



**DRAFT MINUTES**  
**BOARD OF ALDERMEN**  
**Meeting Minutes**

JANUARY 28, 2019  
7:00 PM 300 PARK DR. BALLWIN, MO 63011

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

The meeting was called to order by Mayor Tim Pogue at 7:00 p.m.

**ROLL CALL**

Present

Mayor Tim Pogue  
Alderman James Terbrock  
Alderman Michael Finley  
Alderman Kevin M. Roach  
Alderman Mark Stallmann  
Alderman Frank Fleming  
Alderman Jim Leahy  
Alderman Ross Bullington  
Alderman Raymond Kerlagon  
Interim-City Administrator Bob Kuntz  
Attorney Kate Henry

Absent

The Pledge of Allegiance was given.

**MINUTES**

The Minutes from the January 14, 2019, Board of Aldermen meeting were submitted for approval. *A motion was made* by Alderman Fleming and seconded by Alderman Roach to approve the minutes from the January 14, 2019 Board of Aldermen meeting as amended. A voice vote was taken with a unanimous affirmative result and the motion passed.

The Minutes from the January 14, 2019, closed session meeting were submitted for approval. *A motion was made* by Alderman Fleming and seconded by Alderman Stallmann to approve the minutes from the January 14, 2019 closed session meeting as submitted. A voice vote was taken with a unanimous affirmative result and the motion passed.

**PUBLIC COMMENTS**

**Carleen Kramer** spoke about ADA sidewalk compliance along New Ballwin Road as discussed in the presentation by Cochran Engineering at the last Board of Alderman meeting.

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**John Milla** spoke in favor of raising the elected officials pay in Ballwin. He believes the proposed raises are too low when considering the good work the board has done and should be increased to stay in line with area municipalities. He also expressed his desire to ensure Prop P funds remain for police department use only.

**Matthew Conlon** spoke in opposition to the “Better Together” plan recently released related to the city/county merger. He stated he believes it will result in higher taxes and decreased services for Ballwin residents.

**Walt Young** stated he is part of a group opposing the city/county merger. He also suggested researching the timing of increasing elected officials pay with the upcoming election.

**Michael Scott** stated he was very much in support of the elected officials compensation increase and that he would support more than what was in the proposal as the board oversees a large budget and important decisions.

**Gary Carr** stated his appreciation of the board and mayor and the transparency about the issue of increased compensation he spoke in favor of the presented increase.

## **NEW BUSINESS**

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**Legislation** Bill No. 4015 Elected Officials Compensation

**A motion was made** by Alderman Leahy and seconded by Alderman Kerlagon for a first reading title only of Bill No. 4015. A voice vote was taken with unanimous affirmative result and Bill No. 4015 was read a second time.

In discussion of Bill No. 4015 Alderman Finley thanked residents for coming to speak in support of the compensation increase. Mayor Pogue thanked Alderman Finley for the letter to the editor he wrote to increase transparency and resident input on the issue.

**A motion was made** by Alderman Leahy and seconded by Alderman Fleming for a second reading title only of Bill No. 4015. A voice vote was taken with the following results: Ayes - Alderman Leahy, Terbrock, Fleming, Stallman, Kerlagon, Finley; Nays: Roach, Bullington. Bill No. 4015 was approved 6-2 and became **Ordinance # 19-1**.

## **CONSENT ITEMS**

- a. Liquor License-Ballwin Sno Cone Company
- b. Destruction of Records

Alderman Roach requested to pull consent item A for further discussion. **A motion was made** by Alderman Fleming and seconded by Alderman Terbrock to accept Consent Item B as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.

## **MAYOR'S REPORT**

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**Planning and Zoning Appointment** Mayor Pogue recommended appointing Victoria Winfrey to serve on the Planning and Zoning Commission to fill a vacancy. *A motion was made* by Alderman Roach and seconded by Alderman Stallmann to approve the appointment of Victoria Winfrey to the Planning and Zoning Commission. A voice vote was taken with unanimous affirmative result and the motion passed.

**City-County Merger** Mayor Pogue stated he attended a municipal league meeting last week where support was sought to petition to form the board of freeholders which is the constitutional vehicle in place to discuss the merger. This would result in a vote of only those residents who live within the city and county on the issue of the merger. Mayor Pogue stated Ballwin's board was one of the first to draft legislation to oppose the merger and remains in opposition. *A motion was made* by Alderman Stallmann and seconded by Alderman Fleming to direct City Attorney Jones to draft legislation in support of the vehicle proposed by the municipal league for future merger discussions. A voice vote was taken with unanimous affirmative result and the motion passed.

## **INTERIM - CITY ADMINISTRATOR'S REPORT**

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**Liquor License** Interim City Administrator Kuntz brought back Consent Item A for discussion. Alderman Roach stated he didn't have all the information relating to the liquor license. Police Chief Kevin Scott stated after criminal records checks there were no concerns in approving a full liquor license. A motion was made by Alderman Roach and seconded by Alderman Fleming to approve Consent Item A. A voice vote was taken with unanimous affirmative result and the motion passed.

