



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

January 27, 2014

(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.

PRESENT

MAYOR TIM POGUE
ALDERMAN JIMMY TERBROCK
ALDERMAN MICHAEL FINLEY
ALDERMAN MARK HARDER
ALDERMAN SHAMED DOGAN
ALDERMAN FRANK FLEMING
ALDERMAN JIM LEAHY
ALDERMAN KATHY KERLAGON
ALDERMAN MIKE BOLAND
CITY ADMINISTRATOR ROBERT KUNTZ
CITY ATTORNEY ROBERT E. JONES

ABSENT

The Pledge of Allegiance was given.

MINUTES

The Minutes of the *January 13, 2014 Board of Aldermen meeting* were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Leahy to approve the Minutes. A voice vote was taken with a unanimous affirmative result and the motion passed.

PRESENTATION

None.

PENDING ISSUES

None.

CITIZEN COMMENTS

None.

PUBLIC HEARINGS

None.

NEW BUSINESS

LEGISLATION

BILL # 3822 - AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BALLWIN, MISSOURI, ON BEHALF OF THE CITY, TO EXECUTE AN AGREEMENT WITH METRO WEST FIRE PROTECTION DISTRICT FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF A PRIORITY CONTROL SIGNAL SYSTEM AT A CERTAIN CITY OWNED TRAFFIC SIGNAL.

A motion was made by Alderman Harder and seconded by Alderman Fleming for a first reading of Bill No. 3822. A voice vote was taken with a unanimous affirmative result, the motion passed and Bill No. 3822 was read for the first time.

A motion was made by Alderman Fleming and seconded by Alderman Boland for a second reading of Bill No. 3822. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3822 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3822 with the following results:
Ayes – Fleming, Boland, Terbrock, Dogan, Kerlagon, Finley, Harder, Leahy. Nays – None. Bill No. 3822 was approved and became **Ordinance No. 14-03**.

BILL # 3823 - AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BALLWIN, MISSOURI, ON BEHALF OF THE CITY, TO EXECUTE AN AGREEMENT WITH METROPOLITAN ST. LOUIS SEWER DISTRICT FOR THE ASSIGNMENT OF A SEWER EASEMENT.

A motion was made by Alderman Boland and seconded by Alderman Terbrock for a first reading of Bill No. 3823. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3823 was read for the first time.

A motion was made by Alderman Fleming and seconded by Alderman Leahy for a second reading of Bill No. 3823. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3823 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3823 with the following results:
Ayes – Fleming, Leahy, Kerlagon, Harder, Finley, Boland, Terbrock, Dogan.. Nays – None. Bill No. 3823 was approved and became **Ordinance No. 14-04**.

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. Skidsteer Replacements
- B. Police Cars Replacement
- C. Detective Vehicle
- D. Surplus Property Disposal

Alderman Boland requested that Items A & B be removed for further discussion.
Alderman Finley requested that Item C be removed for further discussion.

A motion was made by Alderman Leahy and seconded by Alderman Kerlagon to accept the Consent Item D. A voice vote was taken with a unanimous affirmative result and the motion passed.

MAYOR'S REPORT

Better Together: Mayor Pogue said that the Better Together group will hold a meeting on Wednesday, January 29 at 4:00 p.m. at the Lodge of Des Peres for elected officials, and municipal staff to discuss plans as a result of their study.

Government Affairs & Transportation Meeting: Mayor Pogue said that Ballwin will be hosting this meeting for the Chamber of Commerce on February 21 at 7:30 a.m. at The Pointe at Ballwin Commons.

St. Louis County Municipal League Meeting: Mayor Pogue said that Ballwin will be hosting this meeting on February 27, at 7:30 p.m. at The Pointe at Ballwin Commons.

The Board of Aldermen Workshop/Retreat will be held on February 8 at 8:00 a.m. in the Board room.

CITY ADMINISTRATOR'S REPORT

Skidsteer Replacement: Alderman Finley asked how long will a skidsteer last. Superintendent of Streets Jim Link said the lifespan is usually 4-6 years. City Administrator Kuntz said that tonight's proposal will replace 2004, 2005 and 2009 units. The oldest skidsteer that is being replaced is 10 years old.

A motion was made by Alderman Kerlagon and seconded by Alderman Fleming to accept the recommendation of staff to accept the bids for the skidsteer and cold planer. A voice vote was taken with a unanimous affirmative result and the motion passed.

