

**CITY OF FENTON**  
**625 NEW SMIZER MILL ROAD, FENTON, MO 63026**  
**MINUTES OF THE BOARD OF ALDERMEN COMMITTEE MEETING**  
**THURSDAY, SEPTEMBER 9, 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 Board of Aldermen 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 9, 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 - *Present*

Alderman Brian Wisbrock - *Present (7:50 p.m.)*

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*

City Planner Amy Starck - *via video conference*

Public Works Director Dan Howard - *via video conference*

Financial Consultant Tammy Alsop - *via video conference*

Parks and Recreation Director Tye Lydon - *via video conference*

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

City Clerk Jane Hungler - *via video conference*

## MAYOR'S COMMENTS

Mayor Brasses shared he feels there may have been some misinterpreted communication at last week's meeting, it was not to put anyone down or tell anyone off, it was addressed with the considerations of Staff and Board working in the same direction with roles and responsibilities.

## PUBLIC COMMENTS

There were no public comments.

Alderman Huels made a motion to move Park and Recreation topic of outdoor leisure pool item next on the agenda as the representative for the topic was in attendance via Zoom. The motion was seconded by Alderman Clauss. The motion was passed unanimously by voice vote.

### ▪ **The Park and Recreation Committee was given an update regarding the outdoor leisure pool.**

Ryan Casserly with Westport Pools updated the Board on the pool project, as they were engaged in July to identify areas that were leaking. An area was identified in the lazy river area, however upon removing a part of the structure in that area, there was no leak yielded; there was no evidence of water or plumbing damage in that area. Alderman Huels inquired if there are two (2) separate leaks. Ryan Casserly further shared unfortunately, sometimes chasing a leak is trial and error, there may be multiple leaks but unsure at this time. Currently, another area has been identified in the shallow part of the pool and is currently marked and ready for demolition within the next few weeks for further investigation. That will require demolition phase of excavating concrete out and part of the shell to exposing piping to see if that piping has sheared off or has separated. Then if leak issue is found, a repair phase would be presented.

Alderman Jokerst shared her concern because she thought a pressure test determined the leak was in the lazy river area and now on the opposite side of the pool is suggested for the leak, she believes it does not support effectiveness of the pressure test. Alderman Clauss inquired if a helium test was performed. Ryan Casserly replied pressure tests are somewhat conclusive, but not a hundred percent. A helium gas test has been performed to help identify the leak and a consultant, American Leak Detection, is being utilized.

Alderman Cruts also questioned the accuracy of the test. Alderman Heard shared he felt the tests were more of a precise science and asked what confidence they have on current location. Ryan Casserly replied process is not exact science and leaks are difficult to identify. Alderman Jokerst suggested to the Board consideration for another plan should be considered for continuing to tear up the pool chasing possibilities.

Mayor Brasses asked how many pools they have done, experiences that were similar. Ryan Casserly replied, Westport Pools has been in business for 54 years. They troubleshoot and detect leaks, approximately 20 to 30 pools a year and issues depend on age of pool, mechanical issues, and subsurface conditions.

Alderman Cruts inquired on type of current pipes in the ground. Ryan Casserly shared he believes it is schedule 40 PVC piping return line. Alderman Huels inquired on timeline concern to be completed before winter weather. Ryan Casserly shared he does not have a timeline concern. Alderman Heard inquired if another method of determining a leak might be a more precise option and the average life expectancy of a pool of this type. Ryan Casserly replied, helium tests are the most accurate method, sound tests are the lowest accuracy, and life expectancy depends on condition of the structure, mechanical life, and functional life.

City Administrator Nikki Finkbinder stated currently the City has spent around \$5,000 trying to detect this leak and is anticipating another \$4,000 for this this additional work and there will be additional cost when leak is found for the repair. City Administrator Nikki Finkbinder shared she did not feel at this time they were throwing good money to waste but would still suggest an audit of pool. As Saint Charles recently replaced both of their pools that were about the same age at a cost of \$8 million.

Alderman Maurath suggested to continue investigation for leak in the shallow end as discussed, then have an assessment of the pool completed. Alderman Clauss inquired if \$4,000 was to find leak and if that cost included restoration of the holes. City Administrator Nikki Finkbiner replied, this quote does include find and repair (pending the size of the hole needed to make the repair).

Alderman Maurath made a motion to move Planning and Zoning topic Case 2021-SUP-13 item next on the agenda as the Petitioner for the case was in attendance via Zoom. The motion was seconded by Alderman Huels. The motion was passed unanimously by voice vote.

