

CITY OF FENTON, MISSOURI
625 NEW SMIZER MILL ROAD, FENTON, MO 63026
MINUTES OF THE BOARD OF ALDERMEN COMMITTEE MEETINGS
THURSDAY, JUNE 3, 2021
7:00 P.M.

Mayor Brasses 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 Brasses called the Board of Aldermen Meeting of the City of Fenton, St. Louis County, Missouri to order at 7:00 p.m. on Thursday, June 3, 2021. The meeting was held at Fenton City Hall.

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*

Alderman Joe Maurath - *Present*

Alderman Chris Clauss - *Present*

Alderman Robin Huels - *Present*

Alderman Tom Heard - *Absent*

Alderman Susan Jokerst - *Present*

Seven Aldermen were present at the opening of the meeting.

CITY OFFICIALS PRESENT:

Mayor Bob Brasses

City Attorney Erin P. Seele, Esq.

City Administrator Andrea N. Finkbiner

Public Works Director Dan Howard

City Planner Amy Stark

St. Louis County Police Precinct Captain Kevin Lawson

City Clerk Jane Hungler

MAYOR'S COMMENTS

No comments were made.

PUBLIC COMMENTS

No public comments were made.

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

- **Request to renew an agreement with REJIS for Municipal Court Management Software.**

Currently the City utilizes two (2) different software/licenses, REJIS and Show-Me-Courts, for Municipal Court Management. The Board approved the license with REJIS in 2015 via Ordinance 3524 and approved an add-on PAMS license through REJIS for the Prosecuting Attorney via a voice vote in May of 2020. (Please note that the REJIS and Show-Me-Courts software is required for the Courts and therefore is deemed sole source.)

Upon review of the existing agreement under Ordinance 3524 in relation to the annual subscription notification received from REJIS, it was noted by staff that the products/costs under Section I of agreement do not match the licenses/products currently utilized. Furthermore, it was noted that the addition of the PAMS license for the PA would be beneficial to have in the contract so that both licenses are within the same contract.

Based on the above, staff is requesting that the Board consider amending the existing agreement with REJIS, as approved under Ordinance 3524, to accurately indicate the current software/licenses utilized and to include the PAMS software/license.

Alderman Wisbrock verified the REJIS was for past cases. City Attorney Erin Seele replied yes.

Alderman Jokerst inquired how long the retention requirement of REJIS records. City Attorney Erin Seele replied until the retention period is reached typically five (5) years after case closes. At this time, the open cases in REJIS cannot be transferred to Show-Me-Courts.

After discussion, Alderman Cruts made a motion to forward to the June Board of Aldermen meeting the request to amend an agreement with REJIS for Municipal Court Management Software. The motion was seconded by Alderman Wisbrock. Upon a vote being taken, the motion passed unanimously by the Committee.

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

- **Request to amend job descriptions for certain Public Works positions.**

Upon review of proposed job descriptions, suggesting *minor* changes, for the remaining Public Works positions. The main objective was to add the “status” (i.e., full-time, part-time and exempt, non-exempt) to all the job descriptions; however, some minor formatting and other items were also addressed during the review.

Alderman Clauss inquired if the physical requirement on lifting requirements was accurate at 100 pounds. City Administrator Nikki Finkbiner replied yes, but the City has been working with Athletico “The Work Center” to perform on-site analysis, however, due to COVID, this analysis has been unable to be performed. Now that COVID restrictions are being lifted, the analysis will be evaluated as soon as possible.

After discussion, Alderman Maurath made a motion to forward to the June Board of Aldermen meeting the request to amend job descriptions for certain Public Works positions as presented. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Committee.

- **Request for additional Seasonal Worker positions at Public Works.**

Currently, the Public Works Department has three (3) approved Seasonal Worker positions. Public Works also has a total of fifteen (15) approved full-time Maintenance Worker positions. Of those fifteen positions, seven (7) positions are currently vacant.

Based on the above, Staff is requesting to increase the number of approved Seasonal Worker positions from three (3) to five (5) in order to assist the existing full-time Maintenance Workers for the 2021 summer season. This request is temporary, as Public Works will still continue to advertise for the open full-time positions and hopefully fill the same before next summer.

Alderman Maurath suggested advertising for this position earlier next year.

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 for up to five (5) additional Seasonal Worker positions at Public Works. The motion was seconded by Alderman Cruts. Upon a vote being taken, the motion was passed unanimously by the Board of Aldermen.

- **Request Second Quarter Career Achievement Awardees.**

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 April, May, and June anniversary for 2021:

Dan Howard – Public Works Director – 20 years - \$200.00 gift card

The achievement and gift certificate will be presented at the June 24, 2021 Board of Aldermen Meeting.

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

There were no items for discussion.

