



**UNOFFICIAL DRAFT**  
**MINUTES OF THE BOARD OF ALDERMEN MEETING**  
**CITY OF BALLWIN – 300 Park Drive**  
**July 25, 2016**

**STATEMENTS ATTRIBUTED TO INDIVIDUALS IN THIS “DRAFT” ARE NOT VERBATIM QUOTES. THE MINUTES OF THIS MEETING ARE REPORTED IN SUMMARY. THIS IS AN “UNOFFICIAL DRAFT VERSION” OF THE MEETING MINUTES. DRAFT VERSIONS OF MINUTES ARE SUBJECT TO REVIEW, MODIFICATION, AND APPROVAL OF THE BOARD OF ALDERMEN.**

**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 Raymond Kerlagon
- City Administrator Eric Hanson
- City Attorney Robert E. Jones

The Pledge of Allegiance was given.

***Mayor Pogue made the following statement:***

On July 8th the Ballwin community was shaken by a terrible event. A member of our Ballwin family was attacked and severely injured during a routine traffic stop. While the eyes of the region were upon us watching how we would respond, this community rose up and came together like never before. Rather than respond in a negative manner, they picked our officers up and supported them through this time of great tragedy and need. The residents and businesses have provided aid and support to our entire department when it was needed most. They brought them food to give them strength, tied a simple blue ribbon to show appreciation and support for the difficult job they do each and every day to keep us safe, and gave them hugs, cards, and posters to show their love and compassion. The outpouring of support has been overwhelming.

I want to thank every member of this community for what they have done and for all the prayers for Mike Flamion and his family. What we have witnessed the past two weeks proves that even a tragedy of this magnitude cannot diminish the love and support we all share for this great community. In fact, based on all we have witnessed thus far, I’m confident we will grow even stronger. Thank you for your continued prayers and support for Officer Flamion, our department and this great city. We are no doubt, as Chief Scott put it, #BallwinStrong.

## MINUTES

The Minutes of the *June 27, 2016 Board of Aldermen meeting minutes* were submitted for approval.

*A motion was made* by Alderman Fleming and seconded by Alderman Kerlagon to approve the June 27, 2016 Board of Aldermen meeting minutes as presented. A voice vote was taken with a unanimous affirmative result and the motion passed.

## NEW BUSINESS

### LEGISLATION

*Next Ordinance # 16-21*

#### **RESOLUTION FERRIS PARK**

*A motion was made* by Alderman Fleming and seconded by Alderman Finley to approve the Resolution for Ferris Park. A voice vote was taken with a unanimous affirmative result.

#### **BILL NO. 3933 USAGE OF THE CITY'S RIGHTS-OF-WAY**

*A motion was made* by Alderman Fleming and seconded by Alderman Finley for a first reading of Bill No. 3933. A voice vote was taken with a unanimous affirmative result and Bill No. 3933 was read for the first time

A motion was made by Alderman Roach and seconded by Alderman Terbrock to amend the first sentence in the first paragraph in Section 13 to read "It shall be the duty of any person making an excavation in the ROW to properly backfill such excavations and properly restore the surface to its proper condition as determined by the Director of Public Works."

Alderman Bullington asked if there was a height limit. City Attorney Jones stated there are other areas in the City Codes that provides a height restriction.

*A motion was made* by Alderman Fleming and seconded by Alderman Bullington for a second reading of Bill No. 3933. A voice vote was taken with a unanimous affirmative result and Bill No. 3933 was read a second time.

A roll call vote was taken for passage and approval of Bill No. 3933 with the following results:

Ayes – Aldermen Fleming, Bullington, Terbrock, Finley, Stallmann, Roach, Kerlagon;

Nays -- None.

Bill No. 3933 was approved and became **Ordinance No. 16-21**

## 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. CRAFT BEER FESTIVAL LIQUOR LICENSE
- b. SNOW PLOW PURCHASE
- c. LEAF VACUUM PURCHASE
- d. PANASONIC TOUGHBOOK PURCHASE
- e. SEMI-ANNUAL REVENUE / EXPENDITURE STATEMENT

*Items B and D were removed for further discussion*

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

## MAYOR'S REPORT

Mayor Pogue reminded the board that the State Municipal League Conference is September 11-14<sup>th</sup> at Union Station. Registration has opened and the Agendas have been made available.

