



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

March 10, 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 *February 24, 2014 Board of Aldermen meeting and closed session* were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Boland to approve the Minutes. A voice vote was taken with a unanimous affirmative result and the motion passed.

PRESENTATION

None.

PENDING ISSUES

None.

CITIZEN COMMENTS

None.

PUBLIC HEARINGS

None.

NEW BUSINESS

LEGISLATION

None.

**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. Parks Mower
- B. Golf Course Tractor
- C. Golf Course Mower
- D. Golf Course Chemicals
- E. Ballwin Days Rides
- F. Ballwin Days Fireworks

*A motion was made* by Alderman Fleming and seconded by Alderman Leahy to accept the Consent Items. A voice vote was taken with a unanimous affirmative result and the motion passed.

### **MAYOR'S REPORT**

**Closed Session – Personnel:** Mayor Pogue said that there will be a closed session at the end of the Board meeting for personnel evaluations, per Section 610.013.

**City Attorney Compensation:** Mayor Pogue asked that an ordinance be prepared for the amount that was approved by the Board.

*A motion was made* by Alderman Fleming and seconded by Alderman Terbrock to prepare the legislation amending the City Attorney compensation. A voice vote was taken with a unanimous affirmative result and the motion passed.

**City/County Merger Proposed Resolution:** Mayor Pogue asked the Board to authorize City Attorney Jones to draft a Resolution in opposition to the City/County merger, for Board vote at the next meeting. If approved, the Resolution will be sent to Charlie Dooley, Mayor Francis Slay, and the Better Together organization, stating Ballwin's opposition to the City/County merger. As this has progressed, he said this is very bad for the residents of the City of Ballwin.

Alderman Fleming said that his voting for the Resolution will be contingent on the wording of the document. He asked if other cities have done this. Alderman Terbrock said no. Ballwin will be the first to start the move.

Alderman Terbrock said he believes that Ballwin should proceed to voice disapproval of this merger. In the meeting, he said everyone was told that those collecting the information were doing no analysis, and only compiling information. The e-mails that he has received projects a broad analysis of the information. They are not being truthful. Ballwin should go forward with opposition to the merger.

Mayor Pogue said that their biggest reason for the City/County merger is to water down the crime statistics. There are municipalities that under-serve their residents. He said that Ballwin does not fit into that category. He does not want Ballwin to lose control of the services that are provided to the residents, just to water down crime statistics, or take care of municipalities that are not able to take care of themselves.

Alderman Harder said he agrees with Mayor Pogue and Alderman Terbrock. This is an issue that Ballwin should be the first to move forward in opposition. There will be more cities that will be taking the same action.

Alderman Terbrock said that the State Legislators should also receive this Resolution.

*A motion was made* by Alderman Terbrock and seconded by Alderman Harder for City Attorney Jones to draft a Resolution in opposition to the Better Together's goal of the City/County merger. A voice vote was taken with the following result: Aye: Terbrock, Finley, Harder, Dogan, Leahy, Kerlagon, Boland. Nay: Fleming. The motion passed by a vote of 7-1.

Alderman Fleming said that the reason for his Nay vote is that asking for a Resolution does not appear on this agenda. He doesn't think this requires an emergency response. He wants to see this item on the agenda and have time to consider the wording. He said he will offer his suggestions to City Attorney Jones in preparation of the Resolution.

### **CITY ADMINISTRATOR'S REPORT**

**Pointe Pool Resurfacing:** City Administrator Kuntz said that it has been 10 years since the pool has been re-surfaced. Seven to eight years is the industry standard. The pool has been patched in a number of places during the annual maintenance. The patching causes a very rough surface for the users of the pool. Staff is recommending awarding the contract to the lowest of the two bids received, Schilli Plastering in the amount of \$89,318.

*A motion was made* by Alderman Fleming and seconded by Alderman Kerlagon to approve the Pointe pool resurfacing project as submitted by staff. A voice vote was taken with a unanimous affirmative result and the motion passed.

**Police Department Office Workstations:** City Administrator Kuntz said bids were solicited to refurbish the existing work stations and construct a new reception counter for more efficient service and usage. The workstations are over 20 years old and have suffered normal wear and tear due to their age, and the fabric panels and trim are faded, worn and scratched.

*A motion was made* by Alderman Fleming and seconded by Alderman Boland to accept the recommendation of Staff. A voice vote was taken with a unanimous affirmative result and the motion passed.

City Administrator Kuntz said that the front lobby has been painted by Ballwin personnel, and the lobby furniture has been replaced. The 50<sup>th</sup> Anniversary of the Ballwin Police Department will include a public open house and other events. Police Chief Schicker said that the worn floor surfaces have also been replaced.

