



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

August 18, 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 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 *July 21 Board of Aldermen meeting and closed session* were submitted for approval. *A motion was made* by Alderman Boland and seconded by Alderman Fleming to amend page 10, paragraph 6 to reflect that City Attorney Jones made the statement “St. Ann tried a prohibition which didn’t stand”, instead of Alderman Boland. 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 Harder to approve the Minutes as amended. 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 July 21, 2014 Closed Session Minutes. A voice vote was taken with a unanimous affirmative result and the motion passed.

PRESENTATION

Craft Beer Fest: Director of Parks & Recreation Linda Bruer introduced Jessica Crawley, Recreation Specialist at The Pointe. Jessica is involved with the Shop Ballwin First business program, which started with 15 – 20 businesses, and now there are 63 members of the program. Jessica also works with teen programming and special events. The Ballwin Craft Beer Fest will be held on Saturday, September 13 from 4:00 – 8:00 p.m. in Vlasik Park. Circle 7 Ranch is a partner in this event. There will be 12 craft brewers for sampling and nine food vendors, similar to A Taste of Ballwin. All items will be under \$5. The first 400 participants will receive a 16-ounce souvenir tasting glass with the festival logo on the glass, which is sponsored by Ballwin Cycle. Everyone will be carded, get a wrist band and can go to the beer booths to sample beer. Old Salt Union will be the band to entertain. There will be a parking shuttle from the Target lot to Vlasik Park. This is a one-day event, rain or shine.

Government Center Improvements: Arch Images representative, Roy Mangan, presented a Government Center assessment study. He said the team structure consists of City Administrator Kuntz, Assistant City Administrator Aiken, Department Heads, Arch Images for the architectural design, mechanical and electrical plumbing engineers, civil engineers, and structural engineers.

Mr. Mangan said that the goals of this process are to improve the facility for the public and for staff to create a secure and efficient areas, including secure document storage. Improved ADA accessibility is also a top priority for the Government Center with public restrooms and energy efficiency for the building, and improving the operational adjacencies within the departments and enhancing both the interior and exterior image of the facility.

Mr. Mangan said that a current building assessment was provided. Three options were presented for consideration:

Option A includes a new facility, approximately 9,800 square feet, two-story, to be built to the east of the current building, and to either continue usage of the current building as an existing city asset or for rent or sale. The challenge for this option is mainly providing enough parking spaces. The grades and slopes along Seven Trails are a challenge that will have to be addressed with retaining walls, grading, etc. These are also issues with utility easements and water quality.

Option B includes taking down the Golf Club building and constructing a 9,800 square-foot for the Government Center use along with 6,800 square-foot for the golf course in a one-story facility. Some of the challenges at this location are parking and access. There are also grades and slopes that are challenges, along with utilities and easements. The front edge of the golf course would have to be redeveloped in order to fit the Government Center into the space where the current Golf Club building is located.

Option C is to remodel the existing Government Center and provide exterior and interior renovations to create a more efficient facility. Both levels would be renovated. An entry addition of approximately 1,500 square feet would be added to the east and a plaza area created that addresses the ADA issues. Mr. Mangan said the entry would be from the plaza into a mid-level area with an elevator for ADA accessibility and stairs going to the upper and lower levels. This will create a secure lobby area for the Court office and clerks.

Lower Level will have an entry with elevator access. There will be a secured storage area for documents and files, and an IT area. There can also be an area for a future tenant if this is part of the plan.

City Administrator Kuntz said that if there is an option that the Board prefers, more research and information can be provided for further consideration. Cost estimates will also be provided. He said the water quality issues are MSD requirements which are far more stringent now than they have been for previous buildings. Mr. Mangan said that with **Options A and B**, any new impervious materials, require that water runoff be detained and water quality employed. In **Option C**, which is modifying the existing facility, MSD water quality will not be required because not enough area will be changed or disturbed.

