



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

May 12, 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 7:09 p.m.

PRESENT

MAYOR TIM POGUE
ALDERMAN JIMMY TERBROCK
ALDERMAN MICHAEL FINLEY
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

ALDERMAN MARK HARDER

The Pledge of Allegiance was given.

MINUTES

The Minutes of the *April 28, 2014 Board of Aldermen meeting* were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Kerlagon to approve the Minutes. A voice vote was taken with a unanimous affirmative result and the motion passed.

PRESENTATION

Service Recognition: Mayor Pogue and Code Enforcement Supervisor Jerry Klein presented a plaque to **Lori Willis** in recognition of her dedication for serving as a member of the Board of Adjustment and Chairman since May, 1993. Lori Willis said that it has been her pleasure to serve the City of Ballwin.

Audit Report: Penny Scovill, with the auditing firm Hochschild Bloom & Co. gave an overview of the 2013 audit report. The total assets increased \$285,000, and the total debt was paid down by \$1.7 million, for an increase in that position of almost \$2 million. There were some reclassifications in revenue from this year to last year. Actually, the revenues were down \$687,000. Expenses were up \$958,000 from the prior year, for a total change of \$1.977 million.

She said an auditing firm is required to look at the internal controls. They did not find any material weaknesses or significant deficiencies. There were some minor management recommendations.

City Administrator Kuntz said there were four recommendations. One is regarding deposits being insured and collateralized. That issue has been addressed. The second is regarding the ordinances pertaining to the committees of the Finance & Administration, Public Works & Safety, Parks & Recreation. They don't meet on a regular scheduled basis. The third item is regarding approval of credit card receipts at departmental head level where they are issued. This is being addressed. It will require a third party to sign off as opposed to the user being responsible for the submission and use of the card. The fourth item is regarding fines collected by the Municipal Court.

Ms. Scovill said that there is a new Missouri law that the court revenues, compared to the revenues for the City must be under a certain percentage. Ballwin is well under that percentage. She said the recommendation is that the court has a large receivables monthly.

Alderman Fleming asked, regarding the bank and collateralization, was that error found by the auditor or did the bank inform us that this had happened? Ms. Scovill said it was someone else.

Alderman Fleming said, on our financial statement, we included a footnote explaining that the majority of the long-term liabilities that we have to carry because of the Olde Towne TIF. It's not actually debt that the City owes. He asked for a footnote to be included in the auditor's report in the same way that was done with the financial statements.

Alderman Boland asked if there is an opportunity for Ballwin to increase its bond rating? Ms. Scovill said Ballwin has a good bond rating. Government Finance Officers Association recommends having at least 17% of unassigned funds. Ballwin is well above that percentage.

City Administrator Kuntz said that the only negative that he is aware of, if we were to go into the market, is that we are not diverse in our revenue stream. We are significantly dependent upon sales tax. Without a property tax base to shore that up, we are at the whim of economic cycles. He doesn't think the Board would like to get into debt since we worked very hard to get out of it.

Alderman Fleming asked if we spent some of our cash reserves to purchase light poles from Ameren, would there be any repercussion to this? Ms. Scovill said it would reduce cash and increase capital assets. Ballwin's current position is very good.

A motion was made by Alderman Fleming and seconded by Alderman Boland to accept the 2013 audit report. A voice vote was taken with a unanimous affirmative result and the motion was approved.

PENDING ISSUES

None.

CITIZEN COMMENTS

Walt Young, 634 Lemonwood Drive: Mr. Young spoke to the Board regarding Bills 3835, 3836 and 3837. He asked that the Aldermen representing area which is designated in Bills 3835, 3836 and 3837 look at the property before voting and approving these Bills. He said there is a drop off of about 50 feet in this area. There were a lot of problems in 2006 with the apartment complex not keeping the drainage completely clear, and the house on Westrun had a lot of issues with water. The residents were told at the Planning & Zoning Commission meeting that the new houses will have to have rain gardens. A resident was told that there will be a 50-foot retaining wall to hold the dirt so that the houses can be built. He asked the Board to get clarification on this before voting.

Mr. Young said that he was proud to serve with Lori Willis on the Board of Adjustment. He said she was excellent in this position and will be missed. Her knowledge was impeccable. He wished the Board the best in selecting her replacement.

PUBLIC HEARINGS

None.

