



**BOARD OF ALDERMEN**  
**Meeting Minutes**

September 26, 2022

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 David Siegel  
City Administrator Eric Sterman  
City Attorney Robert Jones

The Pledge of Allegiance was recited.

**MINUTES**

The minutes from the September 12, 2022 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 September 12, 2022 Board of Aldermen meeting as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.

The minutes from the September 12, 2022 Board of Aldermen closed meeting were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Utt to approve the minutes from the September 12, 2022 Board of Aldermen closed meeting as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.

## **CITIZEN COMMENTS**

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Susan Haake, owner of the Rose Barrel Restaurant, addressed the Board. She stated they have been open for 35 weeks now and they were just awarded best restaurant in Ballwin in 2022. Ms. Haake also shared that they would like to open on Sundays because their business is booming and it would help the Claymont shopping center. She is asking the Board's approval of their Sunday liquor license application and thanked the Board for their time.

## **LEGISLATION**

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Bill 4137 - AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF BALLWIN, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PROVIDING FOR ROADWAY IMPROVEMENTS ON RIES ROAD FROM MANCHESTER ROAD TO BIG BEND ROAD.

A motion was made by Alderman Stallmann and seconded by Alderman Bullington for a first reading of Bill 4137, title only. A voice vote was taken with unanimous affirmative result and the motion passed. Bill 4137 was read for the first time.

### Discussion:

Alderman Roach asked if this is a similar approach as used on other projects; Public Works Director Jim Link responded that it is. Alderman Siegel asked if this was just for milling and not curb/gutter replacement; Mr. Link replied this is just milling. Alderman Roach asked if we would be replacing some of Ameren's street lights with our own; City Administrator Sterman replied we would be. Alderman Siegel asked if these would be LED lights; the response was that they would be. Alderman Utt asked if we could make sure that they are mindful of repaving around sewer lids for instance, so as to not create a "hole".

A motion was made by Alderman Fleming and seconded by Alderman Bullington for a second reading of Bill 4137, title only. A voice vote was taken with unanimous affirmative result and the motion passed. Bill 4137 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4137 with the following results:

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

Nays --

Bill No. 4137 was approved and became Ordinance No. 22-24.



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**CONSENT ITEMS**

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**Administration** – Rose Barrel Liquor License

Staff recommends approving Rose Barrel’s liquor license adding Sunday sales.

Discussion:

Alderman Roach stated he has no issue with the liquor license and has heard no complaints about the restaurant and that the petitioners don’t often attend the Board meeting. Alderman Stallmann stated he was happy to see Ms. Haake in attendance as well and has heard nothing but great things about the business. He also stated he is glad to have them as part of Ballwin’s business community.

A motion was made by Alderman Roach and seconded by Alderman Stallmann to accept staff’s recommendation. A voice vote was taken with unanimous affirmative result and the motion passed.

**Public Works-** Temporary Labor 2022

Staff recommends awarding the contract to Westside Personnel for the Unit price of \$21.45 per hour. In the event that Westside Personnel cannot supply all six people, we also recommend using the next lowest bidder to ensure we have enough laborers for leaf collection.

Discussion:

Alderman Roach stated he wanted to be sure the motion is clear that if Westside Personnel, the low bidder, is unable to provide enough staff, the second lowest bidder would be used for more laborers; Mr. Link replied that was correct.

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

**MAYOR’S REPORT**

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Mayor Pogue stated the St. Louis County Boundary Commission would be meeting Tuesday evening and our items are on the agenda, but they may not act on them at this meeting. It is his understanding that they will have to at the October meeting. Mr. Sterman stated that was correct and that he and Planning Technician Shawn Edghill would be in attendance; it is hoped they will act on it at Tuesday’s meeting. He also shared the meeting would be held in Clayton.

### **CITY ADMINISTRATOR'S REPORT**

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Mr. Sterman shared that the State Legislature passed a bill this year on how cities can regulate home-based businesses. The ability to license those was taken away. While Ballwin does not license home-based businesses, we do have rules in our ordinances to include a long list of restrictions. Mr. Sterman asked the Board's permission to work with the City Attorney and review that list as well as the new state law and make any changes necessary; he stated he would bring that back to the Board as a bill. There was discussion regarding the new law and some of the things that we would need to consider. Mayor Pogue stated that, unfortunately, this is another attempt from legislators to take more control away from local government. He also shared this has been addressed with legislators at the Lafayette Area Mayors group, but this seems to have fallen on deaf ears. Alderman Fleming asked that Mr. Sterman present his findings under his report rather than as a bill so that everyone can hear the impact of the changes. Mayor Pogue asked City Attorney Jones if there were any other new items we should be reviewing; Mr. Jones stated there were a few others and he would bring information to a future Board meeting. Alderman Roach asked about short-term rentals; Mr. Jones stated the City licenses those and further explained how those work.

