



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

JUNE 22, 2020

7:00 PM 1 GOVERNMENT CTR. 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 7:00 p.m.

ROLL CALL

Present

Mayor Tim Pogue
Alderman Mike Utt
Alderman Michael Finley
Alderman Kevin M. Roach
Alderman Mark Stallmann
Alderman Frank Fleming
Alderman Jim Leahy
Alderman Ross Bullington
Alderman Raymond Kerlagon
City Administrator Bob Kuntz
City Attorney Robert Jones

Absent

MINUTES

The Minutes from the May 11, 2020, Board of Aldermen meeting were submitted for approval. *A motion was made* by Alderman Leahy and seconded by Alderman Bullington to approve the minutes from the May 11, 2020 Board of Aldermen meeting. A voice vote was taken with a unanimous affirmative result and the motion passed.

The minutes from the May 7, 2020, Board of Aldermen closed meeting were submitted for approval. A motion was made by Alderman Leahy and seconded by Alderman Bullington to approve the minutes from the May 7, 2020 Board of Aldermen closed meeting. A voice vote was taken with a unanimous affirmative result and the motion passed.



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The minutes from the May 13, 2020, Board of Aldermen closed meeting were submitted for approval. A motion was made by Alderman Leahy and seconded by Alderman Utt to approve the minutes from the May 13, 2020 Board of Aldermen closed meeting. A voice vote was taken with a unanimous affirmative result and the motion passed.

The minutes from the June 6, 2020, Board of Aldermen closed meeting were submitted for approval. Alderman Finley stated there was an item he wanted to discuss to be amended. City Attorney Robert Jones stated any discussion of closed meeting minutes should be done in a closed session; Mayor Pogue stated he would be asking for a closed session this evening and the June 6, 2020 closed minutes would be held for discussion during the closed session.

PRESENTATION

SWEARING IN OF ELECTED OFFICIALS

- Alderman Michael Finley – oath administered by Honorable Judge Norman Steimel
- Alderman Kevin Roach – oath administered by Honorable Judge Virginia Nye
- Alderman Frank Fleming – oath administered by Honorable Judge Virginia Nye
- Alderman Raymond Kerlagon – oath administered by Honorable Judge Virginia Nye

Officials were sworn in for a two-year term expiring April 2022.

Call to order at 7:10.

There is a second roll call with newly elected officials.

- | | |
|------------------------------|--------|
| Present: | Absent |
| Mayor Tim Pogue | |
| Alderman Mike Utt | |
| Alderman Michael Finley | |
| Alderman Kevin M. Roach | |
| Alderman Mark Stallmann | |
| Alderman Frank Fleming | |
| Alderman Jim Leahy | |
| Alderman Ross Bullington | |
| Alderman Raymond Kerlagon | |
| City Administrator Bob Kuntz | |
| City Attorney Robert Jones | |

CITIZEN COMMENTS

Marcia Hummel, 404 Oakmont Cir., spoke to the Board about her fence. She stated she needed to raise the level of her fence because of her dog. She added material to the top of the fence which she was told was flexible, but did not get a permit. She was positive all her neighbors were fine with this, but one neighbor emailed the City about it. Alderman Leahy asked if she had talked with her trustees; she stated she had not, but she talked with Building Commissioner Mike Roberts. Ms. Hummel also stated she has attempted to get in touch with Aldermen Fleming and Leahy, to no avail. Email sent to both came back as invalid. She stated she had also contacted Senator Keonig. City Attorney Robert Jones asked if she had received a code violation; she stated she did. City Attorney Jones stated this would need to be presented before the Board of Adjustment. Ms. Hummel then said she wants to talk with her Aldermen and Sen. Koenig about changing the ordinance. Mayor Pogue explained the process of changing an ordinance. Ms. Hummel asked if she was going to have to take her fence down. Mayor Pogue stated, if it is in violation, which it is, she would have to. Mayor Pogue also stated she should check with her trustees as well; there is a box on the permit application form which asks if trustees have been contacted. Ms. Hummel then asked if there is an appeal process. City Attorney Jones stated she may appeal to the Board of Adjustment. Alderman Fleming asked for Ms. Hummel's email address which Mayor Pogue stated he would provide for him. Alderman Fleming stated he would get in touch with her and try to help her navigate the situation.

Alderman Finley stated Mr. and Mrs. Keonig had arrived and wished to address the Board though they had not completed a form. Mayor Pogue invited them to come forward. Mr. Keonig stated he wants things opened up and doesn't understand why parks aren't open. He stated a person cannot get the virus from a surface; it is respiratory. He also stated the number of kids that have gotten this virus is just about none and that businesses are being hurt. Mayor Pogue stated that we are following orders from St. Louis County and we do not have the authority to override them. The Mayor referenced an article on playgrounds and that children should be allowed to play. He also stated the Lafayette Area Mayor's group has sent multiple letters to County Executive Sam Page for justification; they have received no reasoning from the County Executive's Office. Mayor Pogue stated he understands the frustration and it is shared.