NEW BUSINESS

LEGISLATION

BILL # 3831 - AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BALLWIN, MISSOURI, ON BEHALF OF THE CITY, TO EXECUTE MUNICIPAL AND MAINTENANCE AGREEMENTS WITH MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR CERTAIN PROJECTS ALONG MANCHESTER ROAD.

A motion was made by Alderman Fleming and seconded by Alderman Leahy for a first reading of Bill No. 3831. A voice vote was taken with a unanimous affirmative result, the motion passed and Bill No. 3831 was read for the first time.

Alderman Finley asked about utility relocation. Mayor Pogue said that Ballwin doesn't own any of the utilities, so, that provision of this agreement will not apply. City Administrator Kuntz said this is strictly for the new sidewalk and median landscaping improvements in conjunction with the Great Streets project. Utilities will be the responsibility of MoDOT as a part of the project. After the project has been accepted, MoDOT will turn the Great Streets elements of the project over to the city for maintenance, as opposed to MoDOT doing the maintenance. This is very similar to the agreement that MoDOT asked us for on Clayton Road for the improvements that were made with the center-turn islands and other improvements. It's strictly for future maintenance, not current. Ballwin has no utility responsibilities.

Alderman Finley asked if this is a clause (page 2, #8 Utility Relocation) that is standard for this type of agreement. City Attorney Jones said yes, these are public utilities. Ballwin doesn't have any public utilities. MoDOT was asked to remove this clause, but they said it was standard language in the agreement. Since it doesn't apply to Ballwin, we decided not to argue about it.

Alderman Fleming said that the whole agreement has been reviewed by the City Attorney.

A motion was made by Alderman Fleming and seconded by Alderman Leahy for a second reading of Bill No. 3831. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3831 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3831 with the following results:
Ayes – Fleming, Leahy, Finley, Boland, Dogan, Kerlagon, Terbrock. Nays – None. Bill No. 3831 was approved and became **Ordinance No. 14-12.**

BILL # 3832 - AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO ST. LOUIS TACO & PITA GRILL FOR FRONT YARD PARKING AND OPERATION OF A RESTAURANT WITH CARRY-OUT, LIQUOR BY THE DRINK AND A DRIVE-THROUGH SERVICE WINDOW.

A motion was made by Alderman Leahy and seconded by Alderman Fleming for a first reading of Bill No. 3832. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3832 was read for the first time.

Alderman Kerlagon asked are the customers going to be allowed to carry liquor outside of the building in addition to drinking it on the premises? Assistant City Administrator Aiken said this is for beer and wine license only. This kind of license does not include package carryout.

Alderman Dogan asked Mr. Nawshad Al Kabir, owner of the new business, what type of alcohol will be served. Mr. Kabir said beer and wine will be served.

A motion was made by Alderman Leahy and seconded by Alderman Fleming for a second reading of Bill No. 3832. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3832 was read for the second time.

Findings: A vote in favor of the bill finds that the Petition, as submitted, would not substantially increase traffic hazards or congestion; would not adversely affect the character of the neighborhood; would not adversely affect the general welfare of the community; would not over-tax public utilities; would not adversely affect public safety and health; is consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the District; and can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area. A vote against the bill means that one or more of these findings is absent.

A roll call was taken for passage and approval of Bill No. 3832 with the following results:
Ayes – Leahy, Terbrock, Boland, Dogan, Kerlagon, Finley, Fleming. Nays – None. Bill No. 3832 was approved and became **Ordinance No. 14-13**.

BILL # 3833 - AN ORDINANCE APPROVING A ZONING CHANGE FROM R-3 SINGLE FAMILY TO PSD PLANNED SINGLE FAMILY DWELLING DISTRICT FOR 855 WESTGLEN VILLAGE DRIVE.

A motion was made by Alderman Kerlagon and seconded by Alderman Fleming for a first reading of Bill No. 3833. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3833 was read for the first time.

Alderman Dogan asked about any comments from the residents in this area? Mark Titleboon, representing Kemp Homes, 320 N. Bemiston, Clayton, Mo., said they worked very closely with the townhouse development that backs to the entry street to the development. Their Board has been supportive of this proposal.

Alderman Boland said the resident that will be most affected by this spoke in favor of the project at the Planning & Zoning Commission meeting. Mayor Pogue said that there were concerns regarding the sidewalk and MSD. Those issues have been solved with approval from MSD on the plan.

