



UNOFFICIAL DRAFT

MINUTES OF THE BOARD OF ALDERMEN MEETING CITY OF BALLWIN – 300 Park Drive

September 22, 2014

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 7:00 p.m.

PRESENT

Mayor Tim Pogue
Alderman Jimmy Terbrock
Alderman Michael Finley
Alderman Mark Harder
Alderman Shamed Dogan
Alderman Frank Fleming
Alderman Jim Leahy
Alderman Kathy Kerlagon
Alderman Mike Boland
City Administrator Robert Kuntz
City Attorney Robert E. Jones

ABSENT

The Pledge of Allegiance was given.

MINUTES

The Minutes of the **September 8, 2014 Board of Aldermen meeting** were submitted for approval. A motion was made by Alderman Harder and seconded by Alderman Kerlagon to amend page six, paragraph four, to reflect that “the do not propose” should be “they do not propose.” A motion was made by Alderman Leahy and seconded by Alderman Kerlagon to amend the minutes accordingly. A motion was made by Alderman Fleming and seconded by Alderman Finley to approve the minutes. A voice vote was taken with a unanimous affirmative result and the motion passed.

PRESENTATION

Government Center Options:

Arch Images representative, Greg Gardner, presented Option D to the Board regarding the assessment study that relates to new construction versus a remodeling of the existing Government Center at its current location.

The Board discussed various components of Option D, which includes a one-story building with parking underneath, an elevator for accessibility, restrooms for the public and better presence from Manchester Road.

Alderman Harder indicated that he likes the concept of Option D.

Mr. Gardner briefly discussed an Option E concept that was drafted for a single-story building placed downslope due to the topographic challenges of the site.

Alderman Fleming said he likes Option D, the one-story building with a basement garage versus the one-story of Option C.

Alderman Terbrock said he likes Option D and suggested we develop a 5-year plan to fund its construction.

Alderman Finley asked if the existing cellular telephone equipment would have to be moved. Mr. Gardner said that no, a small out building would be built to house the equipment.

Mayor Pogue also recommended setting up a reserve fund for the project.

PENDING ISSUES

None.

CITIZEN COMMENTS

Walt Young, 634 Lemonwood Drive spoke to the board regarding New Ballwin Road. He said the pavement near the Manchester Road intersection is like a washboard. He said that it was fixed a few years ago, but now it's deteriorated again. Mayor Pogue mentioned that it was an item discussed at the budget work session and will be on the budget for next year.

Mr. Young also said he was a little disappointed that Ballwin is looking at a government center remodel. He felt the next thing that needs to be done is to protect equipment at the Public Works and Police Departments. He said most municipalities of any size have undercover facilities that cover all of their equipment. Mr. Young thinks it's really important that Ballwin do something about this equipment first before it builds anything on the administrative side.

Lynn Goetz, 504 Kenilworth Lane read an excerpt from an article in the West Newsmagazine regarding the Clean Energy District program. He said that if the City will not incur any cost for the program that somebody will. Mr. Goetz believes the first duties of a municipality are good streets and police, which he said for the most part Ballwin does well. He said he would appreciate it if Ballwin stays out of clean energy and lets the citizens and businesses make decisions and not get the City involved.

Joe Strange, 215 Ballyshannon Court said that he is a proponent of having the national motto placed on City of Ballwin buildings. He said we've had discussions with City Administrator Kuntz and came up with a recommendation that may work in everybody's interest. Number one is to have the words in 4-inch stainless steel block letters, such as St. Peters has in seven of its municipal buildings, above the American Flag in this room and at the same time have the state motto placed above the State of Missouri flag. We'd also like to have a plaque made to put in the city government center lobby. He said that the opposition will try to make this a religious argument. He said it is not about religion. Yes, the Knights of Columbus is a religious affiliated organization, but if this was sponsored by ABC Manufacturing, they'd still have the same argument. That is the great thing about the United States of America. Everybody gets to have their own opinion about things. Mr. Strange said this is about being patriotic. This motto has been on U.S. money for a long time. He mentioned that he had a 1911 penny in his pocket that says "In God We Trust" on it. It's been our national motto since 1955 and was reaffirmed in 2011 by the House of Representatives by a vote of 396 to 9. It is inscribed above the entry to the U.S. Senate and above the speaker's dais in the U.S House of Representatives. He said to keep in mind that this is about patriotism, not about religion. We are not trying to force anybody's religion on anybody else.

