



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

April 14, 2014

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

The meeting was called to order by Mayor Pogue at 7:01 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 *March 24, 2014 Board of Aldermen meeting and closed session* were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Kerlagon to approve the Minutes. A voice vote was taken with a unanimous affirmative result and the motion passed.

PRESENTATION

None.

PENDING ISSUES

None.

CITIZEN COMMENTS

None.

PUBLIC HEARINGS

None.

NEW BUSINESS

LEGISLATION

BILL # 3829 - AN ORDINANCE AMENDING THE CURRENT EMPLOYMENT CONTRACT WITH THE CITY ADMINISTRATOR.

A motion was made by Alderman Fleming and seconded by Alderman Leahy for a first reading of Bill No. 3829. A voice vote was taken with a unanimous affirmative result, the motion passed and Bill No. 3829 was read for the first time.

Alderman Finley said there is a provision that the City Administrator shall comply with personnel rules and regulations. Does this include what's in the Policy Manual? City Attorney Jones said that it does. Personnel rules and regulations of the City was intended to include both the Personnel Manual and Policy Manual, Section 1 and 5.

A motion was made by Alderman Fleming and seconded by Alderman Boland for a second reading of Bill No. 3829. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3829 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3829 with the following results:
Ayes – Fleming, Terbrock, Boland, Leahy, Dogan, Finley, Harder, Kerlagon. Nays – None. Bill No. 3829 was approved and became **Ordinance No. 14-10**.

BILL # 3830 - AN ORDINANCE AMENDING ORDINANCE NUMBER 11-24 OF THE CODE OF ORDINANCES OF THE CITY OF BALLWIN WITH RESPECT TO COMPENSATION OF THE PROSECUTING ATTORNEY.

A motion was made by Alderman Fleming and seconded by Alderman Harder for a first reading of Bill No. 3830. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3830 was read for the first time.

A motion was made by Alderman Kerlagon and seconded by Alderman Leahy for a second reading of Bill No. 3830. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3830 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3830 with the following results:
Ayes – Kerlagon, Leahy, Finley, Terbrock, Harder, Fleming, Boland, Dogan. Nays – None. Bill No. 3830 was approved and became **Ordinance No. 14-11**.

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. Liquor License – Bonhomme Lions Club for Ballwin Days festival
- B. Salt
- C. Dental Insurance renewal
- D. REJIS

Alderman Dogan requested that Item D (REJIS) be removed for further discussion.

A motion was made by Alderman Fleming and seconded by Alderman Leahy to accept Consent Items A, B & C. A voice vote was taken with a unanimous affirmative result and the motion passed.

MAYOR'S REPORT

Ballwin Days Committee meeting: Mayor Pogue said that the committee meeting is Wednesday, April 16 at The Pointe at 7:00 p.m.

Pay It Forward Proclamation: Mayor Pogue said that at the request of the Ballwin Rotary Club, he agreed to read and sign the following Proclamation:

WHEREAS, the aim of the Pay It Forward concept is to promote community spirit through intentional acts of kindness; and

WHEREAS, the Pay It Forward novel, written by Catherine Ryan Hyde in 2000, has inspired the creation of a movie, a non-profit foundation, and a movement that has been vital in inspiring millions of good deeds all over the world; and

WHEREAS, Pay It Forward Day was created in 2007 in Australia to further the altruistic movement of goodwill; and

WHEREAS, Pay It Forward Day is a worldwide effort being supported by people in more than 65 countries on 6 continents; and

WHEREAS, Pay It Forward Day encourages people to do good deeds for others without asking for anything in return, except for the recipients to pay it forward to others in need; and

WHEREAS, together we can make a difference by creating positive change in our community and world – one good deed at a time;

THEREFORE, I, Mayor Tim Pogue of the City of Ballwin, Missouri, join The Rotary Club of West St. Louis County and other west county communities to hereby proclaim Thursday, April 24, 2014 as:

PAY IT FORWARD DAY

City Administrator Kuntz said that neighboring communities are also adopting Proclamations to support the Rotary Club's initiative to Pay It Forward.

