



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

March 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 7:00 p.m.

PRESENT

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

ABSENT

ALDERMAN SHAMED DOGAN

The Pledge of Allegiance was given.

MINUTES

The Minutes of the *March 10, 2014 Board of Aldermen meeting and closed 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.

PRESENTATION

None.

PENDING ISSUES

None.

CITIZEN COMMENTS

*William Fox, 626 Nanceen Ct.:* Mr. Fox spoke in opposition to the Ferris Park Cell Tower in Bill #3828 on this agenda. He said his property abuts Ferris Park to the south. He questioned the need for the tower. AT&T states that they need to service their customer base, that existing towers are not equipped to expand to handle increased demand for signal strength and data. His neighbors have stated that they have excellent service and have no problems. These are the same neighbors that AT&T testifies that they need increased service.

Mr. Fox said that recent legislation by the State Representatives, Senators and Governor have neutered the authority of our City government to administrate matters such as this. The legislation benefits companies that build these towers and dis-enfranchises the communities that they are built in. After tonight, the city leaders will be able to exercise very little control to do what they think is best for their city with regard to permitting cell towers. He said that Senator Brad Lager has received contributions from AT&T since 2002. Representative Catherine Swan also sponsored the legislation. The State should not have mitigated the ability of cities to govern and decide on issues that affect their communities.

Mr. Fox said that if Bill 3828 is approved by the Board of Aldermen, he asked that the city do two things: 1) The landscaping in and around the facility should be trees and shrubs native to Missouri, and abundant enough to effectively screen this facility from all sides, and that the Director of Parks & Recreation be given the authority to approve the planting in accordance with the ongoing park improvement plan and those that fit the needs and character of the park; 2) His neighbors have been asking and pleading for help regarding the erosion abatement in the stream that separates the subdivision from the park. Spring is approaching, and the amount of runoff can erode the stream banks even further. Mr. Fox said the cell tower will have an adverse impact on all property values, but the City can help stabilize the property values by doing what is required to alleviate the erosion problem.

Mr. Fox said that the City of Ballwin should do everything to protect and maintain the character of the neighborhoods, green space, and property values.

**Barbara Botts, 319 Wildbrier Dr.:** Ms. Botts requested that Thursday, May 1, 2014 be declared as a National Day of Prayer. The prayer service will be held from noon to 1:00 p.m. in Vlasik Park by the Police station flagpole. She thanked the Board for making Ballwin a special place to live. Mayor Pogue said that the annual Proclamation will be prepared in honor of the National Day of Prayer.

**Walt Young, 634 Lemonwood Drive:** Mr. Young spoke to the Board supporting the Resolution opposing the City-County merger. He said he supports the Board in taking a leadership role regarding the City-County merger. Not stepping up to the plate on this issue will very badly affect the City of Ballwin. The proposed Resolution is only step one. After this, the Board will need to go out into the community to talk to the residents, go to Municipal League meetings, other functions to keep up with the action needed to protect the City of Ballwin. He said the opposition is in full force. They have a mission which is full unification. They are not interested in coming back and being a municipality. They want to make this all St. Louis, without St. Louis County. That would eliminate every city, municipality, police department, fire district, alderman, mayor, etc. This would all be history.

Mr. Young said if we can't agree to changing the sales tax and making that more applicable for the county, then how can we allow the City of St. Louis to come and take money away from us. He said that's what they are wanting. St. Louis has so many problems. Most of the departments that we have in the County have less than 10% of what they have in the City to do the same job, and they only have 300,000 population, while the county has approximately a million.

Mr. Young said that they want this so bad they will do whatever they can to make this happen. This Board cannot give up on this project.

**Jennifer Bird, 9244 Laurel Hill Dr., Crestwood:** Ms. Bird spoke to the Board supporting the Resolution which is opposed to the City-County merger. Ms. Bird said that Better Together is a statement, not a question, and is happy that the Board is not being fooled by this. She said their website states, "Better Together is neither putting together nor advocating for a specific plan, but rather seeks to act as a facilitator, a resource for information and tools for discussion."