A motion was made by Alderman Boland and seconded by Alderman Fleming for a second reading of Bill No. 3833. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3833 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3833 with the following results:
Ayes – Boland, Fleming, Terbrock, Leahy, Kerlagon, Finley, Dogan. Nays – None. Bill No. 3833 was approved and became **Ordinance No. 14-14**.

BILL # 3834 - AN ORDINANCE PROVIDING FOR THE APPROVAL OF A SUBDIVISION PLAT FOR WESTGLEN COURT SUBDIVISION AS PROVIDED IN CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF BALLWIN, MISSOURI.

A motion was made by Alderman Boland and seconded by Alderman Fleming for a first reading of Bill No. 3834. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3834 was read for the first time.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock for a second reading of Bill No. 3834. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3834 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3834 with the following results:
Ayes – Fleming, Terbrock, Boland, Leahy, Finley, Kerlagon, Dogan. Nays – None. Bill No. 3834 was approved and became **Ordinance No. 14-15**.

BILL # 3835 - AN ORDINANCE APPROVING AN AMENDED SITE DEVELOPMENT PLAN FOR 905 QUAIL TERRACE DRIVE.

A motion was made by Alderman Kerlagon and seconded by Alderman Fleming for a first reading of Bill No. 3835. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3835 was read for the first time.

Tim Baker, Cole & Associates Engineering, representing Kenn Grasse, said that drainage was a concern. The drainage basin was sized to old MSD standards in 1970s or 1980s. Before permits are issued, MSD will require that the basin be upsized to today's standards. The water must also be treated to quality standards. Each of these lots will have individual rain gardens so that the water drains to the rain garden, and then slowly goes to the basin. If there's a drainage issue at the basin, there's going to be less when the houses are built because the basin will have to be upsized to today's standards, and drainage from this site will be treated and released at a much slower rate.

Mr. Baker said regarding a 50-foot retaining wall, that's not the case. He said there are significant grade changes and a lot of that's going to be made up into the foundation and fill placed. A plan has been sent to MSD. The basin needs to be upsized and made to address water quality. When the home builder proceeds with the actual building plan, they will have to get permits from MSD, and the new requirements will be enforced before any permits will be obtained by the home builder.

Alderman Terbrock said he is extremely concerned about building houses on this much fill. Mr. Baker said he talked with SCI, which is a soil consultant. They will analyze the stability of the existing soil and design the proposed fill. This site will be closely monitored during construction. A lot of fill will have to be placed with significant grade changes. He said this isn't unique to St. Louis County. Alderman Terbrock said he agrees, but he's concerned about the houses sliding down the hill. Getting the soil compacted correctly is not going to happen because time is money. He said his interest is in pinning the houses back into the hill in some way. He thinks it will require peering it up and nailing the structure to the hill. Mr. Baker said, he can't comment on that because that's why this is referred to soil consultants that will give a recommendation on how to build the house.

Alderman Terbrock asked how is Ballwin going to monitor this procedure if it's approved at this meeting? Will an engineering stamp be required on this situation? Assistant City Administrator Aiken said it will be an engineered design fill. A soil report will be required. He said it will be monitored by Ballwin but not all the time. The builder will be required to provide an engineers sealed certification that the fill was placed in accordance with the design. The Building permit issuance will be contingent on the soil engineer designing the fill and certifying that it was done according to the certified design.

Alderman Terbrock asked how much will be filled? Mr. Baker said he thinks it's about 8,000 cubic yards. In order to recoup the cost of the development, not only to place the fill, but to also relocate the utilities, sanitary, storm, and build the retaining wall along the perimeter of the site, which is about \$90,000. He said this is going to have to be a very nice home in order to recoup these expenses.

Alderman Terbrock said he is very much concerned about this because it's a mountain side that has to be dealt with. He previously worked with some houses that a builder constructed in St. Louis County where there was sliding down the hill badly. He said the wall was pulled apart at least 1½ - 2 inches at points.

A motion was made by Alderman Boland and seconded by Alderman Fleming for a second reading of Bill No. 3835. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3835 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3835 with the following results: Ayes – Boland, Fleming, Leahy, Dogan. Nays – Finley, Kerlagon, Terbrock. The vote was 4-3. City Attorney Jones said the bill failed. Mayor Pogue said this legislation needs the majority of the full Board, not just those present. **(Bill 3835 failed 4-3 for lack of a majority vote of the full Board.)**

BILL # 3836 - AN ORDINANCE PROVIDING FOR THE APPROVAL OF A SUBDIVISION PLAT FOR WESTGLEN PLAT 7 RESUBDIVISION AS PROVIDED IN CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF BALLWIN, MISSOURI.

