



MINUTES OF THE BOARD OF ALDERMEN MEETING
CITY OF BALLWIN – 300 Park Drive

September 8, 2014

THE MINUTES ARE PREPARED IN SUMMARY TO REFLECT THE OVERALL DISCUSSIONS,
NOT VERBATIM QUOTES.

The meeting was called to order by Mayor Pogue at 7:03 p.m.

PRESENT

MAYOR TIM POGUE
ALDERMAN JIMMY TERBROCK
ALDERMAN MICHAEL FINLEY
ALDERMAN MARK HARDER
ALDERMAN SHAMED DOGAN
ALDERMAN FRANK FLEMING
ALDERMAN JIM LEAHY
ALDERMAN KATHY KERLAGON
ALDERMAN MIKE BOLAND
CITY ADMINISTRATOR ROBERT KUNTZ
CITY ATTORNEY ROBERT E. JONES

ABSENT

The Pledge of Allegiance was given.

MINUTES

The Minutes of the *August 18, 2014 Board of Aldermen meeting* were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Leahy to approve the Board Meeting Minutes. A voice vote was taken with a unanimous affirmative result and the motion passed.

The Minutes of the *August 18, 2014 Board of Aldermen Closed Session* were submitted for approval. A motion was made by Aldermen Fleming and seconded by Alderman Kerlagon to approve the Closed Session Minutes. A voice vote was taken with a unanimous affirmative result and the motion passed.

PRESENTATION

Storm Ready: Police Chief Schicker said that in October, 2013, a group of students that were working on a Lego program talked to Alderman Fleming regarding the City of Ballwin to become a “Storm Ready” city. He said he has continued to work with the students and Mr. Jim Kramper, with the National Weather Service. Mr. Kramper did a site survey of the facility and the requirements that were needed to meet the criteria. He said that the City of Ballwin has met the criteria and is a “Storm Ready” city.

Mr. Kramper said that the Storm Ready program was started in the late 1990s as a way to recognize cities and counties that were doing the right things to be ready for severe weather. The National Weather Service is the forecast and warning entity for the country. The continued effort involves the federal and local government, down to the individual citizen. It involves communication and preparedness to educate and alert the citizens in every way possible. Mr. Kramper said that the City of Ballwin has met all of the requirements. He declared the City of Ballwin as a “Storm Ready” community. He presented a road sign to Police Chief Schicker for posting that Ballwin is “Storm Ready”.

PENDING ISSUES

BILL # 3843 - AN ORDINANCE AMENDING SEC. 2-296(a) OF THE CODE OF ORDINANCES OF THE CITY OF BALLWIN, MISSOURI.

A motion was made by Alderman Fleming and seconded by Alderman Boland for a first reading of Bill No. 3843. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3843 was read the first time.

Alderman Finley suggested that in Section 1 (a), last line to add "and/or witness" between administer and official, which will read, "empowered to administer and/or witness official oaths to persons." He said it has been his understanding that the City Clerk has to witness such oaths. City Attorney Jones said that the language that he added to the bill that the Board previously reviewed is word for word out of Section 79.320, which are the Duties of the City Clerk. He said the language that Alderman Finley is purposing is not directly out of the Statute. It's not inconsistent with the Statute, but statute language does not say "witness".

Alderman Fleming said that since this has been the common practice, he is in favor of the amendment.

A motion was made by Alderman Finley and seconded by Alderman Fleming to **amend** Bill 3843 to add "and/or witness" to Section 1 (a). A voice vote was taken with a unanimous affirmative result and the motion passed.

Alderman Fleming asked what modifications did City Attorney Jones make in the Bill after Board discussion at the last meeting. City Attorney Jones said that he added the following: "The City Clerk shall safely and properly keep all of the records and papers belonging to the City which may be entrusted to the care of the City Clerk; shall be the general accountant of the City, and is hereby empowered to administer official oaths and oaths to persons certifying to demands or claims against the City." He said that this is word for word out of the statutory duties of the City Clerk.