Alderman Terbrock said he would like to budget this for a future time. He believes that **Option A** makes the most sense for this project. He said the current building is not personnel and energy efficient. At the time it was built, energy efficiency wasn't an issue. Now more efficient buildings are expected. The Board has done a good job of spending of money right, and care should be taken regarding spending a smaller amount of money but spending it wrong. He said at this time, it's not possible to make the correct decision on this project.

Alderman Fleming said, regarding **Option B**, this will be a very large one-story building that will contain the Golf Course, Rec Center, and Government Center. Parking will be a problem for that many different types of people using the facility all at once. This will be putting a lot of activity in a small area. He said he is not in favor of moving the Government Center off of Manchester Road.

Alderman Fleming said that if a plaza entry will be used in **Option C**, people could do all of their business on the first floor. Perhaps the Government Center offices could be on the lower level. Alderman Terbrock said there's no daylight on the lower level.

Alderman Boland asked about the problems with the existing building. City Administrator Kuntz said that the Court operation needs to be separate in terms of security. This is a REJIS data security requirement, which is the reason everyone with access to the Government Center had to be photographed and fingerprinted. In doing this, we bought some time, but it's still not acceptable for the long-term. We are not in compliance with REJIS for court office security.

Alderman Harder asked for Mr. Mangan's opinion of the cost of each option. Mr. Mangan said that Options A and B are the most expensive because they involve new facilities with extensive site work. He estimated that Option A would be the most expensive of the three options.

Mr. Mangan said that with Option B, the Golf Course would not have to close down during the construction. A lot of golf courses use a temporary facility such as a trailer to conduct business. City Administrator Kuntz said that with Option B, Ballwin would get out of the banquet business. The plan would preserve the golf course pro shop and snack bar, and the golf carts storage barn. Mr. Mangan said that in addition, there would be 1,000 square feet of multi-use space adjacent to the clubhouse for small gatherings.

Alderman Dogan asked about options for the current building if Option A is chosen. Mr. Mangan said that the current building has ADA issues. Overall, the structure of the building is good. Alderman Dogan said that with Option C, there's space for future expansion if needed. Mr. Mangan said that later, if an addition was necessary, this could be done.

Mayor Pogue said that a new roof is needed on the current Government Center and there are ADA issues. He said he is not in favor of Option B. He likes the Manchester Road frontage. He said his preference is either Option A or Option C. City Administrator Kuntz said that the decision needs to be made based on long-term usage needs and cost.

Alderman Terbrock said that he thinks the current building should be demolished. Bringing the building up to standards to lease would cost more than taking the building down. He said we would still be responsible as property owners, with maintenance costs in the years ahead.

Alderman Leahy asked Mr. Mangan if it would be better to take down the current building than to spend money rehabbing it. Mr. Mangan said if the Board is looking for one building on the current site, constructing a new building to meet the efficiencies and compliances is one of the better options to do.

Mayor Pogue said he agrees with Alderman Terbrock that this is a project that should have more consideration and not start construction next year. He suggested putting money aside for this specific project.

Alderman Harder asked about any hazardous issues in tearing down the current Government Center such as asbestos. Mr. Mangan said he hasn't seen any issues and he has not gotten into the asbestos abatement at this time.

Alderman Kerlagon asked that if it is constructed as a one-story building, with the topography, would it be possible to have parking under the building. Mr. Mangan said this is possible with a one-story building on this topography.

City Administrator Kuntz said that Options A and C are the two for further consideration. The Board agreed.

PENDING ISSUES

None.

CITIZEN COMMENTS

Joe Strange with the Knights of Columbus and Holy Infant Parish. He suggested that "In God We Trust", our national motto, be posted on some of the City of Ballwin buildings. The City of St. Peters has posted this motto in their Recreation Center, City Hall, and Justice centers. He said that no other city in the St. Louis area, other than Sullivan, Missouri, has our national motto posted. The Knights of Columbus is willing to fund this project. At this time, there is \$750 available for funding in the City of Ballwin.