Ms. Bird said that there are steps that Better Together is taking which will be a dangerous end for municipalities. She said that Mr. Walt Young is correct that there is a plan that over time to eliminate the municipalities. They say they are not advocating any specific plan. The website states, "As the name implies, this work will be done better together. The future of the St. Louis region will naturally be determined better together, with widespread and participation from the people throughout the city and county."

Ms. Bird said she is so thankful that this Board is not being fooled by this. She said she is a member of "Common Sense for St. Louis", and there's another group called "St. Louis County Community Preservation". Both groups will have a meeting next Monday, March 31, at 6:00 p.m. at the South Lindbergh St. Louis headquarter branch of the Library. She said that Better Together has been invited to have an open discussion.

She thanked the Board for taking action to protect the City of Ballwin. She believes this will spark movement in other municipalities as well.

**Tony Pousosa, 9700 Antigo Dr.:** Mr. Pousosa spoke to the Board supporting the Resolution which is opposed to the City-County merger. He said he is an alderman in the City of Greenpark, and a candidate for St. Louis County Executive. He thanked the Board of Aldermen for stepping up to the plate to take this action.

Mr. Pousosa said that in the 1920s and 1960s, a City-County merger was discussed and defeated by County taxpayers. In 1990, there was a ballot initiative to merge 90 municipalities to 37, and 42 fire districts to 4. That was soundly rejected by taxpayers and voters of St. Louis County. Now in 2014, we have the same argument in progress. He said as many people that he has talked to, they are all opposed to a merger. The City of Ballwin provides services which Better Together calls duplicate services, however, he said that those services are provided better to the residents than they are in unincorporated St. Louis County. He said there are residents that have come to this meeting to speak to this Board as elected representation and neighbors. The same cannot be said of they have to go to Clayton and discuss the same issues.

Mr. Pousosa said it's very important that this Board stay engaged, as the other speakers have, and get involved in all of the public debates, and stay educated on all of the issues. This is constantly changing. He said we know what their goal is. He asked that the Board stay involved because there's a lot at stake. This is the future of our region. If it's not done correctly, we will suffer just like Detroit and other cities that have tried that.

**Lynn Goetz, 504 Kenilworth Lane:** Mr. Goetz spoke to the Board supporting the Resolution which is opposed to the City-County merger. Mr. Goetz thanked Walt Young for saying basically all that he also wanted to state, and thanked the Board and Mayor for taking a public stand against the merger. This needs to be done. He said that if the City-County merge takes place, he will move to St. Charles as quickly as possible.

## **PUBLIC HEARINGS**

None.

## **NEW BUSINESS**

### **LEGISLATION**

#### **A RESOLUTION OPPOSING UNIFICATION OF ST. LOUIS COUNTY AND THE CITY OF ST. LOUIS AND THE ELIMINATION OF LOCAL GOVERNMENT IN ST. LOUIS COUNTY.**

Alderman Fleming said he believes the proposed Resolution reasonably states the position of the Board as wanting to be supportive of a stronger St. Louis region, but not do anything that might potentially raise the cost or lower the quality of services that our residents receive.

Alderman Harder said that from his discussions with other municipal Boards around the region, he believes the proposed Resolution will be the first of many Resolutions from other St. Louis County

municipalities in the weeks and months to come. The campaign that has been started implies that everyone is on board with the City-County merger. If someone pushes back on this idea, it's perceived as being out of touch. He said that narrative stops here tonight. The residents of Ballwin and this Board and staff have worked hard for many years to achieve the success that is noted in the Resolution. He said Ballwin lives within its means and has developed the best possible community for our residents to live, work and play. He said he applauds his fellow Board members on taking this stand. Considering the comments that have been made tonight and the feedback that we have received over the last two weeks, he believes the Board is doing the right thing.

*A motion was made* by Alderman Harder and seconded by Alderman Fleming to include signature lines for all Aldermen supporting the Resolution and that a roll call vote be taken on the Resolution. This will send a firm message that the Board is firmly standing with this Resolution. A voice vote was taken with a unanimous affirmative result to approve the motion, and the motion passed.