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

- **Request for an agreement for professional architectural and design services for the new pavilion at 995 Larkin Williams Road.**

As a follow up to the referenced matter from the May 6th Committee Meeting, Staff contacted Daniel and Henry regarding the replacement cost for the pavilion. Per Daniel and Henry, the City has already received a payout of \$48,700 for the pavilion; however, the claim is still open until the City decides to rebuild or close the claim. Per the City’s policy through Chubb, the City will be reimbursed for “like kind and quality”, however, they will not reimburse for any other items (decorative features, new water connection, etc.). Also, Chubb will not be able to provide an estimate of the reimbursement until they receive an actual quote to rebuild from a contractor (which would be achieved by the bid process).

City Administrator Nikki Finkbiner shared she spoke with the carrier, and they will consider covering the cost for engineering. City Administrator Nikki Finkbiner inquired if the Board wants to move forward with the agreement for professional architectural and design services for the new pavilion at the same location, or consider rebuilding a pavilion on a new location within the same property out of the flood zone. City Administrator noted that the current location was a highly used pavilion.

Alderman Maurath inquired if quotes could be obtained for prefab kit type pavilions to maximize money spent to build a new pavilion.

Alderman Jokerst stated facilities need to be upgraded.

Alderman Wisbrock inquired if the City could build two (2) smaller pavilions instead of one (1) the same size.

Public Works Director Dan Howard stated any pavilion will require an architectural seal to obtain permits for construction.

After discussion, Alderman Huels made a motion to forward to the June Board of Aldermen meeting the request for an agreement for professional architectural and design services for the new pavilion at 995 Larkin Williams Road. Alderman Huels rescinded her first.

City Administrator Nikki Finkbiner will speak with insurance company with questions for option to build two (2) smaller pavilions instead of one (1) the same size and also try to obtain quotes for prefab pavilions and bring back to the Board.

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

• **Request for an amended agreement with Rottler Pest & Lawn Solutions for Pest Control Services.**

Staff is in the process of reviewing all ongoing City contracts, agreements, and licenses assigned to each department. In review of the Public Works agreements, it appears that the existing agreement with Rottler Pest & Lawn Solutions was not approved by the Board of Aldermen.

Based on the above, staff requested that Rottler provide a revised agreement for consideration by the Board. In comparing the proposed agreement with the existing agreement executed in 2014, it was noted that only minor changes were provided and that the monthly cost to the City for pest control remains the same at \$95, but with the addition of a \$5 monthly charge for the Fenton Sports Complex (seasonally) for a total monthly cost of \$100. It is noted that the cost for this service is already in the City's budget. Similar to other City agreements, this agreement will automatically renew annually; however, if there is a future cost increase, staff will bring the same to the Board for further consideration.

Alderman Maurath thanked City Administrator Nikki Finkbiner for reviewing all the contracts and asked her to speak with the finance department to review the contracts more diligently when processing invoices.

After discussion, Alderman Wisbrock made a motion to forward to the June Board of Aldermen meeting the request for an amended agreement with Rottler Pest & Lawn Solutions for Pest Control Services. The motion was seconded by Alderman Clauss. Upon a vote being taken, the motion passed by the Committee.

• **Request for an amended agreement with Authorized Elevator for Elevator Services at RiverChase.**

Staff is in the process of reviewing all ongoing City contracts, agreements, and licenses assigned to each department. In review of the agreement with Authorized Elevator, which was approved by motion at the March 22, 2012 Board Meeting, staff was informed that a price increase for quarterly preventative maintenance inspections and as-needed service rates will take place this July (this is the first price increase since 2012).

Based on the above, Staff requested that Authorized Elevator provide a revised agreement for consideration by the Board in advance of the July renewal. In comparing the proposed agreement with the existing agreement executed in 2012, it was noted that only minor changes were included; however, as stated above, the quarterly inspection fee will increase from \$210 to \$245 and the billing rates, for as-needed service calls and repairs, will increase. It is noted that the cost for this service is already in the City's budget. It is further noted that this agreement is for three (3) years with an automatic renewal; however, if there is a future cost increase after the three (3) year term, Staff will bring the same to the Board for further consideration. City Administrator Nikki Finkbinder further noted the City should also have them on call for emergency issues.

After discussion, Alderman Wisbrock made a motion to forward to the June Board of Aldermen meeting the request for an amended agreement with Authorized Elevator for Elevator Services at RiverChase. The motion was seconded by Alderman Yarbrough. Upon a vote being taken, the motion passed by the Committee.

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

There were no items for discussion.

MISCELLANEOUS

• **Request for Amusement Licenses for Swing-A-Round.**

The City Clerk issues the amusement machine licenses, costing \$15 per machine, annually. Section 640.040(E) of the Municipal Code requires that the Board review the renewal licenses issued to an amusement park. Swing-A-Round at 335 Skinker, meets this definition and currently has 58 machines. Their site plan, on file with the Community Development Department, allows for up to 102 machines.

