



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

JUNE 17, 2019

7:00 PM 1 GOVERNMENT CTR. 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 7:18 p.m.

ROLL CALL

Present

Mayor Tim Pogue
Alderman Michael Utt
Alderman Michael Finley
Alderman Kevin M. Roach
Alderman Mark Stallmann
Alderman Frank Fleming
Alderman Jim Leahy
Alderman Ross Bullington
Alderman Raymond Kerlagon

Absent

City Administrator Bob Kuntz

City Attorney Robert Jones
Assistant City Administrator Andy Hixson

The Pledge of Allegiance was recited.

MINUTES

The Minutes from the May 13, 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 May 13, 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 May 13, 2019, closed session meeting were submitted for approval. *A motion was made* by Alderman Finley and seconded by Alderman Bullington to approve the minutes from the May 13, 2019 closed session meeting as submitted. A voice vote was taken with a unanimous affirmative result, with Alderman Fleming abstaining from the approval of the closed session minutes, and the motion passed.

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Public Hearing

Community Development Block Grant

Mr. Hixson explained this is a grant the city receives annually; we received \$40,400 for loans for qualified low to moderate income homeowners to improve their homes. If homes are maintained for five years, the loan does not have to be repaid. Alderman Finley asked if the homeowner would sell the home before the five years, are they required to pay back the loan. Mr. Hixson stated that a prorated amount would be paid back to the County.

CITIZEN COMMENTS

Patty Hartmann, 594 Monroe Mill, stated she had concerns with the street trees and sidewalks, especially in front of her home. She stated the sidewalks are very uneven and wondered if homeowners are liable if someone were injured. City Attorney Jones stated as long as an incident would happen on the right of way, the homeowner is not liable. Ms. Hartmann stated the sidewalks were reported a year ago and that a cone was placed there, but nothing else has happened. She also stated they are on a two-year waitlist for tree pruning. Public Works Director Link stated his department has a lengthy list of scheduled work project orders for this summer and that it will be added to the list.

OLD BUSINESS

Bill 4027 -AN ORDINANCE PROVIDING FOR THE REMOVAL AND ERECTION OF TRAFFIC CONTROL SIGNS AND AMENDING THE ORDINANCES PROVIDING FOR THE LOCATIONS THEREOF

A motion was made by Alderman Roach and seconded by Alderman Bullington for a second reading of amended Bill No. 4027, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4027 was read for the second time.

In discussion of Bill No. 4027:

Alderman Fleming asked if Public Works and the Police Department had reviewed the amended changes and were in agreement of the amendment. As long as they were in agreement, he is okay with moving forward.

A roll call vote was taken for passage and approval of Bill No. 4027 with the following results:

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

Nays -- None.

Bill No. 4027 was approved and became Ordinance No. 19-13

LEGISLATION



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Bill 4028 - AN ORDINANCE PROVIDING FOR THE ERECTION OF A TRAFFIC CONTROL SIGN AND AMENDING THE ORDINANCE PROVIDING FOR THE LOCATION THEREOF (Ramsey Lane and Manchester)

A motion was made by Alderman Fleming and seconded by Alderman Bullington for a first reading of Bill No. 4028 title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4028 was read for the first time.

In discussion of Bill No. 4028:

Alderman Finley asked if there has been any negative feedback from the public; Mr. Hixson stated there has been none he is aware of. Alderman Roach asked that Public Works review the possibility of restoring the right turn lane on Ramsey and report back to the Board.

A motion was made by Alderman Finley and seconded by Alderman Stallmann for a second reading of Bill No. 4028, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4028 was read for a second time.

A roll call vote was taken for passage and approval of Bill No. 4028 with the following results:

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

Nays -- None.

Bill No. 4028 was approved and became Ordinance No. 19-14

Bill 4029 - AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BALLWIN TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY WITH THE CITY OF WINCHESTER RELATING TO THE PROVIDING OF POLICE SERVICES FOR THE CITY OF WINCHESTER.

A motion was made by Alderman Bullington and seconded by Alderman Leahy for a first reading of Bill No. 4029 title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4029 was read for the first time.

In discussion of Bill No. 4029:

Alderman Finley asked Chief Scott for a summary of the plan for transition. Chief Scott stated he will start working with St. Louis County PD next week. Alderman Roach asked if patrol and dispatch are included in policing services. Chief Scott stated they are and that the 911 cutover will happen on 1/1/20.

A motion was made by Alderman Bullington and seconded by Alderman Finley for a second reading of Bill No. 4029, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4029 was read for a second time.

A roll call vote was taken for passage and approval of Bill No. 4029 with the following results:

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

Nays -- None.

Bill No. 4029 was approved and became Ordinance No. 19-15



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Bill 4030 - AN ORDINANCE AMENDING CERTAIN PROVISIONS OF APPENDIX A TO ESTABLISH MEDICAL MARIJUANA LAND USES WITHIN THE CITY OF BALLWIN, MISSOURI.