City Attorney Jones said that he looked at case laws regarding the "In God We Trust" language. There are quite a few theoretical arguments, but he could not find anything where a challenge to that particular language was upheld. It's has become a patriotic slogan more than a religious affirmation. The courts concluded that "In God We Trust" doesn't have anything to do with the establishment of religion. It's a ceremonial statement. He said that as long as the Knights of Columbus are not looking for a plaque that recognizes them for this kind of accomplishment and they are willing to make their contribution to something like the Ballwin Arts Commission who could fund these things within city facilities, Ballwin will be fine in doing this.

Alderman Dogan said that he is in favor of doing this, however, his concern is that what will happen if another group suggests any other slogans or mottos. How will this be chosen or limited? Mr. Strange said that "In God We Trust" is a national motto and not for a special group. City Attorney Jones said that the City does not have to allow its facilities to become cluttered with different kinds of slogans. We should stay away from favoring or establishment a particular religious agenda and instead sticking with the patriotic and ceremonial. He said using our country's motto does that.

A motion was made by Alderman Harder and seconded by Alderman Finley to authorize staff to work with the Knights of Columbus to come up with a design, location and cost, and present it to the Board at a future meeting. A voice vote was taken with a unanimous affirmative result and the motion passed.

PUBLIC HEARINGS

None.

NEW BUSINESS

LEGISLATION

BILL # 3843 - AN ORDINANCE AMENDING SEC. 2-296(a) OF THE CODE OF ORDINANCES OF THE CITY OF BALLWIN, MISSOURI.

A motion was made by Alderman Boland and seconded by Alderman Fleming for a first reading of Bill No. 3843. A voice vote was taken with a unanimous affirmative result, the motion passed and Bill No. 3843 was read for the first time.

Alderman Dogan suggested that this subject should be discussed in closed session because it is a personnel issue. It entails changing a specific job and giving it to another person in the City, which could have implications for that individual in terms of salary, employment agreements, etc. City Administrator Kuntz said that this is a restoration of a former designation.

A motion was made by Alderman Dogan and seconded by Alderman Fleming to discuss this issue in **closed session** at the end of this meeting after other business has been taken care of. A roll call vote was taken with the following result: Aye: Fleming, Terbrock, Dogan, Boland, Leahy, Harder, Finley, Kerlagon. Nay: None. The motion passed by a vote of 8-0.

Mayor Pogue said this will be discussed in closed session under State Statute 610.0213.

Alderman Boland asked what precipitated amending this ordinance. City Administrator Kuntz said that the retirement of the current City Clerk, Marie Clark, creates a void in that position. The City Clerk also

serves as the custodian of records. He said when he was hired, he was the City Clerk/City Administrator. That was later switched so that he would not be the one delivering the records and able to be more involved if there was a potential legal issue. The Assistant City Administrator Tom Aiken was designated as City Clerk at that time. Due to Ms. Clark's seniority, her position with the City and interest, and the fact that she has been serving exclusively as your recording secretary, and that many of the requests relating to this, certification of candidates, and custodian of records, would flow through her position, she was appointed City Clerk. This established a logical chain. The position that we are filling that was formerly occupied by the City Clerk is going to be an entry level administrative position, with the additional role of secretary to the Board. There are no compensation adjustments planned for this duty.

(Additional conversation on Bill #3843 is provided under "Reconvene in Open Session" on page 10.)

BILL # 3844 - AN ORDINANCE ADOPTING A NEW CODE FOR REGULATION OF WIRELESS COMMUNICATION FACILITIES AND SUPPORT STRUCTURES.

A motion was made by Alderman Fleming and seconded by Alderman Harder for a first reading of Bill No. 3844. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3844 was read for the first time.

City Attorney Jones said in Section 7.6-6, he said that Assistant City Administrator Aiken reminded him that we do not traditionally take evidence under oath at the hearings at the Planning & Zoning Commission level. He suggested that the last sentence of the second paragraph of 7.6-6 read "evidence shall be submitted with the application or thereafter or presented during the public hearing by the applicant or others." This will eliminate the reference to "under oath".

