



CITY OF BALLWIN
BOARD OF ALDERMEN MEETING MINUTES
NOVEMBER 10, 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 7:03 p.m.

PRESENT

ABSENT

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

The Pledge of Allegiance was given.

MINUTES

The Minutes of the ***October 27, 2014 Board of Aldermen meeting*** were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Leahy to approve the Minutes as submitted. 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 #3853 - AN ORDINANCE CREATING A RESTRICTED FUND ACCOUNT FOR GOVERNMENT CENTER IMPROVEMENTS

A motion was made by Alderman Terbrock and seconded by Alderman Boland for a first reading of Bill No. 3853. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3853 was read for the first time.

Alderman Finley said he would feel more comfortable with a sunset provision for this ordinance. He also wanted a clearer understanding of the funding timeframe.

Alderman Boland also asked for clarification on the numbers for the project.

Finance Director Keller provided clarification about the funding.

Alderman Fleming said he agrees in setting up a fund, but doesn't think an ordinance is necessary to set it up. He objects to the "2/3" approval requirement and feels that an instruction to staff should be enough. He also indicated that he is not sold on any of the plans presented thus far.

Alderman Dogan expressed concern that we are assuming an operating budget surplus over the next three years. He asked what if we don't have a surplus, what do we fall back on? He agrees with Alderman Boland to set up a separate account for the project and feels a "majority" versus "2/3" vote would be fine.

Mr. Kuntz said if that were the case, we would look at alternatives at that time to determine how to proceed.

Alderman Terbrock feels that if there isn't something in place to earmark the funds, they could too easily be used for something else. He feels setting up the fund by ordinance is a good approach because it requires the Board to pass a new ordinance to direct the funds for a different purpose, but he doesn't like the "2/3" requirement either and that a "majority" would work for him.

A motion was made by Alderman Finley and seconded by Alderman Dogan to amend Section 1, Sentence 5, by replacing "until otherwise modified or eliminated by affirmative vote of 2/3 of the Board of Aldermen" with "until the end of fiscal year 2017." A roll call was taken to approve the amendment with the following results: Ayes – Dogan, Fleming, Finley, Kerlagon, Terbrock. Nays – Boland, Harder, Leahy. The motion passed with a vote of 5-3.

A second motion was made by Alderman Finley and seconded by Alderman Harder to amend Section 1, Sentence 7 by replacing "2/3" with "majority." A roll call was taken to approve the amendment with the following results: Ayes – Fleming, Finley, Harder, Terbrock. Nays – Boland, Dogan, Kerlagon, Leahy. Mayor Pogue broke the tie with an aye vote. The motion passed with a vote of 5-4.

A motion was made by Alderman Finley and seconded by Alderman Terbrock for a second reading of Bill No. 3853 as amended. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3853 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3853 as amended with the following results: Ayes – Boland, Dogan, Finley, Harder, Terbrock. Nays – Fleming, Leahy, Kerlagon. Bill No. 3853 was approved by a vote of 5-3 and became **Ordinance No. 14-34**.

BILL #3854 - AN ORDINANCE AMENDING THE 2014 BUDGET OF CASH REVENUE AND CASH DISBURSEMENTS FOR THE OPERATING AND CAPITAL REVENUE FUNDS OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, PROVIDING FOR EXPENDITURE REVISIONS IN ACCORDANCE WITH SAID BUDGET AND MAKING RE-APPROPRIATIONS THEREOF.

A motion was made by Alderman Kerlagon and seconded by Alderman Boland for a first reading of Bill No. 3854. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3854 was read for the first time.

A motion was made by Alderman Boland and seconded by Alderman Fleming for a second reading of Bill No. 3854. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3854 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3854 with the following results: Ayes – Boland, Dogan, Finley, Fleming, Harder, Leahy, Kerlagon, Terbrock. Nays – None. Bill No. 3854 was approved by a vote of 8-0 and became **Ordinance No. 14-35**.

CONSENT ITEM

None.

MAYOR'S REPORT

None.

CITY ADMINISTRATOR'S REPORT

Pension Plan Option: City Administrator Kuntz indicated that the L7 LAGERS pension plan would not be cost effective based on the actuarial numbers provided. The plan is to follow the merit and compression initiatives initially presented and approved,

A motion was made by Alderman Harder and seconded by Alderman Fleming to pursue the 3% merit increase for budget purposes. A voice vote was taken with a unanimous affirmative result and the motion passed.