CITY ADMINISTRATOR'S REPORT

REJIS: City Administrator Kuntz said that a cost breakdown has been provided from REJIS, which supplies the data for the court dockets. Our municipal court docket transactions have gone up significantly. As a result of crossing a threshold of case load, REJIS is now charging an increase in fees. The increase of \$252 per month was not anticipated or budgeted, which causes an overage in the budget.

Alderman Dogan asked what is the reason of the increase in case entries. Police Chief Schicker said it involves the volume of cases that are being presented and code enforcement violations. Alderman Dogan asked if the increase is permanent. Police Chief Schicker said it is difficult to say. The fee is determined by the volume of functions that are brought to the court, including traffic and other enforcement efforts.

City Administrator Kuntz said that the REJIS letter states that every six months, they review the case load. Ballwin's case load for the last six months consistently exceeded the maximum number that was applicable under the old payment assessment rate. The amount of cases is subject to a review every six-months. Police Chief Schicker said that it is his understanding that if the caseload decreases in the next six months, the charge will go back down to the previous amount. He said the original agreement was written approximately ten years ago.

City Administrator Kuntz said that there are four software licenses – two at the Police Department, and two at the Court office located at the Government Center. He said he is not aware of an alternate service provider. The Court Clerk previously stated that all of the municipal courts in St. Louis County are using the REJIS system, and all are subject to the same fee rate system.

Mayor Pogue stated that REJIS Chairman Jerry Kent is one of his relatives.

Alderman Terbrock asked if the extra charge is figured into the court costs and fines? City Administrator Kuntz said yes. The software fee is a fixed cost. The transaction numbers will change. City Attorney Jones said the agreement is to pay an additional \$252 per month, which is \$1,105 per month on a go-forward basis.

City Administrator Kuntz said that our municipal court is moving from a class 3 to class 4 because over the 6 months, the threshold of class 4 was exceeded. That increased the monthly cost from \$850 to \$1,105. Alderman Harder asked for further clarification.

Alderman Harder asked if there is a line item fee on every ticket that goes to REJIS? City Administrator Kuntz said that REJIS's fee is not assessed on a per transaction basis. It is based on a gross monthly utilization rate. Alderman Harder said that perhaps this should be included in the court costs in the future. City Attorney Jones said that there is a limit on the amount of court costs that can be collected. Some are statutory fees that are passed on to various funds, and we keep \$18 per case.

Alderman Boland asked for a brief explanation of what REJIS is. City Attorney Jones said that at one point, it was a service by the St. Louis County Police Department, and it later became the regional justice information system, which was a combination of the County and the City docketing and record keeping efforts. It doesn't have a separate existence apart from the County and the City and it is jointly managed.

Alderman Boland said that we can pass along some of the increase, but not all of it. City Attorney Jones said that the fines that we collect from defendants after the cases are disposed of is general revenue for the city. He said our court collects \$24.50 per case. His recollection is that we keep \$18 per case, and the other \$6.50 goes to different statutory funds, such as sheltered workshop, battered spouse funds, etc.

Alderman Boland asked if we are restricted by our ordinances that we can't pass all of the increases on in our fees? City Attorney Jones said that we are restricted because State law prohibits raising costs above a specified level. City Administrator Kuntz said that our court is at the bottom of a new bracket. The caseload brings us from the 501 – 800 level to the class 4, which is 801 – 1,200. This probably won't be the same every six months.

City Attorney Jones said that we are limited in the amount of court cost we can charge, but not the amount of fines. That is within the discretion of the municipal court judge. The more cases, the more revenue. Alderman Boland said, if they are charging us more per case, we're not going to make it up in volume.

Police Chief Schicker said this is not a per-case increase. It's per volume of cases.

Alderman Leahy asked, in the last 12 months of this audit, did we receive more revenue from our court system? City Administrator Kuntz said yes, because the number of cases went up, but the court is not intended to be revenue generating. It's what we need to do to provide equitable justice for the defendants in the municipal court and the residents of Ballwin.