Alderman Boland said this Resolution bothers him because he is not entirely engaged and up to date on all of the information being presented by both sides. He said he has reason to question and come forward against something before he knows all the facts. He's not sure all of the facts have been presented. He said he will always oppose any efforts that would lower the quality and raise the cost of services received by Ballwin citizens. He said he's not sure about personally coming out against something with which he doesn't know all of the details. It makes him pause to just say no to something that at this point is not complete information.

Alderman Boland said he has concern about the region. Buffalo, New York looks like a war zone. Outside of Buffalo is one of the nicest suburbs in upper New York State. They said a lot of what happened there was being separate. He said when he sees the part about being better together, there should be some level of togetherness.

Alderman Boland said he's not sure if it should be a city-county merger. He has issues with being against something that hasn't happened yet. It hasn't been put forth as a referendum. If it comes to a referendum, then he would have to decide if this is something that he is for or against. At this time, he's not sure if his vote will be yes, no, or abstain. He has concerns both ways. He's been a resident of Ballwin since 1985 and is proud of this municipality. He's not sure by his vote tonight if he could demonstrate a level of dignity and integrity on how he wants to be a public servant.

Mayor Pogue said that Alderman Dogan is out of town on business. Mr. Dogan sent an e-mail to the Board stating that he would support the Resolution if he could be present at this meeting. He asked that his statements be read and included in the Minutes in support of the Resolution:

Alderman Dogan's statements are: "As the resolution states, the City of Ballwin is financially strong, well-managed, and nationally regarded as one of America's best and safest cities. I am proud to be living and raising my family and children in Ballwin, and even prouder to represent the residents of Ward 2 on the Board of Aldermen. However, I by no means have a narrow view of what makes the St. Louis region such a great place. I've always appreciated that one of the best things about living in St. Louis is our diverse mosaic of municipalities, school districts, and cultures. I had a great time growing up in Northwoods, a small city in North St. Louis County, with very different demographics than Ballwin, and attended elementary school in both the Normandy and St. Louis public schools. My civic and philanthropic involvement has spanned the entire region, not just West St. Louis County.

I believe that a city-county unification would eliminate much of what makes St. Louis unique and create a larger, more burdensome county government. I am open to being persuaded otherwise, but what I've heard so far sounds like a promise that "if you like your municipality, you can keep it," of which I'm skeptical. I could never support any initiative whose effect would be to raise taxes or jeopardize the services provided by Ballwin, other municipalities, or our school districts. I look forward to continuing to work towards the betterment of Ballwin and the St. Louis region."

--Shamed Dogan

Mayor Pogue said he believes that Ballwin provides its residents with a very high level of service. He feels that the unification of services and the possible reduction of the services that we provide our residents would be a travesty to Ballwin. He recently attended a meeting with Better Together and asked them about why they were not looking into the aspect of education into the betterment of the region. Their reply was that's not a municipal service. He said that's not a good enough answer. He said that education is the key to success of this region. Corporations that come to St. Louis are going to rely on skilled workers, low crime rate, and good infrastructure. Education is key to two of those items.

Mayor Pogue said that Better Together states that if we could use the crime statistics and FBI stats for the entire metropolitan area, the rating that St. Louis would get would be a lot higher. He said that's not solving the issue. That's just watering down statistics and hiding the truth.

Mayor Pogue said he is asking Better Together to re-evaluate its whole program and include education into the aspects that it is studying, not just the municipal service that it calls redundant services.

*A motion was made* by Alderman Fleming and seconded by Alderman Terbrock to adopt the Resolution. A roll call vote was taken with the following results: **Aye:** Terbrock, Finley, Harder, Fleming, Leahy, Kerlagon. **Abstain:** Boland. The motion passed and the Resolution was accepted by a vote of 6-0.

**BILL # 3825 - AN ORDINANCE AMENDING BILL NUMBER 3481 OF THE CODE OF ORDINANCES OF THE CITY OF BALLWIN WITH RESPECT TO COMPENSATION OF THE CITY ATTORNEY.**

A motion was made by Alderman Kerlagon and seconded by Alderman Fleming for a first reading of Bill No. 3825. A voice vote was taken with a unanimous affirmative result, the motion passed and Bill No. 3825 was read for the first time.

