



DRAFT
BOARD OF ALDERMEN
Meeting Minutes

November 8, 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
Alderman Jim Leahy
Alderman Ross Bullington
Alderman Raymond Kerlagon
City Administrator Eric Sterman
City Attorney Robert Jones

Absent

The Pledge of Allegiance was recited.

MINUTES

The minutes from the October 25, 2021 Board of Aldermen meeting were submitted for approval. Alderman Bullington requested the second sentence of his statement in Aldermanic Comments be changed to “Betty was a longtime volunteer with Ballwin Days, Ballwin Methodist and Shriners and she will be missed.” A motion was made by Alderman Bullington and seconded by Alderman Roach to approve the amendment. A voice vote was taken with unanimous affirmative result and the motion passed. A motion was made by Alderman Fleming and seconded by Alderman Finley to approve the minutes from the October 25, 2021 Board of Aldermen meeting as amended. A voice vote was taken with unanimous affirmative result and the motion passed.

CITIZEN COMMENTS

Wroten McQuirter, 917 Claybend Dr, addressed the Board. He is concerned with the parking on Clayton Ridge Rd. and that there is no bill to address this issue. He stated this is a concern for the community as the road gets very busy and because of the parking, essentially it becomes a one-lane road. Mayor Pogue shared that this issue is still pending and there are currently discussions going on with the trustees and business owners. Mr. McQuirter stated the community is getting a petition together regarding the issues.

Michael Scott, 643 Kehrs Mill, addressed the Board. He commented on the police weapons disposal. He is in favor of officers getting weapons that are needed, but stated that the weapons being sold are not that unique. He is in favor of a bulk sale instead of a lottery for the officers.

PRESENTATIONS

JEMA/Navigate – Police Department Building Update

Jen Kissinger and Matt Nye from Navigate and John Emert from JEMA presented an update on the Police Building project. Ms. Kissinger gave a rundown on the efforts to date. Mr. Emert talked about design development, interior designs and finishes for the lobby, etc. There was discussion of the lobby setup and what areas are accessible to the general public entering the building; the only areas the general public would have access to would be the reception window, restrooms and conference rooms. Other areas would be accessible by codes/card readers. It was asked if there is a dedicated room for the computer server; there is a full server room on the floor above. Mayor Pogue asked about discussion with MSD; currently, they are on their second round of comments responded to. They are also waiting on the lot consolidation. Ms. Kissinger discussed an estimate review and the fact that costs are going up. There was discussion of cost increases for furniture. It was asked if delays may be anticipated for building materials; the response was that we should expect delays. Ms. Kissinger stated they will be asking contractors to propose scheduling as part of their bid event so both scheduling and pricing can be evaluated. It was also asked if any existing furniture could be moved to the new facility; the response was that it would not be cost effective. The cost to disassemble, move and then reassemble furniture would end up costing about the same as new and work stations we have now are larger and will not fit in the new offices. Some things like task chairs, are designed specifically for officers; staff will have an opportunity to try out chairs. Alderman Fleming asked if there will be a typical timeline suggested for payments; Ms. Kissinger responded that would not be included in the bid event, but they can help build cash flow projections for all vendors, which can be updated on a schedule we choose. Alderman Fleming then stated that this is something that would be done after the bid. Ms. Kissinger said she could create a forecast using the figures we have now and then update with real numbers once we have a better idea. Ms. Kissinger then presented some upcoming schedule milestones. They would like to go out for bid on December 7 and have all bids back by January 11. They would then seek the Board's approval for bid award and a late spring/early summer 2023 completion date is anticipated. Alderman Fleming asked if vendors are aware the bid is coming since there is a short turnaround time; Ms. Kissinger responded they are and that five to ten bidders are expected.

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LEGISLATION

Bill 4105 – Clayton Ridge and Clayheath Ct Stop Sign

AN ORDINANCE AMENDING SECTION 15-480 (SCHEDULE E) OF ARTICLE XII OF CHAPTER 15 OF THE ORDINANCES OF THE CITY OF BALLWIN WITH RESPECT TO A NEW STOP SIGN.