A motion was made by Alderman Fleming and seconded by Alderman Harder for a second reading of Bill No. 3843, **as amended**. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3843 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3843 with the following results:
Ayes – Fleming, Harder, Leahy, Boland, Terbrock, Kerlagon, Finley. Nays – Dogan. Bill No. 3843 was approved and became **Ordinance No. 14-27**.

CITIZEN COMMENTS

Monica Moungo, 229 Pleasant Grove spoke to the Board regarding her opposition to "In God We Trust" being put on any city building. She said she is an atheist. Her children are being raised as naturalists. She said she was raised on history by grandparent teachers who taught for over 40 years. During the cold war, her grandfather was a science teacher in junior high. At that point in time when the U.S. Government changed the pledge of the United States and put in "under God", her grandfather would stand every day with his class but would not recite. He was the treasurer of his Baptist Church. He felt that this was wrong then and she said the suggestion is wrong now. She said that Mr. Strange's argument that "In God We Trust" is already on our money, is a logical fallacy. She said that two wrongs are not going to make a right. Just because it exists there already, to continue on the same path is not correcting any of this. Ms. Moungo said that in the Ballwin logo with the words "Bringing People Together" does not bring people in Ballwin together. She said that this is going to create more exclusivity, not including all of the citizens. She said she has an inter-racial family with different beliefs. Her family embraces their diversity.

Ms. Moungo said that to have an "In God We Trust" sign on or in the buildings that her children would have to look at when they have been raised and taught that everyone is equal in the eyes of the government, is not teaching them the values that they were raised with. She said that in light of what happened in Ferguson, the city officials should look at the diversity that exists in the community and have respect for them, for all of the citizens. She said she has friends and neighbors that are Muslim and Jewish. Unless Ballwin is going to put up signs that endorse Allah and Buddha, etc., it's not being inclusive. It's hurting the residents. She said it's only going to help one particular set of residents. She said that is exclusionary practice; inclusivity is the key. She said that what happened in Ferguson was a diversity problem that had not been recognized. Doing something like this is going to create a problem, while right now, none exists, because there is no such sign posted on Ballwin buildings. She said that to her, it's inviting trouble and asking for exclusionary conflict. She wants her children to know that they have a voice in this issue.

Ms. Moungo said that she would like to pledge a check for \$1,000 to the City of Ballwin, that instead of erecting an "In God We Trust" sign, she would like to use the original motto "E Pluribus Unum", before it was perverted during the cold war. She said if the Board wants to put up "E Pluribus Unum", she'll contribute \$1,000. If the Board puts up "In God We Trust", this is a fight she is ready to take on. She said her kids deserved to be included as much as Christian children in everything. She said she is an atheist and a nice person. She does charity work downtown at St. Patrick's Center. She doesn't judge anyone and is tolerant. She wants to see the City of Ballwin government exercise tolerance also.

Lynn Goetz, 504 Kenilworth Lane, said in 1791, we ratified the Constitution of this country that was written by the founders of our country who were Christians. From 1791 to 1941, this country came from a backwater third world nation to the country that built most of the ships, planes and tanks that won the Second World War. He said that since that time, we seem to have lost touch with our Christian roots and seem to be going downhill.

Ray Kerlagon, 1146 Westrun Drive: Mr. Kerlagon asked the Board to consider the pros and cons of adopting police body cameras as part of the officers uniform. He thanked Mr. Kramper with the National Weather Service and the young people with Logos in helping Ballwin to become "Storm Safe". This is very important, especially when there are young people getting things done and recognized for this. He said there are many reasons that he and his wife love living in Ballwin. There is also a feeling of safety. He said their feeling of safety is in no small part to the patrolling and ever vigilant work of the Ballwin Police Officers. His concern is for the officers as they make routine stops, answer citizens' calls for possible family disturbances. About a year ago, one of our officers knocked on the door of a resident where someone had placed a call about an unruly family member. When the door was opened, the officer was confronted by a very hostile individual. A body camera allows for situations like that to be recorded so that the actions of both the citizen and the officer are available for review if ever needed.