A motion was made by Alderman Fleming and seconded by Alderman Leahy for a first reading of Bill No. 4030 title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4030 was read for the first time.

In discussion of Bill No. 4030

Alderman Roach asked City Attorney Jones if the bill was before us as a result of the amendment to the Missouri Constitution authorizing cities to enact regulations. Mr. Jones replied that it is and allows cities to impose reasonable time, place and manner regulations for the cultivation and sales of medical marijuana products. He also stated we've incorporated language so we're not creating something brand new. There was further discussion regarding the need to have legislation in place and that it is in the city's best interest to act now. The number of dispensaries and cultivation facilities was discussed; Mr. Jones stated we need to be clear if we will have separate limitations for medical marijuana dispensaries, cultivation sites and infused product manufacturing facilities.

A motion was made by Alderman Fleming and seconded by Alderman Finley to amend Section B of the ordinance and change the specific number of medical marijuana dispensaries, cultivation sites, and infused product manufacturing facilities.

A motion was made by Alderman Fleming and seconded by Alderman Stallman for a second reading of Bill No. 4030, as amended, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4030 was read for a second time.

A roll call vote was taken for passage and approval of Bill No. 4030 with the following results:

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

Nays -- None.

Bill No. 4030 was approved and became Ordinance No. 19-16

Bill 4031 - AN ORDINANCE APPROVING A SPLIT AND CONSOLIDATION OF THE LOTS KNOWN AND NUMBERED AS 15401 THROUGH 15425 MANCHESTER ROAD IN THE CITY OF BALLWIN.

A motion was made by Alderman Stallmann and seconded by Alderman Leahy for a first reading of Bill No. 4031 title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4031 was read for the first time.

In discussion of Bill No. 4031:

No discussion

A motion was made by Alderman Fleming and seconded by Alderman Stallman for a second reading of Bill No. 4031, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4028 was read for a second time.

A roll call vote was taken for passage and approval of Bill No. 4031 with the following results:

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

Nays -- None.

Bill No. 4031 was approved and became Ordinance No. 19-17

Bill 4032 - AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BALLWIN, MISSOURI, TO EXECUTE THE MUNICIPAL HOUSING AND COMMUNITY DEVELOPMENT COOPERATION ANNUAL AGREEMENT OF 2019; AND SUPPLEMENTAL AGREEMENTS THERETO WITH ST. LOUIS COUNTY WITH REGARD TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann for a first reading of Bill No. 4032 title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4032 was read for the first time.

In discussion of Bill No. 4032:

No discussion

A motion was made by Alderman Fleming and seconded by Alderman Finley for a second reading of Bill No. 4032, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4032 was read for a second time.

A roll call vote was taken for passage and approval of Bill No. 4032 with the following results:

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

Nays -- None.

Bill No. 4032 was approved and became Ordinance No. 19-18

CONSENT ITEMS

Family Medical Leave Update

A motion was made by Alderman Fleming and seconded by Alderman Bullington to accept staff recommendations.

A voice vote was taken with unanimous affirmative result and the motion passed.

LIQUOR LICENSE RENEWALS

A motion was made by Alderman Fleming and seconded by Alderman Bullington to approve liquor license renewals.

A voice vote was taken with unanimous affirmative result and the motion passed.

PUBLIC WORKS – ASPHALT MILLING RECOMMENDATION

A motion was made by Alderman Fleming and seconded by Alderman Bullington to accept the staff recommendation.

A voice vote was taken with unanimous affirmative result and the motion passed.

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MAYOR'S REPORT

Mayor Pogue stated he has received the resignation from the provisional judge, Don Anderson. He is appointing Nicole Chiravollatti as the provisional judge for City of Ballwin. A motion was made by Alderman and seconded by Alderman Roach to accept this appointment. A voice vote was taken with unanimous result.

A motion was made by Alderman Stallmann and seconded by Alderman Roach to draft legislation for the ordinance appointing Ms. Chiravollatti as provisional judge. A voice vote was taken with unanimous result.

Alderman Fleming asked if we will be appointing a new public defender to replace Ms. Chiravollatti; Mayor Pogue responded we would be looking. Mayor Pogue asked City Attorney Bob Jones to review ordinances regulating adult orientated businesses. Alderman Fleming appreciated the Mayor's forward thinking on this issue.

CITY ADMINISTRATOR'S REPORT

COMPREHENSIVE PLAN

Mr. Hixson stated the Planning and Zoning Committee passed a resolution to accept the City's comprehensive plan. Items will now be brought to the Board for guidance on how to proceed.

PEDESTRIAN SIGNAL-MANCHESTER RD

MODOT has agreed to provide hardware for the new pedestrian signals on Manchester Rd; City of Ballwin will have to pay for the installation. Alderman Leahy asked about in-house installation rather than outsourcing. A motion was made by Alderman Fleming and seconded by Alderman Utt to accept the proposal by MODOT in which MODOT will supply and maintain the signs and authorizing Ballwin staff to determine the best possible way to install the signs.

