



MINUTES OF THE BOARD OF ALDERMEN MEETING
CITY OF BALLWIN – 300 Park Drive
October 26, 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 7:00 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 *October 12, 2015 Work Session and Board of Aldermen meeting minutes* were submitted for approval.

A motion was made by Alderman Terbrock and seconded by Alderman Leahy to approve Alderman Roach’s three amending comments under Administration, Police Department and Public Works and to approve the amended Work Session minutes from October 12, 2015. A voice vote was taken with a unanimous affirmative result and the motion passed.

A motion was made by Alderman Stallmann and seconded by Alderman Terbrock to approve the Board of Aldermen meeting minutes as submitted. A voice vote was taken with a unanimous affirmative result and the motion passed.

PRESENTATION

Barn at Lucerne: Anne Hill, representing the owners of the Barn at Lucerne, presented an overview of the Property Assessment Clean Energy Act (PACE) program in which the owners of the Barn at Lucerne are interested in participating. She stated that the Board of Aldermen would need to pass legislation to join a

Special Tax District. This would allow this property owner, along with any other qualified property owners in Ballwin, to participate. There is no liability or costs for Ballwin's participation. Essentially, this program will allow commercial property owners the ability to take out a loan that would provide funding to improve the energy efficiency of their buildings. Ms. Hill stated these loans would allow owners to repay the assessments over a period up to 20 years through annual payments on their property tax bills. She also mentioned that the PACE assessments are transferable.

Some board members expressed concern about how the assessments are made and how the taxes are collected. Ms. Hill explained that the law provides for St. Louis County to collect the property taxes, but the legislation is worded to permit them to allow a third party entity to collect the special assessments.

Alderman Terbrock stated he did not like the idea of having a third party collecting the tax.

Alderman Roach asked what the Barn was doing and how it all worked. Ms. Hill stated the owner of the Barn would like to make improvements to its facilities that would result in energy savings. Specifically, they would like better lighting, better roofing and to upgrade the HVAC systems. The PACE program allows the property owner to fund this project by placing an assessment on its property for up to 20 years. This loan would be funded by a private lending company. The assessments would be collected on an annual basis to pay off the loan.

Alderman Roach asked if the person who owns the Barn would end up putting an assessment on themselves. Ms. Hill confirmed that in effect this is what happens. This assessment would show up on its annual property taxes. The assessment would be collected and then paid to the lender.

Alderman Roach asked if the property owners were essentially paying additional taxes to pay for a project on their property instead of paying for the project by taking out a traditional loan. Ms. Hill confirmed that property owners would repay the lender from the additional taxes that were collected. She also clarified that the property owners could go to a bank for funding but this program offers the advantages of a 20 year loan life which is longer than most conventional commercial loans and the assessments can be transferred to subsequent owners.

Alderman Roach asked how the assessments are governed. Ms. Hill confirmed that there is a governing board for the Energy Districts. The District is in charge of all aspects of the program including approving projects and collecting assessments. Ballwin would have to pass legislation that would allow this district to oversee this program in Ballwin.

Alderman Roach asked how the boards are established and how accountability was measured. Ms. Hill stated that in this case it was being proposed that Ballwin join the Missouri Clean Energy District (MCED) which already exists. The governing board is already in place in this district. The board has an administrator that is responsible for determining the eligibility of the projects. There are 30 cities that have passed legislation to allow MCED to handle approvals of projects within their jurisdictions.

Alderman Roach asked who defines what projects fall under the clean energy improvements. Ms. Hill responded that the legislation defines what projects would qualify for clean energy improvements and that it is the role of the board and administrator to verify the projects meet the intent of the legislation.

Alderman Roach inquired if other properties in Ballwin have indicated an interest in participating in the program. Ms. Hill responded that she was unaware if anyone else in Ballwin.

Alderman Roach asked how the interest rates were calculated for these loans. Ms. Hill stated each lender would be able to determine its rates.

Alderman Stallmann asked how the entity of the board is funded. Ms. Hill stated that the board technically makes no money off of the program, but it hires an administrator on its behalf. The administrator

determines the fee structure to cover the administrative costs. There is a fee to the applicants but none for the cities.

Alderman Fleming stated that he feels the same way about this program as he did a year ago when it was presented to Ballwin. As long as there are no costs or obligations for Ballwin, then he is in favor of this program.

City Administrator Hanson stated that this could be a tool to have for property/business owners along Manchester Road that have older buildings. This program could potentially help attract more businesses and promote improvements to commercial properties. City Administrator Hanson also stated he would like to see that Ballwin has representation on this board. City Attorney Jones said the MCED board is currently a three person board. City Administrator Hanson commented that Ballwin should be actively involved in the approval process.