Director of Public Gary Kramer said that the surplus skidsteers will be sold on GovDeals. City Administrator Kuntz explained that when purchases are made under State contract, there's no trade-in. When there's surplus, authorization is necessary to dispose of the surplus if its exceeding certain values.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock, to authorize staff to sell the surplus items on GovDeals. A voice vote was taken with a unanimous affirmative result and the motion passed.

Police Cars Replacement: Alderman Boland asked what would we be getting for \$3,500 more with the Dodge Charger? Police Chief Schicker said the vehicle is larger and comes with an auxiliary battery. Alderman Boland asked if the officers will be able to transport equipment and people in the same manner as in the past? Police Chief Schicker said yes, but the space will be tight.

A motion was made by Alderman Fleming and seconded by Alderman Boland to accept the staff recommendation to approve the bid. A voice vote was taken with a unanimous affirmative result and the motion passed.

Detective Vehicle: Alderman Finley asked about the use of the vehicle. Police Chief Schicker said there are 6 detectives that will be using the vehicle. These vehicles are used for many aspects of the detective bureau and are sometimes driven across the state or out of state.

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

Mosquito Control: City Administrator Kuntz said since 2010, St. Louis County has been fogging for mosquitoes on Sunday evenings in selected areas. They only fog when their mosquito traps, set in various locations, indicate a presence of the disease carrying breed of mosquitoes. Our press releases recommended that residents contact St. Louis County directly. It's recommended that Ballwin return to controlling all mosquitoes, not just the disease carrying breed. For city-wide weekly fogging, the 2014 budget includes \$7,000 for fogging chemicals, \$26,400 for personnel costs and \$10,400 for motor fuel costs. It is recommended that the County continue to be used for larvaciding services. City Engineer Gary Kramer said that Larvaciding stops the eggs from hatching, although mosquito eggs are hatching every day. Both procedures are necessary.

Mayor Pogue said that last year, St. Louis County only fogged in the City of Ballwin for 22 ½ hours for the whole summer. Ballwin's fogging regimen will do about 30 hours of fogging each week. This will be a higher level of service.

Alderman Finley said he has researched the safety of the chemicals used in mosquito fogging. He said he is satisfied that there's no safety issue. The nuisance mosquitos don't cause diseases; the container mosquitos are the kind that cause the disease. He is in favor of continuing with St. Louis County to do the larvaciding.

Alderman Boland said that St. Louis County was not providing a service that matched ours. From that perspective, he is in full agreement to resume our own mosquito spraying.

City Administrator Kuntz said that 3 years ago, a resident was strongly opposed to mosquito spraying. The chemicals used are approved for use by the State and EPA. We have licensed applicators and chemicals that are purchased under State guidelines. This is a quality of life service. The majority of Ballwin residents will see this as an improvement over the last 3 years.

Alderman Fleming said he has always been in favor of Ballwin doing its own mosquito spraying. What are we going to do now if someone presents to the Board a petition of 75% of everyone on a street to discontinue spraying in that area? This is something that should be considered ahead of the Board being approached with this issue. This will probably come before the Board as it did 3 years ago. At that time, the lady presenting the petition was very persuasive in her attack on chemicals regardless if they are EPA approved or not.

Alderman Dogan said he does not think residents on a specific street should be allowed to opt out of the mosquito spraying program. Such an approach would only be marginally effective because the chemical is airborne and will drift from adjoining areas of spraying.

Alderman Boland said that we should be ready with a policy in place as to how requests to opt out will be handled.

A motion was made by Alderman Kerlagon and seconded by Alderman Leahy to proceed with the new plan for Ballwin to resume mosquito fogging and continue with St. Louis County for larvaciding. A voice vote was taken with the following result: Aye: Terbrock, Dogan, Leahy, Boland, Kerlagon. Nay: Finley, Fleming, Harder. The motion passed by a vote of 5-3.

Pickup Truck: City Administrator Kuntz said the staff recommendation is to purchase this vehicle from the third low bidder and award the contract to Dave Sinclair Ford, which is \$8.00 in excess of the budgeted amount.

A motion was made by Alderman Boland and seconded by Alderman Fleming to accept staff recommendation for the purchase of the vehicle from Dave Sinclair Ford. A voice vote was taken with a unanimous affirmative result and the motion passed.

BuyBoard: City Administrator Kuntz said the Missouri Municipal League has requested that we participate in a procurement process that is under its sponsorship. Ballwin would be able to use the improvement contractor's bidding process. He suggested that City Attorney Jones research more details of this, but legislation will be required to move forward. City Attorney Jones doesn't see any problems with this at this time, but this agreement incorporates the bylaws of the organization, which we have not yet been reviewed.

