



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

April 28, 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 7:00 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 *April 14, 2014 Board of Aldermen meeting and closed session* were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Terbrock to approve the Minutes. A voice vote was taken with a unanimous affirmative result and the motion passed.

OATH OF OFFICE

The Oath of Office was administered to Alderman Michael Finley by Pastor Jeff Perry of St. Louis Family Church. The oaths were also administered to Aldermen Shamed Dogan, Frank Fleming, and Kathy Kerlagon by Municipal Judge Virginia Nye, all for 2-year terms which expire in April, 2016.

SECOND ROLL CALL:

PRESENT

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

PRESENTATION – 50th Anniversary of the Ballwin Police Department

Mayor Pogue presented a Proclamation for the 50th Anniversary of the Ballwin Police Department. Police Chief Steve Schicker said that 50 years ago, 6 officers represented and served the City and Citizens of Ballwin. We now have 51 commissioned officers, 10 dispatchers and 2 records clerks. One thing has not changed – the love for the city and dedication to the department represented by the badge which is the symbolic reminder of the oath that was taken. Four men took that vow 50 years ago. He

recognized them by the rank they held at that time: **Chief Phillip St. Onge, Lieutenant Gene Dickson, Officer Don Easter, Officer Louis Zen.** He presented these individuals with a special recognition for their dedication.

Police Chief Schicker then introduced the four previous Police Chiefs: Police Chief **Phillip St. Onge** was the City of Ballwin's first Police Chief and had previously served as a City Marshal. Next was **Donald "Red" Loehr.** Chief Loehr was the longest serving Police Chief for whom this facility has been named. On his behalf, his wife Glenda Loehr is present representing him. The Department's third Police Chief was **Jim Biederman.** Chief Schicker presented these individuals with a token of recognition.

Police Chief Schicker recognized the retirees that are present that have served the City of Ballwin: **Officer Bob Hicks, Captain Rick Wise, Major Bobbie Saulters, Rosemary Dearmond,** the Chief's secretary and Court Clerk.

Police Chief Schicker introduced two Police Officers who are the 2nd and 3rd most tenured employees of the City: **Detective Ed Roberson,** with 41 years of service, and **Officer David Hawkins,** with 38 years of service.

Chief Schicker thanked the members of the Police Department, past and present, for their dedicated service to the City of Ballwin.

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. Liquor License – Rotary Club of West St. Louis County for Ballwin Days

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

MAYOR'S REPORT

Board Committees: Mayor Pogue said he will not make any changes at this time in these committees.

Planning & Zoning Commission: *A motion was made* by Alderman Fleming and seconded by Alderman Terbrock to re-appoint Alderman Boland to the Planning & Zoning Commission. A voice vote was taken with a unanimous affirmative result and the motion passed.

Board President: *A motion was made* by Alderman Terbrock and seconded by Alderman Kerlagon to re-appoint Alderman Fleming as President of the Board of Aldermen. A voice vote was taken with a unanimous affirmative result and the motion passed.

Future Meetings: *A motion was made* by Alderman Harder and seconded by Alderman Fleming to cancel the **May 26 Board meeting**, due to the Memorial Day holiday conflict, and to cancel the 2nd and 4th Monday Board meetings in June, July and August, and to hold the meetings on the 3rd Mondays in those months (which will be June 16, July 21, and August 18). A voice vote was taken with a unanimous affirmative result and the motion passed.

CITY ADMINISTRATOR'S REPORT

Retreat: City Administrator Kuntz said it was suggested that another work session be conducted after the April election to discuss issues that were not addressed during the February session. He said that the subject "Ageing in Place" could be discussed. Mayor Pogue suggested that a Monday evening session be held instead of on a weekend. Alderman Harder said he would like to discuss zoning and business issues. City Administrator Kuntz said that zoning issues could be discussed more fully in a committee meeting instead of the Board work session. City Administrator Kuntz asked the Board to send him their suggestions for a date and an agenda.

Health Insurance: City Administrator Kuntz said that we were given a proposal for a significant increase in health insurance premiums to stay with United Healthcare. This year, Anthem Blue Cross was very competitive and proposed a 4.8% increase in rates. A 10% or 12% increase was going to be proposed by United Healthcare. He therefore proposed that Ballwin switch to Anthem Blue Cross. We budgeted for a premium increase of 4%. Since 4.8% is the increase, the employees could possibly pay the .8%, or the city could absorb the entire 4.8%. At the beginning of each calendar year, Ballwin budgets for full participation and maximum coverage. We are under budget at this time, and calculating the 4.8% for the rest of the year, we will be within budget if the city absorbs this increase. We have done this in the past.