Bob Walker, 103 Caybeth Drive said the Knights of Columbus live by 4 virtues; charity, unity, fraternity and patriotism. We are affiliated with the Catholic Church, but this donation to the City of Ballwin is on behalf of patriotism and not on behalf of religion. Like was done tonight, we say the Pledge of Allegiance before every meeting and do good works for the community, whether Catholic or non-religious and we ask no questions. Mr. Walker said he fully supports the proposal to have "In God We Trust" in City Hall and associated buildings.

Tom Trog, 405 Ballwin Estates Court thanked the board for listening to what he has to say and that he appreciates the work they do representing the community. Mr. Trog stated he is in favor of the adoption of a measure to put the national motto above the U.S. flag and the state motto above the state flag. He said it's an issue of pride in our country and state and isn't really about religion, it's about being a patriotic person. Mr. Trog feels it should encourage those in every layer of government from the federal government all the way down to subdivision homeowner associations; that every governing body in this country should say this is our national motto and display it proudly from a patriotic standpoint.

Lois Linton, 322 Algonquin Drive mentioned that she and her husband lived in Ballwin for 12 years before their family grew too large and they built a bigger house in Wildwood. They chose to move back to Ballwin because it's an extremely unique, God fearing and very close community. She really appreciates all the Board does representing this community. She said that representation is what is so unique in the nation in which we live. We live in a nation where our rights come from God. Those rights go from God to the people not to the rulers. That is what makes the American experience so unique. We have elected you to represent the people, since they are the ones who really rule in this nation. Consequently, the people in this community support that God is the origin of our rights and we expect you to protect those rights in this city. She recommends a bill be passed to post "In God We Trust" in the city buildings, because we face many dangers in this nation and she doesn't know that we are going to be able to fix it. She said lets pray to a God that hears our plea.

Kyle Weaver, 6 Otley Court said that he is a descendant of Oliver Walcott, who signed the constitution and that it doesn't make him special, but it does make our country special. One thing that defines us is that life is sacred and we know that time your time and family is sacred. It was established in 1776 that we would trust a God. He understands what his friends are saying that we don't just want words up there, but it does need to mean something. He expressed his appreciation of the Board's time and what they do. He hopes we can all unite and be with our families as we leave here.

Monica Moungo, 229 Pleasant Grove Avenue spoke to the Board and asked them to please forgive her if she goes over the allotted time, but that she is speaking on behalf of Ballwin residents who were afraid to speak out and attend the meeting. She said she wanted to discuss the intent behind the Knights of Columbus proposal and that in the West Newsmagazine, Mr. Strange, stated the displays were an appropriate way to promote patriotism. She questioned the primary objective behind their proposal. As a tax payer, she questions the integrity of aldermen taking money from a religious organization in order to display their religious advertisement in a tax payer owned building. She said that if the Mayor or Aldermen were members of the Holy Infant Church, they should abstain from the vote because it is a clear bias. She indicated that if a tax exempt religious organization succeeds in paying city officials to advertise their religious message on tax payer property, it must also be allowed for tax paying citizens to have their various religious or non-religious advertisements placed upon these hallowed walls. If the proposal passes, she said the Aldermen should bring in their own tools to pry the existing city motto off the wall and that an "In God We Trust" plaque underneath or around the Ballwin "Bringing People Together" sign is a lie. She said "We" implies "All" and we simply do not all trust in God. She said death threats have been made and prayers were given in her name and she's received messages of support from citizens of Ballwin. She said they fear for their jobs, families, and lives to speak out. They live next door to you and are your teachers, physicians, firefighters, EMS, veterans, soldiers and local law enforcement. She indicated that members of the Holy Infant Church were scared to speak out.