EMPLOYEE RECOGNITION

City Administrator Kuntz shared that the City has three recent or upcoming retirees, each with many years of service. Dan Trower from Parks Department retired with 30+ years, Pete Kraut from Public Works retired with 36 years and Sgt. Ron Moushey from the Police Department retired with 40 years. Mr. Kuntz expressed his personal best wishes to the retirees and Mayor Pogue stated on behalf of the Board, their hard work has been appreciated and their experience will be missed by the City.

LEGISLATION

Bill 4062 – Reinke Rd Lot Split

AN ORDINANCE APPROVING A SPLIT OF THE LOT KNOWN AND NUMBERED AS 703 REINKE ROAD IN THE CITY OF BALLWIN.

A motion was made by Alderman Leahy and seconded by Alderman Stallmann for a first reading of Bill 4062, title only. A voice vote was taken with unanimous affirmative result and Bill 4062 was read for the first time.

In discussion of Bill 4062:

Alderman Roach stated he met the owner of this property, Hugh Rideout; Mr. Rideout is a very honorable member of the community and a recipient of a Silver Star medal, which is the third highest military award.

A motion was made by Alderman Roach and seconded by Alderman Utt for a second reading of Bill 4062. A voice vote was taken with unanimous affirmative result and Bill 4062 was read for a second time.

A roll call vote was taken for passage and approval of Bill No. 4062 with the following results:

Ayes – Aldermen Utt, Finley, Roach, Stallmann, Fleming, Leahy, Bullington, Kerlagon

Nays -- None.

Bill No. 4062 was approved and became Ordinance No. 20-10

Bill 4063 – Ballwin City Administrator

AN ORDINANCE APPOINTING A CITY ADMINISTRATOR AND APPROVING AN EMPLOYMENT AGREEMENT

A motion was made by Alderman Stallmann and seconded by Alderman Finley for a first reading of Bill 4063, title only. A voice vote was taken with unanimous affirmative result and Bill 4063 was read for the first time.

In discussion of Bill 4063:

None

A motion was made by Alderman Roach and seconded by Alderman Finley for a second reading of Bill 4063. A voice vote was taken with unanimous affirmative result and Bill 4063 was read for a second time.

A roll call vote was taken for passage and approval of Bill No. 4063 with the following results:

Ayes – Aldermen Utt, Finley, Roach, Stallmann, Fleming, Leahy, Bullington, Kerlagon

Nays -- None.

Bill No. 4063 was approved and became Ordinance No. 20-11



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With the passing of this ordinance, Mayor Pogue announced Eric Sterman has been chosen as the next City Administrator for the City of Ballwin. Mr. Sterman comes to us from Sunset Hills and will start on August 10. Mr. Sterman served in Sunset Hills for four years and was the first City Administrator for that City.

Bill 4064 - AN ORDINANCE PROVIDING FOR THE ANNEXATION BY THE CITY OF BALLWIN, MISSOURI OF AN AREA OF UNINCORPORATED LAND DESCRIBED HEREIN AND REFERRED TO AS “WATERFORD SUBDIVISION”, AND PROVIDING FOR APPROVAL OF AN ANNEXATION PLAN AND A SIMPLIFIED BOUNDARY CHANGE PROPOSAL TO BE SUBMITTED TO THE ST. LOUIS COUNTY BOUNDARY COMMISSION FOR ITS CONSIDERATION.

A motion was made by Alderman Roach and seconded by Alderman Leahy for a first reading of Bill 4064, title only. A voice vote was taken with unanimous affirmative result and Bill 4064 was read for the first time.

In discussion of Bill 4064:

None

A motion was made by Alderman Roach and seconded by Alderman Stallmann for a second reading of Bill 4064. A voice vote was taken with unanimous affirmative result and Bill 4064 was read for a second time.

A roll call vote was taken for passage and approval of Bill No. 4064 with the following results:

Ayes – Aldermen Utt, Finley, Roach, Stallmann, Fleming, Leahy, Bullington, Kerlagon

Nays -- None.

Bill No. 4064 was approved and became Ordinance No. 20-12

City Attorney Robert Jones stated this would go to St. Louis County tomorrow.

Resolution - A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN LAFAYETTE AREA POLICE AGENCIES.

Discussion:

None

A motion was made by Alderman Bullington and seconded by Alderman Roach to approve the resolution as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.

CONSENT ITEMS

ADMINISTRATION – Liquor Licenses/Picnic License – Craft Beer Festival

Liquor licenses for Ballwin businesses and restaurants as well as the Picnic License for the Craft Beer Festival are presented for the Board's approval.

Discussion:

Mayor Pogue requested a motion to approve all liquor licenses except for Clancy's as they do not have all required paperwork completed.

A motion was made by Alderman Roach and seconded by Alderman Utt to approve the liquor licenses with the omission of Clancy's. A voice vote was taken with unanimous affirmative result and the motion passed.

Mayor Pogue requested a motion to approve Clancy's contingent upon all paperwork being filed and approved no later than July 1, 2020.

A motion was made by Alderman Stallmann and seconded by Alderman Bullington. A voice vote was taken with unanimous affirmative result and the motion passed.

ADMINISTRATION – Destruction of Records

Staff requests the Board's approval to destroy the items listed on the Notice of Destruction of Records.

