



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

February 24, 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 7:01 p.m.

PRESENT

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

ABSENT

ALDERMAN JIM LEAHY

The Pledge of Allegiance was given.

MINUTES

The Minutes of the *February 8, 2014 Aldermanic Retreat* were submitted for approval. Alderman Fleming requested that page 2, last paragraph be amended to remove “renovation to the Board room, and replace with “previous Government Center estimate”.

A motion was made by Alderman Fleming and seconded by Alderman Boland to accept the amendment. 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 Kerlagon to approve the Minutes as amended. A voice vote was taken with a unanimous affirmative result and the motion passed.

The Minutes of the *February 10, 2014 Board of Aldermen Meeting* were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Kerlagon 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

Lori Bresnan, 665 Turfwood spoke to the Board regarding mosquito fogging. Ms. Bresnan said that mosquito fogging is the least effective and most expensive and dangerous way to control the insects. Some facts on what fogging can do, can't do, and some prohibited uses are that fog only goes 100-150 feet maximum if unobstructed by trees, shrubs, buildings or terrain. The fog never gets to the back of average Ballwin yards, much less into our many wooded areas where they thrive; fog kills only adult mosquitoes it contacts and stops working within 30 minutes.

Ms. Bresnan said that the Department of agriculture enforces the published restrictions that anyone using these chemicals must follow. Hefty fines are one consequence of a violation. Some of the restrictions on the fogging chemicals are: 1) People are never to be fogged: The machine is to be turned off as soon as a person is seen and not turned on again until they have cleared them by a some distance. If a person is fogged, the person is to immediately wash thoroughly, and the clothing worn is to be stored in a clean plastic bag for testing. This is considered a serious issue. 2) Fogging is never to begin before dusk; 3) Fogging is never to be near creeks, ponds, waterways due to toxicity to aquatic life; 4) Fogging is never to be done if there is precipitation; 5) Fogging is never to be done if winds are over 10 mph.

Ms. Bresnan said that each of these violations happened, many regularly, when Ballwin was fogging. Her neighbors were upset about being fogged, often while outside exercising or simply putting out the trash. Fines and other charges did not materialize because the residents were not fully aware of all of the preceding information. She said that her neighbors now know the rules, know to save their unwashed clothes, and know to record the violations. She said that there were no issues with the County fogging services. Sixty local cities, including Town & Country and Ladue, use the County's integrated program with targeted fogging because it is the best service, not because they can't afford to fog more themselves. She said that fogging more often also increases the chance of developing resistant mosquitoes that can spread West Nile and encephalitis that we can no longer kill.

Ms. Bresnan said that some Board members have complained about mosquito issues. Some of the most bothersome mosquitoes, including the striped ones, do not travel far. If they are a problem, people should look to their neighbor's property or to their own property. Culprits include garden pots with water reservoirs or any tiny puddles from pools, improperly draining gutters, both at the roof line or on the ground, overwatering the lawn daily, and any standing water that does not get changed daily. She asked the Board to reconsider the previous decision regarding mosquito fogging.

PUBLIC HEARINGS

None.

NEW BUSINESS

LEGISLATION

BILL # 3824 - AN ORDINANCE SETTING THE REAL ESTATE TAX RATE OF ZERO (0%) PERCENT IN THE CITY OF BALLWIN FOR THE FISCAL PERIOD BEGINNING JANUARY 1, 2014 AND ENDING DECEMBER 31, 2014.

A motion was made by Alderman Finley and seconded by Alderman Fleming for a first reading of Bill No. 3824. A voice vote was taken with a unanimous affirmative result, the motion passed and Bill No. 3824 was read for the first time.

Alderman Boland asked if this is required legislation each year. City Attorney Jones said that this is done because in the past, a real estate tax was adopted and was rolled back in 1987. In order to tell the Department of Revenue what to collect or what not to collect, legislation has to be approved on an annual basis. If there never was a real estate tax in Ballwin, we would not have to do this annually.