Alderman Kerlagon said that as a government employee for many years, she has had Anthem Blue Cross/Blue Shield and have had very satisfactory results. She said she speaks very highly of this company.

Human Resources Coordinator Haley Morrison said that various activities and programs are provided to promote healthy living and to meet the points that we are required to obtain, as a city, that SLAIT requires. Alderman Harder asked if there is a non-smoking program offered to the employees. Ms. Morrison said that when the results of the employee survey were received, those who smoke were not interested in quitting; therefore, there isn't a reason to put money toward a smoking cessation program. Exercise and nutrition counselors are provided in these programs for the employees. SLAIT paid for the blood panel screening every other year to help awareness. There is a "Not Me" diabetes program to try to prevent people from going into full diabetes. Blood pressure awareness and hearing screenings have also been provided. For some people, until they have a crisis, change doesn't happen. She said that as an employer, we are trying to do our part in a positive way.

Alderman Dogan asked how can the city absorb the .8% since we budgeted 4%? City Administrator Kuntz said that at the beginning of each year, which is a calendar year budget and a fiscal year for the health insurance, we calculate all of the employees being enrolled as of January 1. In the months that ensue, there are changes, such as new employees that are not yet in the program, or a vacancy isn't immediately filled, that premium dollars are not spent. There's a buildup of premium dollars. It was calculated by the Finance Dept. that we can absorb the .8% without exceeding what was budgeted in January. It will carry forward.

Alderman Dogan said that if the city pays the full increase, it is \$609,000 for six months. If the employee pays, it is then \$603,000 for the city to pay, which is \$12,000 annual. Going forward, that number would increase. He said that having the employees pay the .8% would be a fair outcome. He said his own insurance increased 5 or 6%, of which he paid the entire increase. His employer didn't pay anything. When healthcare premiums are increasing 6 or 8% annually, it doesn't seem like a big burden for the employees. The amount shown for a family is \$230 per month. This will increase it to \$240 per month.

He said the extra money built into the budget this year and going forward, he is in favor of the .8% being paid by the employees.

A motion was made by Alderman Fleming and seconded by Alderman Boland to switch the health insurance coverage to Anthem Blue Cross. A voice vote was taken with a unanimous affirmative result and the motion passed.

A motion was made by Alderman Fleming and seconded by Alderman Boland for the City to absorb the additional cost estimated to be .8%. A voice vote was taken with the following result: Aye: Fleming, Boland, Kerlagon. Nay: Terbrock, Dogan, Finley, Leahy, Harder. **The motion failed by a vote of 3-5.**

Monument Sign: City Administrator Kuntz said the trustees of Whispering Oakwood would like to erect a new entry monument sign. There is no right-of-way available for this purpose. It meets all qualifications for a permitted sign, except for the location.

Alderman Harder said that this is a good location for the monument sign. The residents have maintained this island for many years. There's sprinkling systems, electric, plantings, etc. He said this would be a good addition to the existing island. He said he hopes the Board will vote in favor of this item. There will be no vision impairment to traffic.

Alderman Boland asked if this has been granted to other subdivisions in the past. City Administrator Kuntz said yes. Alderman Boland asked about any agreements for the subdivision to repair any damage. City Attorney Jones said that he's not aware of any agreements. Ballwin's liability would be governed by sovereign immunity the same as any other improvement in the right-of-way. If it's a dangerous condition known to the city, perhaps there could be some kind of a waiver, but not ordinarily.

Alderman Terbrock said that if a car turns off of Kehrs Mill and takes it out, Ballwin's not responsible to put it back. City Attorney Jones said that's correct.

A motion was made by Alderman Harder and seconded by Alderman Dogan to accept the plans and monument at this location. A voice vote was taken with a unanimous affirmative result and the motion passed.

GPS Vehicle Tracking System: City Administrator Kuntz said there are 7 bids for this system for the Public Works vehicles. City Engineer Gary Kramer said that 4 of the systems were tested by his department.

Alderman Terbrock asked if other cities were contacted that use this technology. City Engineer Kramer said that other cities were contacted for their input and recommendations. Not all of the bidders provide the same features.

Alderman Dogan asked why there is such a difference in pricing. Are some of the companies missing something? City Administrator Kuntz said this is one area that has so many variables that it's not like asking how much is a ton of asphalt. He said there are different systems which don't all cost the same price. City Engineer Kramer said the bid specifications were set based on his need to know where the trucks have been so that no areas have been missed, and to prevent a resident from having to call and say they haven't seen a snow plow on their street for 6 or 8 hours.

Alderman Dogan asked how long are the systems expected to last after being installed. City Engineer Kramer said he's not sure because technology is constantly changing.