She said that if the City of Ballwin is really interested in patriotism, they should create a “Citizens for a Better Ballwin” community program to honor the good work of citizens who give back to the community. She said religion does not make a patriot. She encourages the City of Ballwin to host an annual cultural day festival to bring awareness to the diversity of Ballwin, which is currently being ignored. She said we need to work on bringing people together and a silly plaque will not accomplish this. She supports the right of Ballwin citizens to display religious items on their personal property, such as Lewis Greenberg’s Holocaust art display. She said the City was reported to have spent in excess of \$80,000 attempting to stop him from exercising his first amendment right. Allowing an “In God We Trust” display in city buildings, while pursuing Mr. Greenberg, suggests a desire to promote a monotheistic Christian God. She said that Alderman Terbrock indicated to a Ballwin resident in an email that it doesn’t matter that people from outside of Ballwin oppose the signs and cautioned him that it does matter. She added that these are the people who see Ballwin on top lists of a great, safe place to live and that this proposal and debate will tell potential business owners and residents that their taxes are not welcome unless they subscribe to a Christian, Catholic or super natural deity. She said it would be wise to remember that the Department of Justice is coming to St. Louis County to look into the travesty in Ferguson and not to abuse our first amendment rights. She then quoted Thomas Paine and thanked the board for their time and consideration.

Cynthia Holmes, 520 North Skinker said that she is not a Ballwin resident, but is President of the local chapter of Americans United for the Separation of Church and State and is here to oppose the proposal to put “In God We Trust” on the wall in the chambers. The American United organization was founded in 1947 and the St. Louis chapter has been around about that long. We believe that religion and government should remain separate, but that does not mean they are divided. What it does mean is that we don’t ask government to endorse our religion in a way that we wouldn’t want it to endorse everyone’s religion. We have 388 members in the St. Louis area and 18 members are Ballwin residents and they are diverse. She is not opposed to religion, but is opposed to being in your face and trying to force religion on other people in a disrespectful way. That is how she views this proposal. She said was mortified as a Christian to hear that “In God We Trust” is not a religious motto. Putting it up is divisive. She said we need to be inclusive and it is much better to demonstrate our Christian faith by showing others how we treat them. She mentioned a scripture that said to love your neighbor as yourself and that being in your face or saying we are going to show you that we are the majority and your religion doesn’t matter or that your beliefs don’t matter or you don’t have the same likes is not loving your neighbor as yourself and urged the Board to vote against this.

Cory Redmond-Strothman, 628 Holland Road said she was raised Catholic and understands where the Knights of Columbus is coming from, but stands firm in her belief that this is not a religious issue. She doesn’t think this is an argument about whose religion is better than others and said it makes her non-believer friends feel excluded and that’s hurtful to them. She said it doesn’t matter what her beliefs are or what anyone’s beliefs are, we must stand together as a community and that is why she opposes the signage. We should all work together to make this a strong community inclusive of every citizen.

Mayor Pogue said the majority of crowd was here for this topic so we will address this item now and come back to presentations afterward. He said that after we discuss this topic, you can stay or leave quietly.

In God We Trust:

Alderman Leahy said he prefers any reaction to his statement please be muted. Some people may consider this a patriotic statement but many feel it is religious. I know I personally do feel this is a religious statement. I believe in God, but that is beside the point. Ballwin has 30,000 citizens of various backgrounds and beliefs. We have some that don’t believe. This is what makes us a special city. I believe the City of Ballwin should be inclusive of all of its citizens and stay away from religious issues. Therefore, it is my recommendation and vote not to consider this proposal further.

Alderman Terbrock thanked everyone who sent emails and made phone calls regarding this issue. He said this has been the most controversial issue he's faced in almost ten years on this board. He has heard from more residents who favor putting these words in City buildings than those against it. He said he is a Christian, but he is not going to vote in favor of these hotly contested words tonight. The reason he is not going to vote for this is that the true meaning of this statement has been completely lost. In his opinion, it is a statement of faith. That is a reason in itself not to put it on the wall. Alderman Terbrock said that when this country was founded this may have been a commonly held statement of faith; that in God we will trust. If it was a religious statement, he'd be all for it. It is not being proposed as that and we can't win that in court, so again he is not for it. He does appreciate the offer from the Knights of Columbus and the Catholic Church, but recommends finding a way to mitigate the erosion of the Christian beliefs in our country with that money rather than putting meaningless words on our wall. In his opinion, it would be better work served. He cannot support the offer tonight.

Alderman Harder thanked everyone who turned out tonight and said it is 100 more than normally attend the meetings. He thought maybe they were all here for the tree meeting. He is in favor of this in a number of different ways. He sees it as our national motto, it has been such since before 1955 and it was reaffirmed in 2011 by the representatives that we elect to make these decisions. He doesn't see this as charged language as some would see it; he sees it as a motto, a patriotic symbol. He indicated he will have to vote in support of this measure and likes the compromise of balancing the U.S. motto with the state motto. He hopes others on the Board vote with him for this proposal and that it moves forward.

