

CITY OF FENTON, MISSOURI
625 NEW SMIZER MILL ROAD, FENTON, MO 63026
MINUTES OF THE BOARD OF ALDERMEN COMMITTEE MEETING
THURSDAY, FEBRUARY 3, 2022
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 State of Emergency (as specified in the notice above) on Thursday, February 3, 2022.

PLEDGE OF ALLEGIANCE - Mayor Brasses led the Pledge of Allegiance.

ROLL CALL

City Clerk Jane Hungler called the roll:

Alderman Ralph Cruts - *Present (7:10)*
Alderman Kevin Yarbrough - *Present*
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 by 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*
Public Works Director Dan Howard - *via video conference*
City Clerk Jane Hungler - *via video conference*
City Planner Amy Starck - *via video conference*
St. Louis County Police Precinct Captain Kevin Lawson - *via video conference*

MAYOR'S COMMENTS

Mayor Brasses shared presentation, attached as part of the minutes.

Alderman Maurath requested to comment. Mayor Brasses stated it was Mayor's comments and he could request to speak under public comments. Alderman Maurath noted for the recorded that he requested his three (3) minutes time under public comments.

Mayor Brasses continued his presentation.

Alderman Maurath called for a point of order and asked City Attorney Erin Seele if the Mayor was also held to the three (3) minutes rule. City Attorney Erin Seele replied the Board has never extended the three (3) minute rule past what is known as public comments and noted this is Mayor's comments not public comments.

PUBLIC COMMENTS

Alderman Maurath shared he wanted to comment on the Mayor's lecture. He feels there have been in the last few meetings Alderpersons that have raised their hand to speak and they have been ignored, that is why they need to speak up and over, and expressed the he thinks the Mayor needs to do a better job at recognizing people and not just picking who he wants. He feels the case was closed with the veto and to carry on using Staff time was just a waste of money. He stated he is really disappointed the way this whole thing turned out. They had discussions in committee about whether or not they felt four (4) weeks, or two (2) weeks was adequate, and the majority of the Board of Aldermen decided that two (2) weeks was best interest. Alderman Maurath voiced he did not honestly think the Mayor came out as a big heavy hitter, and then to just attack himself and the other members of this Board, he does not think that was fair nor right. This is a group of people who backed the Mayor, worked with him, felt as though they had somebody in place that was going to propel the City. Alderman Maurath voiced he was sorry to say he does not see that any longer. Alderman Maurath shared that the Mayor beat people up especially him but it seems like he does not want to listen. He feels this was a dead horse after the veto, he did not see anybody on this Board lose their cookies because it was vetoed, he told us he was going to veto and the Board knew what the rules are, six (6) or 2/3. He expressed that was just a waste of everybody's time and energy and they have to move this City forward; there are a lot of things before them. He shared he is really disappointed in the way this whole thing came out and feels it did not have to happen that way and have really burned a lot of bridges. He stated he does not care what the Mayor says, there is nobody on this Board that has said anything about participation; Mayor seems to like to take things out of context, and when people ask questions that is their job and for people to get aggravated or disappointed when they ask those questions, he does not think it is fair nor right.

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

• **Consideration of an agreement renewal with Flock Group, Inc. for License Plate Readers.**

Currently the City has a one-year agreement with Flock Group, Inc. for ten (10) License Plate Readers in the City, as approved by Ordinances 4083 and 4108. Said agreement is set to expire at the end of March 2022.

Per Flock, renewal for another one-year term for the ten (10) LPRs will be at the same cost as the initial period - \$25,000. At this time, Staff is seeking direction from the Board regarding the renewal.

Alderman Jokerst asked Captain Kevin Lawson the share how the cameras have been beneficial to the City and the Police Department. Captain Lawson shared examples of the benefits to the City and Department.

Following discussion, Alderman Cruts made a motion to forward to the February Board of Aldermen meeting the consideration of an agreement renewal with Flock Group, Inc. for License Plate Readers. The motion was seconded by Alderman Wisbrock. Upon a vote being taken, the motion passed unanimously by the Committee.

Alderman Maurath made a motion to move Information Services topics next on the agenda. The motion was seconded by Alderman Wisbrock. The motion was passed unanimously by voice vote.

