



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

October 10, 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 Michael Finley  
Alderman Kevin M. Roach  
Alderman Mark Stallmann  
Alderman Frank Fleming  
Alderman Jim Leahy

Alderman David Siegel  
City Administrator Eric Sterman  
City Attorney Robert Jones

Absent

Alderman Mike Utt

Alderman Ross Bullington

The Pledge of Allegiance was recited.

**MINUTES**

The minutes from the September 26, 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 26, 2022 Board of Aldermen meeting as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.



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**LEGISLATION**

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**Bill 4138 - AN ORDINANCE AUTHORIZING EXECUTION OF AN EASEMENT IN FAVOR OF UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI FOR OVERHEAD AND UNDERGROUND ELECTRIC SERVICE TO THE NEW POLICE STATION.**

A motion was made by Alderman Roach and seconded by Alderman Finley for a first reading of Bill 4138, title only. A voice vote was taken with unanimous affirmative result and the motion passed. Bill 4138 was read for the first time.

A motion was made by Alderman Fleming and seconded by Alderman Finley for a second reading of Bill 4138, title only. A voice vote was taken with unanimous affirmative result and the motion passed. Bill 4138 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4138 with the following results:

Ayes – Aldermen Finley, Roach, Stallmann, Fleming, Siegel, Leahy

Nays -- None

Bill No. 4138 was approved and became Ordinance No. 22-25.

**Bill 4139 - AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO JAMES TYLER D/B/A DE-CRYPT-IT ESCAPE ROOM FOR AN INDOOR ENTERTAINMENT FACILITY AT 116 HOLLOWAY ROAD.**

A motion was made by Alderman Stallmann and seconded by Alderman Finley for a first reading of Bill 4139, title only. A voice vote was taken with unanimous affirmative result and the motion passed. Bill 4139 was read for the first time.

Discussion:

Alderman Stallmann voiced concern over the fact the petitioner has not appeared at Planning & Zoning Meetings in September or October that the petitioner was scheduled to be at. Mayor Pogue further clarified that contact has been made several times, questions have been asked, and the petitioner has never responded to the City. Per City Attorney Jones, if the petition is rejected by the Board of Aldermen, it cannot be reconsidered in the same format for a period of one year, unless three quarters of the Board gives special permission to reapply. Alderman Roach would like to give the petitioner 1 more opportunity, and wants to table the SUE for 30 days. Alderman Stallmann responded that the SUE has already been tabled twice in Planning and Zoning meetings. Alderman Fleming made note that there is a way for the petitioner to come back to the board, so the door isn't completely closed.



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A motion was made by Alderman Stallmann and seconded by Alderman Siegel for a second reading of Bill 4139, title only. A voice vote was taken with unanimous affirmative result and the motion passed. Bill 4139 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4139 with the following results:

Ayes – none

Nays -- Aldermen, Finley, Roach, Stallmann, Fleming, Siegel, Leahy

Bill No. 4139 fails to pass.

**Bill 4140 - AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO SHAWN KRISHER FOR MARCO'S PIZZA FOR A RESTAURANT WITH FRONT YARD PARKING AT 15003 MANCHESTER ROAD.**

A motion was made by Alderman Roach and seconded by Alderman Siegel for a first reading of Bill 4140, title only. A voice vote was taken with unanimous affirmative result and the motion passed. Bill 4140 was read for the first time.

Discussion:

Alderman Roach wondered if these petitioners have appeared at Planning & Zoning Committee Meetings. City Administrator Sterman replied they had. Alderman Siegel wanted to clarify if this was going to be a dine-in restaurant or a grab & go restaurant. City Administrator Sterman replied it would be primarily delivery and takeout, with a couple stools. There will be no liquor license. Mayor Pogue questioned whether it was a local petitioner since it is a national chain, City Administrator Sterman clarified that it is a local franchisee owner who has several other places and wants to expand out here.

A motion was made by Alderman Roach and seconded by Alderman Siegel for a second reading of Bill 4140, title only. A voice vote was taken with unanimous affirmative result and the motion passed. Bill 4140 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4140 with the following results:

Ayes – Aldermen Finley, Roach, Stallmann, Fleming, Siegel, Leahy

Nays -- None

Bill No. 4140 was approved and became Ordinance No. 22-26.