Mr. Kerlagon said that body cameras have demonstrated reduction in complaints from citizens. The cameras seem to calm the citizen when they realize that they are being video recorded. He said this is not suggesting a lack of trust in the officers who protect us 24/7. He is asking consideration of body cameras to protect both the officers and the individuals they must confront in their daily activities.

Jim Nestor, General Manager of 5 below, said that part of the strategy to grow the business is allowing an outdoor fixture or fixtures to be displayed to draw attention to the store. This is a weatherproof fixture that is adjacent to the building that prohibits creeping into the parking lot or sidewalk. It takes up less than 30% of the building's frontage and doesn't interfere with ADA requirements. Mr. Nestor provided photographs of his request.

PUBLIC HEARINGS

None.

NEW BUSINESS

LEGISLATION

BILL # 3846 - AN ORDINANCE TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF BALLWIN, MISSOURI, AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION, PROVIDING FOR THE DESIGN AND CONSTRUCTION OF A BRIDGE AT RIES ROAD OVER FISHPOT CREEK.

A motion was made by Alderman Fleming and seconded by Alderman Finley for a first reading of Bill No. 3846. A voice vote was taken with a unanimous affirmative result, the motion passed and Bill No. 3846 was read for the first time.

Alderman Harder asked how is this funded? City Administrator Kuntz said that a Federal grant will pay 80% and Ballwin will pay 20%. Alderman Harder asked if the 20% has been budgeted. City Engineer Gary Kramer said this will be in the 2015 budget. The project may take 2 – 3 years because of engineering, easements, and construction cannot typically be accomplished in a single year. This ordinance confirms that Ballwin wants the money, will do all of the requirements, and will obligate its funds for the project to move forward.

Mayor Pogue said that this bridge has been inspected recently to make sure it meets the qualifications for the program.

Alderman Harder asked what dollar amount makes up the 20% that Ballwin will owe? City Engineer Kramer said that he doesn't have this information with him, but estimated that the total project cost will be between \$200,000 - \$300,000. The 2015 budget would include only the engineering phase. The next step would be for easement acquisition in 2016. The construction would be in the 2017 budget.

A motion was made by Alderman Fleming and seconded by Alderman Finley for a second reading of Bill No. 3846. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3846 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3846 with the following results:
Ayes – Fleming, Finley, Boland, Kerlagon, Terbrock, Harder, Leahy, Dogan. Nays – None. Bill No. 3846 was approved and became **Ordinance No. 14-28**.

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. None.

MAYOR'S REPORT

None.

CITY ADMINISTRATOR'S REPORT

Clean Energy: City Administrator Kuntz said that Mr. David Pickerill, Executive Director of the Missouri Clean Energy District (MCED), has asked for the City of Ballwin to become a member of the district. This will authorize Ballwin businesses to participate in funding applications for energy efficiency improvements to properties. The owners of The Barn At Lucerne want to participate in this

program. The only way that The Barn At Lucerne can be eligible for this program is for the City of Ballwin to become a member of the district.

Mr. Pickerill said that this district is state-wide, and operates a PACE program , which is Property Assess Clean Energy, whereby the district can provide funding to commercial, industrial, and agricultural property owners to pay for the cost of energy conservation and renewable energy projects. He said the district was created under Chapter 67.2800 to 2835. It has language that says "one or more municipalities may form a Clean Energy District". The Missouri Clean Energy District is organized accordingly. He said cities have to take a definitive action to join with the district.