Alderman Finley said his remarks are drawn from American history, tradition, and culture. The trust in God as embodied in the motto; "In God We Trust" does not establish a national religion. We need not search far for the answer to the current question because its basis lies within American history. How should we proceed and progress as a society, as a nation, unless we know and value where we have been? Statements of trust in God are plentiful to say the least in American history. Preparing to cross the Delaware River during the American Revolutionary War, General George Washington encouraged his soldiers to trust God but keep your powder dry; he was referring to the rifles. President Washington at the request of Congress issued the first National Thanksgiving Proclamation in 1789. The proclamation urges Americans to express their gratitude to God for his protection of them through the Revolutionary War and the peace they had experienced since. For allowing the constitution to be composed in a peaceable and rational manner for the civil and religious liberty they possessed and in general for all the great and various favors. He had been pleased to confer upon us. It was Washington who added to the Presidential Oath of Office "so help me God"; that phrase has been used by every president since. Moving ahead in history, in 1812, America came close to perishing. On August 25, 1814, as the British burned the White House, Capitol and public buildings, a tornado came through which adversely affected the British troops. A British historian wrote that more British soldiers were killed in this stroke of nature than from all the firearms the American troops had mustered. The British forces fled in confusion and rains extinguished the fires. President James Madison, father of our constitution, then proclaimed a national day of public humiliation, fasting and prayer to almighty God on November 16, 1814. It was during the War of 1812 that our National Anthem was penned Francis Scott Key contained in the final stanza is the phrase "In God is our Trust. In 1864, the words were shortened to in "God We Trust" and then applied to the newly designed two-cent coin. This may very well be attributed to U.S. Secretary of the Treasury Salmon P. Chase in keeping with President Lincoln's beliefs during the Civil War. In 1886, Congress passed legislation to place the motto on coins. The motto has been in continuous use on the one-cent coin since 1909 and the ten-cent coin since 1916. It has also appeared on all gold coins, silver dollar coins, half-dollar coins and quarter-dollar coins struck since. He personally thinks the best statement from an American Historical figure comes from President Theodore Roosevelt on November 11, 1907. He wrote, "In God We Trust," is a motto which is indeed well to have inscribed on our great national monuments, our temples of justice, legislative halls and in buildings such as those as West Point and Annapolis. In short, wherever it will tend to arouse and inspire a lofty emotion in those who look thereon. The trust in God is a motto that extends to American heroes not associated with

government. In her book entitled *Quiet Strength*, Rosa Parks wrote, "I learned to put my trust in God and to seek him as my strength." Recently, a statue of Rosa Parks was placed inside U.S. Capitol building. At 450 Auburn Avenue in Atlanta, Georgia, there lies the hub of a national historic site maintained by the National Park Service and serves as a memorial to the American hero who he believes best embodies the motto of a Trust in God, Dr. Martin Luther King Jr. It is our memory that Dr. King trusted God. He once said we need not join the rush to purchase an earthly fallout shelter, God is our eternal fallout shelter. His tombstone at the national historic site bears that phrase, "Free at last, Free at last, Thank God almighty I am free at last." Where would America be if Dr. King, the ultimate hero, had not trusted God? The history of the United States of America is rich with morality, justice, peace, liberty and love. This history is too interwoven in the fabric of America along with the slogan "In God We Trust." This interweaving is our culture and is quintessential Americana. The federal courts have unanimously ruled the motto "In God We Trust" does not endorse religion. The case of *Varinal versus the United States* in the U.S. Court of Appeals 9th Circuit settles the question. The court ruled it is quite obvious that the national motto and the slogan on coinage and currency have nothing to do with the establishment of religion. It is used with a patriotic or ceremonial character and bears no true resemblance to a governmental sponsorship of a religious exercise. In 2005, the 4th Circuit Court of Appeals held in *Lambeth versus Board of Commissioner of Davidson County*, that a county board decision to authorize inscription of "In God We Trust" on the facade of the county government center did not violate the establishment clause. On March 7, 2011, the U. S. Supreme Court denied review in *Newdow versus Lafave*. In the case, the 9th Circuit rejected an establishment clause challenge through the inscription of "In God We Trust" on U.S. coins and currency. In 2013, the same plaintiff, Michael Newdow again attempted to remove "In God We Trust" from our nation's currency. In dismissing that lawsuit, U.S. District Judge Harold Bear Jr. wrote that the Supreme Court has assumed the motto's secular purpose and effect. He also ruled that the Federal Appeals Court had found no constitutional violation in the motto's inclusion in currency and that the placement of the phrase did not constitute a substantial burden on atheists. The federal courts have firmly decided that "In God We Trust" does not violate the establishment clause of the U.S. Constitution. Most recently the 112th Congress in 2011 passed concurrent Resolution 13, which states Congress reaffirmed "In God We Trust" is the official motto of the United States and supports and encourages public display of the national motto in all public buildings, public schools, and other governmental institutions. Thus, we the City of Ballwin are encouraged by the U.S. Congress to publicly display "In God We Trust" on our public buildings. To those here present who oppose "In God We Trust," I tell you that I respect your viewpoint and thank you for caring about this issue enough to come out tonight and join the debate. For all those that oppose, I remind you that the establishment clause has succeeded for the duration of the First Amendment's existence. A national religion has never been established. An adoption of "In God We Trust" by the City of Ballwin tonight will do nothing against this lack of establishment rather it will serve to honor our country's history, tradition and culture. Hopefully, its presence in our buildings will as President Theodore Roosevelt wrote, "Arouse and inspire a lofty emotion in those who look thereon." I shall vote in favor of posting "In God We Trust" in our City buildings and encourage my colleagues to honor America and do the same. If any have additional legal questions, he encouraged them to ask City Attorney Jones.