Mayor Pogue announced he was once again asked to serve on the St. Louis County Municipal League's Legislative Affairs Committee.

## CITY ADMINISTRATOR'S REPORT

**Consent Item D:** Alderman Finley asked if the City had switched from Toughbooks to Data 911 equipment previously, why the City was looking to purchase Toughbooks again. Chief Scott stated the issue with the Data 911 equipment was that the screen and keyboard are the only devices in the cab of the vehicle, the rest of the equipment is stored in the trunk of the vehicle. Using the Toughbooks would allow the entire unit to be in the front of the vehicle. He added that if maintenance were to be done on the vehicle, the Toughbook could easily be removed. Chief Scott also added that new radio equipment from ECC has taken up more space in the trunk and by removing the Data 911 device will allow for more usable trunk space. Chief Scott stated he would like to see the department phase back into the Panasonic Toughbooks.

Alderman Terbrock stated he preferred the Panasonic Toughbooks and is glad to see the department transitioning back to them.

**A motion was made** by Alderman Finley and seconded by Alderman Bullington to accept Consent Item E. A voice vote was taken with a unanimous affirmative result and the motion passed.

**Consent Item B:** Alderman Roach asked if the low bid included the installation of the snow plow. The bid included the installation of the plow.

**A motion was made** by Alderman Roach and seconded by Alderman Terbrock to accept Consent Item B. A voice vote was taken with a unanimous affirmative result and the motion passed.

### **Updates:**

Tide cleaners on Clayton, is having an insurance dispute but is expected to be resolved on August 15<sup>th</sup>.

IT Manager, Paula Reeds, has streamlined the City cell phones by placing all phones under one carrier.

Ballwin Life Magazine continues to progress and has already received over \$10,000 in advertising. The first magazine will go out January 2017.

City Administrator Hanson and Public Works Superintendent Jim Link will be traveling to Iowa to view a swap loader demonstration on Wednesday, Thursday and Friday.

It's nearing budget time and the Board should provide items and goals, no later than the end of August to City Administrator Hanson via email, to be included for the 2017 budget planning.

## STAFF REPORTS

**CAYBETH RETAINING WALL:** Public Works Director Gary Kramer stated the budget did not include a rail along the top of the wall since the old wall did not have one and the building code does not require a rail. However, a rail (wrought iron style), was required by the adjacent property owners in exchange for a permanent wall easement for the geo-grid that supports the new modular block type wall.

City Administrator Hanson stated that this wall will be 9ft tall at its peak and this is not a liability the City would want to undertake.

***A motion was made*** by Alderman Terbrock and seconded by Alderman Kerlagon to accept staff recommendation for the Caybeth retaining wall. A voice vote was taken with a unanimous affirmative result and the motion passed.

## CITY ATTORNEY'S REPORTS

City Attorney Jones asked the Board for permission to retain John Nef of Miller and Nef as an appraiser to assist with litigation at a residence on Maymont Ct. Mr. Nef worked with the City during the Schnucks litigation and the JB Automotive Review. City Attorney Jones stated he is a good witness in court and he is comfortable working with him.

***A motion was made*** by Alderman Stallmann and seconded by Alderman Bullington to retain John Nef as a witness for a court hearing concerning a residence on Maymont Ct. A voice vote was taken with a unanimous affirmative result and the motion passed.

## ALDERMANIC COMMENTS

**Alderman Terbrock** – Stated that the Resolution for Ferris Park is to allow for the City to seek grants for upgrades.

Alderman Terbrock asked for an update on Storm Debris Pick-up. Streets Superintendent Jim Link stated staff is working diligently to pick up the debris and will inquire about getting a second chipper to help speed the process along.