City Attorney Jones said that a subdivision plat cannot be approved without an amended site development. He said that since Bill 3835 was disapproved, Bill 3836 cannot be approved, but the Zoning change in Bill 3837 could be approved, even though the amended site development plan has been denied. He said that Bill 3837 is a zoning change from the R-4 planned multiple district to R-3 single family. That could be approved even without the amended site development plan. Bill 3836, which is a subdivision plat, cannot be approved since the amended site development plan was denied.

Mr. Baker asked if the lots can be plotted if Bill 3837 is read? City Attorney Jones said no.

Mayor Pogue said he does not recommend changing the zoning since now there's no reason for a zoning change. If the zoning was changed at this time, that would make the apartments non-conforming. Assistant City Administrator Aiken said it would create a piece of R-3 zoned property that can't be developed because it is still part of the development plan. City Attorney Jones said the petitioner may be able to come back and convince somebody on the Board who voted against Bill 3835 to ask the Board to reconsider the vote if they had a soils consultant engineered report, or something like that.

Mr. Baker asked the Board to hold over these bills since the petitioner does not yet have a building footprint. He said that once conceptual approval is secured, the petitioner settles on a building, and has a geological engineering design the fill. Given this situation, the petitioner will have a geological engineer prepare a report on a conceptual plan.

Mayor Pogue recommended a motion to hold over Bills 3836 and 3837. Mr. Baker asked how will this work because Bill 3835 has already been denied? City Attorney Jones said that it will require one of the Board members who voted against Bill 3835 to make a motion to reconsider it.

A motion was made by Alderman Boland and seconded by Alderman Fleming to hold over Bills 3836 and 3837. A voice vote was taken with a unanimous affirmative result and the motion passed.

BILL # 3837 - AN ORDINANCE APPROVING A ZONING CHANGE FROM R-4 PLANNED MULTIPLE DWELLING TO R-3 SINGLE FAMILY FOR 905 QUAIL TERRACE DRIVE.

Held over (See paragraph under Bill 3836 above).

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. Liquor License – St. Louis Taco & Pita Grill
- B. Police Department Flooring

Alderman Dogan requested that Item B (Police Dept. Flooring) be removed for further discussion. Police Chief Schicker explained that the area that is going to get new flooring is the landing on the stairway, the locker rooms and the workout area.

Alderman Terbrock said that Spectrum Flooring has been in business for about a year. Are any extra procedures included in the bid? Police Chief Schicker said yes. References have been checked. This is the best and lowest bid.

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

Alderman Kerlagon asked with a minimal difference in price, is it satisfactory for us to select the company that has done work for us in the past? City Administrator Kuntz said the Board has always had

a strict policy to accept the lowest and best bid. In the past, Alderman Boerner spent hours beating us down on the shortcomings of the bid process. We subsequently tightened it to make sure that everything was well advertised, reasons for rejection were clear, change order are addressed, etc. Staff has been responsive to that. The Board's expectations were clear that it intended to go with the lowest and best bid. Staff is comfortable with the Spectrum bid. The company was started by two former Flooring System employees. They are trying to cut tighter to get business. He said that the job will be monitored. If there are any significant change orders, these will be brought back to the Board.

Alderman Terbrock said, at that point, if there are significant change orders, how could the Board say no and leave the project half done? He said it's strange that there are two groups of numbers in the bids, they are the same difference apart.

Alderman Fleming said he has heard positive recommendations from staff, good references, and this is the lowest price.

A motion was made by Alderman Fleming and seconded by Alderman Leahy to accept the recommendation from staff to **accept the lowest bid from Spectrum Flooring**. 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 Liquor License for St. Louis Taco & Pita Grill**. A voice vote was taken with a unanimous affirmative result and the motion passed.

MAYOR'S REPORT

Mayor Pogue said that the bid openings for MoDOT for the Great Streets project will be on May 23, and they will be awarding the bids for that project on June 4. This will include the Great Streets enhancements and repaving Manchester Road.

Mayor Pogue said that last week, Ballwin received recognition by "City's Journal" as the #7 "Top Small City in Missouri".