City Attorney Jones noted that the special assessments are collected through the St. Louis County Collector, the same way real estate taxes are collected and clarified that it is not through a third party. The assessment tax is then remitted to the PACE board. Ms. Hill stated that the law provides for a Cooperative Agreement if the county would rather have a third party handle the collection process. The reason some entities utilize third party collectors is because the cost is lower.

Alderman Stallmann stated he was in favor of promoting this program since commercial funding is hard to come by.

Alderman Roach asked about the municipalities that had passed the PACE ordinance. Ms. Hill listed several municipalities that have passed the ordinance.

Alderman Roach stated that relative to economic development tools, the old furniture store on Manchester Road didn't need anything like this kind of program; it just needed the Board's approval. He suggested that a way to drive economic development would be to approve plans and businesses when entrepreneurs come to the Board. He informed Ms. Hill that he appreciated her presentation.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann to have the City Attorney review the documents and draft legislation to make the PACE program available to Ballwin businesses. A voice vote was taken and the motion passed with the following results:
Ayes: Aldermen Terbrock, Finley, Stallmann, Fleming, Leahy, Bullington, Kerlagon
Nays: Alderman Roach

NEW BUSINESS

LEGISLATION

Next Ordinance # 15-33

BILL NO. 3895 AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO BRET AND MEGAN HILBERT FOR THE OPERATION OF A RESTAURANT WITH THE SALE OF ALCOHOL BY THE DRINK FOR CONSUMPTION ON THE PREMISES WHERE SOLD, FRONT YARD PARKING, OUTDOOR RECREATION AND OUTDOOR DISPLAY OF GARDENING SUPPLIES.

A motion was made by Alderman Fleming and seconded by Alderman Finley for a first reading of Bill No. 3895. A voice vote was taken with a unanimous affirmative result and Bill No. 3895 was read for the first time

Bret Hilbert was present to answer any questions. In response to an inquiry from Alderman Terbrock Mr. Hilbert explained that he plans to expand the parking area and provide more tables. A playground will be installed adjacent to the building in the area that was originally proposed to be a sand volleyball court. The primary draw of the restaurant is a snow cone “stand” that will also sell alcohol.

Alderman Finley inquired about the safeguards that would be in place to eliminate the risk of selling to minors. Mr. Hilbert stated that he would train his staff according to the Missouri’s liquor law requirements – 18 to serve, 21 to pour.

A motion was made by Alderman Fleming and seconded by Leahy for a second reading of Bill No. 3895. A voice vote was taken with a unanimous affirmative result and Bill No. 3895 was read a second time.

A roll call vote was taken for passage and approval of Bill No. 3895 with the following results:
Ayes – Aldermen Fleming, Leahy, Finley, Kerlagon, Roach, Terbrock, Bullington, Stallmann;
Nays -- None.

Bill No. 3895 was approved and became **Ordinance No. 15-33**

CONSENT ITEMS

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

LIQUOR LICENSE FOR PATIO PLACE RESTAURANT AT 15425 CLAYTON RD

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

MAYOR’S REPORT

PLANNING & ZONING APPOINTMENT Mayor Pogue asked the Board for a motion to appoint Vern Young, former president of the Ballwin Athletic Association, to fill the unexpired term of Chris Wright on the Planning and Zoning Commission.

A motion was made by Alderman Terbrock and seconded by Alderman Leahy to accept the Mayor’s recommendation to appoint Vern Young to the Planning and Zoning Commission. A voice vote was taken with a unanimous affirmative result and the motion passed.

OUT OF STATE VEHICLE REGISTRATION The St. Louis and state Municipal Leagues and are spearheading an effort to place this issue on local ballots for a vote prior to November of 2016. He asked that the Board authorize the City Attorney to draft an ordinance to put this on the April 2016 Ballwin ballot in conjunction with this campaign.

A motion was made by Alderman Stallmann and seconded by Alderman Terbrock to have the City Attorney draw up legislation for this. A voice vote was taken with a unanimous affirmative result and the motion passed.

COUNTY EXECUTIVE MUNICIPAL STANDARDS County Executive Steve Stanger is promoting a county ordinance to set minimum standards for municipal police departments. Mayor Pogue stated that Ballwin's department exceeds the proposed standards. The County Municipal League is opposed to the proposed legislation and a representative will be in attendance at the next St. Louis County Councilmen meeting to announce the opposition.

Ballwin received a **Certificate of Achievement for Excellence in Financial Reporting** from the Government Finance Officer Association. This award is not handed out lightly and Ballwin has never received this award before. The Mayor and City Administrator Hanson congratulated Denise Keller and her team for this outstanding achievement. It speaks well for her and the City.

CITY ADMINISTRATOR'S REPORT

BUDGET REVIEW

Finance Officer Denise Keller presented the Board with projected revenues for 2016. In her presentation, Ms. Keller explained, in detail, the working components of the operating budget revenues and how the projected 2016 revenue was calculated.

