



DRAFT MINUTES  
BOARD OF ALDERMEN  
Meeting Minutes

OCTOBER 28, 2019

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 7:02 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 Kate Henry

Absent

City Attorney Robert Jones

The Pledge of Allegiance was recited.

MINUTES

The Minutes from the October 14, 2019, Board of Aldermen meeting were submitted for approval. *A motion was made* by Alderman Fleming and seconded by Alderman Stallmann to approve the minutes from the October 14, 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 October 14, 2019 Board of Aldermen Closed meeting were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Finley to approve the minutes from the October 14, 2019 Board of Aldermen Closed meeting. A voice vote was taken with a unanimous affirmative result and the motion passed.

Mayor Pogue introduced Doug Shaeffler, who has been selected as Ballwin’s new Police Chief. Chief Shaeffler comes to us from Richmond Heights and will start with Ballwin on December 2, 2019. He will be sworn in at the December 9, 2019 Board of Aldermen Meeting.

## **PUBLIC COMMENTS**

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None

## **PRESENTATION**

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2020 Projected Revenues – Denise Keller, Finance Officer

Ms. Keller presented the City’s 2020 Projected Revenues. Items covered included intergovernmental revenues (park grants, federal reimbursements and service contracts), sales tax revenues, County road tax, utility gross receipts, municipal court fines and recreation revenues. Recreation revenues at the golf course and North Pointe saw a decline in 2019 which was partially due to weather. Memberships at the Pointe have shown a steady increase. Summer camps have also shown steady growth; in 2020, an extra week of camp will be offered along with five specialty camps. Alderman Leahy asked if there is a difference in fees for non-residents vs. residents. Chris Conway, Parks Director, replied there is a difference. Alderman Finley asked about the vehicle tax rate; the rate comes from where the buyer lives, not where the purchase is made. The sales tax rate is the same for any item purchased in Ballwin. Sewer lateral was also discussed; Ms. Keller stated we are currently processing about half as many requests as previous.

## **OLD BUSINESS**

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**STAFF REPORT - PARKS** – Amending Bills 4045 and 4046

Director of Parks & Recreation Chris Conway stated bills 4045 and 4046 have been amended from previously proposed fee increases. Alderman Roach asked if it was felt this would help offset staff pay increases. Mr. Conway replied that it would. Alderman Utt stated he would like to see the daily fees remain, but is good with the increases if everyone agrees on them.

### **Bill 4045 – AN ORDINANCE AMENDING THE AMOUNT OF FEES CHARGED FOR CERTAIN RECREATIONAL PROGRAMS**

The City of Ballwin has determined that fee rate increases for certain recreational programs are appropriate after a review of the market and because such increases may generate additional revenues.

Bill 4045 was read for the first time and tabled at the October 28, 2019 Board Meeting.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann to untable Bill 4045. A voice vote was taken with unanimous affirmative result and Bill 4045 was untabled.

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In discussion of Bill 4045:

Alderman Leahy stated he felt the daily use fee is high. Alderman Roach shared that other municipalities charge more than we do; Chris Conway stated as an example, Maryland Heights charges \$15/day for the outdoor pool. Alderman Roach also stated that “adult” is defined by the City as ages 19-62 and that he would like to have discussion to possibly change that range to 18-62. City Administrator Kuntz stated that Alderman Stallmann would be having a Parks committee meeting soon which would be a good time to deal with this and other issues. Alderman Stallmann then stated the committee meeting would be November 25, before the regular Board meeting. Alderman Finley stated he would still be casting his nay vote for reasons he set forth in the previous meeting.

A motion was made by Alderman Fleming and seconded by Alderman Leahy for a second reading of amended Bill 4045. A voice vote was taken with unanimous affirmative result and Bill 4045 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4045 with the following results:

Ayes: Aldermen Utt, Roach, Stallmann, Fleming, Leahy, Bullington, Kerlagon

Nayes: Alderman Finley

Bill 4045 was approved and became Ordinance No. 19-31

**Bill 4046 – AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF BALLWIN WITH RESPECT TO CERTAIN FEES**

The Board of Aldermen directed the City to review operations, recover cost of operations where possible and maximize usage for City operated facilities.

Bill 4046 was read for the first time and tabled at the October 28, 2019 Board Meeting.

A motion was made by Alderman Fleming and seconded by Alderman Leahy to untable Bill 4046. A voice vote was taken with unanimous affirmative result and Bill 4046 was untabled.

In discussion of Bill 4046:

None

A motion was made by Alderman Fleming and seconded by Alderman Leahy for a second reading of amended Bill 4046. A voice vote was taken with unanimous affirmative result and Bill 4046 was read for a second time.

