



UNOFFICIAL DRAFT
MINUTES OF THE BOARD OF ALDERMEN MEETING
CITY OF BALLWIN – 300 Park Drive
March 28, 2016

STATEMENTS ATTRIBUTED TO INDIVIDUALS IN THIS “DRAFT” ARE NOT VERBATIM QUOTES. THE MINUTES OF THIS MEETING ARE REPORTED IN SUMMARY. THIS IS AN “UNOFFICIAL DRAFT VERSION” OF THE MEETING MINUTES. DRAFT VERSIONS OF MINUTES ARE SUBJECT TO REVIEW, MODIFICATION, AND APPROVAL OF THE BOARD OF ALDERMEN.

THE MINUTES ARE PREPARED IN SUMMARY TO REFLECT THE OVERALL DISCUSSIONS, NOT VERBATIM QUOTES.

The meeting was called to order by Mayor Pogue at 7:03 p.m.

Roll Call

PRESENT

ABSENT

Mayor Tim Pogue
Alderman James Terbrock *running late*
Alderman Michael Finley
Alderman Kevin Roach
Alderman Mark Stallmann
Alderman Frank Fleming
Alderman Jim Leahy
Alderman Ross Bullington
Alderman Kathy Kerlagon
City Administrator Eric Hanson
City Attorney Robert E. Jones

The Pledge of Allegiance was given.

MINUTES

The Minutes of the **March 14, 2016 Board of Aldermen meeting minutes** were submitted for approval.

Alderman Finley pointed out that Consent Item “F” under City Administrator’s Report was listed as “E” in the minutes and this should be amended. He also pointed out that he was identified as making the motion to approve Consent Item F. He stated he did not make the motion, but the vote was unanimous. He said this really doesn’t bother him but the person who made the motion may want to be identified.

No one identified themselves as being the person who made the motion. Alderman Finley said the wording could be left as is.

A motion was made by Alderman Fleming and seconded by Alderman Bullington to approve the **March 14, 2016 Board of Aldermen meeting minutes** as presented . A voice vote was taken with a unanimous affirmative result and the motion passed.

CITIZEN COMMENTS

Rick Stream, of 1229 Lockett Ln in Kirkwood, Missouri, addressed the Board to let it know he would be running for State Senate. He wanted to reintroduce himself. He thought he had spoken to the Board a few years ago when he was running for St. Louis County Executive where he lost. The margin was about two votes per precinct, so and stated each vote does count. He is running for State Senate to replace Eric Schmidt of District 15, whose term has run out. He stated he is working hard to win this seat. Assuming that he does win, he added, he would provide each Board member with his personal cell phone number and email address. He said, hopefully, come January, he will be the new State Senator from District 15.

NEW BUSINESS

LEGISLATION

BILL NO. 3922 PSD FOR ESSEN ESTATES SUBDIVISION

A motion was made by Alderman Fleming and seconded by Alderman Terbrock for a first reading of Bill No. 3922. A voice vote was taken with a unanimous affirmative result and Bill No. 3922 was read for the first time.

Scott Paul from Vanderbilt Homes, 2617 Wynncrest Ridge Dr, St. Louis, 63005 was present to answer questions from the Board.

Alderman Roach stated he was not supportive of a 30 ft. wide recreation area along Ries Road. He asked if Vanderbilt Homes had established any recreation areas this narrow in any of their other subdivisions.

Scott Paul stated there was a considerable debate about his proposal at the Planning and Zoning Commission meeting. There are two types of parks – active recreation and passive recreation. He explained that passive recreational areas have open spaces for wildlife and general environmental concerns, these passive parks are not necessarily your typical volleyball recreational space. He said that a 30 ft. wide recreational space is not for active recreation use. Passive recreation could be put in small strips and parcels such as big strips.

Alderman Fleming stated that this proposal was unanimously denied by the Planning and Zoning Committee. He asked if there was new information Mr. Paul would like the Board to consider, to influence the Board's decision.

Mr. Paul said that the basis of his whole debate is that the code is vague and gives developers the opportunity to get credit for parks and open spaces. One of the rules in the codes states such facilities shall "normally" have two acres. Mr. Paul said that when you have a three acre site you normally can't dedicate two acres to a park. He said that when the subdivision was designed, the developers went to great lengths to appease the different requirements. Had the developers not done this, there was the potential for them to pick up another lot in the design. He added that the developers came with a solid project and they did a good job in creating these areas.

A motion was made by Alderman Fleming and seconded by Alderman Leahy for a second reading of Bill No. 3922. A voice vote was taken with a unanimous affirmative result and Bill No. 3922 was read a second time.

