



**CITY OF BALLWIN
BOARD OF ALDERMEN MEETING MINUTES
NOVEMBER 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 7:02 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 **November 10, 2014 Board of Aldermen meeting** were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Boland to approve the Minutes as submitted. 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

BILL #3855 - AN ORDINANCE AMENDING THE STREET AND SIDEWALK CONSTRUCTION REGULATIONS TO INSURE ADA COMPLIANCE.

A motion was made by Alderman Fleming and seconded by Alderman Boland for a first reading of Bill No. 3855. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3855 was read for the first time.

A motion was made by Alderman Boland and seconded by Alderman Fleming for a second reading of Bill No. 3855. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3855 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3855 with the following results: Ayes – Boland, Dogan, Finley, Fleming, Harder, Kerlagon, Terbrock. Nays – None. Bill No. 3855 was approved by a vote of 7-0 (Alderman Leahy was not in attendance) and became **Ordinance No. 14-36**.

CONSENT ITEM

Ries Road Bridge Engineering: A motion was made by Alderman Fleming and seconded by Alderman Harder to approve the consent item as submitted. A voice vote was taken with a unanimous affirmative result and the motion passed.

MAYOR'S REPORT

Commission Appointments: Mayor Pogue asked the Board to approve three-year reappointments to the Historical Commission for Joyce Johnson, Virginia Rogan and Joanne Graziano.

A motion was made by Alderman Fleming and seconded by Alderman Harder to approve the appointments. A voice vote was taken with a unanimous affirmative result and the motion passed.

Mayor Pogue mentioned that the groundbreaking ceremony was held last week for the Great Streets Initiative Project. The project is scheduled to be completed by the end of 2015.

CITY ADMINISTRATOR'S REPORT

2015 Financial Plan: City Administrator Kuntz gave an overview of the 2015 Financial Plan for Ballwin. He mentioned that after two separate work sessions, two Board meeting presentations and several hours of staff preparation, the financial plan for 2015 is now presented for approval. Overall, Ballwin's future fiscal condition continues to trend in a positive direction.

The operating revenues are projected to be \$18,895,555 compared with expenditures totaling \$18,913,764. This budget therefore will require a small supplement from the reserves. The primary reason that positive impact on reserves could not be achieved was because a \$140,000 funding commitment was added to reconstruct the New Ballwin Road intersection at Manchester Road. On a positive note, we estimate a 2013 year-end surplus of \$415,696. This will boost Ballwin's unassigned fund balance to \$6,135,800 after the transfer of \$1,207,848 to establish a restricted fund for future Government Center improvements. Mr. Kuntz commended staff for its efforts in preparing the budget.

A motion was made by Alderman Kerlagon and seconded by Alderman Fleming to draft an appropriations ordinance to be presented at the December 8, 2014 Board of Aldermen meeting. A voice vote was taken with a unanimous affirmative result and the motion passed.

Ball Field Reservation Fees: City Administrator Kuntz said that Parks and Recreation Department staff recommends changing the City of Ballwin's rate for reserving ball fields.

Director of Parks and Recreation Bruer explained the recommendation is to charge \$10 an hour for residents and \$15 an hour for non-residents. The current fee is \$50 for a 12-week period in the spring or fall with a 90-minute time block, once a week. There is not currently a fee for one-time use of a ball field.

A discussion followed that raised several questions and additional suggestions for staff to consider before making a decision.

Mayor Pogue suggested the city administrator and staff continue to work on a plan to present at future Board of Aldermen meeting.

Sewer Lateral Program: Mr. Kuntz explained that each year the demand in Ballwin for the Sewer Lateral Program continues to exceed revenues. The revenue is derived from a \$28.00 per year property tax assessment on each dwelling having a sewer lateral. The program has been complicated by the fact that currently all obstructions qualify for repairs. Some cities only approve situations where there is total blockage or a backup. Mr. Kuntz indicated that short of authorizing a ballot initiative to raise this fee, there is not much that can be done to improve the situation.

Code Enforcement Supervisor Klein mentioned that recently staff has had to tell residents that funds are not available until January of 2016. If residents apply for the program now, they will have to wait over a year to be reimbursed. All of the 2014 funds which are just beginning to come in now are committed.

Mr. Kuntz met with Mr. Klein and Assistant City Administrator Aiken and they propose using more stringent administrative guidelines to differentiate between what is a homeowner's maintenance responsibility and what is an insurance eligible repair.

Alderman Boland suggested staff provide more detailed information about the back log numbers for the program and what the revenue would be if the fee was increased from \$28 to \$50 per household. He indicated this information could be used to support the item if added to the election.

Mayor Pogue indicated that staff will look into the numbers and a possible election date.

Finance Policies: Mr. Kuntz indicated that in the interest of conforming to current accounting terminology and to accurately reflect existing fund balance policies, it is necessary to amend Ballwin's Official Policy Manual. Although these are essentially housekeeping changes, a super majority vote is required to make the amendments.

A motion was made by Alderman Fleming and seconded by Alderman Harder to approve the policy manual amendments. A voice vote was taken with a unanimous affirmative result and the motion passed.

STAFF REPORTS

None.

CITY ATTORNEY'S REPORT

Open Carry: As requested at the last Board meeting, City Attorney Jones provided an update on the topic of open carry of firearms in relation to the City of Ballwin's current ordinances. New legislation on the issue became effective August 28, 2014. Mr. Jones reviewed Ballwin's ordinances and stated there are few in regard to the subject. Ballwin only has three sections that deal with weapons in general. The first two were adopted in 1973, haven't been changed since and don't reflect the passage of the concealed carry endorsement law from 2003; they should be changed.

The only restriction on open carry in Ballwin is part of ordinances that were adopted in 2003 that prohibit open carry in city buildings. There are numerous provisions in the new state statute that allow a municipality to restrict open carry in other situations. Ballwin currently does not restrict anything more than the state allows. Ballwin does however have inconsistencies with the way concealed firearms and persons who are properly registered to carry them are treated.

Mayor Pogue recommended the city attorney draft the appropriate ordinances in relation to conceal carry and the state statute.

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

City Attorney Jones mentioned the Elected Officials Training Academy sponsored by the St. Louis County Municipal League, is giving a presentation on the topic of body cameras on January 22, 2015 at noon at Frontenac City Hall or by webinar.

City Administrator Kuntz mentioned that also in January, at the St. Louis County Municipal League meeting, there will be a panel discussion on body cameras and in-car camera videos. The meeting is normally held the 4th Thursday of each month; the location has not yet been determined.

ALDERMANIC COMMENTS

Alderman Finley requested Mayor Pogue provide information to the Board about the two appointments to fill vacant Board of Aldermen slots before the Board is asked to vote on their appointments.

Adjourn: A motion was made by Alderman Fleming and seconded by Alderman Terbrock to adjourn. The motion passed unanimously and the meeting was adjourned at 8:02 p.m.

Tim Pogue, Mayor

ATTEST:

Robert A. Kuntz, City Administrator