



**UNOFFICIAL DRAFT**  
**MINUTES OF THE BOARD OF ALDERMEN MEETING**  
**CITY OF BALLWIN – 300 Park Drive**  
**February 13, 2017**

**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 *running late*  
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 *January 23, 2017 Board of Aldermen meeting minutes* were submitted for approval.

*A motion was made* by Alderman Leahy and seconded by Alderman Bullington to approve the January 23, 2017 Board of Aldermen meeting minutes as submitted. A voice vote was taken with a unanimous affirmative result and the motion passed.

## PRESENTATION

1. For the 180<sup>th</sup> Anniversary of the founding of Ballwin, Frank Masotto, from the Ballwin Historical Commission, spoke about the history of Ballwin. The Commission presented the Board with a plaque in honor of the City’s 180<sup>th</sup> anniversary. Mr. Masotto said the Historical Commission would be hosting a speaker series on the second Saturday in March, May, July and September.

2. Mr. Sheldon Lineback, Executive Director of the Missouri Police Chiefs Association, provided an overview of what is required for a police department to receive certification from the Missouri State Certified Law Enforcement Agency. Mr. Lineback presented the Missouri State Certified Law Enforcement Agency Certificate of Accreditation to Chief Kevin Scott.

## NEW BUSINESS

### LEGISLATION

#### **BILL NO. 3950 CH 15 OF THE BALLWIN CODE OF ORDINANCES AMENDMENTS**

*A motion was made* by Alderman Terbrock and seconded by Alderman Finley for a first reading of Bill No. 3950. A voice vote was taken with a unanimous affirmative result and Bill No. 3950 was read for the first time

Alderman Finley asked City Attorney Jones for a summary of what the changes to the code were and why the City was making these changes. City Attorney Jones responded that effective January 1, 2017 new laws went into effect in the State of Missouri in regards to the state's criminal codes. In order to reflect the state's changes, Ballwin's Code of Ordinances needed to be amended. Changes included an addition to Section 15-412 in regards to abandoned motor vehicles and changes in Section 15-117.5 in regards to alcohol related traffic offenses. In Chapter 17 of the Ballwin Code of ordinances, amendments included rewrites to the City's existing codes. These changes include crimes against persons, crimes against property and other changes of that nature. Some of these changes will allow the prosecuting attorney to prosecute defendants in the municipal courts instead of circuit courts. This will allow the Prosecuting Attorney to charge defendants within the city's court in a manner that is consistent with the State's courts when the State's court prosecutor might decide to not issue on a certain charge.

Alderman Roach asked if the only changes made were only those to make it consistent with the State's law. City Attorney Jones responded that it was consistent but added that there were changes to the City's peace disturbance, assault and trespass sections. He also added that these additional offenses were added to provide flexibility to the Police Department, Prosecuting Attorney and the Ballwin Courts. The reason for providing this flexibility is for instances where there is a possibility of these offenses to potentially slip through the cracks - should the State Prosecutor's office refuse to prosecute on that particular charge.

*A motion was made* by Alderman Terbrock and seconded by Alderman Finley for a second reading of Bill No. 3950. A voice vote was taken with a unanimous affirmative result and Bill No. 3950 was read a second time.

A roll call vote was taken for passage and approval of Bill No. 3950 with the following results:

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

Nays -- None.

Bill No. 3950 was approved and became **Ordinance No. 16-02**

#### **BILL NO. 3951 CH 17 OF THE BALLWIN CODE OF ORDINANCES AMENDMENTS**

*A motion was made* by Alderman Stallmann and seconded by Alderman Roach for a first reading of Bill No. 3951. A voice vote was taken with a unanimous affirmative result and Bill No. 3951 was read for the first time

*A motion was made* by Alderman Finley and seconded by Alderman Leahy for a second reading of Bill No. 3951. A voice vote was taken with a unanimous affirmative result and Bill No. 3951 was read a

second time.

A roll call vote was taken for passage and approval of Bill No. 3951 with the following results:  
Ayes – Aldermen Finley, Terbrock, Leahy, Kerlagon, Stallmann, Bullington, Roach;  
Nays -- None.

