



MINUTES OF THE BOARD OF ALDERMEN MEETING  
CITY OF BALLWIN – 300 Park Drive  
February 8, 2016

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

ABSENT

Mayor Tim Pogue  
Alderman James Terbrock  
Alderman Michael Finley  
Alderman Kevin Roach  
Alderman Mark Stallmann  
Alderman Frank Fleming  
Alderman Jim Leahy  
Alderman Ross Bullington  
Alderman Kathy Kerlagon  
City Administrator Eric Hanson  
City Attorney Robert E. Jones

The Pledge of Allegiance was given.

MINUTES

The Minutes of the *January 25, 2016 Board of Aldermen meeting minutes and Finance and Administration Committee minutes* were submitted for approval.

*A motion was made* by Alderman Fleming and seconded by Alderman Bullington to approve the January 25, 2016 Board of Aldermen meeting minutes as submitted. A voice vote was taken with a unanimous affirmative result and the motion passed.

*A motion was made* by Alderman Fleming and seconded by Alderman Roach to amend the January 25, 2016 Committee Meeting minutes in the last paragraph to read as follows, “Alderman Roach asked what is required of the City in order to proceed with a refinance. He was informed that the purpose of this committee meeting was to start this conversation and that further discussion on viable solutions will be done at a later time.” A voice vote was taken with a unanimous affirmative result and the motion passed.

*A motion was* by Alderman Fleming and seconded by Alderman Finley to approve the January 25, 2016 Committee meeting minutes as amended. A voice vote was taken with a unanimous affirmative result and the motion passed.

## 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. Contractual Tree Removal
- b. Golf Course Reel Grinder
- c. Street Sweeping
- d. Crushed Rock
- e. Traffic Control
- f. Asphalt Overlay
- g. Ready Mix Concrete
- h. Slab & Sidewalk
- i. Hot Mix Asphalt

***A motion was made*** by Alderman Fleming and seconded by Alderman Leahy to accept the Consent Items as submitted. A voice vote was taken with a unanimous affirmative result and the motion passed.

### MAYOR'S REPORT

Mayor Pogue informed the board that Ballwin has been recognized as Missouri's healthiest housing market, for a second year in a row. This study was done using home values, ease of sales and costs associated with ownership.

Mayor Pogue thanked Interim Chief Kevin Scott for arranging and taking City Administrator Hanson and himself on a tour of the St. Louis Drug Task Force Headquarters on Friday. He stated it was very impressive and nice to see how the City's resources are being allocated towards this task force.

### CITY ADMINISTRATOR'S REPORT

City Administrator Hanson informed the Board of the salt brine process and the testing that has been taking place. In using this process and testing the equipment, it allows Ballwin to lay down an advance treatment without incurring any overtime. Unlike the traditional process which uses 90 tons of salt, salt brining only uses 15 tons to cover the whole city. The cost differential is about \$5,000 per citywide treatment. The salt brine remains on the road until it rains or snows. City Administrator Hanson stated that in the future he will encourage and recommend that Public Works Director, Gary Kramer, and his staff be proactive and pretreat the roads. Overtime cost will be reduced dramatically as well as the City's overall salt usage.

City staff is participating in an in-house wellness initiative that began February 1<sup>st</sup>. This is an effort to get the City's employees to become healthier and to reduce healthcare costs in the future. City Administrator Hanson recognized Sgt. Jim Heldman from the Police Department, Jim Link from Public Works, Matt Struempf from Parks and Recreations, Linda Belcher from Administration, Denise Keller from Finance and Haley Morrison from Human Resources. They collectively put this program together at no cost to the City. Staff is already participating in the program. The goal is to help the City's employee's lead healthier lives and to be more productive at work and reduce costs associated to health related issues.

The City is still seeking applications for the Police Chief position. Applications are due Friday, February 12<sup>th</sup>. City Administrator Hanson stated that applications have been received from all around the country. This process is moving forward as expected.

Tuesday, February 9<sup>th</sup>, there is a public hearing at the Pointe for the Henry Avenue Overlay and Sidewalk Project. Board members and the public are encouraged to attend.

## STAFF REPORTS

### PARKS & RECREATION DEPARTMENT

#### **GOLF COURSE FEE**

Linda Bruer explained that a \$1.00 per nine hole round increase to resident and non-resident rates could potentially increase revenue by approximately \$30,000 annually. Fees were last raised at the golf course in 2008. If approved, it is proposed that the rate increase go into effect March 1, 2016.

*A motion was made* by Alderman Fleming and seconded by Alderman Terbrock to have City Attorney Jones draft legislation for a fee increase at the Golf Course. A voice vote was taken with a unanimous affirmative result and the motion passed.

#### **CONTRACT MEDIAN MAINTENANCE**

Linda Bruer explained that Ballwin contracts out the maintenance of the landscaped medians on Manchester, Ballpark, Jefferson, Clayton, and Big Bend. She recommends awarding the contract to the low bidder, Munie Greencare Professionals.

*A motion was made* by Alderman Stallmann and seconded by Alderman Fleming to accept the staff's recommendation and award the median maintenance contract to Munie Greencare Professionals. A voice vote was taken with a unanimous affirmative result and the motion passed.

### ADMINISTRATION DEPARTMENT

#### **SPECIAL EVENT PERMIT**

Tom Aiken provided the board with proposed ordinance revisions for Special Events Permits. He stated that the primary reason for amendments is to eliminate the multi-step hierarchy of different intensities of special events with an associated fee schedule. Only when costs would be incurred to the City would there be fees for the permits; otherwise there would be no charge for the permit.