ADA Compliance: Mr. Kuntz referred to a memo written by City Engineer Kramer indicating that Ballwin needs to update the ordinance on sidewalks and curb ramp construction to reflect current ADA standards.

A motion was made by Alderman Finley and seconded by Alderman Fleming for the city attorney to draft legislation to update the ordinance to reflect current ADA standards. A voice vote was taken with a unanimous affirmative result and the motion passed.

Mayor Pogue suggested that Ballwin's ordinances involving open carry be reviewed and updated in accordance with recent changes in the state statutes.

A motion was made by Alderman Terbrock and seconded by Alderman Fleming requesting the city attorney to review Ballwin's ordinances for changes necessary to maintain compliance with

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

Capital Improvement Plan: Mr. Kuntz said the 5-year Capital Improvement Plan has a few elements to it. The two biggest projects are the Golf Course irrigation system replacement and the Ries and Ramsey culverts over Fishpot Creek. All of the projects are dependent on grant funding. The other element of the plan is the allocation commitment for payment of the recent mechanical system upgrades at the Pointe. This prior legal obligation will be fully satisfied in February, 2017. With the Board's approval, he'd like to present the Capital Improvement Plan to the Planning and Zoning Commission at the December 1, 2014 meeting for approval.

A motion was made by Alderman Fleming and seconded by Alderman Harder to approve the Capital Improvement Plan. A voice vote was taken with a unanimous affirmative result and the motion passed.

Pointe Graphics: Mr. Kuntz briefly discussed the request to install an 11' x 90' graphic to the north-south wall in the gym at the Pointe. The purpose of the graphic is to add additional color to the gym to tie in with the rest of the building and to provide a visual that encourages activity and promotes healthy lifestyles. Only one bid was received for the project in the amount of \$17,375.

Alderman Fleming felt the mural was something the Pointe could do without because of the cost and because it was not representative of Ballwin.

Alderman Harder said he agreed with Alderman Fleming about the mural and also felt it had nothing to do with Ballwin. He felt the funds could go into programming versus being used on a mural.

Alderman Boland suggested in the future hiring a local artist to paint a mural to be more representative of Ballwin.

A motion was made by Alderman Fleming and seconded by Alderman Harder to reject the bid for the Pointe wall graphic. A voice vote was taken with a unanimous affirmative result and the motion passed.

Future Meetings: Mr. Kuntz indicated that Ballwin is at the end of the budget process. He feels the budget could be completed legislatively at the December 8, 2014 Board of Aldermen meeting.

A motion was made by Alderman Fleming and seconded by Alderman Boland to cancel the December 22, 2014, Board of Aldermen meeting. A voice vote was taken with a unanimous affirmative result and the motion passed.

STAFF REPORTS

Revenue Forecast: Finance Director Keller provided a summary of the revenue forecast for 2015. The budget expenditures for 2015 have been set in accordance with the anticipated revenues.

CITY ATTORNEY'S REPORT

City Attorney Jones mentioned that he confirmed with the Missouri Department of Natural Resources that a less expensive testing procedure would be possible for the site at the former underground fuel tank at the golf course. After negotiations, it has been agreed that Ballwin will

contract with FCI to do one boring sample to determine the need for follow-up maintenance. After we receive the contribution from the tank fund for this boring, Ballwin's contribution will be approximately \$2,674. If the MDNR finds evidence of additional diesel contamination in the area, it may not be possible to get the "No Further Action" letter we are seeking and additional remediation may be necessary. Mr. Jones is hopeful this case will be closed.

ALDERMANIC COMMENTS

Alderman Fleming congratulated Alderman Dogan and Alderman Harder on the election results and their future appointments.

Alderman Harder asked City Administrator Kuntz about the status of a senior center.

Mr. Kuntz replied that he was trying to schedule a meeting with the MEAA Executive Director in Manchester to discuss the unmet need in the community. He is supportive of this, but feels there isn't a grassroots charge for it.

Mayor Pogue indicated that the Lafayette Mayors have discussed the topic and are supportive, but there are many questions that need to be addressed in order to move forward.

Alderman Dogan asked City Attorney Jones about the repercussions from the right to farm amendment. Has he seen any court challenges?

City Attorney Jones indicated that he was not aware of any litigation on the right to farm topic at this time.

Adjourn: A motion was made by Alderman Fleming and seconded by Alderman Leahy to adjourn. The motion passed unanimously and the meeting was adjourned at 8:36 p.m.

Tim Pogue, Mayor

ATTEST:

Robert A. Kuntz, City Administrator

RK/CE