



**DRAFT MINUTES**

**Board of Aldermen**

**Meeting Minutes**

August 27, 2018 at 7:00 p.m.  
City of Ballwin – 300 Park Dr

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

The meeting was called to order by Mayor Tim Pogue at 7:01 p.m.

**ROLL CALL**

PRESENT

ABSENT

Mayor Tim Pogue  
Alderman James Terbrock  
Alderman Michael Finley  
Alderman Kevin M. Roach  
Alderman Mark Stallmann  
Alderman Frank Fleming

Alderman Jim Leahy

Alderman Ross Bullington  
Alderman Raymond Kerlagon  
City Administrator Eric Hanson  
City Attorney Robert E. Jones

The Pledge of Allegiance was given.

**MINUTES**

The Minutes of the from the July 23, 2018, Board meeting was submitted for approval.

**A motion was made** by Alderman Fleming and seconded by Alderman Terbrock to approve the minutes from the July 23, 2018, Board of Aldermen meeting as submitted. A voice vote was taken with a unanimous affirmative result and the motion passed.

**PUBLIC COMMENTS**

A large group of residents were present to thank Board members for their support and investment of the game of Pickleball. They also encouraged Board members to continue their support and investments in the future. The group donated several Pickleball paddles to the Pointe for those to use who are new to the game of Pickleball. Those who spoke on behalf of the group were:

- Tom Ratzki**, 923 Castle Pines Dr
- Elise Fernsler**, 300 Fox Den Dr
- J.C. Hagan**, 209 Cool Meadows Dr

## NEW BUSINESS

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### LEGISLATION

#### **BILL NO. 3998 AN ORDINANCE REVISING SECTION 7.5-39 OF THE CODE OF ORDINANCES OF THE CITY OF BALLWIN REGARDING RIGHT-OF-WAY USAGE FEES**

***A motion was made*** by Alderman Fleming and seconded by Alderman Terbrock for a first reading of Bill No. 3998, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 3998 was read for the first time.

Alderman Roach asked City Attorney Jones the reason for this ordinance. City Attorney Jones stated this ordinance was presented as a result from House Bill 1991, which was passed during the last session, regarding Small Business Deployment. City Attorney Jones stated this will bring Ballwin in line with a change in state statute preventing right-of-way users from being charged the use fee if they are already paying gross receipts tax, business license fees or business license taxes.

***A motion was made*** by Alderman Fleming and seconded by Alderman Stallmann for a second reading of Bill No. 3998, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 3998 was read for the second time.

A roll call vote was taken for passage and approval of Bill No. 3998 with the following results:  
Ayes – Aldermen Fleming, Stallmann, Kerlagon, Terbrock, Roach, Bullington, Finley;  
Nays -- None.

Bill No. 3998 was approved and became **Ordinance No. 18-11**

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#### **BILL NO. 3999 AN ORDINANCE AMENDING SECTION 7-42(1) OF THE CODE OF ORDINANCES WITH RESPECT TO THE ADOPTION OF ST. LOUIS COUNTY CODES**

***A motion was made*** by Alderman Bullington and seconded by Alderman Finley for a first reading of Bill No. 3999, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 3999 was read for the first time.

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#### **BILL NO. 4000 AN ORDINANCE ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES: KNOWN AS THE BUILDING CODE.**

***A motion was made*** by Alderman Bullington and seconded by Alderman Kerlagon for a first reading of Bill No. 4000, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4000 was read for the first time.

**BILL NO. 4001 AN ORDINANCE AMENDING ARTICLE III, SECTION 7-48 OF THE CODE OF ORDINANCES OF THE CITY OF BALLWIN WITH RESPECT TO THE ADOPTION OF THE 2014 EDITION OF THE INTERNATIONAL ELECTRICAL CODE PERTAINING TO THE INSTALLATION OF ELECTRICAL WIRING AND APPARATUS, PROVIDING FOR THE ISSUANCE OF ELECTRICAL PERMITS, FEES, AND RELATED INSPECTION REQUIREMENTS, AND INCLUDING PENALTIES FOR VIOLATION THEREOF.**

*A motion was made* by Alderman Stallmann and seconded by Alderman Fleming for a first reading of Bill No. 4001, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4001 was read for the first time.