City Attorney Jones said that in the third paragraph of that same section, second line, should be "necessary geographic area for the Applicant's tower". The words area for should replace the words "are from". He said that he is concerned about this section because Ballwin can request the report, but can't formally base the decision whether or not there are no such existing towers. The legislation was very clear that we can require them to give us the data, but we can't base our decision on this. This is a significant departure from the previous state statutes and our ordinances. There are quite a few changed that erode the ability of local governments to control the authorization and construction of telecommunication facilities.

A motion was made by Alderman Terbrock and seconded by Alderman Fleming to accept the amendments recommended by City Attorney Jones. A voice vote was taken with a unanimous affirmative result and the motion passed.

Alderman Harder asked if this legislation is new or was there something like this on record previously. City Attorney Jones said that we did have in Chapter 7.6. It was similar in that certain facilities could be permitted uses in a zoning classification. Others could be approved by administrative permit, and some needed to come before the Planning & Zoning Commission and Board of Aldermen as a Special Use Exception. Because of the height of most of the towers in our community, most will still be addressed as Special Use Exceptions. The main change is regarding the amount of time these can be under consideration, types of evidence we can require from the applicant, and fees that we can charge. Some things that we can't regulate at all have been removed from the code. He said that our code will change with the adoption of this new code. Our right-of-way usage code is also probably inconsistent with State law. He will make these changes in upcoming months and also our cable facilities code, which is dormant because we don't have cable franchises as in the past. This will bring us into consistency with the new State law. The same sort of ordinance has been drafted for all seven cities represented by his firm. The new State Statute will become effective on August 28.

Alderman Harder said that at the water tower at Kehrs Mill and Clayton Road, there are 15-20 different cellular units around the water tower. He said he's not aware that they got permits for this. City Attorney Jones said that the cellular units have been there for a very long time and were permitted uses under the

old regulations. That's not going to change. They will still be allowed by administrative permit under the new ordinance.

Alderman Harder asked if the water tower was designated as an antenna location and they are piggybacking onto that permit? Assistant City Administrator Aiken said under the old law, they were allowed to be placed on that type of facility. No zoning permit was required under the law that is being replaced with this bill. They were allowed, with the permission of the owner of the facility. They were not erected without a standard review. Under the new law, because it's an existing approved location, they can continue to add on. Once they are there, they have the right to upgrade to new technology, which is going on all the time on all of the towers. He said that's part of the lease agreement. Permits are required, but no zoning review is necessary. There are very few options in Ballwin. Other than the water tower and perhaps the medical office building that's next to the water tower, there are very few buildings in Ballwin that are tall enough to serve as a location for an antenna, but future technology may change this.

Alderman Boland asked if the Board has any power anymore on this issue. City Attorney Jones said very little. He said we could make suggestions regarding alternate locations for a tower. Ballwin supported a disguise tower in the last application that was proposed.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock for a second reading of Bill No. 3844, as amended. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3844 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3844 with the following results:
Ayes – Fleming, Terbrock, Harder, Boland, Kerlagon, Dogan, Leahy, Finley. Nays – None. Bill No. 3844 was approved and became **Ordinance No. 14-24**.

BILL # 3845 - AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF BALLWIN, MISSOURI, ON BEHALF OF THE CITY, TO EXECUTE A COST APPORTIONMENT AGREEMENT WITH MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR ADDRESS BOLLARDS ALONG MANCHESTER ROAD.

A motion was made by Alderman Fleming and seconded by Alderman Harder for a first reading of Bill No. 3845. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3845 was read for the first time.

Alderman Harder asked if coordination has been worked out with the City of Ellisville. City Administrator Kuntz said yes it has.

A motion was made by Alderman Fleming and seconded by Alderman Boland for a second reading of Bill No. 3845. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3845 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3845 with the following results:
Ayes – Fleming, Boland, Finley, Leahy, Kerlagon, Dogan, Harder Terbrock. Nays – None. Bill No. 3845 was approved and became **Ordinance No. 14-25**.

A RESOLUTION OF SUPPORT AND PARTICIPATION IN THE ALL-HAZARD MITIGATION PLAN UPDATE.