**Extreme Weather** Interim City Administrator Kuntz suspended the dress code for administrative staff and all non-essential outdoor activities for the next three days due to the extreme cold.

**Special Counsel Agreement** Alderman Finley suggested having a backup appointment in the contract in case something would happen to the designee outlined in the agreement. Attorney Henry stated the contract gives the City final approval. Alderman Finley stated he will be voting in opposition because he has full confidence in City Attorney Jones' law firm to handle the negotiations. A motion was made by Alderman Fleming and seconded by Alderman Roach to approve the special counsel agreement. A voice vote was taken with the following results: Ayes - Alderman Leahy, Roach, Fleming, Stallman, Kerlagon, Bullington; Nays: Terbrock, Finley. The motion passed and the special counsel agreement was approved 6-2.

## **STAFF REPORTS**

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**Administration: Building Department Fee Survey** Building Commissioner Mike Roberts stated building fees have not been raised since 2003 even as department wages and expenses have increased. Alderman Roach asked Mr. Roberts for a

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recommendation on how often to review these fees. Mr. Roberts stated reviewing the fees every 3 or 4 years would be good practice. **A motion was made** by Alderman Roach and seconded by Alderman Bullington to draft an ordinance to approve the changes as submitted by staff as well as a plan to review them every four years. A voice vote was taken with unanimous affirmative result and the motion passed.

**Administration: House Demolition** Building Commissioner Mike Roberts stated a house on Clayton Rd has been declared a dangerous building and needs to be demolished. Extensive work has been done without success to find someone responsible for the building after the owners and all the members of the trust have passed away. **A motion was made by** Alderman Fleming and seconded by Alderman Stallmann to approve staff recommendation and the bid submitted for house demolition. A voice vote was taken with unanimous affirmative result and the motion passed.

**Administration: Urban Land Institute** Assistant City Administrator Andy Hixson and Urban Land Institute representative Kelly Annis discussed the deliverables that would be provided by the organization if the board approved moving forward with the study of the old city hall site. **A motion was made by** Alderman Stallmann and seconded by Alderman Fleming to approve staff recommendation to hire U.L.I. to conduct a land study. A voice vote was taken with the following results: Ayes - Alderman Fleming, Stallman, Kerlagon, Bullington, Terbrock; Nays: Leahy, Finley, Roach. The motion passed and the recommendation was approved 5-3.

**Administration: New Ballwin Road Engineering Grant Proposal** Assistant City Administrator Andy Hixson and Cochran Engineering representative Dave Christensen spoke about only updating the ramps along New Ballwin Road with the project. They stated the City of Ballwin would move forward on its own time frame to make the sidewalks fully ADA compliant outside of the scope of the funding for this grant application. **A motion was made by** Alderman Bullington and seconded by Alderman Fleming. A voice vote was taken with unanimous affirmative result and the motion passed.

**Parks and Recreation: Virginia Graeme Baker Act: Pool Upgrades** Interim Director of Parks and Recreation John Hoffman recommended awarding the bid for the VGBA pool upgrades to Westport Pools, the only bidder. **A motion was made by** Alderman Fleming and seconded by Alderman Stallmann to accept staff recommendation for pool upgrades. A voice vote was taken with unanimous affirmative result and the motion passed.

## **CITY ATTORNEY'S REPORT**

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Attorney Kate Henry stated she was filling in for City Attorney Bob Jones while he was on vacation.

## **ALERMANIC COMMENTS**

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**Alderman Finley** expressed his gratitude to residents who offered their opinions in regards to the elected officials compensation and to Jim Erickson and the West Newsmagazine for their fair reporting and their assistance in spreading



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the word to the public. He suggested an informal resident group bringing the issue back every 8-10 years. He also thanked Mayor Pogue for his leadership, hard work and professionalism in running the Ballwin Board of Aldermen meetings.

**Alderman Stallmann** thanked Director of Marketing and Communication Kirsten Hochstetler for her work in increasing Ballwin’s branding efforts and wished her good luck going forward. He also thanked the residents who came to the meeting to comment on the “Better Together” plan related to the city-county merger.

**Alderman Roach** thanked Ballwin constituents for taking time out of their evening to attend the meeting.

**Alderman Bullington** thanked Kirsten for her efforts during her tenure at the City of Ballwin.

**Alderman Leahy** requested an update from public works staff related to leaf collection in Ward 3.

**CLOSED SESSION**

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The Board moved to go into closed session for one or more of the reasons as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, negotiation of a contract.

*A motion was made* by Alderman Fleming and seconded by Alderman Bullington to go into closed session. A roll call vote was taken with a unanimous affirmative result.

**OPEN SESSION**

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*A motion was made* by Aldermen Fleming to reconvene. The motion was seconded by Alderman Stallmann and passed by unanimous voice vote.

*A motion was made* by Alderman Fleming to adjourn. The motion was seconded by Alderman Stallmann. The motion passed by unanimous voice vote. The meeting adjourned at 9:20 p.m.

\_\_\_\_\_ TIM POGUE, MAYOR

ATTEST:

\_\_\_\_\_ Andy Hixson, CITY CLERK