Alderman Finley asked if this process can be accomplished with a radio system? City Engineer Kramer said when a driver is operating the plow and driving, using the radio system has a lot more distraction. Twenty-one units would need to be installed on the vehicles, which also includes the mosquito fogging trucks.

Alderman Harder asked if this technology is being used on the police vehicles? City Administrator Kuntz said not yet. That use is not part of this bid because the police would have different needs. They have 24-hour dispatching and more integration issues. These vendors may not necessarily be the same ones that would bid on police applications. That is a different technology.

Alderman Boland asked what was the budget figure for this? City Engineer Kramer said \$16,100. The cost comes out of the operating budget. Alderman Boland asked about tech support. City Engineer Kramer said they provide this 24/7 and also provide training.

Alderman Boland asked why was the decision made to purchase instead of lease the equipment? City Engineer Kramer said with a lease, you are paying extra because it basically is a loan.

Alderman Finley asked if someone will be centrally in charge of the system when it is operating? City Engineer Kramer said it is an online system that will be checked periodically. There won't be a big screen in a central command area to watch.

A motion was made by Alderman Terbrock and seconded by Alderman Kerlagon to accept the recommendation to accept the bid from Location Technologies. A voice vote was taken with a unanimous affirmative result and the motion passed.

Public Works Mutual Aid Agreement: City Administrator Kuntz said this originated approximately 4 years ago with our neighboring communities as a supplement to provide comprehensive mutual aid assistance in the event of a natural disaster that requires allocation of Public Works resources. Similar to the Mutual Aid Agreements that are in place with the area Police Departments, this is a specific agreement that affects our neighbors who are full-service Public Works departments. This is a refinement to insure compliance with FEMA guidelines, which dictate our ability to be reimbursed in the event of application of resources both in Ballwin and the other signers of the agreement such as Chesterfield, Manchester, Ellisville, and Ballwin.

Alderman Harder asked if this is just for emergencies only? City Administrator Kuntz said yes. It's not project driven, it's recovery driven. This is meant to provide manpower with equipment to go into another community, and then to be able to recover those costs in the event that they get Federal assistance. It will cover our incurred costs.

A motion was made by Alderman Harder and seconded by Alderman Fleming to accept the emergency Mutual Aid Agreement. A voice vote was taken with a unanimous affirmative result and the motion passed.

Graywood Ct. Concrete with Asphalt Overlay: City Administrator Kuntz said that grinding some streets is necessary in preparation for asphalt overlay. There are a lot of streets that have been covered with asphalt over the years that are deteriorating. There is a grinder that chews up the top layer and must be done because you can only have so many layers before you have to take some off and start over to maintain proper drainage. If there's not a good sub-surface, anything put on the top is still going to deteriorate. He said you don't know what's under the asphalt until it's removed. The last few years, we have been finding that certain streets have significant deterioration in the concrete slab area. Major replacement is necessary.

City Administrator Kuntz said that we have recently employed a strategy that if more than 75% of the slabs have to be removed because of deterioration, we should take a good look at the rest of the slabs and consider leaving the street concrete. If you're going to do two-thirds or ¾ of a street with concrete slabs, why cover it with a layer of asphalt on top? Pricing is a unit basis. The asphalt is priced by the ton, and concrete is by cubic yard or slab. On Graywood Ct., the adjacent streets to the cul-de-sac are asphalt. If a street is covered with asphalt, they will all look alike, but in this case, we're covering up a street that will have 100% slab replacement. If we don't cover it with asphalt, we have a concrete street in the middle of all asphalt streets. There are budget consequences in the amount of about \$6,000.

City Administrator Kuntz said the direction requested in Ward 3 is should we do the asphalt overlay, which was budgeted. Slabs were budgeted, but we didn't know how many slabs to budget for because this wasn't known until the asphalt is removed. Or, should the concrete street not be covered with asphalt?

Alderman Fleming said that Graywood Ct. should not be left with just concrete when all other surrounding streets are asphalt. He said that \$5,000 - \$6,000 will be spent to cover the street with asphalt, but that's the way it was bid. If 95% of the project is going to be done that way, the whole project should be done this way in this particular case. He said he is asking that the Board instruct staff to finish Graywood Ct. as concrete with an asphalt overlay as originally planned and in keeping with everything else that's in that area.

Mayor Pogue said that his concern is that we did not budget to replace all of the concrete. To say it was budgeted to do asphalt overlay is only partially correct. We didn't budget to remove all of the concrete. He said he has a hard time spending \$5,500 to cover a 100% new concrete street. We have areas where there's concrete next to asphalt streets. Staff's recommendation was to do it with just concrete. He said he doesn't agree with spending the extra money to cover a brand new street with asphalt.

Alderman Fleming said this is misapplying the policy. It's all one project. If it didn't meet the standard of 75% of the slabs are bad so all will be replaced with concrete, then it should be all concrete and asphalt overlay.