A motion was made by Alderman Fleming and seconded by Alderman Finley for a second reading of Bill No. 3825. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3825 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3825 with the following results: Ayes – Fleming, Terbrock, Harder, Kerlagon, Leahy, Finley, Boland. Nays – None. Bill No. 3825 was approved and became **Ordinance No. 14-06**.

**BILL # 3826 - AN ORDINANCE REPEALING SECTION 17-32 OF THE CODE OF ORDINANCES OF THE CITY OF BALLWIN WITH RESPECT TO HARASSMENT.**

A motion was made by Alderman Terbrock and seconded by Alderman Fleming for a first reading of Bill No. 3826. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3826 was read for the first time.

City Attorney Jones said in January, the Board passed an ordinance that was a comprehensive overhaul of Sections 15 and 17 of the Ballwin Code of Ordinances, which are the offenses that are prosecuted in the Municipal Court. A new Section 17-18 was passed that provides for the ability of our police officers to investigate and charge harassment offenses that are more in keeping with today's social media and the way that computers and other tools like that are used. It added some additional sections to the harassment charge or offense, while keeping everything that was present in Section 17-32. Our new Section 17-18 has everything that is in the section to be repealed by this legislation, plus some additional areas.

A motion was made by Alderman Fleming and seconded by Alderman Harder for a second reading of Bill No. 3826. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3826 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3826 with the following results: Ayes – Fleming, Finley, Kerlagon, Terbrock, Boland, Harder, Leahy. Nays – None. Bill No. 3826 was approved and became **Ordinance No. 14-07**.

**BILL # 3827 - AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO ENTERPRISE RENT-A-CAR FOR OPERATION OF A MOTOR VEHICLE RENTAL FACILITY AND OUTDOOR STORAGE OF MOTOR VEHICLES AT 15471 MANCHESTER ROAD.**

A motion was made by Alderman Kerlagon and seconded by Alderman Fleming for a first reading of Bill No. 3827. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3827 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. 3827. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3827 was read for the second time.

*Findings:* A vote in favor of the bill finds that the Petition, as submitted, would not substantially increase traffic hazards or congestion; would not adversely affect the character of the neighborhood; would not adversely affect the general welfare of the community; would not over-tax public utilities; would not adversely affect public safety and health; is consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the District; and can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area. A vote against the bill means that one or more of these findings is absent.

A roll call was taken for passage and approval of Bill No. 3827 with the following results: Ayes – Fleming, Terbrock, Finley, Boland, Kerlagon, Harder, Leahy. Nays – None. Bill No. 3827 was approved and became **Ordinance No. 14-08**.

**BILL # 3828 - AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO AT&T MOBILITY FOR A COMMUNICATIONS TOWER AT FERRIS PARK.**

A motion was made by Alderman Leahy and seconded by Alderman Fleming for a first reading of Bill No. 3828. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3828 was read for the first time.

Alderman Boland said that considering what's going on in Jefferson City, if this petition moves forward, we should look at Item 7 on Exhibit 1 regarding native plantings. He asked who would be responsible for approving the landscaping? Assistant City Administrator Aiken said a landscape plan is included. He said that his recommendation was to eliminate the row of pine trees and replace it with a mixture of deciduous trees and shrubs planted to enhance, not hide, the enclosure structure. Substituting native species and providing for the plan review by the Department of Parks & Recreation is a good idea.

Mayor Pogue asked the AT&T representative if they would be willing to work with staff to develop a plan that's acceptable to the Parks Director regarding native plants and species. The representative said that they would be open to working with the city on this.

Alderman Terbrock said that since AT&T is willing to work with the Parks Department, he is in favor of this legislation.

Alderman Kerlagon said that she will vote Nay on this issue. She talked to the residents in Ward 4 and those who live close to the park. They are not interested in the tower being installed. In the Planning & Zoning meeting, the commission voted to not recommend approval of the tower. She said she also stands on that position.

Mayor Pogue said that he met with Mr. Fox last week. He understands the neighbors' position, however, he believes that due to recently passed State legislation, this is the best plan that will blend with the neighborhood. It's not going to be a bare tower with antennas hanging off of it.