Discussion:

None

A motion was made by Alderman Roach and seconded by Alderman Utt to approve the requested records destruction. A voice vote was taken with unanimous affirmative result and the motion passed.

MAYOR'S REPORT

Mayor Pogue stated the contract for City Administrator Bob Kuntz's employment would be extended through July 10, 2020 and then part-time (50%) until the new City Administrator begins and will include a one-week overlap.

A motion was made by Alderman Roach and seconded by Alderman Stallmann to approve the contract extension. A voice vote was taken with unanimous affirmative result and the motion passed.

CITY ADMINISTRATOR'S REPORT

Nothing to report

STAFF REPORTS

POLICE – Stop Sign Recommendations

Last year, the Board authorized a comprehensive study and analysis of all of our stop signs by T2 traffic engineering. Implementation for most of the changes would require further study and cost commitment. Due to our uncertain financial condition, we were reluctant to move forward. Officer Burgoyne identified the five areas that can be handled in-house. Those five are: 1. Ramsey at Manchester, 2. Ballwin Manor at Manchester, 3. Ries at Twigwood, 4. Lennox and Mayfair and 5. Holloway and Kehrs Mill.

Alderman Finley stated that he was in favor of the first four on the list, but considering financial uncertainty, he thinks we should wait until next year to do the fifth due to the cost. There was considerable discussion regarding the Holloway/Kehrs Mill intersection; this intersection has the most accidents of City owned streets. Alderman Stallmann agreed with Alderman Finley's concerns about spending, but it appears this cost would be prudent at this point. Alderman Fleming stated this seems to be necessary and reasonable.

A motion was made by Alderman Finley and seconded by Alderman Roach to approve locations one through four on the list and have legislation prepared for the stop sign at Ballwin Manor. A voice vote was taken with unanimous affirmative result and the motion passed.

A motion was made by Alderman Stallmann and seconded by Alderman Bullington to approve location five. A voice vote was taken with seven affirmative votes and one negative vote and the motion passed.

PUBLIC WORKS – Fred Kemp Ct.

Staff is requesting legislation be enacted to accept the streets and sidewalks of Fred Kemp Ct. for City maintenance.

Discussion:

Public Works Director Jim Link stated the contractor has completed all work at Fred Kemp and it is ready for the City to take over for streets/sidewalks.

A motion was made by Alderman Roach and seconded by Alderman Stallmann to draft legislation. A voice vote was taken with unanimous affirmative result and the motion passed.

PUBLIC WORKS – Easement/Right of Way Tree Clearing and Removal

Sometime ago, the Board authorized solicitation of bids to supplement our efforts and reduce backlog. We have 262 open work orders in our system with an additional 1215 ash trees to be removed. Acceptance of the low bid, based on a \$30,000 expenditure cap, would enable us to remove an additional 127 trees. Direction, by motion, is requested.

Discussion:

Public Works Director Jim Link stated both bidders are willing to reduce the scope of work. He explained direction from the Board is needed as this was not budgeted for in 2020. There was discussion of the number of trees and work orders as well as easement and right of way clearing. Mayor Pogue stated we are getting in as many work orders as we're taking off and the \$30,000 contract would help to cut that number almost in half. His recommendation is to contract with Omni Tree, not to exceed \$30,000. Alderman Leahy asked if we are doing stump grinding in-house; Mr. Link replied that we are. Mayor Pogue stated we can also work with our arborist to find out which trees are in the worst shape. Alderman Leahy agreed with the Mayor's recommendation and stated we can come back later if necessary once we see how the budget is.

A motion was made by Alderman Roach and seconded by Alderman Utt to approve a contract up to \$30,000 with Omni Tree. A voice vote was taken with unanimous affirmative result and the motion passed.

CITY ATTORNEY'S REPORT

Nothing to report



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ALDERMANIC COMMENTS

Alderman Finley expressed his thanks to Mr. Kuntz for his distinguished service and leadership to the City. Alderman Stallmann also expressed his thanks and shared that it has been a pleasure to have Mr. Kuntz back. Alderman Roach expressed his thanks to Parks & Recreation staff for working hard to open up as much as possible. Alderman Leahy shared information regarding a letter all members of the Board received and asked if we could look at businesses which were forced to shut down and the amount of licensing fees they are paying.

CLOSED SESSION

The Board moved to go into closed session as authorized by Revised Statutes of Missouri, Section 610.021(13) regarding personnel matters.

A motion was made by Alderman Bullington and seconded by Alderman Utt. A roll call vote was taken with unanimous affirmative result. The Board moved to closed session at 8:22 p.m.

OPEN SESSION

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

A motion was made by Alderman Fleming and seconded by Alderman Stallmann to approved the June 6, 2020 Board of Alderman closed meeting minutes. The motion passed by unanimous affirmative voice vote.

A motion was made by Alderman Fleming and seconded by Alderman Finley to adjourn. The motion was passed by unanimous affirmative voice vote and the meeting adjourned at 8:30 p.m.

_____ TIM POGUE, MAYOR

ATTEST:

_____ POLLY MOORE, CITY CLERK