



**DRAFT MINUTES**  
**BOARD OF ALDERMEN**  
**Meeting Minutes**

MAY 13, 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 7:05 p.m.

**ROLL CALL**

Present

Mayor Tim Pogue  
Alderman Michael Utt  
Alderman Michael Finley  
Alderman Kevin M. Roach

Alderman Frank Fleming

Alderman Ross Bullington  
Alderman Raymond Kerlagon  
City Administrator Bob Kuntz  
City Attorney Robert Jones

Absent

Alderman Mark Stallmann

Alderman Jim Leahy

The Pledge of Allegiance was recited.

**MINUTES**

The Minutes from the April 22, 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 April 22, 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 April 22, 2019, closed session meeting were submitted for approval. *A motion was made* by Alderman Fleming and seconded by Alderman Roach to approve the minutes from the April 22, 2019 closed session meeting as submitted. A voice vote was taken with a unanimous affirmative result and the motion passed.



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## **PRESENTATIONS**

### **2018 Audit Report**

Mike Williams presented and summarized the Comprehensive Annual Financial Report. Aldermen Fleming and Kerlagon posed questions regarding bonds and other aspects of the financial report. City Administrator Kuntz thanked all those who worked so hard putting the audit materials together.

A motion was made by Alderman Fleming and seconded by Alderman Kerlagon to accept the auditor's report. A voice vote was taken with a unanimous affirmative result and the motion passed.

### **Urban Land Institute Government Center Report**

Members of the committee from the Urban Land Institute (ULI) presented their findings and recommendations from their assessment of the property at 14811 Manchester Rd. The committee found several design drivers from their stakeholder meetings, including traffic, green space and that Ballwin is a family friendly city. Best use options were discussed; these included general office space, retail, medical office space and civic space. Pros and cons of each option were shared. Using the area as civic space appears to be best use because of: its location in Vlasik Park; its welcoming entrance to town center; community; Great Streets project. Civic space activation could be an amphitheater (with flexibility), a leasable pavilion, an outdoor seating area or an open space which could include an art walk, a market, food trucks, etc. The area would "create a sense of space and place." In summary, it was noted this space's use would not necessarily be monetarily driven, but what is best for the community. The recommendation was to align with the City, community and comp plan.

Alderman Fleming asked what the term triple net lease referred to; ULI explained the tenant occupied/controlled concept. Mr. Fleming also asked if the recommendation presented would work better with or without the adjoining site; the ULI committee all agreed it was better with. Mr. Kuntz stated there is much to deliberate with how this will be used and suggested a mid-summer planning retreat for the Board. Mr. Kuntz also thanked ULI for fast tracking their findings and recommendations.

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## **PUBLIC COMMENTS**

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Mr. Martin Schnipper, 163A Rock Trail Ct, addressed the Board regarding the ULI presentation and presented his thoughts regarding the educational aspect of what could be done with the old government center building. He had previously worked with a school board in Florida which used a similar building to produce educational and public information videos; this was run by high school students. Mr. Schnipper stated the old government building would be an ideal spot for a studio to produce videos for government agencies, colleges, school districts, fire districts, etc. There are multiple funding sources available if this option were to be considered.

## **NEW BUSINESS**

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Bill 4026 -AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BALLWIN TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY WITH THE CITY OF WINCHESTER RELATING TO THE PROVIDING OF MUNICIPAL COURT SERVICES FOR THE CITY OF WINCHESTER.

A motion was made by Alderman Fleming and seconded by Alderman Bullington for a first reading of Bill No. 4026, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4026 was read for the first time.

In discussion of Bill No. 4026:

Alderman Finley pointed out several typographical errors in the “whereas” clauses; City Attorney Jones stated there was no need to formally amend these errors. In Section 1, 3<sup>rd</sup> line, it should state “City of Winchester by City of Ballwin”

A motion was made Alderman Finley to amend Bill No. 4026 and seconded by Alderman Roach. A voice vote was taken with a unanimous affirmative result to amend Bill No. 4026.

A motion was made by Alderman Fleming and seconded by Alderman Bullington for a second reading of amended Bill No. 4026, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4026 was read for a second time.

A roll call vote was taken for passage and approval of Bill No. 4026 with the following results:

Ayes – Aldermen Utt, Finley, Roach, Fleming, Bullington, Kerlagon;

Nays -- None.

