



CITY OF BALLWIN
BOARD OF ALDERMEN MEETING MINUTES
OCTOBER 27, 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 **October 13, 2014 Budget Work Session** were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Leahy to approve the Minutes. A voice vote was taken with a unanimous affirmative result and the motion passed.

The Minutes of the **October 13, 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

David Pickerill, Executive Director, Missouri Clean Energy District, attended the meeting to answer questions from the Board about the program. He indicated that a local business that had originally expressed interest in the program had withdrawn.

BILL #3848 - AN ORDINANCE TO ENABLE THE CITY OF BALLWIN, MISSOURI TO JOIN THE MISSOURI CLEAN ENERGY DISTRICT PURSUANT TO SECTIONS §67.2800 TO §67.2835, INCLUSIVE, RSMO., THE "PROPERTY ASSESSED CLEAN ENERGY ACT," AND STATING THE TERMS UNDER WHICH THE CITY WILL CONDUCT ACTIVITIES WITHIN THE CITY AS A MEMBER OF SUCH DISTRICT.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock for a second reading of Bill No. 3848. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3848 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3848 with the following results: Ayes – Boland, Fleming, Kerlagon, Terbrock. Nays – Dogan, Finley, Leahy. Bill No. 3848 failed due to a lack of a majority of the entire board. Alderman Harder was not in attendance during the roll call (A minimum of five affirmative votes in necessary to pass an ordinance).

CITIZEN COMMENTS

Claire and Katie Sharp, 801 Hanna Road, representing Parkway South's Safe Drug Free Leaders and the Teen Voice for Change Youth Coalition presented a Certificate of Appreciation to the Ballwin Police Department for its participation in the Medication Take Back Program. On September 27, 2014, the program collected 259 pounds of unused medications. Mayor Pogue accepted the certificate on behalf of Police Chief Schicker.

PUBLIC HEARINGS

None.

NEW BUSINESS

LEGISLATION

BILL #3849 - AN ORDINANCE AMENDING THE PROVISIONS OF THE C-1 DISTRICT REGULATIONS AND THE ADDITIONAL HEIGHT AND AREA REGULATIONS WITH RESPECT TO THE OUTDOOR DISPLAY AND SALE OF MERCHANDISE.

A motion was made by Alderman Fleming and seconded by Alderman Finley for a first reading of Bill No. 3849. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3849 was read for the first time.

A motion was made by Alderman Fleming and seconded by Alderman Finley to amend the wording of Section 3, Subsection L, from "rolling carts" to "portable fixtures." A voice vote was taken with a unanimous affirmative result and the motion passed as amended.

A motion was made by Alderman Terbrock and seconded by Alderman Fleming for a second reading of Bill No. 3849 as amended. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3849 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3849 with the following results: Ayes – Boland, Dogan, Finley, Fleming, Harder, Leahy, Kerlagon, Terbrock. Nays – None. Bill No. 3849 was approved by a vote of 8-0 and became **Ordinance No. 14-30**.

BILL #3850 - AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH CENTURYLINK.

A motion was made by Alderman Fleming and seconded by Alderman Boland for a first reading of Bill No. 3850. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3850 was read for the first time.

A motion was made by Alderman Fleming and seconded by Alderman Kerlagon for a second reading of Bill No. 3850. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3850 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3850 with the following results: Ayes – Boland, Dogan, Finley, Fleming, Harder, Leahy, Kerlagon, Terbrock. Nays – None. Bill No. 3850 was approved by a vote of 8-0 and became **Ordinance No. 14-31**.

BILL #3851 - AN ORDINANCE AMENDING SECTIONS OF THE CODE OF ORDINANCES WITH RESPECT TO SPECIAL EVENTS.

A motion was made by Alderman Kerlagon and seconded by Alderman Boland for a first reading of Bill No. 3851. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3851 was read for the first time.