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

- **Consideration of a quote for new security cameras at RiverChase.**

In early 2018, the City had 15 security cameras (indoor/outdoor) installed at RiverChase by Hackett Security per a contract approved via Ordinance 3720 at a cost of \$16,988.50. In early 2019, the City had one (1) additional indoor camera installed at RiverChase per a contract approved by Ordinance 3881 at a cost of \$1,223.50.

Shortly after the 2018 installation, the camera installed to capture vehicular traffic along the driveway stopped working due to an electrical surge. In 2020, following issues to get the camera issue resolved by Hackett, the Board approved to have the City's IT Service provider, ENT, replace the camera. That camera has since been struck by lightning again and needs to be repaired.

Additionally, during investigation of issues regarding vehicle vandalism and tampering on the parking lot, it has been noted that there are blind spots in the parking area coverage. The reason for the blind spots was/is due to tree coverage.

Staff requested that ENT review the City's current camera system to recommend how the exterior blind spots can be resolved. Following review of the system, ENT suggested that the City consider newer generation bullet cameras that can resolve the exterior blind spot issues. Additionally, they suggested replacing the entrance camera (damaged by an electrical surge) with an improved LPR camera that will also be grounded (not just installed with a surge protector). The total cost to replace the existing exterior cameras, including the LPR, is \$12,056.65 with an option for an additional camera at \$2,104.37.

Furthermore, after reviewing the interior cameras, ENT provided a quote to replace all of the interior cameras with newer generation cameras (and also suggested that some be moved to provide better coverage). The total cost for the proposed interior camera replacement is \$15,518.75.

Based on the above, Staff suggests that the Board minimally consider replacement/upgrades to the exterior cameras, including the LPR camera, due to recent vandalism issues.

Following discussion, Alderman Heard made a motion to forward to the February Board of Aldermen meeting the consideration of a quote for new security cameras at RiverChase and get engineer to evaluate options for camera placement to avoid lightning strike again. The motion was seconded by Alderman Yarbrough. Upon a vote being taken, the motion passed unanimously by the Committee.

- **Request to purchase GovBuilt software for Community Development and terminate existing contract with iWorQ.**

Staff has been utilizing iWorQ for Community Development software since July of 2020. In that time, Staff has found the software does not meet the needs of the department and has not increased efficiency. The program is not able to offer the customization that is needed to process permits and monitor and address Code Enforcement complaints without causing Staff to have to duplicate data entry. As the crux of the Permit Coordinator position is data entry and data tracking is paramount to the City's permit process as well as Code Enforcement, Staff is requesting to terminate agreement with iWorQ in order to utilize software that will meet the exact needs of the department.

At the January 13th Board Committee Meeting, Staff presented a proposal from GovBuilt for software that will meet the needs of the department. In response to questions raised at the Committee meeting from the Board, Staff and the Information Services Committee Chairman met with representatives of GovBuilt for additional discussion and demonstration. Staff also offers that upon contacting 6

references for GovBuilt, all agencies confirmed that the software is highly customizable and adaptable to their unique needs. Additionally, each reference offered that their processes have been more efficient thanks to unique workflows offered by the software. Each reference also confirmed that they would select this vendor again without hesitation.

At this time, Staff is requesting to 1) to terminate the contract with iWorQ and, 2) the Board waive the bidding procedure that requires Staff to obtain 3 bids, so that the City can enter a contract with GovBuilt with a renewal annual fee of \$9,450 and a one-time setup fee of \$11,500 as detailed in the pricing proposal. Upon review by the City Attorney, Staff is also requesting the Board consider the following provisions in the Master Services Agreement: 1) \$2,000,000 Project and Contract liability insurance coverage in lieu of \$3,000,000; and 2) that indemnification does not apply when loss is caused by gross or willful misconduct of the City.

Alderman Heard shared GovBuilt is a small firm and has a strategic interest to grow their business in Missouri. He feels GovBuilt has a feature rich product, has offered significant discounts and a commitment for onsite implementation.

City Planner Amy Starck shared iWorQ not offer customizable ability in their program and does not meet the needs of the department. GovBuilt program is customizable, and this will enhance the Cities current permit process and report options.

Alderman Maurath inquired where in the 2022 budget this expense was allocated. City Planner Amy Starck replied in the Capital Projects under Community Development Equipment, \$11,500. Alderman Maurath expressed he understood if budgeted in Capital Projects a request should come before the Board to go out for bid and if not the process, he suggested to review the procedure for amendment consideration.