A roll call vote was taken for passage and approval of Bill No. 3922 with the following results:

Ayes – Aldermen Leahy;

Nays -- Aldermen Fleming, Terbrock, Stallmann, Roach, Kerlagon, Finley, Bullington;

Bill No. 3922 failed with a vote 7 to 1

CONSENT ITEMS

None

MAYOR'S REPORT

Summer Meetings: Mayor Pogue provided the following meeting cancellations that he is recommending for the Board's approval:

May 23rd July 25th August 22nd

A motion was made by Alderman Roach and seconded by Alderman Leahy to approve cancelling these meetings. A voice vote was taken with a unanimous affirmative result and the motion passed.

A motion was made by Alderman Stallmann and seconded by Alderman Kerlagon to rescind the previously approved cancelled meetings. A voice vote was taken with a unanimous affirmative result and the motion passed.

Mayor Pogue provided a corrected meeting cancellation recommendation for the Board's approval:

May 23rd July 11th August 8th

A motion was made by Alderman Roach and seconded by Alderman Terbrock to approve the cancellation of these meetings. A voice vote was taken with a unanimous affirmative result and the motion passed.

House Bill 2809: Mayor Pogue informed the Board that this bill before the Missouri House will prohibit municipalities and counties from collecting sales tax for in-state or out-of-state motor vehicle purchases should the cities and counties not pass the use sales tax by November of 2016. Mayor Pogue expressed his concerns that if Proposition B does not pass in Ballwin, the City stands to lose \$1.2 million in revenue pursuant to this bill. He recommended that a motion be made to allow City Administrator Hanson to write letters to each House Committee Members, State Representatives and State Senators who represent Ballwin to oppose this bill.

A motion was made by Alderman Stallmann and seconded by Alderman Terbrock to have City Administrator Hanson write letters to the House Committee Members, State Representatives and State Senators who represent Ballwin, voicing the City's opposition and to ask them to oppose House Bill 2809. A voice vote was taken with a unanimous affirmative result and the motion passed.

Board of Aldermen Work Session: Mayor Pogue asked if anyone had a chance to review their calendars to establish a Board Retreat. He offered April 23rd as a possible date from 8am to noon. This date conflicted with the calendars of several other members of the Board. He asked that everyone look at their calendars soon and to get back to him with dates.

April 16th Ceremony: Mayor Pogue announced there will be a ceremony on April 16th in front of City Hall dedicating a section of Manchester Road for Army Sargent Zachary Fischer. This section will be designated as a Hero's Way. Sargent Fischer died in action on September 10, 2010 in Afghanistan and was a graduate of Marquette High School and grew up in Ballwin. Mayor Pogue explained that Hero's Way dedications have always been on Highway Interchanges. Mayor Pogue worked with the Fischer Family and State Representatives to have the legislation changed because they wanted a part of Manchester Road, where he grew up, to be in his honor. This change was made last fall. The signs will be ready for the ceremony on April 16th. He stated that if anyone is available and would like to attend, the ceremony will take place in front of City Hall at noon. The Hero's Way dedication will be on Manchester Road. from Ries Road to New Ballwin Road.. The signs will be on both sides of Manchester.

CITY ADMINISTRATOR'S REPORT

Street Repairs: City Administrator Hanson stated that milling work has begun on some of the City streets. This is the time of year when re-pavement and the replacement of streets begins throughout the City.

Tree Removal: City Administrator Hanson recapped the street tree replacement program. The majority of the Ash tree's targeted for removal this past winter have been removed without incident. Over 300 trees and stumps have been removed. Questions have come up about the availability of the resultant fire wood. City Administrator Hanson stated the firewood would be available after November 1st. The City has to allow the wood to season because the Emerald Ash Borer is present in the wood. He added that there will be quite of wood available over the next several years.

Alderman Leahy asked how the firewood pick-up would work. City Administrator Hanson said there is a large pile of wood that will be available on a first come first serve basis. Parks and Recreation Director Linda Bruer stated that the wood will be moved to the Pointe parking lot. She responded to Alderman Leahy's question that that there will be no supervision by staff and residents can pick up the wood at their pleasure until it is gone with no limits on the amount they can take.

City Administrator Hanson added that the tree replacement program starts on Friday, April 1st. Information is available on Ballwin's website. This is a first come, first serve program. There is a limited number of trees the City can support.

Prop B: City Administrator Hanson stated this measure will be voted on next week. He added that information is available on Ballwin's website, on social media sites and at the Government Center. He explained this ballot is tied to bill 2809 that Mayor Pogue mentioned. If there are any questions, there is a Frequently Asked Questions and general information about this proposition on Ballwin's website.