Mr. Pickerill said at this time, there are 31 municipalities in the State of Missouri that have adopted similar legislation, and several more are in the process of reviewing for potential membership. He said the new owners of The Barn at Lucerne are spending a lot of money on upgrading with a focus on reducing its energy consumption. He said the district makes the funding available to qualifying property owners. They repay us through special assessments on their property. The reason it has some appeal is that it's not a debt on their books except for the current year's assessment. It operates like public school district taxes. They are liable for the current year assessment, but if they sell the property, they have no further liability for the assessment on that property. This provided capital for this kind of improvement so that the business owner doesn't have to draw on its lines of credit.

Mr. Pickerill said there is no cost or obligation to the City of Ballwin. The only thing that the municipality does is adopt the ordinance. The statute requires that the usual permits and zoning requirements be met before funding a project. There's no administrative burden on the City. He said he is responsible for these procedures.

Mayor Pogue said that if the Board approves this, will the Barn at Lucerne take out a loan that's paid back through its property tax? Mr. Pickerill said yes, and it's not a sales tax. He said it's a special assessment that can go for as long as 20 years.

Alderman Terbrock asked if the County collects the tax, do they write a check to MCED? Mr. Pickerill said counties typically do not want to collect these kinds of assessments and prefer that a private collection company be used. He said the firm they are using is Development Dynamics. They handle special assessments for community improvement districts, transportation development districts, etc. They are accustomed to dealing with this instead of having it go through the County Assessors. Every property within the defined area will get a special assessment. He said that this will not be the County's collection responsibility.

Alderman Boland asked is this a tax or an assessment? In condominiums, if hail destroys a roof, there may be a special assessment to replace the roof. Mr. Pickerill said its similar to this kind of assessment, except it will go on for several years. Its specific to the property that's making an allowable investment that's acceptable to the criteria, and the law gives it the same status as a property tax.

Alderman Boland asked why is this commercial only and not residential? Mr. Pickerill said that this assessment, like a property tax, is senior to all other liens. Alderman Boland said that it has been stated that this is an assessment and not a property tax. Mr. Pickerill said it has the statute of a property tax. The Statute says it is collected in the same manner and provisions as a regular property tax. In another section, it says that the district can do its own tax collection. City Attorney Jones said that is consistent with the language in the Transportation Development statute and also the Community Improvement District statute. These are special benefit assessments.

Alderman Boland asked why would a commercial property owner use this approach instead of going to a local lender such as a bank? Mr. Pickerill said they could do that. This is one option. A bank makes a loan on an income basis. This loan is based on an asset basis. If they don't pay, the penalty is foreclosure. This is asset based lending instead of income based lending.

Alderman Fleming said that this program was created in 2011. How long as the program been functioning and how many projects are there at this time? Mr. Pickerill said up until this year, all of the time has been spent in getting more members. The district is planning to pool loans and fund them through a bond issue. To do that, there needs to be a lot of member municipalities. There are a number of projects in progress, but none have yet been funded. A specimen ordinance is available and will be sent for City Attorney review. The Statute is Chapter 67.2800 – 2835. It's not part of the Revised Statutes until they do a new revision.

Alderman Harder asked where does the funding come from? Mr. Pickerill said at the start, the Central Trust Bank in Jefferson City provided a line of credit. A second in Branson, Missouri that has also provided a line of credit. In the last 6 months, a number of institutional funds that invest in "green" projects have come forth wanting to be a favored lender, such as Inland Finance in Chicago, Samas Capital in Colorado and two that have not yet been researched. He said, because these are large funds looking for a big dollar volume, they are able to offer better interest rates than with a line of credit from a bank. This is all based on private capital.

Alderman Dogan said this screams out skepticism. He said he is a free-market person. He doesn't understand if energy efficiency is going to save people money over the long term, why does government need to be involved? Mr. Pickerill said this has to do with debt management. A business owner wants their capital and borrowing capacity available for their products, not building improvements. Alderman Dogan said this is a government created district, coming to a government body to ask for the issuance of bonds. Mr. Pickerill, said no, that is incorrect. The brochure states the issuance of bonds, but that's a problem and confusing. Alderman Dogan said he doesn't agree with this proposal. How is it not going to cost the government anything? Mr. Pickerill said there are a lot of financing mechanisms through districts that don't cost the government anything. It's similar to an industrial development authority wherein the district is a conduit provider. The benefit to the property owner is that they don't tie up their capital or their credit on the improvement.