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**BILL NO. 4002 AN ORDINANCE ADOPTING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES; KNOWN AS THE FUEL GAS CODE.**

*A motion was made* by Alderman Bullington and seconded by Alderman Kerlagon for a first reading of Bill No. 4002, title only. A voice vote was taken with a unanimous affirmative result and Bill No.4002 was read for the first time.

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**BILL NO. 4003 AN ORDINANCE ADOPTING THE 2015 EDITION OF THE INTERNATIONAL MECHANICAL CODE, REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF MECHANICAL SYSTEMS IN THE CITY OF BALLWIN; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE AND AMENDING SECTION 7-43 OF THE CODE OF ORDINANCES OF THE CITY OF BALLWIN.**

*A motion was made* by Alderman Kerlagon and seconded by Alderman Stallmann for a first reading of Bill No. 4003, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4003 was read for the first time.

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**BILL NO. 4004 AN ORDINANCE ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PLUMBING CODE, REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF PLUMBING SYSTEMS IN THE CITY OF BALLWIN; PROVIDING FOR THE ISSUANCE OF PERMITS THEREFORE AND AMENDING SECTION 7-44 OF THE CODE OF ORDINANCES OF THE CITY OF BALLWIN.**

*A motion was made* by Alderman Terbrock and seconded by Alderman Finley for a first reading of Bill No. 4004, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4004 was read for the first time.

**BILL NO. 4005 AN ORDINANCE OF THE CITY OF BALLWIN, ADOPTING THE 2015 EDITION OF THE “INTERNATIONAL RESIDENTIAL CODE”, REGULATING AND GOVERNING THE CONSTRUCTION, ALTERATION, MOVEMENT, ENLARGEMENT, REPLACEMENT, REPAIR, EQUIPMENT, LOCATION, REMOVAL, AND DEMOLITION OF DETACHED ONE AND TWO-FAMILY DWELLINGS AND MULTIPLE SINGLE-FAMILY DWELLINGS (TOWNHOUSES) NOT MORE THAN THREE STORIES IN HEIGHT WITH SEPARATE MEANS OF EGRESS IN THE JURISDICTION; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; AMENDING SECTION 7-46 OF THE CODE OF ORDINANCES AND REPEALING SECTIONS 7-61 AND 7-61.5 OF THE CODE OR ORDINANCES.**

**A motion was made** by Alderman Bullington and seconded by Alderman Fleming or a first reading of Bill No. 4005, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4005 was read for the first time.

Alderman Fleming stated there were a lot of changes made in this ordinance and asked if these changes were reviewed by the HBA. City Attorney Jones confirmed that these changes were discussed, negotiated and approved with the HBA.

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**BILL NO. 4006 AN ORDINANCE ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.**

**A motion was made** by Alderman Fleming and seconded by Alderman Finley for a first reading of Bill No. 4006, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4006 was read for the first time.

Mayor Pogue announced these Bills will be brought back in 90 days for a second reading and consideration.

## CONSENT ITEM

- a. Destruction of Records
- b. SUE Transfer for 14750 Manchester Road

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

## MAYOR’S REPORT

**BILL 3997 SIGNED:** Mayor Pogue stated ELCO became in compliance with City Ordinance and that he had signed Bill 3997, which became Ordinance 18-10.

**BOUNDARY COMMISSION:** Mayor Pogue announced that there would be a Boundary Commission Hearing the following evening at 7:00 PM at the Ballwin Golf Course. Neighboring cities would also be present to provide their bid presentation.