- **Approval, with conditions, of CASE 2021-SUP-13: A Petition by Mirranda Cardinali of Osage Valley Counseling, LLC for a Special Use Permit operate a Medical Office (counseling) at 320 Gravois Road, Suite 230. The property is zoned “OT-2” Olde Towne District.**

**Conditions of Approval:**

1. Approval of the Special Use Permit is for Osage Valley Counseling, LLC to operate Medical Office (counseling) at 320 Gravois Road, Suite 230, as indicated on the site plan provided with the application and dated August 4, 2021.
2. Compliance with all other applicable City Codes and Ordinances.

Mirranda Cardinali explained they will be providing individual, couple, and family counseling to children, adolescents, and adults.

Alderman Maurath made a motion to resume the agenda as presented. The motion was seconded by Alderman Yarbrough. The motion was passed unanimously by voice vote.

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

- **July 31, 2021, Monthly Financial Report.**

Alderman Heard summarized the monthly financial report.

Upon review of sales tax redistribution and discussion with Financial Consultant Tammy Alsop, there seems to be concern of General funds sales tax redistribution as it appears there may be changes? in how the County is calculating disbursement as they use a redistribution formula.

City Administrator Nikki Finkbiner shared that her and Tammy met with the County Treasurer regarding the distribution and in discussion with the County, per HB 1561 for “B” sales tax, if total revenues from the previous calendar year is less than or equal to the amount of such revenues which were collected in 2014, the redistribution will be calculated on a population basis. Since the County took in less revenue in 2020 than 2014, the City is no longer guaranteed 50% for the B side and it goes back to the old formula for 2021. Given this information for calculation, the anticipated reduction amount for “B” sales tax revenue for Fenton will be approximately \$1 million. The County did not inform municipalities of this loss. Tammy has requested a monthly report going forward to watch this for 2022 since the County is on the cusp for revenues not being higher in 2021 than 2014. City Administrator Nikki Finkbiner shared she will be reaching out to other municipalities to inquire if they are aware of this issue.

Financial Consultant Tammy Alsop shared as there were no transfer of funds in the General Fund Account last year with anticipated loss of revenue due to Covid, and she feels the \$7 million fund balance will help cover this loss. Also, budget reflects all departments fully staffed and currently departments are not fully staffed, many capital projects were put on hold or moved to future project lists, and the City will get ARPA funds, so these items will help offset the loss this year. Financial Consultant Tammy Alsop stated this distribution does not affect the park/stormwater tax.

City Administrator Nikki Finkbiner shared that they also spoke with St. Louis County Municipal League, and they have requested a list of all municipalities this affects. Staff will work with and inform those affected municipalities of this redistribution issue. As the County still has remaining CARES funds, and will research if funds can be requested to cover this loss. City Administrator Nikki

Finkbinder suggested maybe Community Affairs/Community Development Committee could start a campaign to encourage shopping local and educate public of benefits of shopping brick-and-mortar stores.

Alderman Maurath inquired if the funds available were accruing interest. Financial Consultant Tammy Alsop replied yes, but at a low rate. Alderman Heard inquired if this was a state law. City Administrator Nikki Finkbinder replied yes, however it only affects St. Louis County. Alderman Maurath shared when that bill was presented, the City of Fenton and the City of Chesterfield spent a lot of money to try to get the bill reversed.

Alderman Heard further inquired on the Wayfair law. City Attorney Erin Seele shared the Wayfair tax will be on the April ballot, as the St. Louis Municipal League, Missouri Municipal League and surrounding municipalities will be campaigning and provide a wider education of the tax. Concerning advocating for the tax, City Attorney shared caution should be taken because although the law was struck down, the case is being appealed, and although it suffers from the same illegalities found by the circuit court, the state legislature re-enacted the law. Therefore, the law being challenged is different than the one reenacted. The Mayor can still advocate through media statements, however.

Alderman Heard inquired if the revenue continues to be less than the 2014 threshold the “B” disbursement could continue into 2022 budget. City Administrator Nikki Finkbinder replied it is possible.

Alderman Maurath shared he feels confident with the City not having any debt, being mindful of spending, and considering other revenue sources, the City should be ok through this shortage.

## **PARK & RECREATION COMMITTEE MEETING SEPTEMBER 1, 2021 – UPDATE/ DISCUSSION**

*Ald. Huels, Liaison*

All recommendations from the Park and Recreation Committee will be forwarded to the next Board Meeting for approval unless otherwise noted.