Bill No. 3951 was approved and became **Ordinance No. 16-03**

### **BILL NO. 3952 RIGHT TURNS AT RIES ROAD**

*A motion was made* by Alderman Finley and seconded by Alderman Terbrock for a first reading of Bill No. 3952. A voice vote was taken with a unanimous affirmative result and Bill No. 3952 was read for the first time

City Administrator Hanson explained the reason for this legislation: MoDoT requires that Ballwin pass an ordinance to amend Schedule C of Section 15-478 regarding restricted turns. MoDoT requires that Ballwin pass this legislation in order to change the right turn signal when turning right from northbound Ries Road to eastbound Manchester Rd. Only when the pedestrian walk button is pressed on the corner of Manchester and Ries Road will the no right turn signal be activated.

Alderman Roach asked if there was any cost to the City for implementing this new light signal. City Administrator Hanson did not believe there would be any costs incurred to the City and MoDoT did not articulate that they were expecting the City to cover any costs.

*A motion was made* by Alderman Finley and seconded by Alderman Bullington for a second reading of Bill No. 3952. A voice vote was taken with a unanimous affirmative result and Bill No. 3952 was read a second time.

A roll call vote was taken for passage and approval of Bill No. 3952 with the following results:  
Ayes – Aldermen Finley, Bullington, Roach, Kerlagon, Stallmann, Leahy, Terbrock;  
Nays -- None.

Bill No. 3952 was approved and became **Ordinance No. 16-04**

### **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. Public Works Asphalt Overlay Bid
- b. Public Works Crushed Rock Bid
- c. Public Works Hot Mix Asphalt Bid
- d. Public Works Ready Mix Concrete Bid
- e. Public Works Slabs and Sidewalk Replacement Bid
- f. Public Works Street Sweeping Bid
- g. Parks & Recs Truck Replacement

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

## CITY ADMINISTRATOR'S REPORT

**Finance Committee Meeting:** Scheduled for February 27<sup>th</sup> at 6pm to discuss Sewer Lateral Repair Program, Escrow, and the Purchasing Policy.

**Golf Cart Purchases:** City Administrator Hanson informed the Board that at the next Board meeting staff will be asking for approval to purchase golf carts. Unlike in the past when the carts are usually purchased in the fall, there are several carts of EZ Go's that are causing a maintenance nightmare and costing a considerable amount of money to keep them running. He said it makes the most sense to purchase these carts now. Six carts have been budgeted to be replaced this year.

**Municipal League Day in Jefferson City:** City Administrator Hanson informed the Board that he, Alderman Stallmann and Economic Developer, Andy Hixson, would be traveling to Jefferson City the following day to attend Muni Day on the Hill.

**HOA Meeting:** City Administrator Hanson stated he would like to schedule another HOA meeting in the next month. He said it seemed Mondays, excluding Board Meeting nights, worked best for everyone's schedule. He would provide a more solidified date in the coming weeks.

**Holloway Road Study:** Some work has been completed relative to the road study of Holloway Road from Baxter Road to Manchester Road. Included in this study is the traffic study of Kehrs Mill Road and Holloway Road. City Administrator Hanson asked the Board for direction of this study: to leave the intersection as it is, look into traffic signals or roundabout as possible viable solutions. If there are any major concerns about the type of intersection that Board would not consider or prefer to not look into, to let City Administrator Hanson know in advance.

Alderman Leahy stated he does not like Round-A-Bouts.

Alderman Terbrock asked if the traffic study would essentially provide the information with the type of intersection that would work best. City Administrator Hanson stated that it would provide that information but if there is no support for a certain intersection, he would need to know that in advance in order to look into other solutions.

Alderman Stallmann stated he does not have a preference but would be interested in seeing what the traffic study recommends as a solution.

**Street Tree Maintenance:** City Administrator Hanson stated Staff met and discussed a number of concerns expressed by the community in regards to the City's current street tree care and planting practices. Staff reviewed questions/concerns raised and provided possible alternatives to current policy. Staff discussed amending the City's tree planting cost share program to address the concerns of residents:

1. To consider amending the tree planting cost share program to encourage the homeowner to plant a tree from the city's approved list in their front yard rather than the area strictly in the right-of-way between the street and sidewalk. Homeowners would complete an application, specifying the type of tree they intend to plant from the list of approved species. Applications will be reviewed and approved in the order they are received beginning June 1. If approved for a match, the homeowner would plant their tree

anywhere in the front yard of their home and be reimbursed by the city up to \$100 upon city inspection and presentation of paid receipt. As currently the practice, trees could be planted between the street and sidewalk after site inspection and approval by staff.

