



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

March 23, 2015

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

The meeting was called to order by Mayor Pogue at 7:05 p.m.

PRESENT

MAYOR TIM POGUE
ALDERMAN JIMMY TERBROCK
ALDERMAN MICHAEL FINLEY
ALDERMAN MARK STALLMANN
ALDERMAN JOHN SCHWENT
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 *March 9, 2015 Board of Aldermen meeting* 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.

PRESENTATION

None.

PENDING ISSUES

None.

CITIZEN COMMENTS

John Milla, 307 Ridge Oak Ct.: Mr. Miller suggested that a second restroom be placed on the golf course in an area that cannot be seen by the residents in the area of the 8th tee box. City Administrator Kuntz said that after the new irrigation system is installed, this will be a possibility.

PUBLIC HEARINGS

None.

NEW BUSINESS

LEGISLATION

BILL # 3876 - AN ORDINANCE ADOPTING LICENSING PROVISIONS OF THE ST. LOUIS COUNTY PLUMBING AND MECHANICAL CODES, AMENDING SECTION 7-42 AND REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

A motion was made by Alderman Stallmann and seconded by Alderman Boland for a first reading of Bill No. 3876. A voice vote was taken with a unanimous affirmative result, the motion passed and Bill No. 3876 was read for the first time.

Alderman Leahy asked how this compares to the St. Louis County Code. City Attorney Jones said it doesn't change any of the terms of compliance for structures. It requires an additional license for the contractor who is performing the work on site in the City of Ballwin. This is a license that they already have if they are working in St. Louis County.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock for a second reading of Bill No. 3876. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3876 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3876 with the following results:
Ayes – Fleming, Terbrock, Leahy, Kerlagon, Stallmann, Boland, Finley, Schwent. Nays – None. Bill No. 3876 was approved and became **Ordinance No. 15-17.**

BILL # 3877 - AN ORDINANCE PROVIDING FOR THE APPROVAL OF A SUBDIVISION PLAT FOR 304 ESSEN LANE SUBDIVISION, AS PROVIDED IN CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF BALLWIN, MISSOURI.

A motion was made by Alderman Terbrock and seconded by Alderman Fleming for a first reading of Bill No. 3877. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3877 was read for the first time.

Alderman Finley asked if the property owner is selling half of his lot. The Petitioner said that is correct.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock for a second reading of Bill No. 3877. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3877 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3877 with the following results:
Ayes – Fleming, Terbrock, Boland, Leahy, Finley, Stallmann, Kerlagon, Schwent. Nays – None. Bill No. 3877 was approved and became **Ordinance No. 15-18.**

BILL # 3878 - AN ORDINANCE APPROVING AN AMENDED SITE DEVELOPMENT PLAN FOR KEHRS MILL PLACE SUBDIVISION.

A motion was made by Alderman Kerlagon and seconded by Alderman Fleming for a first reading of Bill No. 3878. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3878 was read for the first time.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann for a second reading of Bill No. 3878. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3878 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3878 with the following results:
Ayes – Fleming, Leahy, Boland, Schwent, Stallmann, Terbrock, Kerlagon, Finley. Nays – None. Bill No. 3878 was approved and became **Ordinance No. 15-19.**

BILL # 3879 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BALLWIN WITH REGARD TO FEE IN LIEU OF LAND DEDICATION.

A motion was made by Alderman Fleming and seconded by Alderman Leahy for a first reading of Bill No. 3879. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3879 was read for the first time.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock for a second reading of Bill No. 3879. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3879 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3879 with the following results:
Ayes – Fleming, Terbrock, Finley, Stallmann, Kerlagon, Schwent, Boland, Leahy. Nays – None. Bill No. 3879 was approved and became **Ordinance No. 15-20.**

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

Sales Tax Restructure: Mayor Pogue said he attended a meeting with Lafayette Area Mayors, State Representatives, and Senator Schmidt to discuss the first half of the legislative session and the status of the sales tax restructure bills. There was nothing substantial to report at this time. He recommended reviewing the County and State Municipal Leagues updates that are received weekly. If there are any questions, the State Representatives or Senators that introduced the bills can be contacted, or contact him.

Search Firm Interviews: On Friday and Saturday, March 27 and 28, Search Firm interviews will be conducted regarding the City Administrator position.

