



**BOARD OF ALDERMEN  
Meeting Minutes**

NOVEMBER 28, 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 November 14, 2022 Board of Aldermen meeting were submitted for approval.

Alderman Frank Fleming made a motion to approve as submitted, seconded by Alderman Michael Finley. The minutes from the November 14, 2022 Board of Aldermen meeting were approved unanimously.

The minutes from the November 14, 2022 Board of Aldermen Closed Meeting were submitted for approval.

Alderman Frank Fleming made a motion to approve as submitted, seconded by Alderman Mike Utt. The minutes from the November 14, 2022 Board of Aldermen Closed Meeting were approved unanimously.



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**CITIZEN COMMENTS**

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None.

**LEGISLATION**

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**BILL 4146 - AN ORDINANCE AMENDING THE 2022 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 REAPPROPRIATIONS THEREOF.**

Alderman Frank Fleming made a motion for a first reading of Bill 4146, title only, seconded by Mark Stallmann. The vote was unanimous for a first reading. Bill 4146 was read for the first time.

*Discussion:*

Alderman Kevin Roach asked for highlights of the budget reappropriations. Mayor Tim Pogue said he believed the memo written up by Finance Officer Denise Keller and included in the packet was a good summary of the highlights.

A motion was made by Alderman Frank Fleming and seconded by Alderman Kevin Roach for a second reading of Bill 4146, title only. The motion passed unanimously. Bill 4146 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4146. Bill No. 4146 was approved unanimously and became Ordinance No. 22-32.

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**Bill 4147 - AN ORDINANCE PROVIDING FOR THE ANNEXATION BY THE CITY OF BALLWIN, MISSOURI OF AN AREA OF UNINCORPORATED LAND DESCRIBED HEREIN AND REFERRED TO AS "CASCADES SUBDIVISION."**

A motion was made by Alderman Michael Finley and seconded by Alderman Mark Stallmann for a first reading of Bill 4147, title only. The motion passed unanimously. Bill 4147 was read for the first time.

*Discussion:*

City Administrator Eric Sterman noted that this ordinance is the first of two ordinances annexing new portions into Ballwin: the Cascades and Charleston Oaks subdivisions. Both were approved earlier in the year by the St. Louis County Boundary Commission. City Administrator Sterman noted that the approvals before the Board of



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Alderman tonight are just formalities. Mayor Tim Pogue asked if there were concerns with street annexations, and City Administrator Sterman noted that the Cascades Subdivision streets will need to be deeded over to the City of Ballwin from the Cascades HOA, as the streets are currently privately owned. Therefore, maintenance work on those streets cannot begin until the City owns the streets.

City Administrator Sterman also noted that these two annexations, like the previous one, have been through simplified boundary adjustments, requiring signatures of 75% of the registered voters in each subdivision.

A motion was made by Alderman Michael Finley and seconded by Alderman Mike Utt for a second reading of Bill 4147, title only. The motion passed unanimously. Bill 4147 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4147. Bill No. 4147 was approved unanimously and became Ordinance No. 22-33.

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**Bill 4148 - AN ORDINANCE PROVIDING FOR THE ANNEXATION BY THE CITY OF BALLWIN, MISSOURI OF AN AREA OF UNINCORPORATED LAND DESCRIBED HEREIN AND REFERRED TO AS "CHARLESTON OAKS SUBDIVISION."**

A motion was made by Alderman Ross Bullington and seconded by Alderman David Siegel for a first reading of Bill 4148, title only. The motion passed unanimously. Bill 4148 was read for the first time.

*Discussion:*

There was no discussion.

A motion was made by Alderman Ross Bullington and seconded by Alderman David Siegel for a second reading of Bill 4148, title only. The motion passed unanimously. Bill 4148 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4148. Bill No. 4148 was approved unanimously and became Ordinance No. 22-34.

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**Bill 4149** - AN ORDINANCE REVISING THE CITY CODE OF ORDINANCES REGARDING SEXUAL OFFENSES.