2. Again, amend the city's cost share program to encourage planting in front yards; and continue the practice that all plantings between the street and sidewalk will be from the approved species list and site reviewed and approved by staff. Many of the existing street trees were wrong species wrong location selections, which has caused many of the problems the city is currently experiencing.
3. Trees located between the street and the sidewalk shall be maintained by the city with bottom branches maintained at a height 14 feet above the elevation of the adjacent pavement, depending on the species and age of the tree at the discretion of staff.
4. Branches from trees located in the right-of-way that are obstructing signage or street lights will be addressed as a street maintenance concern and will be trimmed by the city with staff discretion

Alderman Roach stated there are new homes going in that don't have sidewalks and asked how many feet from the street center line is the easement. Director of Public Works stated it is 25 feet.

Alderman Terbrock stated something needs to be put down in writing regulating the new subdivision trees. City Administrator Hanson stated staff would look into rewording the subdivision ordinance to include regulations consistent with the tree planting policy.

**Retiree Healthcare:** City Administrator Hanson stated that all full-time employees, ages 60-65, with at least 15 years of continuous full-time service, have the opportunity to take early-retirement. Early-retirees will have the option to continue purchasing health and dental insurance (single coverage only) from the City of Ballwin. The City will pay the same percentage of the retiree premium as it is paying for an active employee with single coverage. Once an eligible employee retires and elects to continue their benefit, it is guaranteed to remain in effect until the employee becomes Medicare eligible at age 65. If the Federal government increases the eligibility age for Medicare, current participants will be guaranteed continued coverage.

Mayor Pogue asked in regards to the employee plus one, if the City would pick up any of the cost. City Administrator Hanson stated under the presented proposal, it did not include employee plus one. Mayor Pogue asked if it would be an option to offer to pick up the amount equal to what the single employee coverage would be and the employee would be responsible for the difference. City Administrator Hanson stated that could be an option.

Alderman Terbrock added that he was going to ask the same question and if that would even be a feasible option. He commended staff for coming up with this solution to make it easier for staff to move into retirement.

Alderman Finley asked how this would be conveyed to employees. City Administrator Hanson stated it would be put into the employee manual and emailed out to staff.

City Administrator Hanson added this would also be an annual approval piece; the Board would be able to decide to keep this policy on an annual basis.

## STAFF REPORTS

### **Police Department: Toughbooks Purchase**

Chief Kevin Scott stated that to address the Department's current in-car issues as it relates to processing and E-Citation printing, there is a need to expedite the transition to the Panasonic Toughbooks and vehicle mounts. He proposed the immediate acquisition of 4 (four) additional Panasonic Toughbooks and vehicle mounts: this was not a budgeted expenditure but with Board approval, he would like to utilize Drug Asset Forfeiture funds to purchase these four additional Panasonic Toughbooks and vehicle mounts for a total of \$17,423.41. This will bring the total number of Toughbooks acquired to 13 with 4 to be budgeted for in 2018. All primary sector patrol cars will then have e-citation in them.

*A motion was made* by Alderman Roach and seconded by Alderman Leahy to use drug forfeiture money to purchase four (4) additional Panasonic Toughbooks as recommended by staff. A voice vote was taken with a unanimous affirmative result and the motion passed.

### **Parks & Recs: Median Maintenance Contract**

Superintendent of Parks & Facilities, John Hoffman, explained that Muni Outdoor Services was rewarded the 2016 contract to maintain the medians. In their proposal, Muni Outdoor included a renewal option. He recommended the renewal of this agreement for an additional year.

*A motion was made* by Alderman Stallmann and seconded by Alderman Leahy to approve staff recommendation to extend the Median Maintenance Contract with Muni Outdoor Services for another year. A voice vote was taken with a unanimous affirmative result and the motion passed.

### **Parks & Recs: North Pointe Slide Restoration**

Refinishing and re-alignment of the enclosed two-story water slide at the North Point Aquatic Center was included in the 2017 operating budget. Superintendent of Parks & Facilities, John Hoffman, explained that over time some shifting occurred in the structure that allowed for a less than smooth ride. This refinishing will allow for a seamless ride down the slide. Three bids were received. The low bidder, Astratek, could not provide a performance bond nor insure that the project would be completed prior to the opening of the pool season. Therefore, he is recommended awarding the contract to the second low bidder, Slide Care LLC.