A motion was made by Alderman Fleming and seconded by Alderman Finley to adopt the Resolution. 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. Liquor License – Ballwin Visual & Performing Arts
- B. Leaf Vacuum Replacement
- C. Tennis Court Repairs
- D. Parking Lot Repairs

Alderman Fleming requested that Item “B” be removed for further discussion.

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

MAYOR'S REPORT

Reception: Mayor Pogue reminded the Board that after this meeting there will be a reception to honor Marie Clark on her retirement after being with the City for 29 years. Mayor Pogue said that it has been a pleasure working with her for the 11 years that he has been on the Board. He said she has always been able to help him when he needed something at the Government Center. Every time he came to the office, her smile was always appreciated.

Holy Infant Liquor License: Mayor Pogue said that a picnic liquor license request was received for September 12 and 13. All documentation has been provided and checked.

A motion was made by Alderman Terbrock and seconded by Alderman Leahy to approve the Picnic Liquor License application. A voice vote was taken with a unanimous affirmative result and the motion passed.

Safest City: Mayor Pogue said that the City of Ballwin has received recognition from Safewise as the “*Safest City in the State of Missouri*”. This was in their article regarding the 50 safest cities. Mayor Pogue asked Captain Boswell to pass this on to the Police Department staff.

ALS Ice Bucket Challenge: Mayor Pogue said that last weekend, Adam Paul challenged him to the ALS Ice Bucket Challenge. He said he completed the challenge yesterday with a 100-gallon bath of ice water. There was between \$400 and \$500 in donations. Mayor Pogue said he then challenged the Ballwin Parks Department. They completed their challenge this afternoon. He also challenged Wildwood Mayor Tim Woerther. Mayor Woerther will complete his challenge during their Wildwood celebration. The Principal of Ballwin Elementary has also accepted his challenge.

Mayor Pogue thanked everyone for bringing awareness for ALS. He said this topic is very close to his heart since a close friend of his family was diagnosed in 2011 with ALS. All of the donations that he receives will be going to this charity for continuation of research and ALS. The association has now received over \$14 million through the ice bucket challenge.

CITY ADMINISTRATOR'S REPORT

Leaf Vacuum Replacement: City Administrator Kuntz said of the three bids received, there is only 5 cents that separates #1 from #s 2 and 3. He said that when City Engineer Gary Kramer was asked about this, he said to take the low bid from the vendor in the State of Missouri as opposed to Granite City, Illinois Equipment Company. It's all the same equipment, just different distributors.

Alderman Fleming said that his suggestion is to select Lawn Care Equipment in Brentwood, Mo. If the leaf vacuum needs repair, driving it to Brentwood is easier than O'Fallon, Mo. or Illinois.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock to approve the leaf vacuum replacement to be purchased from Lawn Care Equipment in Brentwood, Missouri. A voice vote was taken with a unanimous affirmative result and the motion passed.

City Administrator Kuntz said that even though there was a five cent difference in the bids, there is approximately \$8,000 or \$9,000 between what was budgeted and the actual cost.

Budget Preparations: City Administrator Kuntz said this is a proposed Workshop Schedule for the 2015 budget preparation. The suggested schedule is similar to last year's schedule. Departmental overviews will all be presented on October 13 instead of separate meetings. There are no proposals for the addition of any staff, nothing radical in terms of expansion or reduction of programs and services. The services that we provide traditionally, will continue. On December 1, the presentation to the Planning & Zoning Commission does not involve the Board.

Alderman Fleming asked if the capital and operating reports should remain separate topics for discussion. City Administrator Kuntz said that in a way, these reports are separate.

Water Company Request: City Administrator Kuntz said there has been a request from Missouri-American Water Company for the City of Ballwin to support their position to allow an IRS interpretation to allow them to seek alternatives and better options to solve financial challenges. There does not appear to have a direct commitment or negative on the City of Ballwin.

Mayor Pogue asked if City Attorney Jones has seen this in other municipalities and researched to determine what possible implications might be to Ballwin. City Attorney Jones said that he has not, but he will be glad to review the request.

