



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

January 26, 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 7:04 p.m.

PRESENT

MAYOR TIM POGUE
ALDERMAN JIMMY TERBROCK
ALDERMAN MICHAEL FINLEY
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 *January 12, 2015 Board of Aldermen meeting* were submitted for approval. A motion was made by Alderman Finley and seconded by Alderman Fleming to amending the Minutes on page 4 of the Mayor's report, at the end of the second paragraph as follows: *Members of the Board received and reviewed resumes of Mr. Stallmann and Mr. Schwent.* 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 Finley to approve the Minutes as amended. A voice vote was taken with a unanimous affirmative result and the motion passed.

OATH OF OFFICE

The Oath of Office was administered to Mark Stallmann to fill the vacancy of former Alderman Mark Harder until the April 7, 2015 election.

The Oath of Office was administered to John Schwent to fill the unexpired 1-year term of former Alderman Shamed Dogan, until the April 7, 2015 election.

SECOND ROLL CALL

PRESENT

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

PRESENTATION

None.

PENDING ISSUES

None.

CITIZEN COMMENTS

Tony Randazzo, CVS: Mr. Randazzo spoke to the Board about the Circle 7 Site Plan. He said he is opposed to the proposal to change the cover of the Circle 7 Ranch patio. He said that parking is a major issue in this plaza and has not gotten better since the parking lot was expanded and the original proposal was approved. He has customers who cannot find parking spaces to come into his store. He requested a variance to the sign ordinance to allow signs to be placed on his building to reserve parking spaces for the CVS customers. He asked the Board not to approve the site plan change.

James Komorek, Co-owner of Mia Sorella: Mr. Komorek said he is opposed to allowing the year-round canopy over the Circle 7 Ranch patio. He believes the tent structure will negatively impact the look of the plaza. He said that if the patio cover is approved, he will also make the same request for his restaurant. Mr. Komorek said that the fire lanes are still being used for customer parking, and not being reserved for fire and emergency vehicles.

PUBLIC HEARINGS

None.

NEW BUSINESS

LEGISLATION

BILL # 3865 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BALLWIN WITH REGARD TO THE SEWER LATERAL REPAIR PROGRAM.

A motion was made by Alderman Leahy and seconded by Alderman Boland for a first reading of Bill No. 3865. A voice vote was taken with a unanimous affirmative result, the motion passed and Bill No. 3865 was read for the first time.

A motion was made by Alderman Fleming and seconded by Alderman Leahy for a second reading of Bill No. 3865. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3865 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3865 with the following results: Ayes – Fleming, Leahy, Terbrock, Schwent, Boland, Stallmann, Kerlagon, Finley. Nays – None. Bill No. 3865 was approved and became **Ordinance No. 15-07**.

BILL # 3866 - AN ORDINANCE AMENDING THE NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT APPROVED PER ORDINANCE 13-28 FOR CERTAIN LAND AT CLAYTON ROAD AND HENRY AVENUE IN THE CITY OF BALLWIN, COMMONLY KNOWN AS THE BALLWIN GROVE PLAZA.

A motion was made by Alderman Kerlagon and seconded by Alderman Boland for a first reading of Bill No. 3866. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3866 was read for the first time.

Buddy Coy, Co-owner of Circle 7 Ranch, asked that Bill 3866 be held over to allow time to better show what is being proposed. Alderman Fleming asked that this be held over until the Feb. 23 Board meeting. City Attorney Jones said that after reviewing amended plans, if the changes are significant, this petition would be referred back to the Planning & Zoning Commission. Mr. Coy said that the changes are not major, but will give a better representation of the material and the overall appearance.

Bill 3866 was held over until the February 23 Board meeting.

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. North Pointe Chairs
- B. Staff Apparel
- C. Police Patrol Vehicles
- D. Radar Units Replacement
- E. Training Ammunition Purchase

Alderman Finley asked if the police patrol vehicles would be purchased from a Missouri dealer. Police Chief Schicker said this is a Missouri dealership.

