



MINUTES OF THE BOARD OF ALDERMEN MEETING  
CITY OF BALLWIN – 300 Park Drive  
September 28, 2015

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

The meeting was called to order by Mayor Pogue at 7:04 p.m.

*Roll Call*

PRESENT

Mayor Pogue  
Alderman Terbrock  
Alderman Finley  
Alderman Roach  
Alderman Stallmann  
Alderman Fleming  
Alderman Leahy  
Alderman Kerlagon  
City Administrator Hanson  
City Attorney Jones

ABSENT

Alderman Bullington

The Pledge of Allegiance was given.

## MINUTES

The Minutes of the *September 14, 2015 Board of Aldermen meeting and closed sessions* were submitted for approval.

*A motion was made* by Alderman Fleming and seconded by Alderman Leahy to approve the minutes from the September 14<sup>th</sup> Board meeting 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 Leahy to approve the Closed Session minutes as submitted. A voice vote was taken with a unanimous affirmative result and the motion passed.

## PRESENTATION

*None*

## CITIZEN COMMENTS

Lynn Goetz, of 904 Kenilworth, addressed the Board about a letter that was published in the “West News Magazine” by a citizen of Ballwin. The letter was written in response to an article published in the August 19th “West News Magazine” regarding the City of Creve Coeur’s golf course. Mr. Goetz wanted to read

the letter to the Board and asked that the Board stop his recitation should something be incorrect. The letter suggested that Ballwin sell the property for development and use the money from the property tax to build a new Government Center. City Attorney Jones interrupted Mr. Goetz and explained that the City does not collect property taxes and would not benefit in that way from such a transaction. Mr. Goetz asked the Board if the golf course was losing as much money as the article indicated. Attorney Jones confirmed that the golf course was losing money.

## **NEW BUSINESS**

### **LEGISLATION**

*Next Ordinance # 15-32*

**Bill No. 3894 Buffalo Wild Wings SUE:** Mayor Pogue stated that Buffalo Wild Wings has moved from 15240-15244 Manchester Road to 15425 Manchester Road and is under new ownership by AMC Ballwin, Inc. DBA Buffalo Wild Wings. The new location and new ownership requires special use exception legislation to allow operations at this new location.

*A motion was made* by Alderman Fleming and seconded by Alderman Finley for a first reading of Bill No. 3894. A voice vote was taken with a unanimous affirmative result and Bill No. 3894 was read for the first time.

Alderman Terbrock asked why the Board was just receiving this Bill. Mayor Pogue stated the legislation is due to a change of ownership and the location of the business.

*A motion was made* by Alderman Fleming and seconded by Alderman Finley for a second reading of Bill No. 3894. A voice vote was taken with a unanimous affirmative result and Bill No. 3894 was read a second time.

A roll call vote was taken for passage and approval of Bill No. 3894 with the following results: Ayes – Aldermen Fleming, Terbrock, Stallmann, Roach, Kerlagon, Leahy, Finley;. Nays – None. Bill No. 3894 was approved and became **Ordinance No. 15-32**

### **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. AMC Ballwin Inc DBA Buffalo Wild Wings Liquor License located at 15425 #38 Manchester Rd

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

### **MAYOR'S REPORT**

Mayor Pogue stated there were still vacancies in a couple of Ballwin's commissions. There will also be a vacancy in the Planning and Zoning Commission. Mayor Pogue stated Mike Wind has announced that he will be resigning at the end of the year.

The first Legislative Affairs Committee meeting with the Municipal League meets Tuesday, September 29<sup>th</sup>. Mayor Pogue stated the main focus at this meeting will be on Senate Bill 5 and sales tax pooling. Mayor Pogue said it was his understanding that the Municipal League may be making a recommendation for an alternate to the sales tax bill it introduced a couple of years ago.

The Missouri Legislature passed a bill forcing the cities to hold an election approving the collection of a Use Tax for out of state vehicle purchases. All cities must put this to a public vote by November of 2016 in order to retain the fee. The Municipal League is going to oversee a campaign to put this bill on the April 2016 election calendar for all member cities that have to pass this bill in order to continue collecting this revenue.

## CITY ADMINISTRATOR'S REPORT

Mayor Pogue announced that the Board will meet in Closed Session after the City Attorney's Report and before Aldermanic Comments to discuss real estate.

## STAFF REPORTS

**Inspection Vehicle Lease** – Assistant City Administrator Tom Aiken stated as authorized in the 2015 budget, bids have been solicited for the lease of two vehicles to be used in the Inspections Program. When originally envisioned, these lease vehicles were to be hybrids to save money on lifetime fuel consumption, to minimize maintenance since they would be new vehicles and to promote Ballwin's energy efficiency initiatives. The request for proposal was released on August 26, 2015 and bid submissions were closed on September 11, 2015. Two proposals were submitted, one from Enterprise Leasing and one from Acme Auto of North Haven Connecticut. None of the local dealerships responded. The memo showed the responses received from the two companies. Mr. Aiken stated that if strictly looking from a dollars and cents perspective, that the Chevy Cruze from Enterprise Leasing Company is the least expensive vehicle and would be his recommendation. Mr. Aiken also added that if the Board should approve the staff recommendation, he would like to have the Board's authorization to sell the old vehicles for auction.