The 2015 budget is expected to have a surplus of funds. As was authorized by the board of aldermen, fifty percent of year end surplus funds are to go to the Government Center improvement fund. The remaining surplus could be held in reserves, added to the following year's budget or appropriated for expenditure in the current year's budget.

Ms. Keller also presented her budget forecast for the next five years. She presented what she expected the revenue to be based on current and past trends. She stated she was conservative with the numbers. The reason behind presenting this report was to allow the Board to understand where future revenues will be coming from, if there will be grants to help subsidize projects and what the capital fund is projected to look like over the course of five years.

Ms. Keller displayed the comparison between the combined departmental budgets against the projected revenues for 2016. The findings of this report showed expenses would exceed the revenues.

Alderman Fleming asked Ms. Keller about the costs for certain projects and if the expenses that were being reflected for these projects were prior to grants the City would receive. Ms. Keller explained that the amounts reflected show the expenses the City would end up paying after the grants were received.

City Administrator Hanson explained that this report was no surprise. He fully expected that the expenses would be more than the projected revenues for 2016. He said this report makes certain assumptions about revenues and expenses based on Ballwin's history that may or may not play out. Since the majority of Ballwin's income comes from sales tax, discussions about changing the distribution of pool taxes in Jefferson City can greatly impact the City of Ballwin. City Administrator Hanson stated that this is a projection of different ways the budget could play out. Over the next five years the Board needs to begin thinking about what the priorities are in order to distribute funds into the right programs.

Contrary to what the projected 2016 budget shows, the trend the City has been maintaining for the past years and that Ms. Keller showed on a graph, is that at end of each fiscal year, the City tends to have a budget surplus. With that in mind, Ms. Keller presented the Board with recommended and optional budget cuts to bring the 2016 budget more in line with the projected revenues.

A discussion about programs that are considered important and should be kept and items that were considered less important took place. Mayor Pogue stated that one of his biggest complaints from residents was about the repair and replacement of streets. He believes this is a program that should continue to be funded.

Alderman Finley asked about the swap loader truck being listed on the suggested budget cut list. City Administrator Hanson explained that the swap loader truck could be added into another year's along with its additional accessories thus making it more useful from the inception of its ownership. The Public Works Department has two additional trucks that are on the 2016 budget needing to be replaced.

Alderman Fleming stated there were a few items he would remove but he was reluctant to going line by line eliminating a lot of items. He suggested the City look into using the reserves to absorb these added costs. Alderman Terbrock agreed with Alderman Fleming's comment.

City Administrator Hanson explained that when these items come up for approval, there will be a better understanding of the revenue and expenditure trends at that point. The board would be in a better position at that time to decide if certain items should be funded or deferred.

Alderman Leahy commented that the City had taken money out of the reserves a couple years ago to do additional road work. The City has already replenished what was used. He is confident about moving forward with the proposed budget.

Alderman Stallmann said he was comfortable moving forward with the proposed budget because the expenses were aggressively figured and the projected revenue was determined conservatively. He hopes the revenue ends up surpassing what is being anticipated and no cuts need to be made.

Alderman Roach asked if the Board would be accepting all the cuts as a package or if they would not be accepting them. Alderman Fleming said he was about to make a motion to instruct staff to proceed with the budget without making any cuts.

A motion was made by Alderman Fleming and seconded by Alderman Leahy to proceed with the budget with no cuts. A voice vote was taken with a unanimous affirmative result and the motion passed.

SPECIAL EVENTS ORDINANCE

City Administrator Hanson asked the Board to look at the provisions of this ordinance and what constitutes as small, medium and large events. The large event category requires a \$100 fee. The items listed for qualifying as a large event include using City streets, property or non-city-owned property such as shopping centers and parking lots. This description means that if someone reserved a City pavilion for an event incurs \$100 fee for the use of that facility. If a person organizes an event such as a 5K which would be done only on the streets and doesn't require any additional staff time or resources, there is an automatic user fee. He asked if this was the Board's intent with this law. City Administrator Hanson had consulted with City Attorney Jones and it was determined that Ballwin is charging fees that may exceed the City's costs. This could be a problem with the Hancock amendment He does not believe that this was the Board's intent and suggested reviewing the ordinance language. It is City Administrator Hanson's belief that fees should only be charged in proportion to costs incurred for the actual provision of exceptional services or resources.

Alderman Leahy stated that this wasn't the Board's intent. He was one of the parties behind this ordinance. It was more about the tent structures. He thought there were some problematic tent standards in the previous law that required inspections. After a discussion with former City Administrator Kuntz, he felt they got the tent angle figured out. It was more about making things easier for people to have events with tents.

City Administrator Hanson replied that he didn't believe current ordinance reflected the Boards intent. He said he would work with the staff and the City Attorney to revise the ordinance language. He believed they could have this cleaned up rather quickly and still meet the intent.