A motion was made by Alderman Fleming and seconded by Alderman Kerlagon to approve the new REJIS contract as submitted by staff. A voice vote was taken with a unanimous affirmative result and the motion passed.

Architect Services: City Administrator Kuntz said this is regarding determining alternatives for the future infrastructure of the Government Center. Three firms were interviewed that had municipal references. A confidential report on the value of the Government Center property was also received from a commercial realtor. It is recommended that Archimages do the preliminary study to present alternatives and costs in order to allow the Board to determine how to move forward in 2015. He said we are not permitted to request price quotes at this stage. We can only request qualifications. This is the least expensive part of the process because they are not going to develop final plans and specifications for construction. This has been budgeted in the contingency fund. If the Board accepts this recommendation, a price will be negotiated and presented to the Board at the next meeting.

City Administrator Kuntz said the options that were presented at the last work session were building from scratch at another location on city property, building a new facility on the current site, or renovating within the existing parameters. All options should be evaluated to make a decision.

Alderman Harder asked why was Archimages recommended over the others? City Administrator Kuntz said that Archimages has direct municipal application, which are the most projects that are similar to what we are doing. The others were on the edge of this. The people representing the company listened as opposed to telling us what we needed. Assistant City Administrator Aiken agreed and said they understood what we are looking for. They have done a lot of local work. They are currently working for the City of Olivette but are still in the analysis phase on that project.

Alderman Finley asked what about this company appears to be better than the experience with renovation of the Board room? City Administrator Kuntz said JEMA did a good job, however there were details with sub-contractor design companies that should have been made more clear. The question now is should we put a band aid on the building and just take care of the basic problems, or should we come up with a design that the Board will approve and be comfortable with for 20 or 30 years ahead?

A motion was made by Alderman Fleming and seconded by Alderman Kerlagon to instruct staff to proceed with Archimages. A voice vote was taken with a unanimous affirmative result and the motion passed.

Financial Update: City Administrator Kuntz said that at the April 28 Board meeting, Finance Officer Keller will give a financial report.

Oath of Office: The Oath of Office will be administered at the next meeting to Aldermen Finley, Dogan, Fleming and Kerlagon.

50th Anniversary of the Ballwin Police Department: City Administrator Kuntz said that also on the April 28 Board meeting, Police Chief Schicker will be hosting a brief recognition service of the 50th anniversary of the Police Department. There will be a reception for the retirees and current employees. On Sunday, April 27, there will be an open house tour of the Police Department.

Aldermen's Photos: May 12 at 6:00 p.m., a group photograph of the Board of Aldermen will be taken. Individual photos can also be taken for updating the Ballwin website.

STAFF REPORTS

None.

CITY ATTORNEY'S REPORT

AT&T Cell Tower Lease: City Attorney Jones said that he and Assistant City Administrator Aiken are working with AT&T for the proposed lease for the Ferris Park cell tower. Hopefully the lease will be presented to the Board at either the next meeting or on May 12.

Telecommunications Ordinance: City Attorney Jones said he hopes to have a draft of a new telecommunications ordinance which recognizes the Senate bills and House bills that he reported on last month. He said he doesn't want to get too far ahead of what other cities are doing in trying to be consistent among the 22 cities that his legal firm represents in trying to find a model ordinance. This will also be presented at the next Board meeting.

Mayor Pogue said that House Bills 2034 and 2111 are going to be heard in hearing tomorrow, April 15.

ALDERMANIC COMMENTS

Residential Survey: Alderman Finley said he canvassed his Ward 1 within the past few weeks leading up to the election. He said the number 1 unsolicited comment he received was that we need to do a better job of keeping control of zoning and being better stewards of the Manchester Road commercial district. He said he would like to discuss this at another work session that was previously suggest be held.

Adjourn: A motion was made by Alderman Fleming and seconded by Alderman Kerlagon to adjourn. The motion passed unanimously and the meeting was adjourned at 7:45 p.m.

TIM POGUE, MAYOR

ATTEST:

ROBERT A. KUNTZ, CITY ADMINISTRATOR

MC

April 14, 2014