



MINUTES OF THE BOARD OF ALDERMEN MEETING
CITY OF BALLWIN – 300 Park Drive
November 9, 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

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 Hanson
City Attorney Robert E. Jones

ABSENT

The Pledge of Allegiance was given.

MINUTES

The Minutes of the *October 26, 2015 Board of Aldermen meeting minutes and Closed Session, and the November 2, 2015 Special Meeting and Closed Session* were submitted for approval.

A motion was made by Alderman Fleming and seconded by Alderman Roach to approve the amendment to the October 26, 2015 regular meeting minutes as proposed by Alderman Finley and to approve the minutes as amended. 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 Terbrock to approve the October 26th Closed Session 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 Bullington to approve the November 2nd Special 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 Bullington to approve the November 2nd Special Meeting Closed Session meeting minutes as submitted. A voice vote was taken with a unanimous affirmative result and the motion passed.

NEW BUSINESS

LEGISLATION

RE- APPROPRIATION OF THE 2015 BUDGET Bill No. 3896

A motion was made by Alderman Fleming and seconded by Alderman Finley for a first reading of Bill No. 3896. A voice vote was taken with a unanimous affirmative result and Bill No. 3896 was read for the first time.

Alderman Finley asked if City Administrator Hanson had any additional comments about what was in the report for the benefit of the audience. City Administrator Hanson had Denise Keller, Director of Finance; outline what was being proposed in the re-appropriation of the 2015 budget.

Alderman Fleming asked what the Sewer Lateral Program finances looked like. He was informed that the money for 2016 has already been promised and funding available from 2017 was quickly being allocated.

A motion was made by Alderman Fleming and seconded by Alderman Finley for a second reading of Bill No. 3896. A voice vote was taken with a unanimous affirmative result and Bill No. 3896 was read a second time.

A roll call vote was taken for passage and approval of Bill No. 3896 with the following results:
Ayes – Aldermen Fleming, Finley, Terbrock, Bullington, Leahy, Kerlagon, Stallmann, Roach;
Nays – None.

Bill No. 3896 was approved and became **Ordinance No. 15-34**

PACE PROGRAM Bill No. 3897

A motion was made by Alderman Kerlagon and seconded by Alderman Fleming for a first reading of Bill No. 3897. A voice vote was taken with a unanimous affirmative result and Bill No. 3897 was read for the first time.

Alderman Finley summarized his understanding of this program based on the previous year's presentation and the presentation at the last Board meeting. He stated he was a little suspicious of this program because it seemed to be more of a quasi-government tactic that allowed the creation of special tax districts that exclusively benefit business and the language provided in the legislation allows political subdivisions. Alderman Finley provided the Board with an article that he found regarding a property that was having problems selling because of the assessments imposed on it due to a PACE program. He specified that this was a residential property but that the principals of the situation were still the same. Currently the Missouri Clean Energy District only accepts commercial properties to participate in this program.

Alderman Finley stated he found this to be an improper use of the taxing authority, that this program is essentially a welfare program for commercial owners. He stated if the clean energy initiative was really booming, the free markets would be funding these improvements, not the government. He is opposed to this bill and encouraged the Board to also oppose it.

Alderman Stallmann commented that this is a voluntary program the government is providing as an affordable option for commercial owners who would like to make energy efficient improvements to their properties. If a landowner chooses to take advantage of this program it's encumbered upon the owners to take responsibility. They should know the risks that are associated with participating in this program. Alderman Stallmann stated that he was in favor of this program.

Alderman Fleming stated the items Alderman Finley pointed out would be concerning at a federal level. He said, at the local level of government, he sees his role as helping the residents and businesses of the City. This program is something the City can provide to assist commercial property owners. He wouldn't want to put them at a disadvantage by preventing them from participating in the program.

A motion was made by Alderman Fleming and seconded by Alderman Bullington for a second reading of Bill No. 3897. A voice vote was taken with a unanimous affirmative result and Bill No. 3897 was read a second time.

A roll call vote was taken for passage and approval of Bill No. 3897 with the following results:
Ayes – Aldermen Fleming Bullington, Kerlagon, Leahy, Stallmann
Nays – Aldermen Finley, Terbrock, Roach

Bill No. 3897 was approved with a majority vote of five to three and became **Ordinance No. 15-35**

OUT-OF-STATE VEHICLE TAX Bill No. 3898

A motion was made by Alderman Fleming and seconded by Alderman Bullington for a first reading of Bill No. 3898. A voice vote was taken with a unanimous affirmative result and Bill No. 3898 was read for the first time

City Attorney Jones stated there is an ongoing discussion at the St Louis County Municipal League about how the wording of this ballot should be presented. He asked that this bill be held over until the following meeting in order to make sure the wording is presented synonymous with the campaign of the municipal league.