A motion was made by Alderman Harder and seconded by Alderman Fleming for a second reading of Bill No. 3824. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3824 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3824 with the following results:
Ayes – Finley, Dogan, Fleming, Terbrock, Kerlagon, Boland, Harder. Nays – None. Bill No. 3824 was approved and became **Ordinance No. 14-05.**

A RESOLUTION FOR GRANT APPLICATION FOR CITY FACILITY RECYCLING CONTAINERS.

City Administrator Kuntz said that the North Pointe Aquatic Center was not designated in the Resolution, and perhaps should be. The containers are high quality, integrated stainless steel that would be used within our facilities to call attention to the recycling program. Other communities have this type of recycling containers and have secured the containers through grant funding.

Alderman Harder asked if the containers are for public use. City Administrator Kuntz said that since Ballwin already has containers for staff use in its facilities, these are for use by visitors at our locations inside the buildings. Alderman Kerlagon and Mayor Pogue suggested containers for outdoor public use.

A motion was made by Alderman Fleming and seconded by Alderman Kerlagon to add "and North Pointe" to the end of Item 1. 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 Terbrock to adopt the Resolution for Grant application for city facility recycling containers. A voice vote was taken with a unanimous affirmative result and the motion passed.

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. Diving Boards
- B. Parks Apparel
- C. Parks Trucks

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

MAYOR'S REPORT

Closed Session: Mayor Pogue said a closed session will be held at the end of the Board meeting to discuss personnel matters under Section 610.0213 for the City Attorney's evaluation.

St. Louis Municipal League Meeting: Mayor Pogue said that this meeting will be hosted by Ballwin on Thursday, February 27, at The Pointe.

St. Louis University Reunification Symposium: Mayor Pogue said this event will be held on Friday, February 28, from 8:30 a.m. – 5:30 p.m. There will be representatives from Better Together, Mayor Slay, and County Executive Dooley.

Texting & Driving: Mayor Pogue said there have been a series of bills introduced that would eliminate the restriction on age and make it illegal for all ages.

CITY ADMINISTRATOR'S REPORT

Backhoe: City Administrator Kuntz said this is the replacement of a 2004 CAT backhoe. Since 2011, \$13,829 has been spent on repairs to this piece of equipment. There are more repairs needed for at least \$13,000. He said bids were solicited along with a price from the State bid. If the contract is awarded via State bid, this would be done without trade in. This would be a GovDeals solicitation. The recommendation is that the equipment be purchased from the second low bidder, which is Erb Equipment Co. because the material and type of durability is superior to the low bid proposal from Luby Equipment Co.

A motion was made by Alderman Fleming and seconded by Alderman Kerlagon to accept the bid recommendation for the backhoe replacement. A voice vote was taken with a unanimous affirmative result and the motion passed.

Ballwin Days Proposed Parade Route: City Administrator Kuntz said a map from Police Chief Schicker has been provided to the Board for the proposed Ballwin Days parade route, as proposed by the Ballwin Days Co-Chairmen Jim Lieber and Darryl Holman. He said that Ballwin is not a parade route friendly city, and an attempt is being made to affect as few people as possible, and at the same time, make the parade route visible and accessible. Since Manchester Road is not available for this purpose, there will be some neighborhood impact during the parade.

Alderman Harder asked if Ballwin Baptist Church has approved its parking area as a staging area. Darryl Holman said they have not yet been consulted. City approval is the first step. Police assistance will be needed, but less than in the past. There are only two intersections that will need police direction.

Alderman Harder said that people will be coming to watch the parade. Where will they park their vehicles? Mr. Holman said that the main plan was to encourage them to park at Target. This would be advertised ahead of time. Most likely the police will not allow people to block driveways.

Boy Scouts Camp Out at Ballwin Days: City Administrator Kuntz said that the proposal is to do a Scout camp out in conjunction with the Ballwin Days Festival in Vlasik Park, Friday and Saturday nights. He said he is concerned about the number of campers. Two hundred campers are being proposed at this time.

Alderman Harder asked if the campers are going to be only Ballwin Scouts? How is this going to be limited to 200? Jim Lieber said that a couple of troops are in Manchester, but some of their members live in Ballwin. Director of Parks & Recreation Linda Bruer said she was told it would be troops from either Ballwin churches or Ballwin schools. Some of the kids might not live in the City of Ballwin.