Mayor Pogue stated that there are currently three vacancies on the Boundary Commission, in which the Municipal League has submitted two recommendations to the County Executor, but he has yet to fill the positions. Mayor Pogue added that if anyone would like to recommend a name for filling the third vacancy to send him the information.

**CITY ADMINISTRATOR ANNUAL REVIEW:** Mayor Pogue stated that at the next meeting the Board will meet in closed session to review the City Administrator’s position. For those who would like to have time to prepare ahead of time, Mayor Pogue stated that the survey would be sent to the Board prior to the next meeting.

**MSD PROJECT CLEAR:** Mayor Pogue stated that City Administrator Hanson, Economic Developer Andy Hixson, Publics Work Superintendent Jim Link, and himself attended MSD’s Project Clear. MSD identified ten different projects that will be completed in Ballwin in the next several years.

## CITY ADMINISTRATOR’S REPORT

**MANCHESTER ROAD STREET LIGHTS:** City Administrator Hanson stated the replacement poles are enroute to Ballwin and should be installed by the end of September.

**2019 BUDGET CALENDAR:** City Administrator Hanson outlined the 2019 budget schedule:

September 10, 2018	Present employee compensation to Board of Aldermen
September 12-14, 2018	City Administrator and Finance Officer meet with individual department heads to review departmental budgets
September 24, 2018	Conduct Budget Work Session with Board of Aldermen; Present Comprehensive General Fund Budget and Capital Improvement Plan
October 8, 2018	Conduct Budget Work Session with Board of Aldermen
October 22, 2018	Present Comprehensive Proposed Budget for all funds to Board of Aldermen
November 21, 2018	Publish Public Hearing Notice
November 26, 2018	Present 2018 Budget Re-appropriation to Board of Aldermen
December 3, 2018	Present Capital Improvement Plan for Approval at Planning & Zoning Commission Meeting (as required by State Statute)
December 10, 2018	Conduct Public Hearing on Proposed Budget; Adopt Budget
December 11, 2018	Distribute Approved Budget

The proposed schedule was met with no objection from the Board.

**CITY HALL CONTRACT AMENDMENT:** City Administrator Hanson stated the initial construction contract amount approved in April was \$2,785,000.00. Additional changes to the original plans were made which totaled \$48,896.64. However, two credits were received from K&S for the removal of two light poles from the bid; that credit totals (\$5,182.80). Additionally, staff assisted K&S with the

removal of site spoils and received a credit for time, hauling, and disposal of material totaling (\$3,732.75). The total change order request from K&S, including the credits, brings the total to \$39,981.09, which will adjust the contract amount to \$2,824,981.09.

**A motion was made** by Alderman Stallmann and seconded by Alderman Roach to adjust the contract amount to \$2,824,981.09 as recommended by staff. A voice vote was taken with a unanimous affirmative result and the motion passed.

## CITY ATTORNEY'S REPORT

**RESTRICTIVE COVENANT** City Attorney Jones stated he had been contacted by a party interested in the property located at 2501 Clarkson Road, about releasing a restrictive covenant, as a result from a lawsuit in 1991, on the PNC Bank Property for an Urgent Care facility. The restrictive covenant stated the property cannot be used for anything except as a financial institution, in order to preserve the desirability of the surrounding real estate. The court file is in storage and City Attorney Jones stated he does have some concern over releasing the restrictive covenant.

The Board agreed not to make any changes until the City Attorney Jones was able to review the file.

## ALERMANIC COMMENTS

**Alderman Finley** congratulated City Attorney, Robert Jones, on being re-elected to the Missouri Bar Board of Governors, District 9, by his peers.

**A motion was made** by Alderman Fleming and seconded by Alderman Terbrock to adjourn the Board of Aldermen Meeting. A voice vote was taken with a unanimous result, and the meeting was adjourned at 7:45 p.m.

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TIM POGUE, MAYOR

ATTEST:

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ERIC HANSON, CITY ADMINISTRATOR

*Draft Minutes Updated: September 4, 2018*  
A. Johnson