Alderman Boland asked if the extra \$6,500 is over and above the budget? Alderman Fleming said he can't say yes or no to that question. City Engineer Kramer said that the budgeted amount was for taking the asphalt off of about a dozen streets. Alderman Fleming said this is one of the places that it was decided to try a traffic circle. He doesn't want Graywood Ct. coming into the circle differently than the other streets. Alderman Boland said he is in favor of Alderman Fleming's proposal.

Alderman Terbrock asked about the lifespan of asphalt overlay. City Engineer Kramer said it should last 20 - 25 years, but we have some that are older than that. Alderman Terbrock asked about the lifespan of concrete. City Engineer Kramer said it varies, but it can last as long as 50 years. Concrete with river gravel can last longer.

Alderman Terbrock said that concrete lasts longer than asphalt. If we put asphalt over the top of the concrete, it expedites the maintenance costs on the asphalt. Alderman Fleming said if that is a concern, this should be a city-wide policy. Alderman Terbrock said that we have concrete and asphalt mixed all over the city. Alderman Fleming said he understands the formula, but he said he is treating this as one project. The whole project is not being replaced with concrete.

A motion was made by Alderman Fleming and seconded by Alderman Leahy to instruct staff to finish the Graywood cul-de-sac in the same manner as Spring Meadows, which is concrete with asphalt overlay. A voice vote was taken with the following result: Aye: Fleming, Leahy, Dogan, Harder, Kerlagon, Boland. Nay: Terbrock, Finley. The motion passed by a vote of 6-2.

STAFF REPORTS

Financial Update: Finance Officer Denise Keller gave the following report of the first 3 months of 2014:

General Operating Fund: Cleanup costs from winter storms have exceeded budget; the results from bids have generally been at or below budget; unbudgeted and unanticipated expenditures are partly offset by unbudgeted revenue.

Snow and Ice Control: Manpower expenses are \$13,500 over budget after storms in January - March, 2014; last year, \$25,000 was spent in December for manpower; additional funds of about \$44,000 will need to be re-appropriated to cover budget shortage and prepare for end of year storms;

salt expenses = salt used, not salt purchased; salt used in January – March, 2014 totals \$116,000 (\$16,000 over budget); salt projected to be used in December is \$40,000; additional funds of about \$60,000 will need to be re-appropriated to cover budget shortage and prepare for end of year storms.

Results from Bids: Total \$41,463.00

Unanticipated Revenues/(Expenses): Received additional tower lease revenue of \$22,000; early payment of maintenance expense for New World software of \$(14,000); Increase in REJIS fees of \$(3,000); installation of digital cable at The Pointe of \$(6,000); increases given to Judge, Prosecutor, City attorney, and City Administrator of \$(10,000).

The Bottom Line: Winter storm costs add \$104,000 in expenses; savings from favorable bids total \$43,000; Unanticipated expenses (net of revenues are \$11,000; net additional expense is \$72,000; weather, other events for remainder of 2014 can further impact the budget.

Capital Fund: Ferris Park improvements and Holloway culvert engineering services were not completed in 2013; unused funds were returned to fund balance; costs to complete these projects (\$80,000) will need to be re-appropriated in 2014; no effect on projected ending fund balance for 2014.

City Administrator Kuntz said this is an overview that presents a good snapshot of our first three months moving forward. Finance Officer Keller said that a draft report of the 2013 audit will be provided from the auditors next Friday and will be presented to the Board at the next meeting on May 12.

Alderman Harder said, on the increases in revenue, it has been increased by about \$150,000. Is there anything that we can attach that to? Finance Officer Keller said that sales tax is up by about 1.6% for the time period. Gross receipts from utilities are up by about \$50,000, which is 5%. Certain permits are also up. There's not one major area affecting the increase. City Administrator Kuntz said that there is a 2-month lag in sales tax, which means that some of the seasonal sales tax is reflected in the first quarter.

CITY ATTORNEY'S REPORT

Ameren: City Attorney Jones said that the complaint filed by the City of Ballwin and the City of O'Fallon against Ameren was completed on Friday. The tracking number that was assigned originally has been redesignated, in case anyone wants to follow this on the electronic filing information service. It is EC-2014-0316. The response from Ameren is due on May 27, 2014.

ALDERMANIC COMMENTS

Utility Receipts: Alderman Boland said that with utility receipts up, are we getting that money from them. City Attorney Jones said, not from Charter because we are still in litigation with Charter. It's a self-reporting tax.

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 8:49 p.m.

TIM POGUE, MAYOR

ATTEST:

ROBERT A. KUNTZ, CITY ADMINISTRATOR

MC

April 28, 2014