Alderman Harder asked why does the brochure state that the City has to create bonds? Mr. Pickerill said that the law allows that funding mechanism, so his colleague put this in the brochure. Kansas City also had a problem with this. The do not propose the use of City originating bonds for any of these improvements.

Mayor Pogue suggested that City Attorney Jones review the state statutes regarding potential liability to the City of Ballwin if we enter into this agreement. City Administrator Kuntz asked that the model ordinance be provided to the City Attorney.

A motion was made by Alderman Fleming and seconded by Alderman Kerlagon to authorize City Attorney Jones to review the state statutes regarding potential liability to the City of Ballwin. A voice vote was taken with a unanimous affirmative result and the motion passed.

Outdoor Displays and Sales: City Administrator Kuntz said that extensive research was done on this issue in 2011. He asked for the Board's guidance regarding the request from **5 below**.

Alderman Terbrock asked Assistant City Administrator Aiken for his thoughts on the request. Mr. Aiken said that they want to be allowed to place rolling display racks and bins on the sidewalk in front of their store. The regulations presently do not allow this kind of display or storage.

Aldermen Harder said that this type of display is what the 2011 legislation attempted to address, that it would be temporary, in proportion to the size of the store, and wouldn't be left outside.

Assistant City Administrator Aiken said that some businesses have narrow sidewalks and other limitations or needs that did not fit a limited set of standards. This had to be considered before allowing

outdoor displays. Alderman Harder said that he recalls that the compromise was dealing with a special use permit that we would allow truck load sales or other events, but couldn't pass this type of bill.

Assistant City Administrator Aiken said that it was decided that the special use exception was the most appropriate way. Alderman Harder asked if Mr. Nestor could apply for a special use permit under the current law? Assistant City Administrator Aiken said that currently, he cannot. The only outdoor display and sale special use exceptions that are allowed are lawn and gardening supplies, nursery stock and motor vehicles.

Alderman Harder asked if tire racks are illegal. Mr. Aiken said that's correct.

Alderman Boland asked Mr. Nestor if the display carts would be taken inside every night. Mr. Nestor said yes. The purpose of the displays is to draw people into the store and to show that this is what the business is about.

Alderman Boland said that the way the statute is currently worded, this type of display is not allowed and cannot be allowed with a special use exception. City Attorney Jones said that is correct. The ordinance would have to be changed in order to allow for this type of display. He said it was discussed three years ago if this was going to allow a permitted use in the district under certain circumstances, or if this would be on a case-by-case basis with special use exceptions for each business. Both had pros and cons.

Alderman Fleming said that he does not have any problem with relaxing the ordinance to allow for the type of display that Mr. Nestor is requesting, provided the display is taken inside at the end of each business day. He is in favor of the amount of walk-through space, but some stores won't have that much sidewalk area, which would have to be addressed. The small sign that is shown in the photograph is not allowed without a permit for a temporary sign.

Mayor Pogue asked about the stores that are open 24/7 that want to use outdoor displays. Alderman Fleming said that certain business hours could be established for these displays.

Alderman Terbrock said that this request for this type of display does not appear to be a problem. Mayor Pogue agreed that the photos show an acceptable display for the business.

Mr. Nester said that a weather-proof display is necessary, which may exclude some types of displays. Boxes and pallets should not be allowed. It should be a non-shippable container. He said that his display covers less than 30% of store front.