Mr. Sterman also reported on the new Computer Aided Dispatch system for which the Board had previously authorized funding. He stated the new system went live this morning and has been going well so far.

### **CITY ATTORNEY'S REPORT**

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Nothing to report.

### **STAFF REPORTS**

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Parks – Holloway Park Pickleball Courts

Staff recommends awarding to McConnell Associates, the low bidder.

Discussion:

Parks Director Chris Conway stated only two bids were received for this project and he is recommending the low bidder to convert one tennis court to four pickleball courts as part of the Land Water Conservation Grant we received for Holloway Park improvements. Mayor Pogue asked if everything is on budget as a whole; Mr. Conway replied it is. Alderman Roach asked if waiting could possibly get a better price; Mr. Conway replied that he doesn't believe so. Alderman Roach stated he has seen McConnell's work in the area and they seem very professional.

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

**Public Works – Leaf Collection 2022**

Staff recommends awarding the unit price contract to Hendel Lawncare not to exceed \$90,000.

**Discussion:**

Public Works Director Link stated we have contracted with local landscapers to collect leaves in Meadowbrook Country Club and Claymont subdivisions. This year, two bids were received; he is requesting an amount not to exceed \$90,000 and will use any excess funds for leaf collection in other areas. Alderman Utt asked if this is the same amount as last year; Mr. Link stated it is. Mr. Sterman then explained how this has helped especially with staff shortages in Public Works. Alderman Finley asked if there had ever been discussion of selection of other areas; Mr. Link stated these are heavy leaf areas and Meadowbrook is so spread out, but since we collect by the cubic yard, we can move laborers around to other areas as needed. Mr. Link stated he is looking forward to having more automated equipment as we are expecting to receive our new leaf vacuum in October. He further explained how it will work.

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

**ALDERMANIC COMMENTS**

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Alderman Siegel asked where we were with the performance audit which was discussed at the last meeting. Finance Officer Denise Keller stated she has talked with two firms and neither do this type of audit. She also shared that one company would need a list of specifics to even provide an estimate as to cost. Alderman Siegel asked if there were standards or a metric we could use; Ms. Keller explained that without identifying the scope of what was needed, she was told this could be an infinite process. Mr. Sterman shared that he has talked with colleagues in other cities and a few have their own performance measures they use, but this is challenging when comparing to other cities for different reasons such as city size and the scope of services the city provides. There was further discussion on the performance audit measures.

Alderman Siegel discussed the planning directive; he would like to see the police department increase in size and become fully accredited. Alderman Roach stated that, with more crime, more eyes on the road couldn't hurt. Mayor Pogue asked Capt. Bergfeld about the CALEA time line; Capt. Bergfeld stated there will be an on-site visit in 2023. Mayor Pogue asked if there were any issues with the new building and CALEA; Capt. Bergfeld replied there were none.



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Alderman Roach asked Capt. Bergfeld if standards get added for accreditation; Capt. Bergfeld explained that standards change and some may even be dropped due to societal changes. Alderman Roach also shared that he would like to see Public Works fully staffed. Alderman Fleming and Mayor Pogue stated that these are items that can be discussed at a later time; Alderman Siegel shared that these are things he would like to see discussed down the road.

Alderman Finley stated he is still in the process of scheduling a date for the Public Health and Safety Committee meeting to address the golf cart issue. He asked if October 25 would work even though it would be the day after the Board meeting, but there is court that night. It was asked if the meeting could be held before the Board meeting; Alderman Finley stated he thought Chief Schaeffler was not available that evening. There was also discussion of using the boardroom at the police station if the meeting was held on the 25<sup>th</sup>. Alderman Finley stated he will check with the Chief for his availability and let everyone know about the date.

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 7:38 p.m.

\_\_\_\_\_ TIM POGUE, MAYOR

ATTEST:

\_\_\_\_\_ POLLY MOORE, CITY CLERK