CITY ADMINISTRATOR'S REPORT

Work Session: City Administrator Kuntz suggested that the work session be held on **Monday, June 9 at 5:30 p.m. at The Pointe**. Some of the suggestions for the agenda are commercial zoning, an updated commercial inventory, communications. Alderman Boland said that the commercial inventory could be compared with the City of Ellisville and what percentage of vacant space is in Ellisville. An overview of Aging in Place with future strategies and priorities is also suggested for the agenda. Alderman Fleming suggested that perhaps Ballwin should have a different type of development plan that attracts other or various types of businesses.

Carports: City Administrator Kuntz showed the Board a photograph of a residence with an open carport with very visible trash and debris inside and spilling into the yard. Code Enforcement Supervisor Jerry Klein receives complaints from residents about these kinds of issues. Mr. Klein has done research, checked with other communities, and found a legislative options that has had some effectiveness in the City of Crestwood. He reviewed it with the City Attorney, and is now sharing the information with the Board for further direction if the Board chooses to do so.

Code Enforcement Supervisor Klein said he receives 6 – 8 complaints each year on carports that look like what is in the photograph. He said all he can do is address what is obviously trash or garbage. There's no ordinance that addresses the other items such as what is seen in the photograph. The complaining residents are very frustrated after being told that the ordinance does not address the utility storage issue.

City Administrator Kuntz said that in the photograph, there are only 3 items that could be violations at this time – the pile of brush, the broken trash can, and tall grass. Everything else is what someone would put behind a closed garage door. He asked if the Board has interest in pursuing this situation?

Alderman Kerlagon said that based on the fact that we are now the 7th best city in the state, this would not be an example that we would want the public to see in Ballwin. This would be a good topic to consider.

Mayor Pogue said this is something that neighbors see as a nuisance. We don't have any legislation at this time to completely deal with this. Alderman Terbrock said that we operate primarily on a complaint-driven basis. The inspectors won't be driving around looking for carports to cite. Legislation will give tools to use when a complaint is received.

Alderman Boland said the Crestwood ordinance states the following: "It is unlawful to store within a carport any construction material, indoor furniture, waste material....." It states orderly storage of outdoor equipment. Alderman Terbrock said that in the photograph, there is some outdoor equipment. Who will decide if this is orderly? Alderman Boland said he would be hesitant to have a similarly worded ordinance.

Alderman Dogan said a homeowner may say that we are telling them they cannot store these items in the carport, where are they supposed to store it? Alderman Terbrock said that it comes down to what's clutter to one person, but not to another.

Code Enforcement Supervisor Klein said that if this would ever get into Municipal Court, we have a very fair Judge; she would look at the pictures and talk to both the City and the resident in an attempt to work it out. He said this issue needs to be reviewed because he feels the frustration of the neighbors when they call and have to be told that a lot of what's there can't be classified as trash, refuse, or garbage. There's nothing we can do about it.

Alderman Fleming said there is a resident in Ward 3 where the driveway looks similar to the photograph. We have managed to find a means to issue a citation. Perhaps this situation can parallel the carport situation.

City Attorney Jones said he will work with Mr. Klein to draft legislation for Board consideration.

Architectural Services: City Administrator Kuntz said at the last meeting Archimages was recommended to be the preliminary design consultants to develop cost and design options for the Government Center renovation or construction in 2015. It has provided a more detailed scope of services and a proposal for consideration. There were options for potential commercial use or interest on this building. He said he was provided with the gap report in the real estate industry, which is an inventory of demand for different types of uses that potentially would reflect the strength of the real estate market for this location. This included a 1 and 5 mile radius analysis. There's not a big demand for this location from the gap report.

City Administrator Kuntz said he is asking for Board authorization to enter into the agreement with Archimages to provide the study as originally envisioned. The fee is in line with industry standard for this kind of work. The goal would be to get this completed and to the Board by the beginning of August so that it can be the first item for discussion for the 2015 budget, and for direction in the upcoming year.

Alderman Boland asked if information from the gap report will be included in their recommendation? City Administrator Kuntz said it is to look at the options of a complete rebuild on the existing site or the abandonment of the site and a rebuild at another location.

Alderman Terbrock asked what is energy modeling? Assistant City Administrator Aiken said it covers other ways of measuring energy efficiently similar to LEEDS certification. What can be done to get more

energy efficiency out of the structure. LEEDS is a certification that states the established suitable criteria has been met.

City Administrator Kuntz said that his goal is to allow the Board to choose the option, which is a new building, a remodel of the existing building, or the demolition of the building with reconstruction someplace else on the site, and then go forward with that option.