Alderman Kerlagon said she too had received quite a number of letters and emails from individuals with their desires on this issue. She read a short statement and said she was elected to represent the wishes of residents of Ward 4 and not her own personal desires on issues that come before the Board. She said that as a believer in God, she does trust him in providing answers on how she should live her life and that she personally would like to see the "In God We Trust" plaques around our City, but she believes that living a life that demonstrates her trust in God is more important than simply having a plaque on a wall. She said in the bible Christ emphasizes that her actions and how she relates and treats others is important versus what she has on the wall in her home. Therefore, based on the overwhelming feedback she has received, she will be voting against the offer of "In God We Trust" based on the many comments she received from those living in Ward 4.

Alderman Boland said we've heard a lot about history and precedents tonight. He was raised Catholic and is a member of Holy Infant Parrish. He attended Catholic school and said what

strikes him is the personal nature of this issue to everybody who has come to speak tonight. He said this is a very personal topic that makes him nervous when talked about in a government setting. Religion is personal; his faith got him through the death of his wife six years ago and through the challenge of raising two kids. He remembers that people were telling him what he should be doing with his kids; he said they should make their own choices and respect their feelings. He indicated they were mad at God for taking their mother and he agreed with them, but that it's an amazing thing when you leave people to their own choices, they come around. He said to those who came to speak, that he believes in God and doesn't understand Atheism or certain religions, but respects them nonetheless. When it comes down to it, he asked who is he to judge or determine the law here. From that regard, he said he will follow along the lines of his colleague, Alderman Kerlagon and vote against this. He reiterated that he was raised Catholic and believes in God, but at the same time, is just uncomfortable putting this message on a wall inside a government building.

