



DRAFT
BOARD OF ALDERMEN
Meeting Minutes

November 22, 2021

7:00 PM 1 GOVERNMENT CTR. BALLWIN, MO 63011

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.

ROLL CALL

Present

Mayor Tim Pogue
Alderman Mike Utt
Alderman Michael Finley
Alderman Kevin M. Roach
Alderman Mark Stallmann
Alderman Frank Fleming

Absent

Alderman Jim Leahy

Alderman Ross Bullington
Alderman Raymond Kerlagon
City Administrator Eric Sterman
City Attorney Robert Jones

The Pledge of Allegiance was recited.

MINUTES

The minutes from the November 8, 2021 Board of Aldermen meeting were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Finley to approve the minutes from the November 8, 2021 Board of Aldermen meeting as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.

The minutes from the November 8, 2021 Finance Committee meeting were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Utt to approve the minutes from the November 8, 2021 Finance Committee meeting as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.

CITIZEN COMMENTS

Tom Vaughn, 105 Denby Terrace, addressed the Board. He stated that he is very disappointed with the plans for the apartment complex in Vlasik Park. He also stated that, at the Vlasik Park Master Plan meeting, most residents shared they were disappointed as well. There are several areas that residents have concerns with including traffic and parking.

LEGISLATION

Bill 4106 – Budget Reappropriation

AN ORDINANCE AMENDING THE 2021 BUDGET OF CASH REVENUE AND CASH DISBURSEMENTS FOR THE OPERATING, CAPITAL AND TDD FUNDS OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, PROVIDING FOR EXPENDITURE REVISIONS IN ACCORDANCE WITH SAID BUDGET AND MAKING RE-APPROPRIATIONS THEREOF.

A motion was made by Alderman Fleming and seconded by Alderman Bullington for a first reading of Bill 4106, title only. A voice vote was taken with unanimous affirmative result and Bill 4106 was read for the first time.

Discussion:

Alderman Roach asked about several line items listed; staff provided explanations for each item that was questioned.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann for a second reading of Bill 4106, title only. A voice vote was taken with unanimous affirmative result and Bill 4106 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4106 with the following results:

Ayes – Aldermen Finley, Roach, Stallmann, Fleming, Bullington, Utt, Kerlagon

Nays -- None.

Bill No. 4106 was approved and became Ordinance No. 21-23

Bill 4107 – Use Tax

AN ORDINANCE OF THE CITY OF BALLWIN, CALLING AN ELECTION TO BE HELD ON APRIL 5, 2022, IN ORDER TO SUBMIT A PROPOSITION TO THE QUALIFIED VOTERS REGARDING IMPOSITION OF A USE TAX.

A motion was made by Alderman Fleming and seconded by Alderman Bullington for a first reading of Bill 4107, title only. A voice vote was taken with unanimous affirmative result and Bill 4107 was read for the first time.

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Discussion:

Mayor Pogue stated he was contacted by Pat Kelly from the Municipal League asking if we would be putting this on the ballot as we are one of the cities which currently do not have this. He let him know we would be voting on this tonight. He also stated it sounds like there are many cities putting this on the ballot and that St. Louis County may be pursuing it as well. Alderman Stallmann stated that raising taxes is something that is not taken lightly; this is different and not about raising taxes but about fairness to the brick and mortar businesses which support Ballwin. He also said that on-line sales do not pay taxes to the City as the local shops/stores do. Alderman Fleming stated, that, as previously discussed, there will also be a reduction in cable franchise fees we receive. He hopes that the voters will have enough confidence in the Board that money would be spent wisely if this would pass. Alderman Fleming also asked about the ballot language. City Attorney Jones responded that the language comes straight out of the statute. Alderman Roach stated that the state mandated language is terrible and he would prefer to use language as clear as possible. Alderman Utt asked if some sort of educational information could be added to social media; Mayor Pogue responded that if this passes tonight, we can put educational material out there, being careful not to support one way or another. City Administrator Sterman explained that we have to be careful of the language and explained how this differs from the use tax that is already out there. This will shift how this tax is collected and what it is collected for. City Attorney Jones stated that we will need to make information and educational pieces available for voters. Alderman Stallmann stated it is up to us to make the education as clear as possible. Mr. Sterman noted that we have pages reserved in the next Ballwin Life for educational information. There was further discussion of estimated amounts that we would receive and that it would be offset by the cable franchise fee reduction. Alderman Roach asked if any other cities have tested the flexibility of the ballot language; Mr. Jones responded he was not aware of any.

A motion was made by Alderman Fleming and seconded by Alderman Bullington for a second reading of Bill 4107, title only. A voice vote was taken with unanimous affirmative result and Bill 4107 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4107 with the following results:

Ayes – Aldermen Finley, Stallmann, Fleming, Bullington, Utt, Kerlagon

Nays – Alderman Roach

Bill No. 4107 was approved and became Ordinance No. 21-24

Bill 4108 - AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BALLWIN, MISSOURI, TO EXECUTE THE MUNICIPAL HOUSING AND COMMUNITY DEVELOPMENT SUPPLEMENTAL COOPERATION AGREEMENT OF 2021; AND SUPPLEMENTAL AGREEMENTS THERETO WITH ST. LOUIS COUNTY WITH REGARD TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1977 AS AMENDED.