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

Holloway Culvert: City Administrator Kuntz said this was a competitive process that was dictated by the guidelines of the Federal Government, who is funding this project, and who has already approved it. For that reason, a lot of the normal flexibility, relative to alternatives has been lost. If the culvert is going to be built, it has to be done based on Federal rules and guidelines.

Alderman Dogan asked, does DBE participation include minority owned business and women-owned businesses? City Engineer Kramer said yes.

A motion was made by Alderman Fleming and seconded by Alderman Finley to accept staff recommendation for RV Wagner base bid plus alternate 8. A voice vote was taken with a unanimous affirmative result and the motion passed.

Track Replacement: City Administrator Kuntz said the track surface at The Pointe is desperately in need of replacement. It's the original track, heavily used, and is a focal point of the second floor. This was budgeted and the recommendation is that Flooring Systems be used for the project. The lowest bid did not meet the Mondo pre-fabricated specification, which is critical. They did not come for an on-site visit before placing a bid. The second low bid is recommended to Flooring Systems, Inc. in St. Louis.

A motion was made by Alderman Fleming and seconded by Alderman Dogan to accept staff recommendation for The Pointe track improvements. A voice vote was taken with a unanimous affirmative result and the motion passed.

Ferris Park Grant: City Administrator Kuntz said that Ballwin has received a \$5,000 water quality improvement grant through Missouri American Water Company. The grant is a small amount but is incremental to improving water quality. The grant must be used in conjunction with the next phase of improvements. It was opted not to do the second phase this year so that we would have a better chance with the expanded pool of money of getting a larger award the following year. He said it looks like there's going to be a significant increase in the cap of what is going to be awarded for projects. Ballwin has already done phase 1. The designer has been contacted and we can cut the next phase down and just do the path, parking lot, and water quality, which will include the Missouri American Water grant. With this approach, we can probably get sufficient outside funds between the park grant and the water grant, to basically fund another phase without any commitment of local dollars in 2015.

Alderman Fleming said, it looks like taking the \$5,000 grant is contingent on the fact that the project includes pervious pavement. Director of Parks & Recreation Linda Bruer said yes. Alderman Fleming said we could lower the cost of the project by not doing the pervious pavement and turning down the \$5,000. City Administrator Kuntz said that's possible, but pervious pavement was part of the plan concept. Pervious pavement is part of good water quality.

A motion was made by Alderman Fleming and seconded by Alderman Boland to accept staff recommendation for Missouri American Water grant in Ferris Park. A voice vote was taken with a unanimous affirmative result and the motion passed.

National Police Week: City Administrator Kuntz said that 2 weeks ago, Ballwin celebrated the 50th anniversary of its Police Department. This year Police Week is May 11 – 17. This is a memorial service that was started in 1962 by President John F. Kennedy, who signed a proclamation designating May 15 as Peace Officers' Memorial Day, and the week that follows a Police Week. There are several events in Washington, D.C. and including a memorial service that began in 1982. This is in recognition and remembrance of the survivors of those who are in the police profession. City Administrator Kuntz presented to Police Chief Steve Schicker with a display of the insignias from the National Police Academy of Japan, in recognition of International Police Week.

STAFF REPORTS

None.

CITY ATTORNEY'S REPORT

City Attorney Jones said he had a meeting today with City Administrator Kuntz, Assistant City Administrator Aiken, and City Engineer Kramer to examine what appears to be a failure to obtain proper excavation permits for some driveways. The question is what should we do when we learn that a resident has engaged a contractor and completed a project without getting a permit. The ordinances state that the property owner, the resident is responsible for this. Do we also want to have the ability to send a notice of violation to the contractor and maybe also bring the contractor into Municipal Court. Many times the resident / property owner is expecting the contractor to get the necessary permit.

City Attorney Jones suggested that he put together legislation that will tie together the contractor's license requirement, the kinds of insurance they are supposed to have, and make the contractor, along with the property owner, responsible for getting permits on building permits and excavation permits where it's necessary to have such permits and inspections. He said we will still have to cite the residents when the permits are not obtained.

The Board agreed that legislation should be prepared to address this situation.

ALDERMANIC COMMENTS

Alderman Boland said that a citizen in Ward 4 used Twitter to thank the City of Ballwin and to express appreciation for the new playground equipment in Ferris Park.

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 9:11 p.m.

TIM POGUE, MAYOR

ATTEST:

ROBERT A. KUNTZ, CITY ADMINISTRATOR

MC

May 12, 2014