Bill No. 4026 was approved and became Ordinance No. 19-12



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Bill 4027 -AN ORDINANCE PROVIDING FOR THE REMOVAL AND ERECTION OF TRAFFIC CONTROL SIGNS AND AMENDING THE ORDINANCES PROVIDING FOR THE LOCATIONS THEREOF

A motion was made by Alderman Finley and seconded by Alderman Kerlagon for a first reading of Bill No. 4027 title only. A voice vote was taken with a unanimous affirmative result and Bill No. 4027 was read for the first time.

In discussion of Bill No. 4027:

Alderman Roach asked for an amendment to this bill to make the west side of Clayheath at the fire hydrant to Clayton Road, a no parking area due to limited space for parking. Chief Scott and Jim Link have been asked to review and report back. This bill will be held over.

## **CONSENT ITEMS**

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### **EMPLOYEE HEALTH INSURANCE**

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*A motion was made by* Alderman Fleming and seconded by Alderman Bullington to accept the changes to the Employee Health Insurance Plan.

A voice vote was taken with unanimous affirmative result and the motion passed.

### **BALLWIN DAYS LIQUOR LICENSES – BONHOMME LIONS CLUB AND ROTARY CLUB OF WEST COUNTY**

*A motion was made by* Alderman Fleming and seconded by Alderman Bullington to approve the liquor licenses for Bonhomme Lions Club and Rotary Club of West County.

A voice vote was taken with unanimous affirmative result and the motion passed.

### **CRAFT BEER FESTIVAL LIQUOR LICENSE**

*A motion was made by* Alderman Fleming and seconded by Alderman Bullington to approve the Craft Beer Festival Liquor License.

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 made the following committee assignments:

Alderman Roach will serve as the representative on Planning and Zoning.

Motion was made by Mayor Pogue and seconded by Alderman Fleming to approve. A voice vote was taken with unanimous affirmative result and the motion passed.

Finance and Administration: Alderman Fleming (Chair), Aldermen Finley, Stallmann and Kerlagon;

Public Works: Alderman Leahy (Chair), Aldermen Utt, Roach and Bullington;

Parks and Recreation: Alderman Stallman (Chair), Aldermen Utt, Leahy and Bullington

Public Health and Safety: Alderman Finley (Chair), Aldermen Roach, Fleming and Kerlagon

Motion was made by Mayor Pogue and seconded by Alderman Roach to approve committee assignments. A voice vote was taken with unanimous affirmative result and the motion passed.

Mayor Pogue discussed the Kratom herbal supplement issue. He stated St. Charles County is currently discussing regulation issues and making the sale and possession of Kratom illegal. City of Ballwin should consider similar legislation; the Mayor would like the Public Health and Safety committee to discuss and bring speakers in to educate staff on the dangers of Kratom. City Administrator Kuntz stated we could get a copy of St. Charles' legislation to assist in creating our own legislation.

Mayor Pogue stated the Board would move to closed session for legal and personnel issues.

Alderman Finley asked the Public Health and Safety committee members to check calendars for availability at 6 p.m. on June 17 for their meeting.

## **CITY ADMINISTRATOR'S REPORT**

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City Administrator Kuntz and Police Chief Kevin Scott met with MODOT regarding the illuminated crosswalk. MODOT has stated they will fast track the procurement of equipment if the City will pay for the installation. Each crosswalk is approximately \$15000. We will be getting three pairs. Mayor Pogue stated he is discouraged with MODOT as we have been to them on numerous occasions, but they continue to ignore our concerns and have failed to react to incidents which have occurred. Mr. Kuntz will provide more information for the Board at the next meeting.

Mr. Kuntz also stated that, in light of new issues such as the ULI report and a "green light" for our annexation plan, he recommends consideration of a mid-summer planning session.

## **STAFF REPORTS**

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### **Administration: Andy Hixson, Engineering Services for Holloway Rd.**

Mr. Hixson reported seven bids were received for this services; four met the qualifications we needed and were interested in. Staff is recommending Cochran for this service; they are familiar with the project and they think outside the box.