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**MAYOR'S REPORT**

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Mayor Pogue reported that the VFW had sent a letter to him, thanking the Ballwin Days Committee for their donation from the Car Show during Ballwin Days.

**CITY ADMINISTRATOR'S REPORT**

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City Administrator Sterman reported that the City Clerk, Polly Moore, has accepted another position, and the City is grateful for her service. The Board also thanked City Clerk Moore for her service. City Administrator Sterman will bring a plan for filling her position to the next Board meeting.

**CITY ATTORNEY'S REPORT**

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City Attorney Jones reported on legislation that has been passed at the state level that might impact local ordinances here in Ballwin that we would need to update. They include House Bill 1662, which prohibits restrictions on no impact home based businesses, House Bill 1606, which alters the definition of an emergency vehicle, and House Bill 2400, which has to do with Sunshine Law changes. There are also some bills that were passed in 2021 that some of our ordinances will need to be adjusted to comply with. City Attorney Jones will bring forth these proposed changes at a later meeting.

**STAFF REPORTS**

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Administration – IT Fiber

Staff recommends award of the bid for fiber relocation to NetCom, Inc. at a cost of \$89,374.

Discussion:

City Finance Officer Denise Keller noted the bid was higher than the initial quote, and noted we had a hard time getting bidders. Only one company bid on the fiber relocation. Alderman Roach would like to ask vendors what the factors were for coming in higher than initially bid. City Administrator Sterman noted that a lot of companies install and manage these fiber lines, the City is only asking them to install, so that is less desirable to a lot of companies since there is a lot of work out there to be had. It was also noted that the overage would come out of the new Police building budget, since the fiber relocation is within that budget.

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.

Parks – 2023 Facility Fees

With the Board's approval, staff recommends the City Attorney draft legislation for the proposed fee increases.



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Discussion:

Parks Director Chris Conway noted that the City understands the impact these fee increases will have on families, but in this economy it is necessary. The fees proposed are a 25 percent increase on some facility fees. He noted that only the daily pass at North Pointe Aquatic Center is increasing, not the resident or seasonal pass prices. He said the purpose of the increase is for crowd control, since crowds got out of hand this summer. Alderman Finley noted he doesn't believe it's a good time to increase prices, with inflation going up. Parks Director Conway noted the idea was in large part due to resident feedback. City Administrator Sterman added that the City did get complaints over large crowds, we had a record number of non-resident attendees. Other cities limited non-resident populations or only allowed non-residents on certain days, which may have led to higher attendance at the City's pool. Alderman Roach wanted to know if Parks Director Conway had any authority to add promotions. Parks Director Conway replied he did have the authority, and City Attorney Jones noted it can be written into the legislation.

A motion was made by Alderman Roach and seconded by Alderman Leahy to accept staff's recommendation. A voice vote was taken with 5 yays and 1 nay from Alderman Finley, and the motion passed.

**ALDERMANIC COMMENTS**

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Alderman Finley noted that he's still trying to schedule a Health & Safety Committee meeting over the use of golf carts on City streets. The petitioner had asked about the week of November 7<sup>th</sup> or 21<sup>st</sup>, but Alderman Finley said those dates wouldn't work. Mayor Pogue suggested Alderman Finley pick a date. Alderman Finley has tentatively set the date for December 12<sup>th</sup> at 6:00 p.m. before that night's Board of Aldermen meeting.

A motion was made by Alderman Leahy and seconded by Alderman Finley to move to closed session regarding Section 610.021 (1) RSMo. The motion was passed by unanimous affirmative voice vote and the meeting moved to closed session at 7:42 p.m.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann to reconvene in open session at 8:31 p.m. The motion was passed by unanimous affirmative voice vote and the motion passed.

A motion was made by Alderman Fleming and seconded by Alderman Roach to adjourn. The motion was passed by unanimous affirmative voice vote and the meeting adjourned at 8:32 p.m.



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

ATTEST:

\_\_\_\_\_ LINDA LECHNER, INTERIM CITY CLERK