A motion was made by Alderman Fleming and seconded by Alderman Bullington for a first reading of Bill 4108, title only. A voice vote was taken with unanimous affirmative result and Bill 4108 was read for the first time.

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Discussion:

Mayor Pogue stated this is our annual requirement for the Community Development Block Grants for housing improvement for qualified residents. Alderman Stallmann asked that the journalist in the audience publicize that Ballwin has this program for those who cannot afford to do some of their home improvements on their own.

A motion was made by Alderman Roach and seconded by Alderman Utt for a second reading of Bill 4108, title only. A voice vote was taken with unanimous affirmative result and Bill 4108 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4108 with the following results:

Ayes – Aldermen Finley, Roach, Stallmann, Fleming, Bullington, Utt, Kerlagon

Nays -- None.

Bill No. 4108 was approved and became Ordinance No. 21-25

RESOLUTION – Leases/Easements at 14811 Manchester Rd.

A RESOLUTION ADDRESSING ONGOING RESPONSIBILITIES FOR LEASES AND EASEMENTS AT 14811 MANCHESTER ROAD.

Discussion:

Mayor Pogue stated this resolution was no longer needed and that we did not need to act on this tonight. City Attorney Jones stated he confirmed with the title company that this was not needed.

MAYOR'S REPORT

Mayor Pogue stated that the disposal of surplus firearms has been discussed at the last two meetings. He asked Chief Schaeffler if he had anything to add this evening. Chief Schaeffler talked about the different options that had been discussed. He asked the Board to please consider the fact that these officers have taken care of these weapons and deserve this opportunity to own them. Alderman Finley asked the Chief if retired officers would be considered; Chief Schaeffler stated it was not a bad idea and he would not have an issue with that. Alderman Fleming further talked about the options and stated he is still comfortable with the initial staff recommendation of a lottery for existing officers with a bill of sale containing language that they must hold on to the weapon for seven years. He stated including retired officers would be fine as well; Alderman Kerlagon agreed. Alderman Fleming asked about a timeline for the sale of the surplus weapons and purchase of new weapons; Chief Schaeffler provided an explanation. A motion was made by Alderman Fleming and seconded by Alderman Bullington to follow staff's initial recommendation. A voice vote was taken with five (5) aye votes and two (2) nay votes and the motion passed.

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Mayor Pogue then shared that he and Alderman Stallmann had met with two trustees regarding the Clayton Ridge parking. He asked that the ordinance for no parking on Clayton Ridge on both sides of the road be brought forth at the next meeting.

CITY ADMINISTRATOR'S REPORT

City Administrator Sterman stated that Holloway Rd. would be opened in its entirety on Wednesday morning. He also shared information on the Municode system and how packets would be handled in the future, moving to an all-electronic version. He also shared how information would be posted on the website and that this would be more user friendly for anyone looking for specific items that would have been discussed in Board meetings. Mr. Sterman also asked the aldermen to let him know if they would like a City-issued tabled.

CITY ATTORNEY'S REPORT

Nothing to report

STAFF REPORT

Parks – New Ballwin Park Playground

Staff recommends awarding the bid to Cunningham Recreation. Cunningham Recreation's qualifying bid comes in \$2.83 under budget, however, is not the lowest bid. After a review of all bids with the City's Inclusion Coordinator, it has been determined that Cunningham Recreation best meets the technical specifications of the project as specified in the LWCF application. The opinion of the Inclusion Coordinator is that the playground events/elements considered for inclusion and exceeding ADA requirements proposed by Cunningham Recreation offer more play value and exceed ADA compliance more than the competing bids.

Discussion:

Parks Director Chris Conway talked about the Land/Water Grant which is offsetting the cost of the playground equipment. The application for the grant was submitted in February 2020 and approved in September 2021. Bids for the equipment were received from five companies. Staff, along with the inclusion coordinator, reviewed all bids carefully to determine which bid would best meet the scope of the project. Mr. Conway stated they are recommending the bid be awarded to Cunningham Recreation; their bid is under budget and the third lowest, but it is felt they best meet the scope of the project to include play value. Alderman Stallmann asked Mr. Conway for a background on ADA enhancements. Mr. Conway shared how they have advanced and also gave highlights of the new equipment. There was further discussion regarding the ground surface, invoicing and the old equipment.



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A motion was made by Alderman Stallmann and seconded by Alderman Utt to approve staff's recommendation. A voice vote was taken with unanimous affirmative result and the motion passed.

ALDERMANIC COMMENTS

Alderman Finley thanked staff for sending flowers upon his dad's passing. He also thanked his colleagues for their kind words and support and especially Aldermen Stallmann and Utt for visiting and checking in.

Alderman Stallmann shared that he witnessed an incident at the Pointe during which lifeguards had to pull a child out of the pool. He stated they were very professional and it was obvious they knew their jobs very well. He also wished everyone a Happy Thanksgiving.

Alderman Roach asked about the leaf program. Mayor Pogue asked about the rental equipment being used by Public Works, Public Works Director Jim Link stated it is currently broken down. Mr. Link also stated there's a need for a smaller version than what's being rented.

A motion was made by Alderman Fleming and seconded by Alderman Finley to adjourn. The motion was passed by unanimous affirmative voice vote and the meeting adjourned at 8:08 p.m.

_____ TIM POGUE, MAYOR

ATTEST:

_____ POLLY MOORE, CITY CLERK