Alderman Terbrock said that he believes that this should be accepted based on the legislation that Jefferson City has approved.

Alderman Harder said that in the past, cities have had some control over the aesthetics of the towers. Based on what the Governor did last week, we don't have a lot of choices any longer.

*A motion was made* by Alderman Fleming to amend the language in Exhibit 1, paragraph 7 to include language proposed by City Attorney Jones to require native plantings and provide for Parks & Recreation staff review.

Alderman Terbrock said the photo shows the landscaping around the enclosure. It appears the enclosure is done to model the restroom building. Is that the intent? The AT&T representative said the design is to make it blend with the existing buildings in the park. He said they are open to different colors and to the landscaping. AT&T is very flexible on these items.

*The motion was seconded* by Alderman Leahy. A voice vote was taken with the following result: Aye: Terbrock, Finley, Harder, Fleming, Leahy, Boland. Nay: Kerlagon. The motion passed by a vote of 6-1.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock for a second reading of Bill No. 3828 as amended. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3828 was read for the second time.

*Findings:* A vote in favor of the bill finds that the Petition, as submitted, would not substantially increase traffic hazards or congestion; would not adversely affect the character of the neighborhood; would not adversely affect the general welfare of the community; would not over-tax public utilities; would not adversely affect public safety and health; is consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the District; and can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area. A vote against the bill means that one or more of these findings is absent.

A roll call was taken for passage and approval of Bill No. 3828 with the following results: Ayes – Terbrock, Fleming Leahy, Finley, Harder. Nays – Boland, Kerlagon. Bill No. 3828 was approved by a vote of 5-2 and became **Ordinance No. 14-09**.

**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. Ammunition

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

## **MAYOR'S REPORT**

**Closed Session:** Mayor Pogue said a closed session will be held at the end of this meeting to conduct the annual performance review of the City Administrator, under State Statute 610.021 13.

**House Bills 2034 & 2111** were scheduled for hearings, but have been cancelled. It has been rescheduled for Tuesday, April 1. This is regarding the pool sales tax distribution and point of sales tax distribution.

## **CITY ADMINISTRATOR'S REPORT**

**Cable TV Service At The Pointe:** City Administrator Kuntz said Parks Director Bruer recommends that we stay with Charter to provide the new upgraded Cable TV service for The Pointe. This affects the TV monitors that are in place at most of the exercise stations and throughout the building. It is Charter Cable's system-wide upgrade to an all-digital format that's requiring the service charges. There is an additional fee of \$276 per month, plus a one-time installation fee. He said that after looking at the alternatives, this is the most cost-effective option that we can provide for the customers who expect to be able to have this amenity in the facility. He said the recommendation is to award the contract to Charter and address the overage through re-appropriation at the end of the year.

Alderman Terbrock said he has a hard time justifying the installation charge of \$5,400. Alderman Boland said that he agrees with Alderman Terbrock. City Administrator Kuntz said that all other known providers had given proposals for the service.

Alderman Harder said to keep our upfront costs down, we would have to use the 60-month commitment. Could The Pointe get out of the contract after a year? Director of Parks & Recreation Bruer said she hasn't seen the contract yet. The proposal did not include the standard contract form.

City Administrator Kuntz said that if Direct TV was used, there would be an upfront one-time charge of \$6,066. City Attorney Jones said that if we agree to 60 months, we will have to abide by the 60-month agreement. City Administrator Kuntz said The Pointe is a facility where a membership fee is charged. To take the service away will not please the members. Every option has been reviewed. If we don't have an agreement, on April 8, there will be no TV monitors at The Pointe. Mayor Pogue said this is the best and most efficient option. He recommended that the Charter contract be accepted, with review by the City Attorney before signed.

**A motion was made** by Alderman Fleming and seconded by Alderman Kerlagon to approve the recommendation from staff for the Charter option, pending the City Attorney's review. A voice vote was taken with the following result: Aye: Finley, Leahy, Fleming, Kerlagon, Boland. Nay: Terbrock, Harder. The motion passed by a vote of 5-2.

**St. Louis County Municipal League Meeting:** City Administrator Kuntz said the meeting is Thursday, March 27, at 7:30 p.m. at Charter Communications.