Alderman Jokerst shared she reviewed the 2020 minutes regarding the request to purchase the iWorQ program. She has concerns as at that time Staff noted they had researched options to help streamline processing, tracking, and reporting and that software did not work as needed. She feels this request appears to be same research. She inquired if there was refund/warranty/return policy if program did not meet needs.

Alderman Heard expressed he feels there is strong commitment from GovBuilt to assure satisfaction and compatibility with the program. He further expressed that the department has experienced a program that did not meet needs of the department and have a better knowledge of what they do not want and what is needed from a different program.

Alderman Huels expressed financial concerns of a 2-year-old company and will submit a list of other questions/concerns to City Planner Amy Starck for consideration. Alderman Heard shared if company did not survive financially, the product set does not stop functioning.

City Administrator Nikki Finkbiner share if the Board desires request can go out for bid however, Dude Solutions and Community Pass are specific programs used in other departments. As the cost is in the Capital Plan, Staff is not required to request permission to seek bids, but it does require bidding procedures to be waived, if not approved it would be a formal bid. And further noted as this request is under \$15,000 it does not require a formal bid process.

Following discussion, Alderman Heard made a motion to forward to the February Board of Aldermen meeting to not renew the contract with iWorQ. The motion was seconded by Alderman Yarbrough. Upon a vote being taken, the motion passed unanimously by the Committee.

Alderman Heard suggested negotiating with GovBuilt for free trial period, inquire on satisfaction guarantee and bring back to Board in March. There were no objections.

Request to purchase new credit/debit card terminals for the Parks and Recreation Department.

Recently, Capturepoint, developer of the Parks and Recreation software Community Pass, transitioned to a new payment processor, Stripe. As indicated in the email, the department's 7 existing credit card "swipes" will no longer work with the new Stripe processor and Capturepoint is suggesting that if the City would like to continue to take credit/debit card payments via a payment processor (versus entering the information manually), the City will need to purchase Stripe terminals. Staff did verify that the proposed processor is specific to Stripe, and the City is not able to purchase a similar terminal from another vendor (sole source).

Based on the above, Staff is seeking permission to minimally purchase 5 replacement terminals for the front desk at RiverChase and the Fenton Sports Complex/City Park Concession Stands at \$263.85/terminal, plus shipping and handling through Capturepoint. The additional 2 units for the RiverChase pool concession stand and pool booth can be purchased at a later date if needed.

Following discussion, Alderman Huels made a motion to approve purchase of five (5) new credit/debit card terminals for the Parks and Recreation Department. The motion was seconded by Alderman Heard.

Alderman Heard withdrew his second. Alderman Huels withdrew her first.

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

Alderman Huels made a final motion to approve purchase of five (5) new credit/debit card terminals for the Parks and Recreation Department. The motion was seconded by Alderman Yarbrough. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

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

Request to attend the 2022 MoCCFOA Conference.

Per Section 5.4.8 of the City's Personnel Manual, I am requesting permission to attend the 2022 MoCCFOA Annual Spring Conference March 13-17, 2022, in Columbia, Missouri.

Attending this conference would allow me to continue obtaining education points toward my Missouri Registered City Clerk – Continuing certification.

The expense, if approved, is allocated in the 2022 Budget:

	<u>Budget</u>	<u>Expense</u>	<u>Remaining</u>
10103 / 57745 Training & Education	\$400	\$330.00	\$70.00
10103 / 57720 Meals, Lodging & Travel	\$650	\$500.00	\$150.00

However, if a virtual attendance option becomes available, that is what I will be electing, therefore removing the Meals, Lodging & Travel expense.

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

Alderman Maurath made a final motion to approve request to attend the 2022 MoCCFOA Conference. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

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

- **Discussion regarding regulations for Commercial Vehicles.**

As discussed at the January 13, 2022, Committee Meeting, background information regarding the City’s commercial vehicles regulations, as adopted in 2012, was available for review.

Following discussion, Alderman Wisbrock shared as police have been addressing concerns, violations have reduced, and police are working with Code Enforcement Officers informing them of violation occurrences. Alderman Wisbrock stated at this time he feels the ordinance is good as written and further noted the process takes time to address and rectify.

- **Request to disseminate information and hold a public meeting regarding Proposition U – Local Sales Tax.**

Staff is requesting the needed resources (funding) and other approvals to disseminate facts/general information regarding Proposition U – Local Use Tax that will be on the April 5, 2022, General Election ballot.