- **Announcements from the Park and Recreation Committee Meeting:**

- The new hours of operation at RiverChase will be Monday – Thursday 6:00 am – 9:00 pm, Friday: 6:00 am – 8:00 pm, Saturday: 8:00 am – 8:00 pm and Sunday: 10:00 am – 6:00 pm.

Alderman Wisbrock inquired on attendance. Parks and Recreation Director Tye Lydon replied attendance is up Monday thru Thursdays, however Friday evenings and Sundays are very low.

- The next Park and Recreation Committee Meeting is October 4<sup>th</sup> at 6:30 p.m.

- **The Park and Recreation Committee recommended the following:**

- **Hosting a music and food truck event at Fenton City Park on a Sunday in October from 3:00 p.m. – 6:00 p.m.**

Alderman Maurath inquired who was responsible for the permits if the City sponsors the event and if fees could be waived. City Administrator Nikki Finkbinder shared code states for food trucks, if event is related to an event in the park specifically sponsored by the City, if they provide proof that they have required St. Louis County Health Department license, it can be approved without Board approval, unless they would not possess the necessary liquor license. The liquor license would require a special meeting to be called to approve it. Parks and Recreation Director Tye Lydon to coordinate with the vendors to hold near the Hitzert pavilion special event area and inquire if a covered band stand could be obtained from County or the City of Ballwin in case of weather. Public Works Director Dan Howard to ensure electrical working properly. Keep the event as simple as possible due to the short timeframe.

After discussion, Alderman Huels made a final motion to approve hosting a music and food truck event at Fenton City Park on Sunday, October 10<sup>th</sup> from 3:00 p.m. – 6:00 p.m. The motion was

seconded by Alderman Maurath. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

▪ **Planting native plants around the entrance sign at Bud Weil Park.**

Alderman Huels made a final motion to approve the planting native plants around the entrance sign at Bud Weil Park. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

**PLANNING & ZONING COMMISSION MEETING SEPTEMBER 7, 2021 – UPDATE/DISCUSSION**

*Ald. Maurath, Liaison*

All recommendations from the Planning and Zoning Commission will be forwarded to the next Board Meeting for approval unless otherwise noted.

Alderman Maurath stated for the record that he wanted to commend former commission member Jerry Odenal upon the end of his term ended, he retired after serving for a number of years and also served as a chairman of the commission through out his terms. He will be receiving a brick and a certificate from the City in honor of his service.

• **Announcements from the Planning and Zoning Commission Meeting:**

▪ The Planning and Zoning Commission elected Callan Yeoman as Chairperson, Kevin Sherrel as Vice-Chairperson, and Deb Abbott as Secretary.

▪ The Planning and Zoning Commission continued the following cases to the next Planning and Zoning Commission Meeting:

• **CASE 2021-TXT-07:** Consideration of amendments to the Zoning Code related to the General Code Codification Analysis.

• **CASE 2021-TXT-08:** A Petition by Michael Tierney for a Text Amendment to amend the Zoning Code to allow Camping as a use allowed by Special Use Permit in the “OT-5” Olde Towne District.

• **CASE 2021-SUP-12:** A Petition by Jake Tierney for a Special Use Permit for Camping at 86-88 Opps Lane. The properties are zoned “OT-5” Olde Towne District.

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

▪ **Approval, with conditions, of CASE 2021-SUP-11:** A Petition by William Franzen of Axes Physical Therapy, LLC for a Special Use Permit to operate a Medical Office (physical and occupational therapy) at 53 Fenton Plaza. The property is addressed as 14 Fenton Plaza and zoned “OT-2” Olde Towne District.

**Conditions of Approval:**

1. Approval of the Special Use Permit is for Axes Physical Therapy, LLC to operate an outpatient physical and occupational therapy clinic at 53 Fenton Plaza, as indicated on the site plan provided with the application. Said use shall not provide overnight care.
2. Compliance with all other applicable City Codes and Ordinances.

Alderman Maurath briefly explained the petition. There were no questions or further discussion.

**HEALTH/SAFETY** – *Ald. Jokerst, Chairman (Yarbrough, Wisbrock, Clauss)*

• **Discussion regarding security cameras at 900 Gregory Lane (former Police Building).**

The City currently uses the City owned building at 900 Gregory Lane for overflow storage. Due to on-going vandalism, Staff is suggesting that the Board consider installing security cameras. A quote from ENT to install cameras on the building for security purposes, similar to the cameras installed at Public Works, Fenton Sports Complex, and the Fenton City Park concession stand/maintenance building was

available for review. It was noted that the proposed cameras are “point to point” cameras due to the lack of internet at the facility and that the cameras can be removed and utilized elsewhere in the future if needed.