*A motion was made* by Alderman Bullington and seconded by Alderman Kerlagon to approve staff recommendation and approve the bid from Slide Care LLC for the North Pointe Slide Restoration. A voice vote was taken with a unanimous affirmative result and the motion passed.

### **Public Works: Single Axle Truck Purchase**

Streets Superintendent, Jim Link, explained that for the past nine (9) years the city has been purchasing larger trucks off the state bid contract. These trucks were typically International trucks. This past year, the state changed their bid process and began allowing bids from Mack trucks Western Star, Freightliner, NJPA and International trucks. Bids were solicited off the state contract.

Truck 2202 is a 2001 Freightliner FL-80 with 65,089 miles and has numerous costly problems that would need to be addressed in order to keep it in the fleet. The 2017 budget provides for the replacement of a two-ton Single axle truck with plow. Mr. Link recommended accepting Viking-Cives Midwest- NJPA Body and Tag Truck Enterprises Single Axle Cab and Chassis Quote and selling truck 2202 on

GovDeals.com. The reason for going with the second lowest bid is because truck 2205, an International truck, purchased from Navistar has had engine and service issues recently.

Mayor Pogue asked if other municipalities had similar issues with International trucks. Mr. Link stated the State is now having issues and the City of Chesterfield is having issues. He added the State has now gone 30% away from International vehicles. Mayor Pogue he stated he would agree with Mr. Link, adding that the City needs these trucks on the streets and residents rely on them during the various seasons.

Alderman Roach asked where the International truck was purchased. Mr. Link Stated it was bought through the parent company Navistar and Rush Enterprises is the dealer. Mr. Link also added there was another International truck bought with truck 2205 that has not had any fuel issues.

***A motion was made*** by Alderman Stallmann and seconded by Alderman Terbrock to accept staff recommendation and award the contract for the Single Axle Truck to Viking-Cives Midwest- NJPA Body and Tag Truck Enterprises Single Axle Cab and Chassis. A voice vote was taken with a unanimous affirmative result and the motion passed.

## ALDERMANIC COMMENTS

**Alderman Kerlagon** stated he was out with three other couples on Saturday night. One couple lives in Ballwin and began asking questions about drones that are flying around, stating he was backing out of his driveway and almost had his car hit by one. Alderman Kerlagon asked if other members of the Board have been hearing complaints or concerns arise from drones flying around from their constituents.

Mayor Pogue stated that Wildwood and Ellisville have both recently passed drone regulations. City Attorney Jones added that other communities that have a higher density residential area seem to be experiencing more problems. He said there would have to something added to differentiate between recreational and commercial drones to prevent unintended consequences. If it is a problem for residents or businesses, the City can certainly put together a memo or specimen legislation for the Board to review.

Alderman Terbrock added that he is not opposed to looking at addressing this issue. He would rather look at looking at the issue now before it becomes a bigger problem.

Mayor Pogue forwarded the drone legislation from Wildwood to the Board.

***A motion was made*** by Alderman Roach and seconded by Alderman Bullington to have City Attorney Jones draft a report on drone legislation. A voice vote was taken with a unanimous affirmative result and the motion passed.

**Alderman Terbrock** Thanked staff for looking at ways to save the City money; he especially appreciated how intently staff is looking at ways to find where problems may be and fixing them.

**Alderman Bullington** Congratulated Chief Scott and the fine members of the Ballwin Police Department for becoming a State Certified Law Enforcement Agency. He stated the department continues to impress himself and the community as a whole. He also thanked staff for helping the city to become very proactive; which he added, makes their job as aldermen much easier. He thanked the Historical Commission for the information they continue to put forward and making certain that the City doesn't lose track of the past as the City looks to the future.

**Alderman Roached** Asked if median maintenance was something that gets bid out. Mr. Hoffman stated that it was something that was bid out. It was bid out in 2010, 2013 and 2016. Each time it included an option for an additional 2 years, one year at a time.

**A motion was made** by Alderman Terbrock and seconded by Alderman Stallmann to adjourn the Board of Aldermen Meeting. A roll call vote was taken with a unanimous result, and the meeting was adjourned at 8:16 p.m.

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TIM POGUE, MAYOR

ATTEST:

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ERIC HANSON, CITY ADMINISTRATOR

A Johnson

Updated: **February 23, 2017**