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

MAYOR'S REPORT

Missouri Municipal League Legislative Conference will be held February 10 – 11 in Jefferson City. If there are Board members planning on attending, City Administrator Kuntz should be notified.

Mayor Pogue requested a Closed Session at the end of the agenda to discuss personnel under State Statute 610.021 13.

CITY ADMINISTRATOR'S REPORT

City Administrator Kuntz said that after careful consideration, he will not be renewing or seeking renewal of his current employment contract when it expires on April 15, 2015. He said the City of Ballwin is in good shape and he feels it's time to pass the gavel to a new City Administrator. He is willing to assist in whatever capacity the Board deems appropriate during the transition.

STAFF REPORTS

None.

CITY ATTORNEY'S REPORT

Legal Issues: City Attorney Jones said there are no new developments in the Chesterfield litigation. The City of Webster Groves has declined to intervene. The City of Florissant is still on track to do this.

ALDERMANIC COMMENTS

None.

Adjourn to Closed Session: A motion was made by Alderman Fleming and seconded by Alderman Finley to adjourn to closed session to discuss personnel, according to State Statute 610.0211 and 610.02113. 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 7:20 p.m.

Closed Session:

The Board convened in closed session at 7:25 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 8:02 p.m.

The Board reconvened in open session at 8:03 p.m.

Mayor Pogue stated that the Board met in closed session to discuss personnel. No votes were taken. He asked City Attorney Jones to prepare a contract for City Administrator Kuntz's employment on an interim basis for January 1 to June 6, 2015.

Alderman Boland said that this week is National Catholic School Week.

Adjourn:

A motion was made by Alderman Fleming and seconded by Alderman Stallmann to adjourn the open session. The motion passed unanimously and the meeting was adjourned at 8:05 p.m.

TIM POGUE, MAYOR

ATTEST:

ROBERT A. KUNTZ, CITY ADMINISTRATOR

MC

January 26, 2015

MINUTES OF THE CLOSED SESSION – JANUARY 26, 2015
BALLWIN BOARD OF ALDERMEN

The Ballwin Board of Aldermen convened in closed session on January 26, 2015 at 7:20 p.m. Present were Mayor Pogue and Aldermen Finley, Stallman, Schwent, Fleming, Boland, Terbrock, Leahy and Kerlagon, City Attorney Robert E. Jones and City Administrator Robert Kuntz.

A discussion was held concerning the retirement of City Administrator Robert Kuntz on April 15, 2015. Terms were discussed for an employment contract extension through June 5, 2015

A motion was made by Alderman Fleming to authorize the City Attorney to negotiate and draft a contract extension with City Administrator Kuntz for approval and adoption by the Board. The motion was seconded by Alderman Boland.

The following vote was recorded:

Alderman Finley	aye
Alderman Stallman	aye
Alderman Schwent	aye
Alderman Fleming	aye
Alderman Boland	aye
Alderman Kerlagon	aye
Alderman Terbrock	aye
Alderman Leahy	aye

The motion passed.

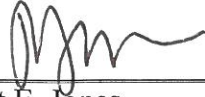
City Attorney Jones reported on the Chesterfield sales tax lawsuit and intervention by the City of Ballwin. The City Attorney was directed to research financial impact with Finance Director Keller and report back to the Board.

A motion was made by Alderman Boland to adjourn the closed session and reconvene in open session. The motion was seconded by Alderman Kerlagon.

The following vote was recorded:

Alderman Finley	aye
Alderman Stallman	aye
Alderman Schwent	aye
Alderman Fleming	aye
Alderman Boland	aye
Alderman Kerlagon	aye
Alderman Terbrock	aye
Alderman Leahy	aye

The closed session adjourned at 7:55 p.m.

A handwritten signature in black ink, appearing to read 'R. E. Jones', written over a horizontal line.

Robert E. Jones
Acting Secretary