Alderman Harder said he thinks there will be more than 200 when the registration begins. Mr. Lieber said there will be a cut off at 200 or less. Mr. Lieber said that the camping area may be adjusted if necessary, but will mainly be located by the apartments. The event is being set up to work well and not be a problem for anyone.

Mr. Lieber said that many of the scouts will be working on their service programs, therefore, they will be volunteering during the Ballwin Days weekend. This will be a big help. Forty of the 200 will be adults and will supervise the kids. There will be lights out at 11:00 p.m. Three portable restrooms will be needed in the camp area and orange fencing. Mayor Pogue said since this has not been budgeted for the festival, additional funding will be needed to cover these costs.

Alderman Terbrock asked what will be done related to security in the park during Ballwin Days weekend at night? Mr. Lieber said that over night, there are 2 police officers on duty. Alderman Terbrock said he is concerned about the timing of this with so many people in the park and over night. He believes that this will be too many kids for one police officer to provide security.

Mr. Lieber said that all the kids will be required to be in the camp before 11:00 p.m. There will be 40 adults with them during the night with cell phones. He feels this is a low risk event.

Alderman Fleming said that a buffer for the apartments needs to be provided. We shouldn't intrude on them for this event. Our insurance carrier should be consulted for having that many people overnight in Vlasik Park.

City Administrator Kuntz said that if the Board is open to this event, more information will be provided at the next Board meeting and answers to questions.

STAFF REPORTS

None.

CITY ATTORNEY'S REPORT

Legal Issues: City Attorney Jones said that on February 12, the time period for the Kimball class plaintiffs to appeal the motion for judgment on the pleadings and the motion for summary judgment that we received, expired. No appeal was filed. That case is now over.

ALDERMANIC COMMENTS

Alderman Harder asked if Ballwin will be joining in the Ameren Missouri tariff challenge. City Attorney Jones said that the Board approved the action. Lee Curtis is preparing the pleadings to file at the Public Service Commission. That will happen shortly. When it does, he will provide a copy to the Board. At this time, the city of O'Fallon is the only other party.

Mosquito Control: Alderman Fleming said that he asked City Administrator Kuntz to treat this as a new program being launched since we have been out of the business for four years. City Administrator Kuntz assured him that he will look at what the standard practices and negotiations are, and we will follow of them. City Administrator Kuntz said that a link will be provided on the Ballwin website so that we can monitor questions, comments, requests for service, etc. This will provide data for reporting back to the Board.

Street Lights: Alderman Boland said there is a street light in front of his house that is totally out and dark. Other street lights are out, flickering, or looking half on. He recommends that residents take pictures of street lights that are not functioning and can send them to Ameren Missouri twitter site. The City of Ballwin is paying for the lights and some are not working and not being repaired in a timely manner. They are supposed to be repaired within 2 weeks.

Adjourn to Closed Session: A motion was made by Alderman Fleming and seconded by Alderman Finley to adjourn to closed session to discuss personnel review under Section 610.0213. A roll call vote was taken with the following results: Ayes: Aldermen Terbrock, Finley, Harder, Dogan, Boland, Kerlagon, Fleming Nays: None. The motion passed to adjourn to closed session at 7:41 p.m.

Mayor Pogue said that no official action is expected and the Board will reconvene into open session after the closed session has ended.

Closed Session:

The Board convened in closed session at 7:45 p.m.

A motion was made by Alderman Fleming and seconded by Alderman Harder to adjourn the closed session. A roll call vote was taken with a unanimous result, and the closed session was adjourned at 8:46 p.m.

The Board reconvened in open session at 8:49 p.m.

Mayor Pogue stated that the Board met in closed session to discuss an employee (City Attorney) personnel review. No votes were taken.

A motion was made by Alderman Fleming and seconded by Alderman Harder to adjourn the open session. The motion passed unanimously and the meeting was adjourned at 8:50 p.m.

TIM POGUE, MAYOR

ATTEST:

ROBERT A. KUNTZ, CITY ADMINISTRATOR

MC

February 24, 2014