## **STAFF REPORTS**

None.

## **CITY ATTORNEY'S REPORT**

**Control of Telecommunications Towers:** City Attorney Jones said that last week, the Governor signed 4 different bills that affect local control and scrutiny of telecommunications facilities. It appears that the legislation that was passed last year and was challenged in court for having too many subjects under one particular bill is what yielded 4 separate bills. A lot of it is the same kind of language that was passed last year.

City Attorney Jones said that Senate Bill 649 amends the date by which a right-of-way agreement could be grandfathered. Now, any right-of-way access that was in place previously is going to be grandfathered without having to obtain a new permit for general access. Previously, it had to be in place prior to August 28, 2001.

City Attorney Jones said the Senate Committee substitute for Senate Bill 650 is the one that's more detailed. It requires that a local government authority, like the City of Ballwin, cannot require an applicant to submit information about their business decisions, customer demands for service, or quality of service from a particular site. Some of the kinds of things we were asking of AT&T in the review of this petition, we would not be able to ask for in the future. Also, we can't insist upon co-location, cannot evaluate an application based on the availability of other possible locations within the city; can't dictate the type of wireless facilities, infrastructure or technology to be used, such as the camouflaged tree that we have in this installation. Some of those things will severely curtail the City's ability to review petitions in the future. It has a few things that are extended as concessions to the City. It extends what would have been a 90-day review period to 120 days. It removes the idea that there would be a panel of 3 appraisers to try to decide the compensation in the event of a government facility if we couldn't agree on a price. The previous law would have required a panel of 3 appraisers. Now it's going to be the market rate established by a state certified appraiser.

City Attorney Jones said that Senate Committee substitute for Senate Bill 651 prohibits action against a telecommunications provider if the facility is no longer available and caused loss or injury during an emergency situation. If a facility goes down and they can't properly use the facility to respond to an emergency, there is no private cause of action for damages under that situation. It protects the industry under those circumstances.

City Attorney Jones said the House Committee substitute for Senate Bill 653. It reaffirms that a municipality can charge and enter into a pole attachment agreement, if the City has facilities that are already in existence. If there is a disagreement over fees or terms, or anything else in a pole attachment agreement, it will no longer require arbitration, but instead, allow it to be submitted to a court of competent jurisdiction. He said this is a good thing because filing it in a State or Federal court allows an appeal, whereas arbitration is generally final except under very limited circumstances. He said there are other sections within Bill 653 that talk about pole attachments, and it's something that we would have to look at on a case-by-case basis if we have additional proposals in the future.

City Attorney Jones said if anyone has more specific questions about these bills, he has full text versions and the ability to answer the questions either now or by e-mail.

### **ALDERMANIC COMMENTS**

None.

**Adjourn to Closed Session:** A motion was made by Alderman Fleming and seconded by Alderman Leahy to adjourn to closed session to conduct the annual performance review of the City Administrator, under Section 610.021 13. A roll call vote was taken with the following results: Ayes: Aldermen Fleming, Terbrock, Harder, Boland, Leahy, Finley, Kerlagon. Nays: None. (Alderman Dogan was absent). The motion passed by a vote of 7-0 to adjourn to closed session at 8:07 p.m.

### **Closed Session:**

At 8:35 p.m. Alderman Finley excused himself for family emergency.

At 9:30 p.m., the discussion with City Administrator Kuntz concluded and he was excused for the rest of the meeting while the Board discussed compensation.

At 9:40 p.m., a motion was made by Alderman Fleming and seconded by Alderman Leahy to adjourn the closed session. A roll call vote was taken with a unanimous affirmative result.

The Board reconvened in open session at 9:42 p.m.

A motion was made by Alderman Fleming and seconded by Alderman Leahy to instruct the City Attorney to prepare legislation setting the City Administrator's compensation (pay adjustment and severance calculation adjustment). 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 Leahy to adjourn. A voice vote was taken with a unanimous affirmative result and the meeting was adjourned at 9:43 p.m.

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TIM POGUE, MAYOR

ATTEST:

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ROBERT A. KUNTZ, CITY ADMINISTRATOR

MC

**March 24, 2014**