Worker's Comp: City Administrator Hanson met with Mayor Pogue last week regarding workers comp. During his tenure, one of the things City Administrator Hanson has been doing is looking at some of the City's claims history within the SLAIT portfolio. There have been significant claims in the past few years and the City's workers comp continues to climb on an average of about 10% a year in terms of cost. He has done an analysis over the last twenty years of claims history and the City is averaging about \$185,000 in claims a year in workers compensation insurance loses.

City Administrator Hanson stated that there is a Safety Committee and he would like to push and have the Board's support to improve and expand on the City's safety commitment in an effort to reduce/eliminate injuries. The goal is to keep the City's employees healthy and productive. Accidents are very expensive. Over time, this may take some resources from the budget to put some initiatives in place to ultimately reduce these claims for the long-term. City Administrator Hanson believes this would be a good investment. From an accountability standpoint, the City needs to ensure that employees are provided proper training and support, but also have the expectation that they need to exercise good safety practices as employees of the City. Anytime there are accidents or injuries there are costs to the bottom line across all departments' budgets.

City Administrator Hanson would like to begin implementing some efforts that would move the claims in a different direction for a change. Mayor Pogue added he would like to see further actions and incentives to reduce further injuries and accidents that are occurring.

Alderman Finley asked if there were alternatives as to the city's carrier for this coverage.

City Administrator Hanson said the current pool carrier has worked out in the City's favor since the City joined the SLAIT pool.

STAFF REPORTS

Parks and Recreation – *Update on Used bucket truck purchase*

Parks and Recreation Director Linda Bruer updated the Board on the purchase of a used bucket truck for the Parks Department. City Administrator Hanson approved the purchase of the truck. The truck is a 2005 International diesel, automatic, 4x4, with an Altec lift with about 87,000 miles on it. This truck is a forestry truck, which the department was looking for. Forestry trucks allow for more of an ease of maneuvering in trees; the standard large utility trucks are harder to maneuver around trees. The purchase price was \$71,300.00. The Board had authorized a purchase of a truck for up to \$80,000. Parks Deputy Director John Hoffman went to Alabama to look at the truck and conversed with Ballwin's Mechanic. The truck will be delivered in the next two to three weeks.

Alderman Roach asked if there was an expected life of the vehicle. City Administrator Hanson said that the City hopes to get a good ten years out of the vehicle. He fully expects that as long as the boom is maintained, the City should expect this vehicle to last at least ten years. City Administrator Hanson said in the report he has identifies the truck to be in good shape and the boom in great shape.

Alderman Terbrock asked if this truck does die out, if the bed can be removed in order to be placed on another vehicle. Ms. Bruer said that the bed cannot be placed on another vehicle.

City Attorney Jones added that Ms. Bruer's report is the second step in the implementation of the amendment to the purchasing ordinance that was passed in January. The first step is to approve a range of authority to allow a department to forgo the bidding process and instead negotiate in order to find a unique vehicle. The second step is for staff to come back and report on the result. He stated he was glad to see the ordinance work the way it was intended.

CITY ATTORNEY'S REPORT

SB5 –City Attorney Jones announced that he had received notification on his way to the Board meeting that Judge Beetem, of the Cole County Circuit Court, entered a declaratory judgement in joining the enforcement of Senate Bill 5. This bill became effective in August of 2015 and was singling out St. Louis County for special treatment in limiting court fines to 12.5% of general revenues. City Attorney Jones stated he had not seen the exact portions of the bill in St. Louis County which has been found unconstitutional. He stated he would provide a brief report as soon as he has seen the decision. The suit was filed by communities in North County and by elected officials. A special council came in to represent those communities; it found that it was improperly targeting St. Louis County.

ALDERMANIC COMMENTS

None

Mayor Pogue announced that Pursuant to Section 610.021 [1] RSMo and Section 610.021 [13] RSMo, the board will meet in closed session regarding litigation and personnel matters.

Adjourn to Closed Session: A motion was made by Alderman Terbrock and seconded by Alderman Stallmann to adjourn to closed session to discuss employee matters. A roll call vote was taken with the following results:

Ayes: Aldermen Terbrock, Finley, Roach, Stallmann, Fleming, Leahy, Kerlagon, Bullington
Nays: None

The motion passed to adjourn to closed session at 7:36 p.m.

The Board reconvened in open session at 8:20 p.m.

Mayor Pogue reconvened the open session.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock to adjourn the Board of Aldermen Meeting. A roll call vote was taken with a unanimous result, and the meeting was adjourned at 8:21 p.m.

TIM POGUE, MAYOR

ATTEST:

ERIC HANSON, CITY ADMINISTRATOR

A Johnson

Updated: **March 29, 2016**