



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

March 8, 2021

7:00 PM 1 GOVERNMENT CTR/ZOOM. 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 Pogue at 7:00 p.m.

**ROLL CALL**

Present

Mayor Tim Pogue  
Alderman Mike Utt  
Alderman Michael Finley  
Alderman Kevin M. Roach  
Alderman Mark Stallmann  
Alderman Frank Fleming  
Alderman Jim Leahy  
Alderman Ross Bullington  
Alderman Raymond Kerlagon  
City Administrator Eric Sterman  
City Attorney Robert Jones

Absent

**MINUTES**

The Minutes from the February 22, 2021, Board of Aldermen meeting were submitted for approval. A *motion was made* by Alderman Fleming and seconded by Alderman Finley to approve the minutes from the February 22, 2021 Board of Aldermen meeting as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.

The Minutes from the February 22, 2021 Board of Aldermen closed meeting were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Kerlagon to approve the minutes from the February 22, 2021 Board of Aldermen meeting as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.

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## **LEGISLATION**

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**BILL 4089 - AN ORDINANCE SETTING THE REAL ESTATE TAX RATE OF ZERO (0%) PERCENT IN THE CITY OF BALLWIN FOR THE FISCAL PERIOD BEGINNING JANUARY 1, 2021 AND ENDING DECEMBER 31, 2021.**

This ordinance sets the real estate tax rate at 0% in Ballwin for 2021.

A motion was made by Alderman Fleming and seconded by Alderman Finley for a first reading of Bill 4089, title only. A voice vote was taken with unanimous affirmative result and Bill 4089 was read for the first time.

Discussion:

Alderman Fleming stated this is a significant piece of legislation and highlighted several items in this ordinance such as the city has maintained a zero percent tax rate for 34 years; this is something other communities do not do. This ordinance has to be passed every year. Alderman Fleming also gave credit to city staff who continue to successfully manage the budget and noted the zero real estate tax is a benefit to residents as well. Alderman Finley agreed with Alderman Fleming's statements and thanked department heads and city staff, whose work through the years has made this possible. Alderman Roach shared that the three final statements of the ordinance were amendments he made in 2019 with the Board's approval.

A motion was made by Alderman Roach and seconded by Alderman Fleming for a second reading of Bill 4089, title only. A voice vote was taken with unanimous affirmative result and Bill 4089 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4089 with the following results:

Ayes – Aldermen Finley, Roach, Stallmann, Fleming, Leahy, Bullington, Utt, Kerlagon

Nays -- None.

Bill No. 4089 was approved and became Ordinance No. 21-06

**BILL 4090 - AN ORDINANCE AMENDING SECTION 15-480 (SCHEDULE E) OF ARTICLE XII OF CHAPTER 15 OF THE ORDINANCES OF THE CITY OF BALLWIN WITH RESPECT TO NEW STOP SIGNS.**

This ordinance will add two new stop signs on Seawind Dr.

A motion was made by Alderman Finley and seconded by Alderman Stallmann for a first reading of Bill 4090, title only. A voice vote was taken with unanimous affirmative result and Bill 4090 was read for the first time.

Discussion:

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Alderman Roach stated he had some concerns with how the streets were labeled (Industrial instead of Seawind). City Attorney Jones clarified the purpose of the legislation. Alderman Roach asked Mr. Jones if the fact that the sign says Seawind is immaterial. Mr. Jones stated that after talking with the police department and once the signs are installed, they will have the desired affect.

A motion was made by Alderman Roach and seconded by Alderman Finley for a second reading of Bill 4090, title only. A voice vote was taken with unanimous affirmative result and Bill 4090 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4090 with the following results:

Ayes – Aldermen Finley, Roach, Stallmann, Fleming, Leahy, Bullington, Utt, Kerlagon

Nays -- None.

Bill No. 4090 was approved and became Ordinance No. 21-07

**BILL 4091 - AN ORDINANCE AMENDING AND RETITLING THE ORDINANCE VIOLATION OF FAILURE TO SUPERVISE MINOR TO REFLECT “SOCIAL HOST ORDINANCE.”**

This ordinance will amend the current ordinance to Social Host Ordinance.

A motion was made by Alderman Stallmann and seconded by Alderman Finley for a first reading of Bill 4091, title only. A voice vote was taken with unanimous affirmative result and Bill 4091 was read for the first time.

Discussion:

Alderman Roach had a question regarding the phrase “person or person responsible” contained in item two of section two. City Attorney Jones further clarified that this means whoever is in control of the property and that the language used was intentionally loose to give law enforcement the opportunity to investigate as to who is responsible; he also further explained the two changes which were made to the ordinance. Alderman Roach asked about what being held liable for costs means. Mayor Pogue asked Mr. Jones if Sunset Hills ever invoiced responsible parties for costs. Mr. Jones stated that was done as part of the sentence in cases and then further explained the penalty provision in the code.

A motion was made by Alderman Stallmann and seconded by Alderman Fleming for a second reading of Bill 4091, title only. A voice vote was taken with unanimous affirmative result and Bill 4091 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4091 with the following results:

Ayes – Aldermen Finley, Roach, Stallmann, Fleming, Leahy, Bullington, Utt, Kerlagon

Nays -- None.

Bill No. 4091 was approved and became Ordinance No. 21-08

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## **CONSENT ITEMS**

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### **Administration – GeoTech Services – Police Department**

#### **Discussion:**

Alderman Roach asked if the geo borings would only be done on our property or bank property as well. City Administrator Sterman responded that it would be only on our property which was previously acquired from the bank and anywhere affected by construction.

A motion was made by Alderman Roach and seconded by Alderman Utt to approve staff's recommendation. A voice vote was taken with unanimous affirmative result and the motion passed.

### **Police – Watch Guard System**

Staff is recommending the purchase of an extended warranty for the Watch Guard System to keep it in reliable working order.

#### **Discussion:**

Alderman Roach asked Chief Schaeffler what the plan would be once the warranty is up in a year. Chief Schaeffler responded they would reevaluate and look for another warranty.

A motion was made by Alderman Roach and seconded by Alderman Utt to approve staff's recommendation. A voice vote was taken with unanimous affirmative result and the motion passed.

### **Public Works – Concrete Slabs**

Staff is recommending awarding this unit price contract to the low bidder, M&H Concrete Contractors, not to exceed \$937,630.00.

#### **Discussion:**

Alderman Roach asked if M & H Concrete is the same company we had last year. Public Works Director Jim Link responded we had Kelpel last year, but M & H the nine years prior. He also stated that, in 2019, there was a new crew and inspector which may have caused some issues, but those have been resolved.

A motion was made by Alderman Roach and seconded by Alderman Utt to approve staff's recommendation. A voice vote was taken with unanimous affirmative result and the motion passed.



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**MAYOR'S REPORT**

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Mayor Pogue reported that St. Louis County Executive Sam Page has loosened Covid restrictions so Board of Aldermen meetings starting with March 22 will be in person.

**CITY ADMINISTRATOR'S REPORT**

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City Administrator Sterman reported that Ballwin Days will be held but will be postponed until August 21. It is hoped that by waiting, some of the current Covid restrictions will be lifted and we would be able to have a more normal event.

**CITY ATTORNEY'S REPORT**

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Nothing to report

**ALDERMANIC COMMENTS**

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None

A motion was made by Alderman Fleming and seconded by Alderman Finley to adjourn. The motion was passed by unanimous affirmative voice vote and the meeting adjourned at 7:27 p.m.

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

ATTEST:

\_\_\_\_\_ POLLY MOORE, CITY CLERK