Alderman Boland said that this is the same utility that has torn up several miles on Manchester Road and replaced it with sub-standard concrete. Alderman Terbrock said they did that because MoDOT told them they had to do this.

City Administrator Kuntz said that after City Attorney Jones's review, it can be on the next Board meeting agenda. The Board agreed.

Log Cabin Repairs: City Administrator Kuntz said there is only one vendor that will do this work. This is not something that our own crews can do. He thanked Director of Parks & Recreation Bruer for her creativity and cost-sharing proposal with the Historical Commission who does fund raising and fits totally within their purview. By sharing the cost with the Historical Commission, the city will only use \$4,000 as opposed to \$7,000 that was budgeted. A motion is requested to accept the proposal for the log replacement.

Mayor Pogue asked that since log replacement is an ongoing project, at what point do we basically have a new cabin instead of the historic cabin? Park Director Bruer explained that the proposed log replacement would be on the east side of the cabin. Logs remaining to be replaced are on the front side or north side of the cabin.

Alderman Kerlagon asked if the log replacement has any effect on the temperature inside the cabin. It gets very hot inside the cabin. Director of Parks & Recreation Bruer said the replacement logs don't have much effect on the temperature.

Alderman Harder asked about the Historical Commission escrow fund. Is that private money or money that Ballwin has set aside for them? City Administrator Kuntz said that the money is raised by the Commission and is under the City's umbrella in a separate account. It is intended to be used for purposes such as this, furnishings inside the school house, and the log cabin fits perfectly in that category

Alderman Harder said that in that case, the Historical Commission is providing \$4,000 and the City is providing \$4,000.

A motion was made by Alderman Fleming and seconded by Alderman Kerlagon to approve the staff recommendation for log cabin repairs. A voice vote was taken with a unanimous affirmative result and the motion passed.

Recycling Containers: City Administrator Kuntz said the new aluminum recycling containers inside the Ballwin facilities are provided via a grant.

STAFF REPORTS

None.

CITY ATTORNEY'S REPORT

Ameren Street Lights: City Attorney Jones said on July 30, 2014, the Public Service Commission issued an order that will become effective on August 29, dismissing the case filed by O'Fallon and Ballwin against Ameren with regard to the purchase of the street lights. He said he firmly believes that the Public Service Commission does have jurisdiction even though they think they don't. He said he's not sure why they ruled the way they did. Chapter 393 does seem to grant the Commission jurisdiction to consider this particular complaint.

City Attorney Jones said the City of O'Fallon has not yet decided how they are going to respond to this ruling. In speaking with their City Attorney, he indicated that they appear to be in it for the long run, which means that we need to file a motion to reconsider. That is a pre-condition to filing an appeal. This needs to be done within 30 days before the order becomes effective. He suggested that he file the motion for reconsideration and see if the Public Service Commission decides to accept jurisdiction, and then at a later date, decide if an appeal is appropriate, based upon what O'Fallon decides what they want us to do.

This must be done in order to be able to appeal it. City Attorney Jones said that in other instances where the Public Service Commission has considered such a complaint, he has no way to explain why they ruled in this way.

Alderman Finley asked how long would the process go if it got to an appeal. City Attorney Jones said there is no time table on reaching a decision on the merits of this complaint, unlike the rate case that we intervened in, which is going to be over one way or the other by May, 2015. He said it could possibly be a year. The typical length of an appeal in the Missouri East District Court of Appeals is about 11 months.

A motion was made by Alderman Fleming and seconded by Alderman T to ask the City Attorney to pursue reconsideration. A voice vote was taken with a unanimous affirmative result and the motion passed.

Adjourn to Closed Session: A motion was made by Alderman Dogan and seconded by Alderman Fleming during the discussion of Bill 3843, to adjourn to closed session to discuss personnel. A roll call vote was taken during the discussion with the following result: Aye: Fleming, Terbrock, Dogan, Boland, Leahy, Harder, Finley, Kerlagon. Nay: None. The motion passed by a vote of 8-0.

The Board adjourned to closed session at 8:45 p.m.

