



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes
FEBRUARY 11, 2019
7:00 PM 300 PARK DR. BALLWIN, MO 63011

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 7:04 p.m.

ROLL CALL

Present

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

Absent

Alderman Raymond Kerlagon

Interim-City Administrator Bob Kuntz
City Attorney Robert Jones

The Pledge of Allegiance was given.

MINUTES

The Minutes from the January 28, 2019, Board of Aldermen meeting were submitted for approval. *A motion was made* by Alderman Fleming and seconded by Alderman Finley to approve the minutes from the January 28, 2019 Board of Aldermen meeting as amended. A voice vote was taken with a unanimous affirmative result and the motion passed.

The Minutes from the January 28, 2019, closed session meeting were submitted for approval. *A motion was made* by Alderman Fleming and seconded by Alderman Stallmann to approve the minutes from the January 28, 2019 closed session meeting as submitted. A voice vote was taken with a unanimous affirmative result and the motion passed.

PRESENTATIONS

John Hoffman, Interim Director of Parks & Recreation/Superintendent of Parks, introduced Kristy DeGuire to give a brief overview of the Draft Master Plan which is available in its entirety in their meeting packet.

Kristy DeGuire, owner of DG2 Design Landscape Architecture, began her presentation to the Board with an overview of the City of Ballwin Parks Master Plan. She explained that DG2 headed up this project but also worked with Ballard*King & Associates who researched demographics and overall park operations review and Hastings & Chivetta Architects Inc.

assisted with detailed review of the facilities. The process involved inventorying the existing conditions, analyzing those to look for opportunities and constraints, meeting with the public for input, and then created recommendations. Summary of deficiencies overall include a general lack of facilities, especially indoor to support programming, growth and variety particularly hardcourt activities, a lack of space to expand group fitness activities, a lack of dedicated party room, and a lack of lap swimming and competitive swimming programs.

Benchmarks compared the City of Ballwin Recreation with Des Peres, Richmond Heights, O'Fallon and Rolla. Surveys of households, with 441 responses, showed 78% of household used the parks in the last year. The top household activities were walking and jogging, swimming, festivals and special events, nature areas, and hiking. Specific parks analysis was done including a rating of a park or facility and then individual components.

Recommendations were made at a high level concerning programs offered, how staff is utilized, and trends moving forward in the future. Recommendations for individual parks and facilities were then highlighted. Due to the number of elements and the move of City Hall, Kristy DeGuire also recommended a high priority detailed plan just for Vllasis Park be made to evaluate the park. The City of Ballwin is on the right track and there are a lot of things that just need to continue and there are some things that should be maintained or updated throughout to trend in the right direction.

Alderman Fleming asked about the trend information and if there are any reverse trends that would allow for removal of not popular programs to limit the need for expanding facilities.

Kristy DeGuire used pickle ball verses tennis tends as an example where both are still trending and an alternative to new facilities is the repurpose or dual purpose of an existing facility such as a tennis court being striped for both.

Alderman Fleming asked if the area Athletic Associations were taken into consideration. The practice fields for those, especially baseball, have gone by the wayside.

Kristy DeGuire stated the Athletic Association were taken into account because without those added soccer and ball fields Ballwin would have fallen way behind in comparison to other cities.

Alderman Fleming asked what is included in trend called adventure sports. Are these indoor or outdoor facilities?

Kristy DeGuire explained adventure sports are a little bit of both but trends to outdoor facilities such as mountain biking and ropes courses. Indoor rock walls are also one of them but not included in their recommendation for Ballwin..

Kristy DeGuire closed by reminding them to forward any questions or concerns through John Hoffman so they can be addressed in the final Parks Plan.

PUBLIC COMMENTS

Richard Boerner, 726 Oak Meadows Court, questioned the City of Ballwin's interpretation of FOIA statute in favor of the City, not the citizen. He asked for a review of this policy.

Jane Suozzi, 127 Romine Circle, spoke in reference to the later resolution. She stated she went to a presentation in opposition to the City-County merger and is concerned about Freeholders Board language concerning party restrictions. She also inquired if the City is limited from collecting signatures or if the citizens will need to gather them. She would happily help gather the required signatures. Mayor Pogue responded that he and Alderman Stallmann attended an informational seminar also last week and have copies of the petition and intend to collect signatures as well.

NEW BUSINESS

BILL NO. 4016 AN ORDINANCE REVISING SECTIONS OF THE CODE OF ORDINANCES CONCERNING COMMUNICATIONS FACILITIES

A motion was made by Alderman Fleming and seconded by Alderman Finley for a first reading of Bill No. 4016, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4016 was read for the first time.