Mayor Pogue stated that Ballwin currently collects a percentage of this vehicle tax. The state legislature recently passed legislation that requires cities to have this measure approved by the voters by November of 2016. This is not a new tax Ballwin would impose; just a continuance of what the City already collects.

In order for this item to get on the April ballot, this bill must be submitted to the Board of Elections no later than January 26, 2015.

There was no objection from the Board to hold this item until the next meeting.

DRUG TASK FORCE Bill No. 3899

A motion was made by Alderman Bullington and seconded by Alderman Fleming for a first reading of Bill No. 3899. A voice vote was taken with a unanimous affirmative result and Bill No. 3899 was read for the first time.

A motion was made by Alderman Fleming and seconded by Alderman Finley for a second reading of Bill No. 3899. A voice vote was taken with a unanimous affirmative result and Bill No. 3899 was read a second time.

A roll call vote was taken for passage and approval of Bill No. 3899 with the following results:
Ayes – Aldermen Fleming, Terbrock, Stallmann, Roach, Kerlagon, Bullington, Leahy, Finley;
Nays – None.

Bill No. 3899 was approved and became **Ordinance No. 15-36**

RAMSEY LANE BRIDGE REPLACEMENT Bill No. 3900

A motion was made by Alderman Terbrock and seconded by Alderman Finley for a first reading of Bill No. 3900. A voice vote was taken with a unanimous affirmative result and Bill No. 3900 was read for the first time.

A motion was made by Alderman Finley and seconded by Alderman Terbrock for a second reading of Bill No. 3900. A voice vote was taken with a unanimous affirmative result and Bill No. 3900 was read a second time.

A roll call vote was taken for passage and approval of Bill No. 3900 with the following results:
Ayes – Aldermen Finley, Fleming, Stallmann, Kerlagon, Roach, Bullington, Terbrock, Leahy;
Nays – None.

Bill No. 3900 was approved and became **Ordinance No. 15-37**

ANNEXATION OF 2750 CLARKSON RD Bill No. 3901

A motion was made by Alderman Stallmann and seconded by Alderman Roach for a first reading of Bill No. 3901. A voice vote was taken with a unanimous affirmative result and Bill No. 3901 was read for the first time

A map of the proposed annexation was presented to the Board by Assistant City Administrator Tom Aiken.

A motion was made by Alderman Roach and seconded by Alderman Stallmann for a second reading of Bill No. 3901. A voice vote was taken with a unanimous affirmative result and Bill No. 3901 was read a second time.

A roll call vote was taken for passage and approval of Bill No. 3901 with the following results:
Ayes – Aldermen Roach, Stallmann, Leahy, Fleming, Terbrock, Kerlagon, Bullington, Finley;
Nays – None.

Bill No. 3901 was approved and became **Ordinance No. 15-38**

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. **SERVER REPLACEMENT**

A motion was made by Alderman Fleming and seconded by Alderman Kerlagon to accept the consent items for the new computer server as submitted. A voice vote was taken with a unanimous affirmative result and the motion passed.

MAYOR'S REPORT

The Municipal League has its next meeting on November 19th at 7:30 P.M. at University City's City Hall. The legislative affairs committee will be handing out recommendations in regards to Senate Bill 5, the County Sales tax proposal and transportation tax. He stated that as soon as he receives the final copy of the recommendations, it will be distribute to the Board.

Mike Wind from the Planning and Zoning Commission had his last meeting on November 2nd. He submitted his letter of resignation. Mayor Pogue asked that the Board let him know of anyone who may be interested. This vacancy needs to be filled by a resident in Ward 4. He would like to appoint someone at the next meeting to prevent a vacancy in December.

Mayor Pogue thanked the Board for allowing him to attend the National League of Cities Conference and provided a summary of the sessions he attended at the Conference. There were a wide variety of topics being presented.

CITY ADMINISTRATOR'S REPORT

City Administrator Hanson stated that the next Board meeting on November 23rd would be the final opportunity for the Board to review the draft of the 2016 Budget before it is presented for approval. If the Board has any guidance it would like to provide before the final approval, please inform Finance Director, Denise Keller or City Administrator Hanson.