Alderman Dogan thanked all the citizens for coming out and said it would be nice if we had this kind of interest about other issues, but we will take the interest when we can get it. He had three thoughts that he wanted to get out. First, there is this tension that we've heard in the comments tonight about the issue that "In God We Trust" is simply a platitude or some sort of a meaningless phrase or just a motto or that it is a religious phrase and that the God in there is a specific kind of God and that this is an establishment of religion. In his view, if it is the later, if it is an explicit expression of faith, then it is pretty clearly unconstitutional to put it on the wall in a government building. He indicated that this is not his view and it is not the view that the courts have actually ruled. The courts have ruled that it is an expression of patriotism, not of faith, but even in that case, even if we look at it as a neutral phrase, it is an expression of patriotism and we have to be clear that patriotism and love of God are two separate things. He said he thinks one can be a patriotic American and worship all kinds of different Gods or no God at all or worship in any other way. That on the contrary, there are plenty of people who worship God in different ways who don't love or live in America or who are completely outside of our experience. So he thinks that making a statement conflating "In God We Trust" with patriotism is not the way he wants to go. He doesn't want to make it a litmus test to say that if you love God and love America that you have to have that phrase up there. His second point was that this issue came to the board because of one individual. He said we have had other issues that one individual or a group brought to board and we decline to do anything because we want to have broader support. He thinks this is the case with this issue. Not only was it one individual, but it is one person with one organization, the Knights of Columbus, within one Christian denomination. The individual didn't come here with support from any other Protestant denomination or from anyone who was Mormon, Muslim, or Atheist and in doing so he wasn't bringing people together. Alderman Dogan thinks that if we had some sort of a consensus among our community about bringing people together and having one phrase whatever it may have been, that if it had been a united proposal, then it could have been something others could get behind. The way it was brought to the board was not unifying but rather divisive as we've seen tonight. The third point he said was a funny one. He indicated that he is a student of politics and has worked in politics for a long time. He worked in Washington D.C. in the U.S. Senate and said that outside of the Senate chambers they have the phrase "In God We Trust" and inside the House chambers they also have the phrase that's been there since 1962. He wants to contrast that to this board because they do have those phrases in Washington, but we don't have them here and yet who would argue that the people in Washington have behaved more morally or responsibly than the people here in Ballwin. All of those Mayors that you see behind you (pointing to the pictures on the wall in the back of the boardroom), they didn't need this phrase behind them to govern. In closing, Alderman Dogan said that if you need a phrase like that up there to govern your behavior, then your moral compass is already in trouble and you need something bigger to guide you. He said he'll be voting against it.

Alderman Fleming said he appreciates all of the emails he's received and all of the comments tonight from people on opposite sides of the issue. He appreciates the courtesy they extended to each other tonight to express their views. He said he has a very simple view of his role as Alderman in the City of Ballwin. His view on his responsibility is a "drive in your own lane" form of

government service and that this isn't his lane to drive in. He said this is not a federal building and he doesn't know if "In God We Trust" needs to be here and that it is not a State of Missouri building and he doesn't know if we need the State of Missouri slogan here either. He said the City of Ballwin's slogan is "Bringing People Together" and that when he filed to run for this office nobody asked him if he was Republican or Democrat and he didn't have to declare one way or another and they didn't ask what religions he was. He said all people wanted to know is what are you going to do to serve the City. He said it is best to reject this proposal and thanked the Knights of Columbus for making it and for the spirit in which it was offered. He thinks to do so and accept the proposal would open us up to other things. He mentioned that in Flint, Michigan, a heavy industrial town that has suffered setbacks and is a high crime area, their city has considered a proposal to pass out a booklet to make their city safer and more harmonious. The booklet has 21 different principals and was distributed by the Church of Scientology. He said that if we were to do that here, people would surely be up in arms and to start down that road of "In God We Trust," we open ourselves up to another group or another idea and that is not the role here. He reiterated that he is a simple drive in your own lane kind of public servant and at this level his job is to make sure the citizens of Ballwin have a good budget, that we take care of City services that people want and not to stray outside of that. He said he appreciated the spirit in which the Knights of Columbus offer it and thanked them, but that he is voting against it.

A motion was made by Alderman Harder and seconded by Alderman Finley to recommend "In God We Trust" and for staff to move forward with putting the letters on the wall.

A roll call was taken for passage with the following results:
Ayes – Finley, Harder. Nays – Boland, Dogan, Fleming, Kerlagon, Leahy, Terbrock.
The motion fails with a vote of 6 – 2.

PUBLIC HEARINGS

None.

NEW BUSINESS

LEGISLATION

None.

CONSENT ITEMS: (Budgeted items which are low bid and do not exceed expenditure estimates and/or items which have been previously approved in concept.)

A. Golf Carts

City Administrator Kuntz said that staff recommends that Ballwin we replace six of the oldest golf carts with a purchase from E-Z Go Golf Cars, who submitted the lowest of three bids in the amount of \$10,980, with trade.

A motion was made by Alderman Fleming and seconded by Alderman Boland to accept the Consent Item. A voice vote was taken with a unanimous affirmative result and the motion passed.

MAYOR'S REPORT

The mayor announced that he had again been appointed to the St Louis County Municipal League Legislative Affairs Committee. If anyone has any thoughts or concerns about future legislation needs please let him know.

CITY ADMINISTRATOR'S REPORT

Street Trees: City Administrator Kuntz said that our Parks Director, Linda Bruer, in concert with the Arborist, drafted revised language regarding street tree maintenance. This was crafted into legislation by the City Attorney and is hereby submitted for consideration.