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

### **Administration: Haley Morrison, Anti-Fraternization Policy**

Ms. Morrison was asked to draft this policy by Mr. Kuntz as it is not addressed in the employee manual and it was felt this issue needed to be covered. The policy was also reviewed by City Attorney Jones. Mayor Pogue asked if the policy addressed employees attending conferences and it was noted Item 5 of the policy would cover that issue. Alderman Roach asked about Item 6, specifically who employees disclose information to; they would disclose to their immediate supervisor or the Human Resources Coordinator. Alderman Finley noted the policy was very well drafted.

*A motion was made by* Alderman Roach and seconded by Alderman Fleming to adopt the new policy. A voice vote was taken with unanimous affirmative result and the motion passed.

### **Parks: Chris Conway, Fountain**

Mr. Conway reported the water fountain at the golf course is failing. He stated the golf course fountain could be removed, the fountain in the lake at Vlasis park moved to the golf course and a new fountain be purchased for Vlasis Park. Bids were solicited and a recommendation was made to accept the bid from Aquatic Controls as they were the lowest qualified bidder for the fountain.

*A motion was made by* Alderman Roach and seconded by Alderman Bullington to approve the bid from Aquatic Controls as they presented the lowest qualified bid. A voice vote was taken with unanimous affirmative result and the motion passed.

**Parks: Chris Conway, Community Center Alcohol Policy**

Mr. Conway asked the Board to approve a waiver to allow alcohol for events at the Pointe on a case-by-case basis. As an example, Mr. Conway stated that last year's Craft Beer Festival, which is held outdoors, was cancelled due to weather. If the Board would approve this policy, events such as this could be moved indoors at the Pointe, after approval from the Board. Alderman Roach asked who would review these incidents and make the approval. Alderman Finley asked if moving events to the Golf Course instead of the Pointe would be a better consideration as the number one priority at the Pointe is family and children. He also stated he could not support closing down the Pointe for this type of event. Mayor Pogue stated a more in depth report is needed on this. This is on hold for a future meeting.

**Police Department: Lt. Bushery, T. Hickham, D. Leavy –CAD System**

A replacement of the Police Department's ailing CAD system was proposed at the March 25 Board meeting and they were given the go ahead for an RFP. There were four inquiries and two responses to the RFP and it is the recommendation of staff to go with Soma Global. Soma is one of the major players in cloud-based systems and is owner-operated. Alderman Roach asked if there were any local references for Soma; there are no local references. He also asked about the mapping system Soma currently uses; Soma will be switching to Google maps in 2020. Alderman Fleming asked about live in-car viewing and do we desire this at some point as well as the cost for the option. The upgrade for this option is \$500/car.

*A motion was made by* Alderman Roach and seconded by Alderman Bullington to approve the bid from Soma. A voice vote was taken with unanimous affirmative result and the motion passed.

**CITY ATTORNEY'S REPORT**

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City Attorney Jones reported that the Winchester Police Services contract had been tabled by their Board of Aldermen. They wanted more time to review; possibly, this was tendered less than 24 hours before the meeting.

**ALDERMANIC COMMENTS**

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Alderman Finley discussed local flooding is another issue for the Public Health and Safety committee. He invited anyone who has had or is having flooding issues to attend the Public Health and Safety meeting as well as possibly having a representative from MSD. Citizens, including Mr. Finley, have participated in meetings with MSD to discuss problems, but MSD continually states there is no money.



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On a personal note, Alderman Finley shared his friend, Jeff Edwards' father, Rich, had passed away at the age of 82. Mr. Edwards was an attorney for over 50 years. Alderman Finley stated that you never know how one act of kindness affects a person's life. During a low point in Alderman Finley's full-time profession, Mr. Edwards got him back on a career track by making recommendations for him; Mr. Edwards believed in him. Alderman Finley expressed his continued condolences to the Edwards family.

Alderman Bullington reminded everyone of Ballwin Days coming up June 6, 7, 8 and 9. There will be lots of fun and great music.

**CLOSED SESSION**

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The Board moved to go into closed session for legal issues as authorized by Section 610.021(1) RSMo and personnel matters as authorized by Section 610.021(13) RSMo.

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

The Board moved to closed session at 8:56 p.m.

**OPEN SESSION**

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

*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 9:33 pm.

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

ATTEST:

\_\_\_\_\_ Andy Hixson, CITY CLERK