In discussion of Bill No. 4016 Alderman Roach asked the City Attorney if this is the update that went to the P & Z relative to the antenna apparatus and easements as mandated by revisions to the State statutes. Attorney Jones responded affirmatively. Bill No. 4016 is the small cell wireless deployment legislation that is required in order to comply with the state law and the FCC regulations.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock for a second reading of Bill No. 4016, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4016 was read for a second time.

A roll call vote was taken for passage and approval of Bill No. 4016 with the following results:

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

Nays -- None.

Bill No. 4016 was approved and became Ordinance No. 19-02

BILL NO. 4017 AN ORDINANCE UPDATING SECTIONS OF THE CODE OF ORDINANCES CONCERNING UTILITIES GROSS RECEIPTS TAXES.

A motion was made by Alderman Fleming and seconded by Alderman Roach for a first reading of Bill No. 4017, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4017 was read for the first time.



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes
FEBRUARY 11, 2019
7:00 PM 300 PARK DR. BALLWIN, MO 63011

In discussion of Bill No. 4017 Alderman Roach presented a question to the City Attorney about section 14-206.1 defining gross receipts. Is there any flexibility in that language or are we restricted to this exact text? Attorney Jones replied that definition is not being amended except to take out the superfluous phrase “exclusive of sales and charges for the commodities and services”. Attorney Jones also stated he feels that definition is a good one because it also speaks directly to telephone or communications services. Alderman Roach then asked if Attorney Jones thinks the language as written is broad enough to encompass voice over IP. Attorney Jones responded affirmatively.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann for a second reading of Bill No. 4017, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4017 was read for a second time.

A roll call vote was taken for passage and approval of Bill No. 4017 with the following results:
Ayes – Aldermen Terbrock, Finley, Roach, Stallmann, Fleming, Leahy, Bullington;
Nays -- None.
Bill No. 4017 was approved and became Ordinance No. 19-03

BILL NO. 4018 AN ORDINANCE REPEALING SECTIONS 7.5-1 TO 7.5-11 OF THE CITY CODE OF ORDINANCES AND ENACTING A NEW SECTION 7.5-1, RELATING TO VIDEO SERVICE PROVIDERS, AND REPEALING OUTDATED CABLE TELEVISION CODE PROVISIONS.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann for a first reading of Bill No. 4018, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4018 was read for the first time.

In discussion of Bill No. 4018 Alderman Roach asked whether some of the language might also apply to services similar to Netflix, Amazon or Hulu. Attorney Jones responded that those services would not be subject to this video provider fee at this time.

A motion was made by Alderman Roach and seconded by Alderman Terbrock for a second reading of Bill No. 4018, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4018 was read for a second time.

A roll call vote was taken for passage and approval of Bill No. 4018 with the following results:
Ayes – Aldermen Terbrock, Finley, Roach, Stallmann, Fleming, Leahy, Bullington;
Nays -- None.
Bill No. 4018 was approved and became Ordinance No. 19-04

BILL NO. 4019 AN ORDINANCE SETTING THE REAL ESTATE TAX RATE OF ZERO (0%) PERCENT IN THE CITY OF BALLWIN FOR THE FISCAL PERIOD BEGINNING JANUARY 1, 2019 AND ENDING DECEMBER 31, 2019.

A motion was made by Alderman Finley and seconded by Alderman Stallmann for a first reading of Bill No. 4019, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4019 was read for the first time.



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes
FEBRUARY 11, 2019
7:00 PM 300 PARK DR. BALLWIN, MO 63011

A motion was made by Alderman Roach to amend the ordinance to also include:

WHEREAS, each year, the Board of Aldermen must set the tax rate in order to notify the Collector of Revenue of St. Louis County of the rate in order to provide for collection and remittance of the same,

WHEREAS, the City of Ballwin has maintained a 0% property tax for the last 32 years,

WHEREAS, by consistently imposing a 0% property tax for over three decades, the City of Ballwin is in the minority of municipalities in St. Louis County to do so,

WHEREAS, the residents and taxpayers of the City of Ballwin are satisfied with the level of services provided,

WHEREAS, the residents and taxpayers of the City of Ballwin do not seek higher taxes,

WHEREAS, the City of St. Louis currently imposes a property tax on its property owners.

The motion was seconded by Alderman Stallmann to amend Bill No. 4019 to include the further language provided by Alderman Roach. A voice vote was taken with a unanimous affirmative result.