A motion was made by Alderman Harder and seconded by Alderman Fleming to prepare legislation for review and discussion that would allow similar displays, also include the issues that were discussed two years ago. A voice vote was taken with the following result: Aye: Harder, Fleming, Finley, Leahy, Kerlagon, Boland. Nay: Terbrock, Boland. The motion passed by a vote of 6-2.

Trim Grant: City Administrator Kuntz said that Ballwin has been approved and accepted for a Trim Grant from the Missouri Department of Conservation. He said that Ballwin was one of only three to receive a \$25,000 grant. Typically, the grants are for \$10,000. This was a state-wide competition for a limited amount of money. Instead of removing trees, this is for an upgrade of the tree inventory that was conducted 10 years ago. The inventory gives a plan to move forward in terms of proactive removal and/or replacement of diseased trees.

City Administrator Kuntz said that Ballwin will bid out the inventory, which is expected to be approximately \$30,000 - \$35,000. If the Board doesn't have any objections, he recommends accepting the grant for inclusion in the 2015 Parks and Recreation budget..

Alderman Terbrock asked if the plan is to use the \$25,000 grant is to spend it on a tree inventory. City Administrator Kuntz said it must be used for a tree inventory. This is a condition of the grant. If we can't do the inventory, we have to pass on the grant. Our tree inventory is approximately 10 years old. This is a logical step. It is time for a new inventory. Alderman Terbrock said that we have to take care of the trees and this is a good first step.

Alderman Boland said that in his subdivision, the builder put in all the same trees. Now, all are slowly dying. Different types of trees should have been planted.

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

Budget Work Session: City Administrator Kuntz said the first Budget work session for the 2015 budget will be held on September 22 at 5:30 p.m. He said that the discussion will include subjects that are unique in 2015 such as new programs, new projects, or capital expenditures, as proposed by staff. This will create focus on where the limited spending will be prioritized moving forward.

Craft Beer Festival: City Administrator Kuntz said Saturday, September 13, is the first annual Craft Beer Festival in Vlasis Park from 4:00 p.m. – 8:00 p.m.. Almost all of the pre-event tickets have been sold, but everyone is welcome to come. There will be local restaurant representation with a wide variety of beverage vendors, and a band.

Missouri Municipal League Conference: City Administrator Kuntz said this event will be held starting on Monday, September 15, at the St. Charles Arena. He said he will be attending some of the sessions on Monday and Tuesday.

STAFF REPORTS

None.

CITY ATTORNEY'S REPORT

Proposed Special Events Ordinance: City Attorney Jones said he added language in sub-section C-1, immediately after the tables, where the City reserves the right to determine in its discretion whether a particular special event requires a permit under this section and the most appropriate classification of the special event. He said the central focus of this legislation would be to determine the scope of an event and then determine if the City needs to be involved at all.

Alderman Harder asked if there is language to deal with events that happen without city permission, and how would this be dealt with? City Attorney Jones said this would be a violation because a permit is required. The peace disturbance ordinance could also be used to deal with certain types of violations.

Police Chief Schicker said that a penalty for having an event without a permit was not included in the draft legislation. City Attorney Jones said that if this type of legislation is going to be enacted, we should require a permit, and then refer to our general penalty ordinances so that if we need to bring someone to municipal court, the provision will be in the ordinance. He said it's assumed that these types of events will need a permit, but it isn't clearly stated.

City Administrator Kuntz said the intent is to try to be user friendly as opposed to coming up with a hundred reasons why we don't want a special event. He said that small no-impact events don't require much review of intervention. As they get more complicated, more staff is involved with respect to

community impact, police presence. There are more issues. He said as long as we can get voluntary compliance, it will be treated like anything else. It will go under police powers.

City Attorney Jones said that Section 25, C1 says that a permit issued by the City shall be obtained by the company, person, or organization sponsoring the event, by making application prior to the specified deadline and submitting an application, according to the following schedule. It breaks it down into three categories. It does require it. It doesn't have a reference back to a penalty clause.