Alderman Jokerst shared she thought Captain Lawson was to review before moving forward with request for cameras. City Administrator Nikki Finkbiner replied she was not aware that being part of the motion from the last discussion. However, the police have further reviewed other ways to secure the building and have discussed those ideas with the Public Works Department.

Captain Lawson shared they have reviewed the building for further concerns to secure the building, suggested motion lights as a deterrent, and cameras would be a benefit. City Administrator Nikki Finkbiner explained the proposed point-to-point wireless cameras would send notification of any motion detected to designated personnel in real time so that police could be dispatched. Captain Lawson stated prosecution and penalty depends on age of violator, either family court or municipal court. Alderman Maurath suggested a log of security checks of all facilities.

Alderman Cruts, Alderman Wisbrock, Alderman Yarbrough, Alderman Huels, and Alderman Heard expressed they are in favor of further securing the building for liability concerns and installing cameras.

Alderman Jokerst inquired on status of cleaning building. City Administrator Nikki Finkbiner shared one dumpster has been filled with recyclables and scheduled for pickup and cleaning continues on the removal of other items as time allows in the Public Works Department due to Staff shortage.

After discussion, Alderman Jokerst made a motion to forward the request to secure building and security cameras for 3-year license at 900 Gregory Lane (former Police Building) to the September Board of Aldermen meeting. The motion was seconded by Alderman Yarbrough. With the topic being a security concern Alderman Yarbrough rescinded his second. Alderman Jokerst rescinded her first.

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

Alderman Jokerst made a final motion to approve the ENT quote with a three (3) year license for security cameras for \$5,864.46, further secure the building, install signage, and install motion lights. The motion was seconded by Alderman Yarbrough. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

## **MISCELLANEOUS**

- **Request to destroy records in accordance with the Missouri Records Retention Schedules.**

A list requesting to destroy files was reviewed and met the retention requirements as stated in the Missouri Municipal Records Retention Schedule.

Staff requested the Board approve a one-time shredding service to pick up files from locations as this provides for secure destruction and provides the necessary capacity to make short work of large shredding jobs. To have The Shred Truck perform a secure on-site one-time shredding service, with a cost of \$89.00 per 96-gallon bin (which holds 10 copy paper boxes per bin), with an anticipated 300 boxes; Staff is requesting final approval for a one-time shredding cost not to exceed \$2,800.

Alderman Clauss made a final motion to approve the request to destroy records in accordance with the Missouri Records Retention Schedules as submitted. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

- **Intergovernmental Cooperative Agreement with Valley Park regarding Code Enforcement Services.**

City Attorney Erin Seele shared under the direction from the Board a draft Intergovernmental agreement was prepared and reviewed by the Valley Park City Attorney and the Valley Park City Administrator. The exhibit is still to be drafted, the exhibit will give Staff the authority to amend due to the flex scheduling and the coverage details for Workers Compensation needs to be added. As the City of Fenton is the employer, he will be covered under Fenton's policy, however when he is performing duties for Valley Park the coverage for Workers Compensation should be covered under Valley Park's policy or an additional expense to Valley Park to cover the full liability. The salary will be split 50/50, with time being split equally each payroll, the term is one (1) year that automatically renews, will terminate automatically if Fenton terminates employment relationship, and Valley Park indemnifies Fenton as Fenton is the employer. City Administrator Nikki Finkbiner shared a draft copy was reviewed by Fenton's risk management provider, Daniel and Henry, the only concern they had was the concern of the Workers Compensation also.

Alderman Jokerst inquired if agreement would be null and void if Valley Park wants to terminate. City Attorney Erin Seele replied it is a one (1) year agreement and there is no right for Valley Park to terminate under this draft but has the right to not renew. Alderman Maurath inquired on vehicle needs. City Administrator Nikki Finkbiner replied, yes and a computer will be relocated for this position.

Alderman Maurath made a motion to forward the request for Intergovernmental Cooperative Agreement with Valley Park regarding Code Enforcement Services to the September Board of Aldermen meeting to allow time for the exhibit and other minor changes to be completed. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

**EXECUTIVE SESSION**

At 9:00 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 a contract is executed, or all proposals are rejected. 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 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 unanimously passed by the Board of Aldermen.

**ADJOURNMENT**

At 9:26 p.m. Mayor Brasses reconvened the meeting at which time, with no other business before the Board, Alderman Cruts 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