In discussion of Bill No. 4019 Alderman Fleming asked the City Attorney if the amendment would be okay or if it should remain limited to the required language only. Attorney Jones responded that the Wheras clauses are merely explanatory and would not affect the ordinance or the way it operates in the City of Ballwin.

In discussion of Bill No. 4019 Alderman Stallman stated this bill has been in effect for 32 years, we have great services at low taxes here in the City of Ballwin and the plan is currently afoot. We need all of your help or this may be one of the last years you have the zero property tax rate if the Better Together plan moves forward. You will see higher fees, higher taxes and lower services and we need all of your help to fight this.

A motion was made by Alderman Fleming and seconded by Alderman Finley for a second reading of Bill No. 4019, title only. The bill was not read and was held over to the next meeting to allow for a clean copy and reading of the amended bill in its entirety.

Bill No. 4019 was held over.

BILL NO. 4020 AN ORDINANCE IN THE CITY OF BALLWIN, MISSOURI, READOPTING AND AMENDING IN PART CHAPTER 2, ARTICLE II, DIVISION 2 OF THE CODE OF ORDINANCES WHICH ESTABLISHED A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTEREST FOR CERTAIN MUNICIPAL OFFICIALS.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock for a first reading of Bill No. 4020, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4020 was read for the first time.



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes
FEBRUARY 11, 2019
7:00 PM 300 PARK DR. BALLWIN, MO 63011

A motion was made by Alderman Fleming and seconded by Alderman Terbrock for a second reading of Bill No. 4020, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4020 was read for a second time.

A roll call vote was taken for passage and approval of Bill No. 4020 with the following results:

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

Nays -- None.

Bill No. 4020 was approved and became Ordinance No. 19-05

BILL NO. 4021 AN ORDINANCE REPEALING SECTION 2-31 OF THE CITY CODE OF ORDINANCES AND ENACTING A NEW SECTION 2-31, RELATING TO EMPLOYEE RETIREMENT SYSTEM PARTICIPATION, AND REPEALING OUTDATED EMPLOYEE RETIREMENT SYSTEM CODE PROVISIONS

A motion was made by Alderman Fleming and seconded by Alderman Terbrock for a first reading of Bill No. 4021, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4021 was read for the first time.

Attorney Jones asked the title to be corrected from 2-3.1 to 2-31 in both references.

A motion was made by Alderman Fleming and seconded by Alderman Leahy to amend the title of Bill No. 4021. A voice vote was taken with a unanimous affirmative result.

In discussion of Bill 4021 Alderman Finley asked Finance Officer Keller for an update of how this has gone over the last year including employee feedback. Finance Officer Keller stated we do not have the new actuarial value yet, but she can write up a report and email it to the aldermen. Alderman Fleming stated this topic is on the list for the upcoming Finance Committee meeting they are scheduling soon.

A motion was made by Alderman Fleming and seconded by Alderman Leahy for a second reading of Bill No. 4021, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4021 was read for a second time.

A roll call vote was taken for passage and approval of Bill No. 4021 with the following results:

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

Nays -- None.

Bill No. 4021 was approved and became Ordinance No. 19-06

RESOLUTION A RESOLUTION SUPPORTING THE FORMATION OF A BOARD OF FREEHOLDERS/ELECTORS AS AUTHORIZED BY ARTICLE VI; SECTION 30(a) AND 30(b) OF THE MISSOURI CONSTITUTION.

In discussion of the resolution Mayor Pogue reiterated that he and Alderman Stallmann attend an informational meeting last week in regards to this. This is very concerning to the Board. Ballwin delivers a very high level of service and this

level of service will not be able to continue with a metro plan. What the Board of Freeholders does is it follows what is currently in the State constitution; it does not amend the constitution like Better Together wants to reach their goal. This is the vehicle that should be used, a more transparent vehicle with multiple open public meeting and will be held to a very tight time line. Any recommendation from this Board of Freeholders will be voted on by the residents of the City and the County and not a statewide vote and would have to pass in both the City and the County.

A motion was made by Alderman Stallmann and seconded by Alderman Leahy to approve the resolution in support of the formation of a Board of Freeholders/Electors. A voice vote was taken with a unanimous affirmative result. The Resolution was approved and signed by each Alderman and the Mayor.

Mayor Pogue stated the Petitions will be available after the meeting for any registered voter who would like to sign them.

CONSENT ITEMS

- a. Liquor License: Moonlight Bistro
- b. Public Works: Bucket Truck

Alderman Roach requested to pull consent item A for further discussion.

A motion was made by Alderman Stallmann and seconded by Alderman Fleming to accept Consent Items A and B as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.

