also centered around the need for more focus on economic development and the need to add economic development to one of the existing committees to work on attracting businesses that would be a good fit for Fenton.

Following discussion, Alderman Clauss made a motion to add Community Development to Community Affairs. The motion was seconded by Alderman Maurath. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

EXECUTIVE SESSION

There was no executive session held.

ADJOURNMENT

At 8:46 p.m., with no other business before the Board, Alderman Maurath made a motion to adjourn. 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.

Respectfully submitted,

Jane Hungler
City Clerk
City of Fenton

DRAFT