Alderman Harder said that if 50, 60, or a couple hundred people show up at an event, and a neighbor calls to complain, the police show up, what happens? Do you end the event, or what is done at that point? City Attorney Jones said the peace disturbance ordinance could be used. Police Chief Schicker said that having an event without a permit was not addressed in the draft ordinance. City Attorney Jones said that if we want to enact this type of legislation, the permit should be required, and then a reference to our general penalty ordinances so that if we need to bring someone to court, the provision will be in the ordinance. It's assumed that these types of events will need a permit, but it's not clearly stated.

City Administrator Kuntz said that the intent is to try to be user friendly. The small no-impact events don't require much intervention. City Attorney Jones said that Section 25 C1 says that a permit issued by the City shall be obtained by the company, person, or organization sponsoring the event by making application prior to the specified deadline and submitting an application. It requires a permit, it just doesn't have a reference back to a penalty clause.

Police Chief Schicker said that if an event was spilling out into the street and creating a traffic problem, the police would have to open the roadway.

Mayor Pogue asked about organized fireworks displays. Are they permitted by the fire department having jurisdiction. Police Chief Schicker said yes. Mayor Pogue suggested that this be included in the application requirement for the fire department to have jurisdiction also.

Alderman Harder said that there are a lot of fireworks at Meadowbrook Country Club on the weekend. He asked if they are getting permits to do this. Police Chief Schicker said that for the annual July 4th display multiple permits issued. They first obtain a fire department permit for the fireworks, and the police department signs off on the special event permit. He said that Chesterfield also issues a permit for that event. Alderman Harder said that Meadowbrook Country Club shoots off fireworks almost every other Saturday night for various events. Police Chief Schicker said he's not aware that they get permits for this kind of frequency.

Alderman Leahy said that 120 square feet is a 10 x 12 tent. This can be bought almost anywhere. He said that this is too small to require a permit. He said he does events in the City of St. Louis and they don't inspect the tent unless it's over 1,000 square feet. He sends a copy of his insurance, fills out the permit, and is set up to their standard. Thirty days notice is too long for a graduation party. He wants to know what the inspection process will be. He said the tent size should be at least 900 square feet for a tent permit, which is 30 foot x 30 foot tent.

Alderman Leahy said that he provides and puts up inflatables. St. Louis County does the inspections. The inflatable inspections are strict, but they don't inspect the tents. He said that most people are not going to get permits for backyard tents. He said there were 30 graduation parties in Ballwin with tents and people didn't get permits. This happens all the time.

Alderman Fleming asked Alderman Leahy if he would be willing to use his expertise to talk with Police Chief Schicker to come up with the proper language for consideration. Alderman Leahy said he will do this.

Alderman Fleming said he doesn't think people should have to get a permit for something that doesn't require city services, completely on their property, and isn't expected to impact traffic. He doesn't want someone to get in trouble for having a small event in the common ground or a picnic.

Police Chief Schicker said that they were getting noise complaints about music that was being played for hours and hours. He said he would like to find an acceptable balance. The model ordinance was drafted close to the St. Louis County ordinance, in addition to other municipalities.

City Administrator Kuntz said that another draft ordinance can be prepared and presented for consideration based on this discussion.

Street Trees and Park Trees Proposed Regulations: City Attorney Jones said that Director of Parks and Recreation Linda Bruer presented this topic at a previous meeting. He said he added definitions of street trees and park trees. This is a revision of the existing code, adding the pruning code aspect to what was already a removal requirement. He asked for guidance from the Board regarding tree pruning and if this should be placed on the agenda at the next meeting.

Alderman Fleming said that the current language is that the City will prune the trees. He would like for the resident to be able to do this without having to call the Parks Department. This pruning is only to allow clearance for someone walking on the sidewalk. This would not include tree topping. At this time, they would have to call the Parks Department to trim a limb that's hanging over the sidewalk. City Attorney Jones said that pruning language is not in the existing ordinance. The existing ordinance makes it unlawful for a person to remove a street tree from the public right-of-way.