A motion was made by Alderman Stallmann and seconded by Alderman Bullington for a first reading of Bill 4105, title only. A voice vote was taken with unanimous affirmative result and Bill 4105 was read for the first time.

Discussion:

Alderman Stallmann provided a follow-up to the citizen comments from earlier, stating that he and Mayor Pogue have been meeting with the trustees and business owners. He stated this is just a first step and that discussions are not finished. Mayor Pogue stated the property owner will be putting up a stop sign on the parking lot leading to the roadway, which should help as well. Alderman Roach stated he is concerned that the school bus route has been altered and that children now have to walk to the bank area. Mr. McQuirter stated what Alderman Roach said is true though that change could have been made due to staff shortages in the school district.

A motion was made by Alderman Stallmann and seconded by Alderman Bullington for a second reading of Bill 4105, title only. A voice vote was taken with unanimous affirmative result and Bill 4105 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4105 with the following results:

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

Nays -- None.

Bill No. 4105 was approved and became Ordinance No. 21-22

RESOLUTION – Opioid Settlement

A RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF NATIONAL OPIOID SETTLEMENT AGREEMENTS.

Discussion:

Alderman Roach had a question regarding the companies included. City Attorney Jones clarified the information as he understood it. A motion was made by Alderman Finley and seconded by Alderman Bullington to accept the resolution. A voice vote was taken with unanimous affirmative result and the motion passed.

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MAYOR'S REPORT

Nothing to report

CITY ADMINISTRATOR'S REPORT

City Administrator Sterman provided a follow-up on the police building; the lot consolidation will be brought to the Planning and Zoning Commission at their December meeting and then to the Board in December as well. Also, the road off Andrews Park leading up to the firehouse is being rerouted and that ordinance should be brought straight to the Board in December.

He also shared that the Tip A Cop event at Texas Roadhouse will be held on Tuesday between 4 – 10 p.m.

CITY ATTORNEY'S REPORT

City Attorney Jones shared information which he researched regarding federal firearms license under the Gun Control Act of 1968. There is an exception for private transfers and only applies to transfers to persons in the same state. As long as the Ballwin Police Department transfers to a Missouri resident, this is a private transfer and no federal firearms license is required. Mr. Jones stated it would be up to the Board if they wanted to make a motion to approve staff's recommendation or decide on an alternative such as a bulk transfer to a store or a lottery involving others besides Ballwin officers. He stated what we cannot do is put this on GovDeals. Alderman Roach stated he feels it would be cleaner to sell as bulk to someone else for resale. Alderman Kerlagon stated he agreed with Alderman Roach especially if a lot of paperwork would be involved with selling to individuals. Alderman Stallmann stated he was in agreement with Aldermen Roach and Kerlagon. Alderman Fleming asked Mr. Jones about the paperwork aspect of selling to individual officers; Mr. Jones replied that it would be a simple bill of sale, but he had cause for concern with the passage of the new second amendment preservation action in that we should not be enforcing federal firearms laws to an extent greater than necessary and consistent with state laws as well. He stated it would probably be simpler to make a bulk transfer. Alderman Fleming thought that based on previous discussions, everyone was comfortable with the guns going to our officers instead of bulk; he feels unsure on making the call on this tonight and asked the Chief if there was any urgency; the response was no. Alderman Fleming felt that new information was just brought to the meeting this evening and there hasn't been enough time to review all the options. Mayor Pogue brought up some of the options available which were discussed. A motion was made by Alderman Roach and seconded by Alderman Finley to direct staff to dispose of surplus property at a time they see fit to a third party as bulk. A voice vote was taken and the motion failed by a vote of 5 – 3. Alderman Fleming stated he was not saying there were not valid points brought up, but if more time can be taken to review, he would like to. Alderman Stallmann agreed. Mayor Pogue stated this would be held over and if anyone had questions, to please get them to the City Administrator.