MAYOR'S REPORT

Alderman Fleming asked to schedule a Finance Committee Meeting before an upcoming Board Meeting. March 11, 2019 starting at 6:00 pm was selected.

Alderman Terbrock brought up scheduling for the Public Works Committee meeting for before the next Board meeting on February 25, 2019 to start at 6:00 pm.

INTERIM - CITY ADMINISTRATOR'S REPORT

Update of Personnel Manual sections on City Vehicle and Drivers Standards and Disciplinary Procedures

Interim-City Administrator Kuntz presented personnel changes that were carried over from a previous meeting in order to address Alderman Roach's questions. These are personnel rule changes to simplify and to clarify with respect to motor vehicle accidents and other related issues and to codify this into the personnel rules.

7:00 PM 300 PARK DR. BALLWIN, MO 63011

A motion was made by Alderman Fleming and seconded by Alderman Leahy to approve the updates to the personnel manual. A voice vote was taken with a unanimous affirmative result.

STAFF REPORTS

Public Works: Truck Purchase

Jim Link, Director of Public Works, addressed the Board concerning the replacement of truck 2101, a F550 with extensive rust, two cracked frame rails and many prior repair costs. Previously the City switched to purchasing Dodge trucks but these are in short supply and high demand at this time. Jim Link requested \$55,000 be pre-approved for purchase of a 2018 Dodge 5500 or lower from a dealer in order to negotiate the best deal possible in a timely manner. Further discussion was initiated concerning coating the frame rails and/or an undercarriage wash system.

A motion was made by Alderman Bullington and seconded by Alderman Terbrock to approve staff recommendation and the bid submitted for truck purchase. A voice vote was taken with a unanimous affirmative result.

Parks: Apparel Bids

John Hoffman, Interim Parks Director, presented a recommendation to the Board to accept the low bid for Parks apparel. There were only two respondents to the RFP but the low bid is under the budgeted amount.

A motion was made by Alderman Leahy and seconded by Alderman Terbrock to approve staff recommendation and the bid submitted for parks apparel purchase. A voice vote was taken with a unanimous affirmative result.

ALDERMANIC COMMENTS

Alderman Stallmann congratulated Chief Scott and the outstanding men and women of the Ballwin Police Department on Ballwin once again being named the safest city in Missouri by the National Council for Home Safety and Security. He then asked Chief Scott his thoughts in brief on what Better Together would do to policing in Ballwin. Chief Scott responded that the PERF report generated in 2015, post Ferguson, and paid for by Better Together, does not recommend the wholesale consolidation of municipal police services. We provide our customers a community-based service and this will be lost if consolidation were to happen.

Alderman Bullington also thanked Chief Scott and his department for keeping our overall ratings very safe and welcomed our new officer, Mark Reckert, whose swearing in he attended that morning.

Alderman Terbrock requested that in the future any large documents for the aldermanic packet be sent in a separate file for ease of use.



DRAFT MINUTES
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Meeting Minutes
FEBRUARY 11, 2019

7:00 PM 300 PARK DR. BALLWIN, MO 63011

Alderman Roach wanted to bring to the aldermen's attention the potential confusion with the new city hall address of 77 Seven Trails Drive. He spoke with staff who suggested working with the Post Office to see what other alternatives there may be. Interim-City Administrator Kuntz stated he would work with the Post Office and bring options before the Board at the next meeting.

Mayor Pogue noted that City of Ballwin will be participating in the Polar Plunge for Special Olympics on February 23rd. Thanks to Chief Scott, Captain Bergfeld, James Boyd from the parks department, and Inspector Chris Hyland, who along with myself will be participating in the plunge and have raised over \$2,000 so far for Special Olympics. Interim-City Administrator Kuntz mentioned Andy Hixson is also participating. Assistant City Administrator Hixson wanted to note that Mayor Pogue is the top fundraiser for the Polar Plunge and Ballwin as a whole is number four in fundraising.

CLOSED SESSION

The Board moved to go into closed session for one or more of the reasons as authorized by Section 610.021(1) and (13) Revised Statutes of Missouri, relating to potential litigation and personnel matters.

A motion was made by Alderman Fleming and seconded by Alderman Bullington to go into closed session. A roll call vote was taken with a unanimous affirmative result.

OPEN SESSION

A motion was made by Aldermen Fleming to reconvene. The motion was seconded by Alderman Stallmann and passed by unanimous voice vote.

A motion was made by Alderman Fleming to adjourn. The motion was seconded by Alderman Stallmann. The motion passed by unanimous voice vote. The meeting adjourned at 10:06 p.m.

TIM POGUE, MAYOR

ATTEST:

Andy Hixson, CITY CLERK