### **STAFF REPORTS**

None.

### **CITY ATTORNEY'S REPORT**

None.

### **ALDERMANIC COMMENTS**

**Public Works Department:** Alderman Dogan said the Ballwin Public Works Department has done a very good job of clearing the streets during the very harsh and long winter season. He said that the budget may have been exceeded this winter and with the pothole repair.

City Administrator Kuntz said that the Ballwin website has a section for the residents to report potholes. He said there is no excess money for salt and snow removal.

**Letter Received:** Alderman Kerlagon said she received a letter in the mail with no identification as to who sent this to her. The sender noted many items, such as condition of the subdivision, need for code enforcement, etc. She said she wants to try to help the citizen regarding the concerns expressed in the letter, but there is no way to communicate because the letter and envelope shows no name or address of the sender. She asked that if this citizen becomes aware of her concerns in this meeting, that he/she please contact her so that she can address their concerns.

**Resolution Preparation:** (See Alderman Fleming's comments on the City/County Merger Resolution above).

**Adjourn to Closed Session:** A motion was made by Alderman Kerlagon and seconded by Alderman Fleming to adjourn to closed session to discuss personnel annual review, according to Section 610.013. A roll call vote was taken with the following results: Ayes: Aldermen Boland, Kerlagon, Fleming, Leahy, Dogan, Harder, Terbrock, Finley. Nays: None. The motion passed to adjourn to closed session at 7:21 p.m.

**Closed Session:**

The Board convened in closed session at 7:30 p.m.

A motion was made by Alderman Fleming and seconded by Alderman to adjourn the closed session. A roll call vote was taken with a unanimous result, and the closed session was adjourned at 8:25 p.m.

The Board reconvened in open session at 8:26 p.m.

Municipal Judge Nye and Prosecuting Attorney Graville discussed issues concerning the municipal court. Members of the Board of Aldermen, Mayor, and City Attorney asked questions of both the Judge and Prosecuting Attorney. The Judge and Prosecuting Attorney left the meeting and a short discussion was held concerning compensation of the Judge and Prosecuting Attorney.

A motion was made by Alderman Fleming and seconded by Alderman Leahy to adjourn the open session. The motion passed unanimously and the meeting was adjourned at 8:26 p.m.

---

TIM POGUE, MAYOR

ATTEST:

---

ROBERT A. KUNTZ, CITY ADMINISTRATOR

MC

**March 10, 2014**

**MINUTES OF THE CLOSED SESSION – MARCH 10, 2014**  
**BALLWIN BOARD OF ALDERMEN**

The Ballwin Board of Aldermen convened in closed session on March 10, 2014 at 7:30 p.m. Present were Mayor Pogue and Aldermen Finley, Harder, Dogan, Fleming, Leahy, Boland, Terbrock and Kerlagon, City Attorney Robert E. Jones, Judge Virginia Nye and Prosecuting Attorney Chris Graville

Judge Nye and Prosecuting Attorney Graville discussed issues concerning the municipal court. Members of the Board of Aldermen, the Mayor and the City Attorney asked questions of both the Judge and Prosecuting Attorney. The Judge and the Prosecuting Attorney left the meeting and a short discussion was held concerning compensation of the Judge and the Prosecuting Attorney.

A motion was made by Alderman Fleming to adjourn the closed session and reconvene in open session. The motion was seconded by Alderman Leany.

The following vote was recorded:

Alderman Finley	aye
Alderman Harder	aye
Alderman Dogan	aye
Alderman Fleming	aye
Alderman Leahy	aye
Alderman Boland	aye
Alderman Kerlagon	aye

The closed session adjourned at 8:25 p.m.



---

Robert E. Jones  
Acting Secretary

**MINUTES OF THE OPEN SESSION – MARCH 10, 2014**  
**BALLWIN BOARD OF ALDERMEN**

The Ballwin Board of Aldermen reconvened in open session on March 10, 2014 at 8:26 p.m. Present were Mayor Pogue, City Attorney Jones and Aldermen Finley, Harder, Dogan, Fleming, Leahy, Boland, Terbrock and Kerlagon.

A motion was made by Alderman Fleming and seconded by Alderman Leahy to reconvene. The motion was passed unanimously.

A motion was made by Alderman Fleming and seconded by Alderman Leahy to adjourn. The motion passed unanimously.

The closed session adjourned at 8:27 p.m.

A handwritten signature in black ink, appearing to read 'Robert E. Jones', written over a horizontal line.

Robert E. Jones  
Acting Secretary