There will be a public hearing for the Ries Road bridge replacement project on December 17th from 4:00 pm until 7:00 pm at The Pointe. Gary Kramer, Director of Public Works, stated he proposes to do all work when school is out of session for the summer.

STAFF REPORTS

ROOF PROJECTS – Linda Bruer explained that most of the needed roof repairs were caused by the April 7, 2015 storm and that insurance would pay for these repairs. The additional repairs and replacement work had been previously budgeted and approved. She asked that the Board award the contract to Copal Construction who had the lowest bid.

Alderman Finley inquired if the insurance funds had been received. Ms. Bruer stated they had been received and would cover the cost of the repairs from the storm damage.

A motion was made by Alderman Fleming and seconded by Alderman Bullington to approve the roof replacement and repairs as recommended by staff. A voice vote was taken with a unanimous affirmative result and the motion passed.

GOLF CAR REPLACEMENTS -- Linda Bruer stated bids were received for the replacement of six golf cars with the trade in of 6 current cars. She asked that the Board approve the second lowest bid from TNT Yamaha. The EZ-Go's purchased last year were plagued with ignition problems immediately and the older cars have experienced electrical problems. The Yamahas are better on fuel economy and hydrocarbon emissions.

Alderman Terbrock stated that since there have already been issues with the EZ-Go's and numerous complaints have been made about these cars; he doesn't see an issue spending the additional \$500 and going with the second lowest bid.

City Administrator Hanson added another reason to seek the second lowest bid was to consolidate the fleet into one brand or model of cars. There is a cost to maintaining these vehicles and having a single fleet would require only one set of parts verses multiple different sets of parts for three different brands.

The golf course currently has 30 golf cars in the fleet. Each year or so, the golf course buys and trades in about six cars.

A motion was made by Alderman Fleming and seconded by Alderman Bullington to accept staff recommendation and award the contract TNT Yamaha for the trade-in and purchase of six golf cars. A voice vote was taken with a unanimous affirmative result and the motion passed.

CITY ATTORNEY'S REPORTS

The St. Louis County Council is taking up the Police Standards Bill at its upcoming meeting. At 4pm prior to that, it is holding a public comments session. Several Attorneys from City Attorney Jones's law firm have been asked by their client cities to attend the meeting and speak in opposition to the proposed legislation.

Alderman Stallman stated that Ballwin answers to the State of Missouri not the St. Louis County Council.

Alderman Fleming agreed and stated some of the items listed on the bill are objectionable and place a burden on the City of Ballwin to inform the council. The whole idea is unacceptable.

Mayor Pogue stated he had sent communication to councilmen Harder and Wasinger stating that Ballwin already exceeds these standards and that this was an over reach of St. Louis County Government.

A motion was made by Alderman Stallmann and seconded by Alderman Terbrock to have Attorney Jones attend on behalf of Ballwin and to speak in opposition to allowing St. Louis County to set standards for municipal police departments within the county. A voice vote was taken with a unanimous affirmative result and the motion passed.

ALDERMANIC COMMENTS

Alderman Finley wished a Happy Veteran's Day to the veterans present at the meeting, in Ballwin and in the surrounding communities.

Alderman Terbrock thanked the Board for allowing him the opportunity to attend the National League of Cities Conference. He attended several sessions that he found very intriguing, mainly private partnership session which discussed things that he did not expect to be covered in the session. This session in particular was three hours long and every aspect of it was potentially useful to Ballwin.

Alderman Stallmann stated he also wished to thank the Board for allowing him to attend the National League of Cities Conference. He found it very informative and interesting. One session he attended provided the types of resources available for the development and re-development of properties through different means.

City Attorney Jones Commented that he went to the National League of Cities Conference and appreciated the opportunity. The sessions he attended were very valuable one was pertaining to the redevelopment opportunities. He took the liberty to do a test entry into the app site's website to see how it worked. He would like to bring this up to the Board at a later time when it discusses economic development. Another session he attended was in regards to problematic properties which he found educational.

Alderman Roach wanted to compliment City staff for a successful 5k event over the weekend. There was a lot of effort put forth by staff to pull this event off and he thought it was very successful.

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 7:46 p.m.

TIM POGUE, MAYOR

ATTEST:

ERIC HANSON, CITY ADMINISTRATOR

E Hanson
T Aiken
A Johnson

Approved: **November 23, 2015**