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STAFF REPORT

Administration – Use Tax

Staff recommends the Board consider drafting legislation to place a use tax before the voters on the April 2022 ballot.

Discussion:

City Administrator Serman stated that the state legislature passed a bill this year, which beginning January 2023, repurposes use tax for internet sales tax. He further explained that while people may be paying taxes for on-line sales, none of that is a local sales tax and nothing is captured by the City of Ballwin. On-line sales have been taking away sales tax normally collected at brick and mortar stores. This issue may be put before voters in Ballwin on the April 2022 ballot. A number of cities, including all our surrounding communities, will be placing this on the ballot. It should be noted this only applies to internet sales tax. Mr. Serman stated he is not sure if St. Louis County is putting this before it's voters on a County-wide basis. This is advantageous for us for a number of reasons; shared education by the Municipal League and cost. The cost of the ballot is shared by all jurisdictions. Another consideration is the lowering and capping of the franchise fees (cable). Currently, we receive 5% from fees, but that will be phased down to 2.5% which will result in a loss of about \$150,000-\$175,000/year for us. We could potentially see about \$500,000/year from the internet sales tax. Actual ballot language is set in state statute which the City Attorney would use to prepare the ordinance. Alderman Roach asked what the deadline is; Mr. Serman stated the deadline for candidate filing has been moved up by a week, so we would need to get this done since we potentially only have two more Board meetings this year. City Attorney Jones stated there was a December 28 deadline. Alderman Stallmann stated he would like to see this added as we would like to show support for our brick and mortar businesses. Alderman Finley agreed with Alderman Stallmann as other municipalities will be dealing with this as well. Mayor Pogue stated that, if this isn't passed, we'll start seeing a revenue loss with the franchise fees and increase in internet sales; this is not a new tax, it's just paying the tax that you would normally pay when you buy in a brick and mortar store.

A motion was made by Alderman Stallmann and seconded by Alderman Utt to draft legislation to place the use tax on the April 2022 ballot. A voice vote was taken with unanimous affirmative result and the motion passed.

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Administration – Banking Services

Staff recommends entering into a contract with First Bank for depository services.

Discussion:

Finance Officer Keller stated we have been banking with Busey Bank (formerly Pulaski) for 10 years, They are closing their branch in Ballwin and their next closest location is in Chesterfield Valley, about a 16-minute drive, which we felt was too far. We issued an RFP to all banks within a 10-minute driving radius of the government center for a three-year contract. We received three responses. One was a 14-minute drive which we felt is still too far, so it came down to an evaluation between UMB and First Bank. Ms. Keller shared the criteria used in deciding; First Bank was the best respondent with all the criteria. There was discussion about bank locations, remote deposit service, etc.

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

City Attorney Jones stated that he would like to review the contract before it is put into place. Alderman Roach asked why there were so few bids; Ms. Keller responded that it is not uncommon to get a small number of bids for municipal banking.

A motion was made by Alderman Finley and seconded by Alderman Utt to rescind their previous motion.

A motion was made by Alderman Finley and seconded by Alderman Utt to authorize a contract with First Bank contingent upon the City Attorney's review. A voice vote was taken with unanimous affirmative result and the motion passed.

ALDERMANIC COMMENTS

Alderman Fleming stated the Finance Committee met before the Board meeting. A plan was presented to show how financing for the new police building will work. The committee agreed that this is how we should move forward.

Alderman Bullington shared that Dot Andrews had passed away. Dot was an original Ballwin Days committee member. She will be greatly missed. He did not have arrangements at the time of the meeting

Alderman Utt wished Alderman Leahy a Happy Birthday!



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Alderman Finley thanked Public Works Director Link and his staff for the work on Holloway Road. He stated it's becoming the Holloway Road we've all wanted it to be.

Alderman Utt also shared about the night golf event that was held. He thanked Parks staff for their hard work in putting on a great event.

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 8:28 p.m.

_____ TIM POGUE, MAYOR

ATTEST:

_____ POLLY MOORE, CITY CLERK