City Administrator Kuntz said that it is his understanding that agreeing to participate, until it is triggered with a transaction, wouldn't generate any financial obligation. We will know this after City Attorney Jones looks at the details of the bylaws.

City Attorney Jones said that there is a provision in our purchasing policy that allows us to participate in the State bid process or other cooperative bidding processes. We also have a provision that allows us to waive the bidding process at the direction of the Board of Aldermen.

A motion was made by Alderman Terbrock and seconded by Alderman Fleming to draft legislation with the caveat that the City Attorney is comfortable with this upon his review of the program. A voice vote was taken with a unanimous affirmative result and the motion passed.

Charter Communications: City Administrator Kuntz said we are currently in discussions with Charter Communications regarding their conversion from analog signal to digital. We've been notified that effective February 11, the system will be going digital, which affects all Charter subscribers. There will be a significant impact on the City, specifically The Pointe. Most of the exercise equipment has monitors that will need to be brought into compliance with the digital signal.

City Administrator Kuntz said that Director of Parks & Recreation Linda Bruer has an alternate suggestion in the event we can't make the numbers work on a cost effective basis. This was not a planned expenditure. Charter has not yet given a firm number. Mayor Pogue said this was discussed last week at the Municipal League meeting.

STAFF REPORTS

None.

CITY ATTORNEY'S REPORT

Pointe Improvements: City Attorney Jones said he received the final loan documents for the Pointe improvements from US Bank Corp. Government Leasing Division. He said he is concerned about the indemnification provision and escrow agreement. He will be speaking with US Bank Corp. about this with the idea to bring back the documents for approval by the Board at the February 10 meeting.

City of Manchester Texting Ordinance: City Attorney Jones said that Alderman Finley asked him to review this ordinance. The State Statute applies to persons under 21 years of age. The City of Manchester ordinance has two separate sections – one for persons over 21, and one for persons under 21. He said it is his understanding that Ballwin can be more restrictive than the State under certain circumstances where our ordinances are not inconsistent or specifically pre-empted. The State Statute contains a sub-section that says the State pre-empts the field of regulating the use of hand-held electronic wireless communication devices in motor vehicles. The provisions of this section supersede any local laws, ordinances, orders, rules, etc. He said he's not sure that Manchester's ordinances are enforceable.

ALDERMANIC COMMENTS

Snow Removal: Alderman Boland said that Sister Rosario at Holy Infant School said that the City of Ballwin did a wonderful job of snow removal. She is very appreciative of the Ballwin services.

Catholic Schools Week: Alderman Boland said that this week is Catholic Schools Week. On Wednesday, January 29 at 9:30, an assembly will be held. An invitation was extended to Mayor Pogue, City Administrator Kuntz, Alderman Kerlagon and himself.

Mosquito Fogging: Alderman Fleming said he voted no on the mosquito fogging because he wants an approach prepared ahead of any requests to opt out. He said the Board should be prepared on how to deal with these requests. City Administrator Kuntz suggested that a one-year commitment be made to conduct and evaluate the program, and use the city newsletter to objectively solicit resident feedback with respect to the work, and the feedback from their perspectives for 2015 and moving forward. He recommended against trying to come up with a formula at this time that perhaps we will never be able to justify. The service can't be stopped and started. He suggested that the plan is what we will do this for a year and that they can't opt out this year.

Alderman Fleming asked if the Board is in agreement to tell people that they can't opt out for one year. Alderman Boland said yes. He said we are here to represent the citizens and to act in their best interest. We're not supposed to give in to the first person who shows up saying that they want it different.

Alderman Harder said he agrees with Alderman Fleming.

Alderman Finley said that people should be reminded to remove standing water from their yards, gutters, etc. Everyone should do their part, not just the city.

Snow storm – No street parking: Alderman Fleming suggested that perhaps message boards could be used to alert residents of the no street parking during a snow storm. City Engineer Gary Kramer said that the message board signs would have to be located where plowed snow will not damage the signs.

Adjourn: A motion was made by Alderman Fleming and seconded by Alderman Terbrock to adjourn. The motion passed unanimously and the meeting was adjourned at 8:17 p.m.

TIM POGUE, MAYOR

ATTEST:

ROBERT A. KUNTZ, CITY ADMINISTRATOR

MC

January 27, 2014