Alderman Terbrock said he had received a phone call about this very thing and after discussing the ordinance with his wife, and trying to explain it to her, he realized that the ordinance didn't make much sense in some circumstances.

Alderman Stallmann also received a complaint from a resident about this ordinance and he would like to see it reworked.

Alderman Fleming agreed that he is concerned that this ordinance is not enforced for commercial businesses as often as it is for noncommercial sites. He suggested that while the rewritten ordinance is include commercial property. Alderman Terbrock commented that this would cause the City to define what an “event” is. Alderman Fleming stated that his point was more about residents having to get permits for their events and commercial businesses not having to get one.

City Attorney Jones said that it would be a matter of tightening up the language.

Alderman Roach asked if an event has to meet one, some, or all of the conditions listed to be considered a qualifying event. He was informed that the event only has to meet any one of the conditions to be a qualifying event. .

CITY ATTORNEY’S REPORTS

STUMPF ANNEXATION & DESCRIPTION OF RIGHT OF WAY

Revised version of the Stumpf annexation legislation was provided to the Board. Two components are still needed before being able to pass this bill: A letter of intent from the Stumpf’s and a legal description of a small part of Clarkson Road’s Right-of-Way. If these items can be obtained by the next meeting, the legislation will be on the next meeting’s agenda.

SB5

City Attorney Jones’s law firm is participating in the rule making process and public comment process for implementation of Senate Bill 5. There is a commenting period that is taking place between the State’s Auditor’s office and the Department of Revenue. His firm has submitted written materials and there will be a representative from his firm at the public hearing expressing concerns about the revenue, determinations and remittances. Ballwin is nowhere close to the 12.5% limit but there are problematic items in the legislation that would expose City employees to potential liability if they are not properly reporting items or doing them in a timely fashion. The State Auditor’s office and Department of Revenue need to resolve items in order to clarify these issues and to make it easier for the cities.

Mayor Pogue announced that Pursuant to Section 610.021 [13] RSMo, the board will meet in closed session to discuss personnel matters.

Adjourn to Closed Session: A motion was made by Alderman Bullington and seconded by Alderman Kerlagon 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 8:55 p.m.

The Board reconvened in open session at 10:33 p.m.

Reconvene in Open Session: A motion was made by Alderman Fleming and seconded by Alderman Stallmann to reconvene in open session. A voice vote was taken with a unanimous affirmative result and the motion passed.

Mayor Pogue stated the Board met in closed session to discuss personnel matters and that no formal action was taken at that time. The Board will meet again in Closed Session on Monday, November 2nd at 8 p.m. or immediately following the Planning and Zoning Commission meeting.

ALDERMANIC COMMENTS

Alderman Terbrock congratulated Ms. Keller and her team for their award and thanked her for the presentation of the budget using of all of the new electronics features recently installed in the boardroom. . Alderman Roach also thanked Ms. Keller.

Alderman Bullington thanked Linda Bruer and Shawn Doerr for their assistance in coming up with remedies for a resident who was charged by a buck who was out with his “harem.” The resident was quite concerned about this incident.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock to adjourn the Board of Aldermen Meeting. A roll call vote was taken with a unanimous result, and the meeting was adjourned at 10:35 p.m.

TIM POGUE, MAYOR

ATTEST:

ERIC HANSON, CITY ADMINISTRATOR

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Updated: **November 5, 2015**



MINUTES OF THE BOARD OF ALDERMEN MEETING
CITY OF BALLWIN – 300 Park Drive
November 2, 2015

SPECIAL MEETING MINUTES

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

MINUTES OF THE OPEN SESSION – NOVEMBER 2, 2015
BALLWIN BOARD OF ALDERMEN

The Ballwin Board of Aldermen convened in open session on November 2, 2015 at 8:00 p.m. Present were Mayor Pogue, City Attorney Jones, City Administrator Hanson and Aldermen Finley, Roach, Stallmann, Fleming, Leahy, Bullington, Terbrock and Kerlagon.

A motion was made by Alderman Stallmann to move to closed session pursuant to Section 610.021(3) to discuss personnel matters. The motion was seconded by Alderman Fleming.

The following vote was recorded:

Alderman Finley	aye
Alderman Stallmann	aye
Alderman Roach	aye
Alderman Fleming	aye
Alderman Bullington	aye
Alderman Kerlagon	aye
Alderman Terbrock	aye
Alderman Leahy	aye

The motion passed.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann to reconvene. The motion was passed unanimously.

A motion was made by Alderman Bullington and seconded by Alderman Kerlagon to adjourn. The motion passed unanimously.

The open session adjourned at 9:38 p.m.

Robert E. Jones
Acting Secretary

TIM POGUE, MAYOR

ATTEST:

ERIC HANSON, CITY ADMINISTRATOR

Approved: November 9, 2015