City Attorney Jones said that there is another provision that indicates that the City shall plant, prune, maintain, and remove street trees within public rights-of-way. The City is the only entity that can do those things, but the ordinance does not say that. He said that if we want to take the lead in determining if pruning is appropriate, then this type of language needs to be added.

City Administrator Kuntz said the intent isn't to insist on a phone call every time or for them to be in trouble if they trim a branch that is in the way when someone is walking down a sidewalk.

Alderman Terbrock said that perhaps a size for pruning should be stated, such as no pruning anything over 1½ inches in diameter. Stating a size rather than no pruning at all will cover everything.

City Attorney Jones said that the draft ordinance will be reworked for review.

ALDERMANIC COMMENTS

Police Body Cameras: Alderman Dogan said that police body cameras would document the actions of police officers and the challenges they face when confronting residents in different circumstances. He said the Ballwin Police Officers are courteous, professional, and dedicated to keeping Ballwin safe. When some of our officers were detailed in Ferguson during the recent events, none of the Ballwin officers made the headlines. There were officers from other municipalities in St. Louis County that could not say that. He said he agrees with former Alderman Ray Kerlagon that the Ballwin officers should be wearing body cameras as a means of providing the facts. Dashboard cameras are being used. He said he would like to discuss this at the next Board meeting.

Video Recording Board Meeting and post online: Alderman Dogan said that in order to enhance transparency, he suggested that the Board of Aldermen meetings be visually recorded and posted on the website as a means of ease of viewing the Board's procedures. He said that some of the local school districts have their meetings on cable tv, some stream the content. Any teenager has a webcam that they

can use to stream their activities on line. This should not be cost prohibitive. He said he would also like to discuss this at the next Board meeting.

Bridge Construction: Alderman Finley thanked City Engineer Gary Kramer for the good work on the grant for the Ries Road bridge over Fishpot Creek. He asked if there are any other facilities that will need this type of construction in the next few years. City Engineer Kramer said the bridge on Henry will be starting next year. Ballwin already has the funding. Funding rounds are not announced until after the first of the year. Allocations are annual. The Ramsey bridge will probably be the next application. He said that last year, six streets were added to the eligibility list for federal funding.

Trash in Bus Stop Shelters: Alderman Terbrock said that he has observed that every bus stop enclosure has trash on the ground under the bench. One has broken glass. He asked who is responsible for cleaning up the trash and why are there no trash containers within the enclosure? New bus enclosures will be built in connection with the Great Streets project. City Attorney Jones said that MoDOT is responsible for this. City Administrator Kuntz said that MoDOT has contracted shelter maintenance through a third party vendor. Ballwin has no responsibility. He said that with the new shelter, it's going to be City employees who will be emptying the trash.

City Attorney Jones said that Ballwin litigated the outdoor advertising on the bus shelters. Ballwin was successful at trial but it was reversed on appeal. MoDOT handles this because it is in the Highway 100 right-of-way.

Alderman Terbrock said there needs to be trash containers in the shelters. He asked how do we accomplish this? City Administrator Kuntz said that these comments can be shared at the next Great Streets meeting. He said that's all we can do.

Alderman Boland asked if "Wall" is still involved with maintaining the shelters. City Attorney Jones said they are not. The contract with "Wall" no longer exists.

"In God We Trust": Alderman Fleming said he will consider the comments on this subject. City Administrator Kuntz said that he met with the individual proposing this about applications and the presentation relative to patriotism as opposed to religious symbolism. A presentation will be made to the Board at the next Board meeting.

Adjourn: A motion was made by Alderman Fleming and seconded by Alderman Boland to adjourn. The motion passed unanimously and the meeting was adjourned at 9:13 p.m.

TIM POGUE, MAYOR

ATTEST:

ROBERT A. KUNTZ, CITY ADMINISTRATOR

MC

September 8, 2014