After discussion, Alderman Clauss made a motion to forward to the June Board of Aldermen meeting the Request for Amusement Licenses for Swing-A-Round. The motion was seconded by Alderman Yarbrough. Upon a vote being taken, the motion passed by the Board of Aldermen.

• **Missouri “Wayfair” Legislation Update.**

City Attorney Erin Seele updated the Board as Wayfair is a case to allow cities and states to begin collecting taxes on internet purchases. Missouri is last state to pass Wayfair legislation which will allow local governments to take advantage of the online purchases through passage of a use tax. The Bill is not signed yet, upon being signed, will take effect in August 2021.

This amended language provides that a vendor who has \$100,000 of gross receipts in taxable sales from delivery of tangible personal property into the State of Missouri over a 12-month period as measured from the last day of the preceding calendar quarter, are now engaged in business activities within this state, and therefore must pay applicable local use taxes for at least a 12-month period after meeting such requirement in addition to the state sales taxes. A vendor would then need to reanalyze its sales compared with the gross receipts threshold after such 12-month period to confirm they are still obligated to remit the use tax. This means a vendor may start paying use taxes in the middle of a calendar year depending on when it would hit that dollar threshold. If the vendor has less than a \$100,000 of gross receipts they would not be captured by this law.

The City will have to get a use tax passed by the voters to take advantage of this tax. City Attorney Erin Seele suggested to wait to place on the ballot, with consideration of strength in numbers for November or April ballot placement depending when other cities go for the vote and noted that MML will most likely put together form ballot language and talking points for cities.

The law does not prohibit a city from passing a use tax to cover these new sales/vendors and however, the use tax shall not be described as a new tax and additionally, the City cannot describe it is a not a

new tax. City Attorney Erin Seele noted that a court held 115.646 RSMo. (the law prohibiting public officials from using City resources to oppose or support a ballot measure) unconstitutional, but another bill from this legislative session re-passed and amended 115.646 RSMo. The effect of this court ruling, is unclear, however the City should plan to follow the newly passed 115.646 RSMo. until action is taken to challenge that newly passed law.

Mayor Brasses clarified if the Governor does not sign or veto the bill, that the bill will go into effect in August. City Attorney Erin Seele replied yes.

Alderman Maurath inquired on who pays the taxes on drive up pickups of purchases at businesses. City Administrator Nikki Finkbinder replied those taxes are paid to that business at the time the order is placed. City Administrator Nikki Finkbinder noted the tax in the Gravois Bluff should be 1% less now as the TDD has expired. She is currently in process of receiving copy of the notice that the tax has expired. There will be a notice placed in the newsletter and on the website.

- **American Rescue Plan Act (ARPA) Update.**

City Attorney Erin Seele updated the Board that more guidance should be forth coming for ARPA relating to permissible expenditures of the American Rescue Plan Act. The period for eligible funds is March 3, 2021 and ending December 31, 2024 and cities have until December 31, 2026 to expend the funds to cover obligations incurred. There are seven (7) categories for eligible expenditures:

1. Supporting the public health response; (This would cover additional equipment and police officers for court, payroll and benefits for public safety and police officers mitigating Covid).
2. Addressing the negative economic impacts caused by the public health emergency; (allows for cities to give grants to individuals businesses impacted by Covid. At this time there are not detailed Treasury guidelines. City Administrator Nikki Finkbinder shared the City could follow St. Louis County's guidelines for similar programs that have already been established. This category also allows cities to hire local government Staff to the pre-January 2020 levels, including job training and certifications).
3. Serving the hardest-hit communities and families;
4. Replacing lost public sector revenue to provide government services; (such as of police, and other public safety services).
5. Providing premium pay for essential workers;
6. Investing in necessary water and sewer infrastructure; and (eligible uses within each category, allowing for a broad range of necessary investments in projects that improve access to clean drinking water, and improve wastewater and stormwater infrastructure systems that are not being funded by Federal share but may allow planning).
7. Investing in necessary broadband infrastructure. (limited to under-served residents and business).

City Administrator Nikki Finkbinder shared the City will be receiving approximately \$746,000 in ARPA funds as the amount is based on population. In consideration of the lost revenue, the City would use pre-Covid budget 2019 vs 2020 amended budget, that loss could be allocated back to other services within the City and funds will be a separate line item for tracking purposes for auditing.

EXECUTIVE SESSION

At 7:50 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, and Section 610.021 (3) Hiring, Firing, Disciplining or Promotion Employees.

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 Sobey	<i>Aye</i>	Alderman Huels	<i>Aye</i>
Alderman Wisbrock	<i>Aye</i>	Alderman Heard	<i>Absent</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 8:45 p.m. Mayor Brasses reconvened the meeting at which time, with no other business before the Board, Alderman Huels made a motion to adjourn. The motion was seconded by Alderman Cruts. 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

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