Closed Session: The Board convened in closed session at 8:50 p.m.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock to reconvene in open session. A roll call vote was taken with a unanimous affirmative result and the motion passed.

Reconvene in Open Session: The Board reconvened in open session at 9:16 p.m.

Interim City Clerk: Mayor Pogue acknowledged that the course of action to be taken is that Mr. Aiken will serve as interim city clerk until replaced. The pending legislation will be amended by the City Attorney to add necessary language for compliance with Chapter 79, RSMo. The City Administrator was directed to continue the hiring practice for the administrative position, as advertised.

A motion was made by Alderman Fleming and seconded by Alderman Leahy to appoint Assistant City Administrator Tom Aiken as the Interim City Clerk. A voice vote was taken with a unanimous affirmative result and the motion passed.

Bill # 3843: *A motion was made* by Alderman Fleming and seconded by Alderman Finley to authorize City Attorney Jones to review Bill 3843 for any possible revisions. A voice vote was taken with a unanimous affirmative result and the motion passed.

ALDERMANIC COMMENTS

"In God We Trust" Motto Request: Alderman Fleming said this topic was not on the agenda, but the Board gave an official vote on the subject. He said his preference is always to have the topic on the agenda to allow more time for consideration. He suggested that the expense be limited to the \$750 that the Knights of Columbus is offering to provide. That might mean doing less than the 4 buildings originally proposed. He said the motto placement appears to be perfectly legal, but it will be less objectionable to anyone inclined to object if this is being done with private vs. public funds.

Appreciation for Service: Alderman Fleming said he thanks Marie Clark for everything she has done for him since he has been on the Board of Aldermen for the past 11 years, and as Administrative Assistant and City Clerk. He greatly appreciates all of her assistance, she has been delightful to work with, helped him find his way when he had no idea what he was doing, and he said he will always appreciate it. Thank you.

Alderman Harder said he seconds Alderman Fleming's statements. He asked for a round of applause for Marie and her 29 years of service to the City of Ballwin. Marie thanked Mayor Pogue and the Board of Aldermen for their expression of appreciation and well wishes and said that it has been equally enjoyable for her to serve the Board and the City of Ballwin.

Congratulations: Alderman Boland expressed congratulations to Alderman Harder and Alderman Dogan on their Primary Election victories, and looks forward to seeing them go onward and upward.

Adjourn: 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 9:20 p.m.

TIM POGUE, MAYOR

ATTEST:

ROBERT A. KUNTZ, CITY ADMINISTRATOR

MC

August 18, 2014

MINUTES OF THE CLOSED SESSION – AUGUST 18, 2014
BALLWIN BOARD OF ALDERMEN

The Ballwin Board of Aldermen convened in closed session on August 18, 2014 at 8:46p.m. Present were Mayor Pogue and Aldermen Finley, Harder, Dogan, Fleming, Boland, Terbrock, Leahy and Kerlagon, City Attorney Robert E. Jones and City Administrator Robert Kuntz.

A discussion was held concerning the duties of the City Clerk, compensation and possibility of promotion. The discussion involved privileged communications with the City Attorney and personnel matters involving specific employees.

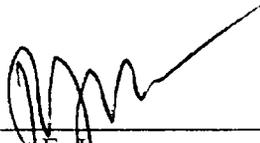
The Board of Alderman discussed an appointment of Tom Aiken as interim City Clerk until his replacement is appointed and qualified. The pending legislation will be amended by the City Attorney to add necessary language for compliance with Chapter 79, RSMo. The City Administrator was directed to continue the hiring practice for the administrative position, as advertised.

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

The following vote was recorded:

| | |
|-------------------|-----|
| Alderman Finley | aye |
| Alderman Harder | aye |
| Alderman Dogan | aye |
| Alderman Fleming | aye |
| Alderman Boland | aye |
| Alderman Kerlagon | aye |
| Alderman Terbrock | aye |
| Alderman Leahy | aye |

The closed session adjourned at 9:14 p.m.



Robert E. Jones
Acting Secretary