A motion was made by Alderman Harder and seconded by Alderman Leahy for a second reading of Bill No. 3851. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3851 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3851 with the following results: Ayes – Boland, Dogan, Finley, Fleming, Harder, Leahy, Kerlagon, Terbrock. Nays – None. Bill No. 3851 was approved by a vote of 8-0 and became **Ordinance No. 14-32**.

BILL #3852 - AN ORDINANCE APPROVING AN AMENDED SUE SITE DEVELOPMENT PLAN FOR 15567 - 15587 MANCHESTER ROAD.

A motion was made by Alderman Kerlagon and seconded by Alderman Boland for a first reading of Bill No. 3852. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3852 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. 3852. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3852 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3852 with the following results: Ayes – Boland, Dogan, Finley, Fleming, Harder, Leahy, Kerlagon, Terbrock. Nays – None. Bill No. 3852 was approved by a vote of 8-0 and became **Ordinance No. 14-33**.

CONSENT ITEM:

None.

MAYOR'S REPORT

Mayor Pogue indicated that he recently met with Police Chief Schicker about body cameras. He asked the Board to allow staff to continue to investigate this option and report back to the Board in February.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock to accept the Mayor's recommendation. A voice vote was taken with a unanimous affirmative result and the motion passed.

The Mayor reported that he attended a St. Louis Municipal League Legislative Affairs Committee meeting where a second draft of the 2015 legislative priorities was prepared. The

Committee will meet again on November 3, 2014 to finalize the draft. The Mayor will then present the outcome to the Board.

The City of Ballwin received recognition from *Business Insider*, which ranked Ballwin the “46th Best Suburb in America.” Ballwin was the only suburb in Missouri to make the list. The City received another accolade from *Movoto*, which reported Ballwin was voted the “Third Happiest City in Missouri.”

CITY ADMINISTRATOR’S REPORT

Budget Changes and Options: City Administrator Kuntz mentioned that a preliminary review of projected revenues forced the City to take a second look at 2015 expenditures to reduce costs. A comprehensive list of the proposed changes was provided. Mr. Kuntz presented two potential options for the Board’s consideration.

The first option presented was related to street improvements. Staff asked the contractor that applied a new microsurfacing product in Rolla, Missouri, to do a demonstration project for the City of Ballwin. The contractor agreed to do Graywood Drive and Whiteacre Court for its cost of \$35,000. This makes \$134,387 available to address the rutting issue at the New Ballwin Road intersection.

Alderman Fleming expressed his appreciation for the contractor’s willingness to do this, but believes that Ward 3 should not lose the \$134,387 in funding. The work needed on New Ballwin Road should not be charged against any ward’s annual street funding. A major road like New Ballwin Road serves all Wards.

A motion was made by Alderman Fleming and seconded by Alderman Boland to approve the use of reserves for the New Ballwin Road intersection. A voice vote was taken with a unanimous affirmative result and the motion passed.

The second option presented was to upgrade the City’s LAGERS pension plan to the next level. Based on preliminary indications, this could be cost effective if done in lieu of the 3% salary adjustment that was tentatively approved by the Board at its last meeting. An actuarial assessment would have to be completed to verify the true budget impact.

Future Work Sessions: Mr. Kuntz mentioned that at the next meeting he plans to present the revenues projected for 2015 along with the Capital Improvement Plan. At the following meeting, he plans to present a preliminary copy of the 2015 budget. These items would be discussed during the regular scheduled Board meeting and not require a 5:30 p.m. Budget Work Session.

STAFF REPORTS

None.

CITY ATTORNEY’S REPORT

None.

ALDERMANIC COMMENTS

Body Cameras: Alderman Dogan explained his position that Ballwin needs to begin providing body cameras for its officers as soon as possible.

A motion was made by Alderman Dogan to immediately purchase three body cameras for emergency situations. There was no second. The motion failed.

Adjourn: A motion was made by Alderman Fleming and seconded by Alderman Kerlagon to adjourn. The motion passed unanimously and the meeting was adjourned at 8:19 p.m.

Tim Pogue, Mayor

ATTEST:

Robert A. Kuntz, City Administrator

RK/CE