SPECIAL MEETING PROPOSAL

Mayor Pogue asked everyone to pick July/August dates available for a meeting to discuss future ideas and issues for the City over the next year and beyond.

STAFF REPORTS

Parks: Chris Conway – Resurface Courts at New Ballwin Park/Ferris Park Phase II

New Ballwin Park:

Mr. Conway stated the bid for resurfacing the courts was opened on May 10; we received only two bids in response. It is staff recommendation this be awarded to the low bidder, Byrne & Jones. Mr. Conway stated the City has worked with this company in the past. Alderman Finley asked when the work would be completed; Mr. Conway stated it would be done by end of summer.

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A motion was made by Alderman Stallmann and seconded by Alderman Bullington to accept the staff recommendation of the low bidder, Byrne & Jones. A voice vote was taken with unanimous affirmative result and the motion passed.

Ferris Park:

Mr. Conway asked the Board to consider a resolution showing support for completion of Phase II of the Ferris Park project as outlined in the Parks Master Plan. We are also applying for a grant from the Municipal Park Grant Commission and support from the Board would help us for the grant award. Alderman Fleming asked if the improvement would affect the soccer fields; Mr. Conway stated only the interior walking path would be affected. Mr. Conway also stated the application deadline is the end of August. If we were to be awarded a grant, it would be received in October, with completion of Phase II in December 2020.

A motion was made by Alderman Roach and seconded by Alderman Stallmann to draft a resolution in support of Phase II of the Ferris Park project.

A voice vote was taken with unanimous affirmative result and the motion passed.

Police Department: Chief Scott, Building Needs Assessment

An RFQ was released in March for a needs assessment of the current Police Department building. Packets were sent to 15 firms; five firms submitted a response to the RFQ. A panel held interviews and unanimously recommend JEMA to be awarded this bid. Their proposal is not to exceed \$24,000; \$25,000 was budgeted for the project. Alderman Finley asked if JEMA has done projects for us before; Mr. Hixson responded they performed a needs assessment for us before at the old city hall.

A motion was made by Alderman Roach and seconded by Alderman Stallmann to accept the staff recommendation of JEMA for the Police Department Building needs assessment.

A voice vote was taken with unanimous affirmative result and the motion passed.

Public Works: Jim Link Crack Sealing/Portland Cement

Crack Sealing:

A request for bids for crack sealing was sent to four contractors; two bids were opened from Sweetens Concrete Services and Parking Lot Maintenance. It is the staff recommendation to award the bid to the low bidder, Sweetens. Mr. Link stated we completed our seven-year cycle in 2016, so they are needing to move forward with the next round of maintenance. Alderman Fleming asked if a five-year cycle, perhaps, would be worth looking at. There was further discussion of a better process and quantity of product we would receive with the low bid.

A motion was made by Alderman Stallmann and seconded by Alderman Roach to accept the staff recommendation of Sweetens Concrete Services, the low bidder for this product.

A voice vote was taken with unanimous affirmative result and the motion passed.



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Portland Cement:

Requests for bid were sent to three suppliers. It is the staff recommendation this contract be awarded to Holcim Inc, the low bidder. Mr. Link stated we are having a difficult time finding cement at this time; Holcim has the largest cement facility in Missouri, which is in St. Genevieve.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann to accept the staff recommendation of Holcim Inc, the low bidder for this product.

A voice vote was taken with unanimous affirmative result and the motion passed.

CITY ATTORNEY'S REPORT

ALDERMANIC COMMENTS

Alderman Finley asked about notes from the Public Health and Safety Committee meeting; Mr. Hixson stated he would prepare the notes. Alderman Finley also thanked the four non-committee attendees for coming to the meeting. In thinking about the old city hall and the possibility of keeping the area as green space, Alderman Finley shared Shaw Park in Clayton has a similarly laid out space at the northeast corner, which is very well done. He recommends checking it out to see if Ballwin could do something along the same idea.

Alderman Stallmann shared County Councilmen Mark Harder and Tim Fitch will be holding a town hall meeting on 6/25/19 at noon, at the City of Manchester Police Department. One item of discussion will be property taxes. He also wanted to commend the lifeguards at the Pointe for an incident several weeks earlier. One of the guards, Rachel, took charge of a situation while others on duty were very professional and saved two kids who were having issues in the pool.

Alderman Bullington thanked everyone who attended Ballwin Days. This year's event was very successful. The Blues viewing party was also well attended. Mayor Pogue also thanked Kennedy Robinson, Chris Conway, Paula Reeds and Keith Koester for all hard work they put in to make everything happen.

Alderman Roach commended the Police Department on the Winchester contract.



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CLOSED SESSION _____

The Board moved to go into closed session as authorized by Section 610.021(1) and Section 610.021 (13) of the Revised Statutes of Missouri, relating to legal and personnel issues.

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

OPEN SESSION _____

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 Finley. The motion passed by unanimous voice vote. The meeting adjourned at 10:34 pm.

_____ TIM POGUE, MAYOR

ATTEST:

_____ Andy Hixson, CITY CLERK