Alderman Terbrock stated that he may not be very outspoken about some things, adding that it may seem like the City criticizes St. Louis County a lot, and he doesn't mean to take anything away from what Chief Scott did or any of the staff did on July 8<sup>th</sup>, he said that when Chief Belmar and his staff from St. Louis County Police came into the department to assist with the briefing, the information and the help they provided that day has no value and it was amazing and he thanked them all.

**Alderman Kerlagon** – Stressed that residents should take the opportunity to do ride-a-longs with officers. Alderman Kerlagon rode with Officer Flamion the Tuesday before the tragedy. He said watching what Officer Flamion did for safety and explaining why he did certain things when he returned to the vehicle was an eye opener. He stated that if you have never gone on a ride-a-long, to do it. He has become an advocate for promoting and encouraging ride-a-longs at subdivision meetings and when talking to neighbors.

Alderman Kerlagon said the St. Louis Post-Dispatch published an article about police protective gear. He suggested to his fellow Aldermen that they all be open to the ideas of the Chief or Staff to help insure their safety.

**Alderman Bullington** – Stated that the response from every municipality in the area, from the July 8<sup>th</sup> incident, the professionalism from Chief Scott and every single officer, the heartfelt dedication from every business in our community- to be able to walk in and say ‘I need your help in getting this – ‘ and its done, to help take care of the officers, the Mayor and the Board of Aldermen attending as many functions as they could, the amount of money that the business have raised to help Officer Flamion and his family has been absolutely amazing. He told Chief Scott that he has gone above and beyond in representing the City of Ballwin and thank him and the men and women of the police force for everything they do each and every day in representing Ballwin and keeping the City safe.

**Alderman Stallmann** – Thanked Chief Scott and the men and women of the department on the professionalism that was exhibited on July 8<sup>th</sup> and since that day. The outreach to the community has been wonderful and shows that true leadership comes through in times of crisis. The response from the community, especially from the children, to help Officer Flamion has been wonderful. The City saw the worst of our world and the best of our world within a few hours of each other. He thanked the metropolitan area for all of their support.

**Alderman Roach** – Stated that a lot has happened since the last Board meeting. He said the violence was shocking but the response was predictable because that’s what it means to be from Ballwin and how everyone is proud of the police department and how everyone has come together. He thanked the police department.

**Alderman Fleming** – Stated that he is tremendously proud of the Police Department and the point that came through to him about the July 8<sup>th</sup> incident was the first responders. The first person that responded was a neighbor who came out of their house, then it was a nurse who happened upon the scene and then it was the paramedics and the doctors and the coworkers at the police department and the neighbors, the neighborhood and the businesses – everyone came. He said that it wasn’t just Ballwin, it was everyone out in the whole St. Louis area. He hopes this shows everyone that this is what St. Louis is – you’re not alone, everyone around here comes and helps you, they have your back. He hopes this serves as a tipping point for the country in general for law enforcement and first responders to receive the support that they deserve and don’t often receive. He stated that he continues to pray for Mike and his family and he can’t thank everyone enough, from the kids at the lemonade stand to the businesses and anybody who went to church to say a prayer, he can’t thank them enough.

**Alderman Finley** – Stated that he agrees with everything the Aldermen have said and the thing that brightened his heart was walking back into the police station and seeing all the cards and notes, especially from children. He stated that a lot of the cards and notes had Bible verses on them, which he said was nice to see. He said when he discusses the state of the country with his parents, his mother will frequently say ‘Michael we need to pray for our country.’ He added God Bless America, Missouri, and the City of Ballwin, and asked that everyone continue to pray for Officer Flamion and safety in our law enforcement.

**Mayor Pogue** – Added that this really is a Ballwin family. He has had the privilege of serving with his colleagues for over thirteen years and he has built relationships with each board member and he believes

the aldermen feel the same way when he says this really is a Ballwin family and that they do care about each and every member of the staff and wants to make sure everyone makes it home to their family.

*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 7:43 p.m.

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TIM POGUE, MAYOR

ATTEST:

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ERIC HANSON, CITY ADMINISTRATOR

A Johnson

Updated: **July 25, 2016**