Telecom Bills: There will be a telecom webinar on March 26 regarding changes on the telecom bills. He said that Assistant City Administrator Aiken will participate from 12:00 – 1:30 p.m..

MSD Public Hearing: The MSD Public Meeting at The Pointe will be held on April 8 at 7:00 p.m.

Closed Session: Mayor Pogue said he would like to have a Closed Session at the end of this meeting to discuss hiring of the City Administrator.

CITY ADMINISTRATOR'S REPORT

City Administrator Kuntz recommended that the Board read the weekly Rhoads Report. This is the name of the lobbyist that Ballwin is using in conjunction with other cities to monitor changes in sales tax legislation.

Ride Along – Pavement Assessment: City Administrator Kuntz said that if any of the Board are interested in a ride along with respect to the pavement assessment program, this can be scheduled with City Engineer Kramer. This will provide information regarding how streets are graded. A presentation will be made to the Board for future funding and budget priorities.

STAFF REPORTS

None.

CITY ATTORNEY'S REPORT

Legal Issues: City Attorney Jones said that Ballwin has entered into a legal fee engagement letter with the firm of Louis Rice for representation of the City as an intervener in the Chesterfield tax lawsuit. It is estimated that the total attorneys' fees to be paid by the City of Ballwin will be \$5,000. That is the same amount that will be borne by the other interveners. The motion to intervene will be heard on March 25, and there should be a ruling shortly. He said he will inform the Board on this.

Ameren Rate Case: City Attorney Jones said that Lee Curtis sent an e-mail that was forwarded to the Board with regard to the partial settlement that was reached. It did not touch on the issues that are involved in Ballwin's case with regard to the street lights. He said we didn't oppose the settlement and didn't take any position on it either way. Lee is going to include in the post-hearing brief that will be submitted on behalf of the city, a discussion of what is considered to be an inordinate delay with regard to study of the LED issues. He said that Ballwin has been a test city and is very concerned about those issues. He said he wants to be sure this remains in the fore-front of the Public Service Commission.

ALDERMANIC COMMENTS

Alderman Terbrock said that the Johnnie-on-the Spot at the gold course is on a trailer and should have some landscape blocks to create a safe step to use this facility.

Alderman Terbrock said that last Tuesday, March 17, he and Alderman Stallmann went to Jefferson City, at the invitation of Representative Shamed Dogan to sit in the Majority Floor Leader's office with Todd Richardson. Various issues were discussed that is on Ballwin's radar.

Dangerous Tree: Alderman Finley asked about the dangerous tree issue in Ward 1. He asked if we should go forward to getting involved. He asked if the arborist should be on-call to evaluate such a tree to determine the condition and further action if needed. City Attorney Jones said that the "cons" are substantial in terms of the City's potential liability for taking down the tree. The cost will probably never be reimbursed, other than a special tax that could possibly be collected in the future. If this is something that the Board is interested in, perhaps other cities' ordinances could be reviewed and see what their experience has been. This is probably the best place to start. Mayor Pogue also suggested that other cities experiences be reviewed.

Condolences: Alderman Finley expressed sympathy to former Alderman Pat McDermott due to the passing of his mother. The remembrance ceremony will held next Sunday at 1:00 p.m.

Adjourn to Closed Session: A motion was made by Alderman Fleming and seconded by Alderman Terbrock to adjourn to closed session to discuss personnel matters, in accordance with RsMO 610.0213. A roll call vote was taken with the following results: Ayes: Aldermen Boland, Kerlagon, Fleming, Leahy, Schwent, Stallmann, Terbrock, Finley. Nays: None. The motion passed to adjourn to closed session at 7:26 p.m.

Closed Session:

The Board convened in closed session at 7:32 p.m.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock to adjourn the closed session. A roll call vote was taken with a unanimous result, and the closed session was adjourned at 7:58 p.m.

The Board reconvened in open session at 8:07 p.m.

Mayor Pogue stated that the Board met in closed session to discuss personnel matters, in accordance with RsMo 610.0213. No votes were taken.

A motion was made by Alderman Fleming and seconded by Alderman Boland to adjourn the open session. The motion passed unanimously and the meeting was adjourned at 8:10 p.m.

TIM POGUE, MAYOR

ATTEST:

ROBERT A. KUNTZ, CITY ADMINISTRATOR

MC

March 23, 2015