These changes were well received by the board in general and that this goes a long way to address issues residents are having when applying for a special event permit.

Any event that would require a police officer's presence or traffic control would be evaluated individually to determine if additional staff would be needed or if on-duty officers can monitor the event while on patrol.

The same situation would apply for events needing barricades. If the City can drop off the barricades during normal business hours, no additional costs would be incurred. If staff needs to provide the barricades outside of normal business hours, then additional costs would be applied.

*A motion was made* by Alderman Fleming and seconded by Alderman Kerlagon to have City Attorney Jones draft legislation to amend the Special Events Ordinance. A voice vote was taken with a unanimous affirmative result and the motion passed.

## CITY ATTORNEY'S REPORTS

### **Charter Business Solicitation**

The City has received a letter from Charter Communications with regards to the solicitation permit. Charter is proposing that it or any business that pays a franchise or gross receipts fee to Ballwin pay only a flat \$200 annual fee for solicitation.

Charter is not recommending a change to the solicitation process, just the fee schedule.

City Administrator Hanson stated that the majority of the solicitation permits processed was for home improvement companies. Charter only applied for a solicitation permit to solicit for four days in 2015. The cost Charter paid was \$85. He suspects Charter plans to expand its r canvassing activity soon because the proposal is more than double what it paid last year in solicitation permits.

Alderman Roach asked what company paid the highest in solicitation fees last year. City Administrator Hanson stated there were two companies, Midtown Home Improvement and a window company, who paid between three and four thousand dollars in solicitation permits.

Alderman Roach also asked if there are businesses in Ballwin that do not pay a gross receipts based tax. City Attorney Jones stated that there are some businesses that pay a tax based on square footage that have no gross receipt oriented businesses. He also commented that the amount that the City charges should reflect the actual efforts staff needs to make in order to process the permits.

Alderman Terbrock questioned Charter's four day solicitation permit stating either that person is a fast walker or it wasn't complying with the rule and had several people soliciting but only had one person complying with the City's ordinance. Alderman Terbrock stated this is what he is afraid will happen. The purpose of the solicitation permit is to keep track of who is in the City doing what. He suggested setting specific number of solicitation days for \$200 and set an additional fee if the applicant does not comply.

Mayor Pogue agreed with Alderman Terbrock's comment and added that Ballwin should set a limit to how many solicitors can apply for a permit at one time.

Alderman Stallmann stated he is hesitant to adjust the cost in order to increase the amount of solicitors knocking on Ballwin's resident's doors. He does not believe any change to the fee schedule should be encouraged.

Alderman Terbrock asked how current the background check needs to be. Interim-Chief Kevin Scott stated that the background check can't be any older than thirty days.

Alderman Leahy is concerned that solicitors from the same company will flood the same houses over and over and suggests that a timeframe be put into place for a solicitation permit.

Staff will contact Charter to gain further information on its solicitation plans in addition to looking into a timeframe restrictions and background check clarification.

Alderman Finley inquired if there may be an anticipated reaction from the construction companies if the ordinance was amended so Charter would have a flat fee. City Attorney Jones stated that the City would need to define the class of merchants who would fall under the flat rate fee.

### **Administrative Dangerous Building Hearing**

The hearing for the property at 641 Kehrs Mill has been continued to March 3<sup>rd</sup>. An effort has been made on the owner's part to start repairs to bring the home into code compliance. The owner has applied for a building permit.

### **Pending Lawsuit**

A lawsuit was filed from a plaintiff named Malin in the St. Louis County Circuit Court against the police chiefs that comprised of the St. Louis County Multi-Jurisdictional Drug Task Force. The City's retired Chief Steve Schicker was one of the individuals. There are nine other chiefs and a couple of St. Louis County officers and one St. Charles County. The allegations are for violations of the Sunshine Law. The task force allegedly did not create minutes for its meeting and did not properly post agendas and make the public aware of its meetings. City Attorney Jones stated that he has entered an appearance for retired Chief Steve Schicker as well as two other police chiefs his law firm represents. There will be a shared cost in defending this action with other cities that are in this lawsuit. He has submitted the lawsuit to SLAIT to determine if there will be any insurance coverage.

## **ALDERMANIC COMMENTS**

**Alderman Terbrock** stated the main reason for setting restrictions and requirements for solicitation permits is for the safety of the residents.

**Alderman Stallmann** followed up on a request back in December, regarding a joint meeting of trustees for all of the subdivisions in Ballwin. A meeting has been scheduled for early March at the Pointe inviting all the subdivision trustees to attend.

**Alderman Finley** has been proactive in reporting street lights that are not functioning to Ameren. He wanted everyone to be aware that there is a number on Ameren's website to call to report the lights that are not functioning and that each street light has an individual identification

number on it. He has been able to get progress reports on when a light has been repaired. He was informed by Interim Chief Kevin Scott that every Sunday night, the police do a streetlight check and if a light is not fixed it remains on a the list until it has been repaired.

*A motion was made* by Alderman Fleming and seconded by Alderman Stallmann to adjourn the Board of Aldermen Meeting. A roll call vote was taken with a unanimous result, and the meeting was adjourned at 7:35 p.m.

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TIM POGUE, MAYOR

ATTEST:

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ERIC HANSON, CITY ADMINISTRATOR