Alderman Finley stated he doesn't think the City needs to look at the Hybrid vehicles, that the mileage for these vehicles tends to be somewhat inflated. Mr. Finley said the Cruze and Fusion seem to have sufficient mileage.

Alderman Flemming asked since the Inspection's vehicles tend to be hand-me-downs from the Police Department, if this would still be a viable option. Mr. Aiken said that this would still be a possible option; however, the vehicles the Police give up are junk. He stated that the Police have been having a poor experience with the Impala's which would be handed down to Inspection and the new Ford vehicles won't be coming out for another three to four years.

Alderman Roach asked Mr. Aiken, from a functional perspective, which vehicle he would recommend. Mr. Aiken said the inspectors need a vehicle to get them to and from different inspection sites. The inspectors don't need a sophisticated vehicle just a reliable vehicle.

Alderman Stallmann said that the Cruze seems to be what is needed and the way to go.

**A motion was made** by Alderman Stallmann and seconded by Alderman Kerlagon to accept the staff recommendation to lease the Chevy Cruze from Enterprise Leasing Company. A voice vote was taken with a unanimous affirmative result and the motion passed.

*A motion was made* by Alderman Finley and seconded by Alderman Leahy to authorize staff to sell the current vehicle for auction. A voice vote was taken with a unanimous affirmative result and the motion passed.

## CITY ATTORNEY'S REPORTS

**Stumpf Annexation Ordinance** – City Attorney Jones said he included with the packet a proposed ordinance for the simple annexation of the property at 2750 Clarkson Road. He said that this item was not under legislation because the proper petitions have not been formally received by the Stumpf's. Notice needs to be published and a Public Hearing needs to be held. Attorney Jones state that if anyone objects then the simplified annexation process cannot be used. If 5% of Ballwin's voters object or 2 of the voters in the area petitioned to be annexed object then an election would need to be held. These criteria need to be met before the ordinance can be adopted. The ordinance cannot be adopted until 14 days after the public hearing.

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Mayor Pogue announced that Pursuant to Section 610.021 [2] RSMo, the board will meet in closed session to discuss real estate matters.

**Adjourn to Closed Session:** A motion was made by Alderman Leahy and seconded by Alderman Fleming to adjourn to closed session to discuss employee matters. A roll call vote was taken with the following results:

Ayes: Aldermen Terbrock, Finley, Roach, Stallmann, Fleming, Leahy, Kerlagon  
Nays: None

**The motion passed to adjourn to closed session at 7:29 p.m.**

**The Board reconvened in open session at 7:43 p.m.**

Mayor Pogue reconvened the open session and stated the Board met in closed session to discuss real estate matters and that no formal action was taken at that time.

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## ALDERMANIC COMMENTS

**Alderman Terbrock** commented about the trash accumulating around the Manchester Road bus shelters and how the City needs to do something about it. He said that the one by Applebee's has been pretty bad. He noticed last week that there was a trash bag at that shelter and wondered who was doing it. He came to find out it was Applebee's who was placing a trash bag at that bus shelter. Mr. Terbrock thinks this is something that needs to be addressed now, especially since new shelters will be installed soon. Mayor Pogue stated that he would explore this issue with Metro, but it will be Ballwin's responsibility to maintain those bus shelters within the city limits.

**Alderman Fleming** wanted to address the citizen's comment about the golf course. He stated that you can't judge the success of an amenity or a service offered to citizens based on one year that may have been a loss. The golf course is a valuable amenity to the cities of St. Louis and a very unique community

amenity Ballwin has. He stated that the City would have to be in dire financial straits before he would consider selling anything like that. Alderman Fleming said in preparation for future comments like this one that he would like to package a response for the Frequently Asked Questions list. Mayor Pogue agreed that the golf course is an asset that contributes to the quality of life for the City.

City Administrator Hanson said the majority of the property the golf course and outdoor pool are situated on was purchased as part of a federal grant and to try to sell the property would cause more issues and cost the City more money.

Alderman Fleming that taking an amenity away from Ballwin's citizens and build a new Government Center in its place is not something he finds foreseeable.

Alderman Finley was in agreement and added that Ballwin has a significant population of seniors that enjoy the golf course. Former Alderman Harder was very adamant about Ballwin supporting aging in place.

**A motion to adjourn** was made by Alderman Fleming and seconded by Alderman Kerlagon to adjourn the Board of Aldermen Meeting. A voice vote was taken with a unanimous affirmative result and the motion passed and the Board of Aldermen Meeting was adjourned at 7:51 p.m.

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TIM POGUE, MAYOR

ATTEST:

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ERIC HANSON, CITY ADMINISTRATOR

E Hanson  
T Aiken  
A Johnson

Approved: **October 12, 2015**