The Board discussed having a paper trail to document when street tree removal is authorized. Mayor Pogue said that a paper trail was not necessary if the trees are just trimmed.

A motion was made by Alderman Fleming and seconded by Alderman Boland to authorize City Attorney Jones to revise the draft ordinance to require written permission for tree removal but not trimming. A voice vote was taken with a unanimous affirmative result and the motion passed.

Telephone Equipment: IT Manager Reeds recommended that Ballwin upgrade its current telephone equipment to facilitate conversion from digital to a VOIP based system. She recommends that this contract be awarded to Tech Electronics at a cost of \$24,233.

A motion was made by Alderman Boland and seconded by Alderman Kerlagon to purchase the new equipment. A voice vote was taken with a unanimous affirmative result and the motion passed.

Telephone Service: IT Manager Reeds recommended that Ballwin extend its current contract with Windstream/WorldNet for land line local and long distance telephone service. This 3-year continuation would result in a reduction of monthly charges from \$988 to \$740.

A motion was made by Alderman Boland and seconded by Alderman Kerlagon to extend the current contract. A voice vote was taken with a unanimous affirmative result and the motion passed.

Henry Avenue Engineering: It is recommended by City Engineer Kramer that this engineering contract be awarded to CDG Engineers in the amount of \$99,985.77. This will be subject to 80% federal funding reimbursement.

A motion was made by Alderman Fleming and seconded by Alderman Leahy to award this contract. A voice vote was taken with a unanimous affirmative result and the motion passed.

STAFF REPORTS

Employee Compensation: Finance Officer Keller told the Board that Ballwin conducts an annual survey of salary ranges used by ten peer cities to adjust Ballwin's ranges accordingly to maintain its ranking at the 70% percentile.

She indicated that the adjustments to the pay ranges are nominal, with the majority of the increases falling between .2% and 1.6%. Merit increases of 2% or higher would automatically bring employee salaries up to the new minimum for their pay ranges so that a supplemental "market basket" adjustment would not be required. A merit increase lower than 2%, however, would require a market basket adjustment to bring some employees' salaries up to the new minimum for their pay range.

City administration is recommending that Ballwin budget for an increase of 3% subject to budgetary funding availability.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock to approve the merit increases if the funding is available.

A roll call was taken for passage with the following results:
Ayes - Boland, Finley, Fleming, Kerlagon, Leahy, Terbrock. Nays - Dogan, Harder.
The motion was approved with a vote of 6 – 2.

Employee Compression: Finance Officer Keller explained to the Board that to address compression in all pay ranges in all departments at one time would be beyond the means of the City at this time. She is proposing a plan whereby Ballwin address compression only in one or two in ranges where long term employees have been affected by the placement of a new hire. The cost to adjust these two ranges in 2015 would be \$69,000. She indicated that salary compression had occurred in all departments, but it was most evident in the police department. Among police officers, employees with as many as twelve years of seniority are earning the same as newly hired officers.

Police Chief Schicker said he believes this is the driving factor behind the high turnover currently occurring among department police officers. Resignations are at least twice as high as they have been in recent years, and the officers who are resigning have all experienced salary compression.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock to address a plan and adopt. The motion was passed unanimously.

CITY ATTORNEY'S REPORT

Clean Energy: City Attorney Jones conducted a review of the state law governing the Clean Energy Program that has been proposed to the City at the September 8 meeting. He said that by agreeing to join the Clean Energy District, Ballwin would incur no financial obligations and would be required to carry no debt on its books.

A motion was made by Alderman Fleming and seconded by Alderman Boland to draft an Ordinance to enter into an agreement with the Missouri Clean Energy District.

ALDERMANIC COMMENTS

Alderman Harder said he was a member of St. Louis Hope and that on October 11 from 9:a.m. to 2 p.m. they will be were accepting donations of medical equipment at two Walgreens locations in the area.

Alderman Leahy said the he attended the Craft Beer Festival on September 13 and thought it turned out well.

Adjourn: A motion was made by Alderman Fleming and seconded by Alderman Harder to adjourn the open session. The motion passed unanimously and the meeting was adjourned at 9:55 p.m.

TIM POGUE, MAYOR

ATTEST:

ROBERT A. KUNTZ, CITY ADMINISTRATOR

CE