1. Approval to place the “Fact Sheet” as a full page insert in the next City Newsletter. The approximate cost is \$500 for a color insert.
2. Approval to mail postcard in early March to approximately 1,700 residential units within the City. The approximate cost is \$850 for printing and postage.
3. Hold a public meeting in March at City Hall to answer citizen questions regarding the proposed Local Use Tax.

The Board can also consider utilizing the Billboard at I-44, as offered by the Fenton Area Chamber of Commerce –2022 Billboard pricing sheet was available for review.

A copy of a “checklist” provided by the MML that discusses suggested steps for informing the public of proposed Local Use Tax was available for review.

As a reminder:

- [State law, Section 115.646, Missouri Revised Statutes \(RSMo\)](#) prohibits all political subdivisions of the state, including municipalities, to expend public fund to advocate, support or oppose any ballot measure. This section does not prohibit a public official of a political subdivision from making public appearances or from issuing press releases concerning any such ballot measure.

Therefore, the City must restrict municipal messaging to facts such as the date of election, proposed use of the local use tax, and that the local use tax is not a double tax.

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

Alderman Clauss made a final motion to approve the needed funding to disseminate facts/general information regarding Proposition U – Local Use Tax via postcards, flyers, and newsletter, to have a public meeting, and renew and utilize the billboard for the annual rate (then can utilize billboard for other items later). The motion was seconded by Alderman Maurath. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

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

There were no items for discussion.

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

Alderman Huels acknowledged and thanked the Public Works Department for the great job the Staff did with the recent snow event, and she also received like comments from residents.

Alderman Yarbrough echoed his comment, and he too received great comments on their performance from residents.

MISCELLANEOUS

• **Consideration of a Memorandum of Understanding (MOU) with the Gravois Bluffs Transportation Development District.**

In response to Staff's conversation with the owners of Gravois Bluffs in regard to: 1) The Transportation Development District (TDD) and City of Fenton obligations regarding the maintenance of the rock wall along Gravois Bluffs Boulevard, and 2) the owner's desire to have City owned security cameras in the Gravois Bluffs area, the owner has proposed the Memorandum of Understanding (MOU) for consideration.

As requested by the Board during the November 4, 2021 Committee Meeting, the developer has also provided the below referenced documents:

1. A copy of the Intergovernmental Agreement between the City and the Gravois Bluff Transportation District (2000 and 2001, amended).
2. A contract for proposed TDD work in the spring of 2022, based on and including the Rock Wall Assessment by Midwest Testing as 10/21/2021.
3. Information on TDD work based on Midwest Testing Evaluation in 2019.
4. Email providing current balance in the District Account as of 11/24/2021.
5. Data regarding visits per year to Gravois Bluffs.

City Administrator Nikki Finkbinder suggested the topic be continued to March meeting as Bill Applebaum was unable to attend the meeting. There were no objections.

• **Board of Election Commissioner's request for the City to serve as a 2022 Polling Place.**

The Board of Election Commissioner's is requesting the City of Fenton serve as a polling place for the 2022 elections, if needed. The election dates are as follows:

- February 8, 2022 Bond Election;
- April 5, 2022 General Municipal Election Day;
- August 2, 2022 Primary Election;
- November 8, 2022 General Election; and
- Special Election(s), if called.

Alderman Clauss made a final motion to approve Board of Election Commissioner's request for the City to serve as a 2022 Polling Place. The motion was seconded by Alderman Huels. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

• **How to handle employee time off/pay during City closures due to inclement weather.**

Mayor Brasses shared a draft policy for pay for City closures due to inclement weather for discussion.

Alderman Jokerst expressed it is a starting point but should be under Personnel and requested more information from surrounding areas and past procedures.

Alderman Cruts stated he agrees there needs to be a policy/procedure but should be under Personnel.

After discussion, Alderman Maurath made a motion to continue discussion of how to handle employee time off/pay during City closures due to inclement weather to the March Committee Agenda under Personnel. The motion was seconded by Alderman Huels. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

Mayor Brasses asked the Board to consider discussing at the February 10th meeting regarding in-person session for the February 24th Board meeting.

EXECUTIVE SESSION

At 9:20 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. 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 passed unanimously by the Board of Aldermen.

ADJOURNMENT

At 9:45 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 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