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A roll call vote was taken for passage and approval of Bill 4046 with the following results:

Ayes: Aldermen Utt, Roach, Stallmann, Fleming, Leahy, Bullington, Kerlagon

Nays: Alderman Finley

Bill 4046 was approved and became Ordinance No. 19-32

## **LEGISLATION**

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### **Bill 4047 - AN ORDINANCE PROVIDING FOR THE ZONING AND REGULATION OF ADULT ORIENTED BUSINESSES AND ADULT SERVICE PROVIDERS**

The City of Ballwin has determined that public health and safety require specific zoning and regulation of Adult Oriented Businesses and Adult Service Providers.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann for a first reading of Bill No. 4047, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4047 was read for the first time.

In discussion of Bill No. 4047:

Alderman Finley stated that a municipality cannot completely ban, but can restrict time, place and manner of adult oriented businesses. City Attorney Kate Henry stated that is correct; a municipality may zone in the strictest sense. Alderman Finley also pointed out in subsection 4, it is stated products shall not be visible from the exterior of the business to the public.

A motion was made by Alderman Fleming and seconded by Alderman Finley for a second reading of Bill No. 4047, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4047 was read for a second time.

A roll call vote was taken for passage and approval of Bill No. 4047 with the following results:

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

Nays -- None.

Bill No. 4047 was approved and became Ordinance No. 19-33

## **STAFF REPORTS**

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### **ADMINISTRATION – 323 Sudbury Fence Tear Down**

Staff recommends awarding this bid to Boley Property Maintenance.

City Administrator Bob Kuntz stated this is a declining, falling fence and despite numerous violation notices, sign postings and ignored court appearances, we gave a 30-day elimination notice. He stated it was being brought to the Board to point out to the public we do follow procedures and act proactively for nuisances in terms of safety and health issues. Only one bid was received for this project from a very reliable sub-contractor we have previously used; their bid is \$1150.

A motion was made by Alderman Stallmann and seconded by Alderman Fleming to approve the staff recommendation of Boley Property Maintenance. A voice vote was taken with unanimous affirmative result and the motion passed.

### **POLICE DEPARTMENT – SUV Purchase**

Staff recommends the purchase of two Dodge Durango Pursuit SUVs from Lou Fusz Automotive.

Capt. Bergfeld stated the Ford SUVs previously ordered are not coming and asked for the Board's approval to switch to Dodge Durangos. He also stated these vehicles are available and we could get them this week.

*A motion was made by* Alderman Fleming and seconded by Alderman Bullington to approve the staff recommendation as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.

### **PUBLIC WORKS – Parking Lot Bioswale**

Staff recommends awarding the design build contract to Weiss Design Group.

Because of their experience with MSD and bio-retention design, it is recommended Weiss Design Group be awarded this contract with a cost of \$175,000. Mayor Pogue asked Public Works Director Jim Link what kind of timeline we are looking at for the project; Mr. Link stated it would be about six-eight weeks. Mayor Pogue also asked if we are doing prep work to get to a point to wait on asphalt or are we looking to delay construction to stay in asphalt season. Tom Weiss from Weiss Design Group addressed the Board and stated the design work needs to be completed before submission to MSD. He is working very closely with Mr. Link on this project. Alderman Roach asked if there would be any other costs brought before the Board for this project. Mr. Weiss stated that, until it is approved, there could be increases.

*A motion was made by* Alderman Stallmann and seconded by Alderman Fleming to approve the staff recommendation as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.

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## **MAYOR'S REPORT**

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Mayor Pogue thanked the Scouts from Pack 621 who were in attendance. The Scouts are working on their Arrow of Light. Mayor Pogue also met with the Scouts before the Board meeting.

Mayor Pogue asked the Board to consider allowing the City Administrator to go into discussions with Regions Bank regarding options of property acquisition. A motion was made by Alderman Fleming and seconded by Alderman Roach to approve the request. A voice vote was taken with unanimous affirmative result and the motion passed.

Mayor Pogue also stated the Board would go into closed session under Section 610.012(13) RSMo.

## **CITY ADMINISTRATOR'S REPORT**

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None

## **CITY ATTORNEY'S REPORT**

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None

## **ALDERMANIC COMMENTS**

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Alderman Finley stated a reception was being held for Marine Jackson Adler at the Pointe. Mr. Adler is going through Marine Corps training and is wanting to join the Seals unit. If the reception is open to the public, he would post it to social media.

Alderman Roach also thanked the Scouts for attending the meeting. He asked which school they were from; they shared they are from Ballwin Elementary. Alderman Roach shared that was his old pack as well.

## **CLOSED SESSION**

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

*A motion was made* by Alderman Stallmann and seconded by Alderman Roach to go into closed session. A roll call vote was taken with a unanimous affirmative result. The Board moved to closed session at 8:00 p.m.



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

**OPEN SESSION**

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*A motion was made* by Aldermen Fleming to reconvene. The motion was seconded by Alderman Stallmann and passed by unanimous voice vote. The meeting reconvened at 8:34 p.m.

*A motion was made* by Alderman Fleming to adjourn. The motion was seconded by Alderman Finley. The motion passed by unanimous voice vote. The meeting adjourned at 8:35 pm.

\_\_\_\_\_ TIM POGUE, MAYOR

ATTEST:

\_\_\_\_\_ Polly Moore, CITY CLERK