A motion was made by Alderman Mark Stallmann and seconded by Alderman Mike Utt for a first reading of Bill 4149, title only. The motion passed unanimously. Bill 4149 was read for the first time.

*Discussion:*

Mayor Tim Pogue asked if the state statutes have changed and whether this bill moves us into compliance with the new state statutes. City Attorney Bob Jones replied in the affirmative, stating this bill adds sections onto City Ordinance to bring us into compliance with the new rules.

A motion was made by Alderman Michael Finley and seconded by Alderman David Siegel for a second reading of Bill 4149, title only. The motion passed unanimously. Bill 4149 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4149. Bill No. 4149 was approved unanimously and became Ordinance No. 22-35.

## **CONSENT ITEMS**

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### **Parks – Holloway Park General Contracting**

Staff recommends awarding contract to the low bidder, Ideal Landscape & Construction in the amount of \$103,400 which includes the two alternate bids, for Holloway Park.

*Discussion:*

Parks and Recreation Director Chris Conway told the Board that bids came in under budget for the general contractor for Holloway Park. Alderman Kevin Roach asked if the bulk of the work under the general contractor would be for the concrete pad underneath the new restroom being built. Parks Director Conway added that concrete work on the entire park is the bulk of the work, with utilities being another big part.

A motion was made by Alderman Kevin Roach and seconded by Alderman David Siegel to accept staff's recommendation. The motion passed unanimously and the consent item was approved.



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**MAYOR'S REPORT**

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Mayor Tim Pogue mentioned the article in the Post Dispatch this morning regarding the comments from St. Louis County Administrator Sam Page that a merger between St. Louis County, St. Louis City and other municipalities is once again being discussed, along with the prospect of a Board of Freeholders. Mayor Pogue made note that he will fight the merger again if it does indeed come to fruition, as he believes it is not in the best interest of our citizens. He made note that there are three former St. Louis County subdivisions that have since come to the City of Ballwin since the last merger talks.

**CITY ADMINISTRATOR'S REPORT**

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City Administrator Eric Sterman noted that there are several things that may come up with the recently approved recreational marijuana amendment to the state constitution. He noted that City Attorney Bob Jones is working on figuring out what in Ballwin's Code of Ordinances needs to be updated. He mentioned that there are two things that are permitted to be brought to the voters: a potential prohibition on recreational marijuana and a potential 3 percent sales tax on recreational marijuana. The prohibition can only be brought up in a Presidential Election year by a citizen petition or board action, which would mean the earliest it could be brought up is November 2024. He also stated that the 3 percent sales tax on recreational marijuana would need to be approved at the next Board of Aldermen meeting in order for it to be approved to be put on the April 2023 ballot.

City Administrator Sterman also noted that there are currently no dispensaries in the City of Ballwin right now that would be able to sell recreational marijuana to the public as it stands, so the City has time to approve such a sales tax if the Board deems it necessary. If there are any new businesses that would be interested in selling recreational marijuana, they would have to come before the board.

City Attorney Bob Jones said if the City is interested in creating a 3 percent sales tax on recreational marijuana, the funds would go to the general fund but could be earmarked for a specific fund.

Alderman David Siegel indicated he was interested in seeing if the City of Ballwin could create a lower than three percent tax on recreational marijuana.

A motion was made by Alderman Frank Fleming and seconded by Alderman David Siegel to have City Attorney Bob Jones draft an ordinance for a 3 percent sales tax on recreational marijuana to be brought before the board at the next regular meeting. That motion was approved unanimously.



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**CITY ATTORNEY'S REPORT**

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Nothing to report.

**STAFF REPORTS**

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**Parks – Holloway Park Comfort Station**

Staff recommends purchasing CXT prefabricated comfort station utilizing the Sourcewell Contract at a cost of \$92,805.

*Discussion:*

Parks & Recreation Director Chris Conway noted that this comfort station bid is for a 2 unit restroom facility without a water fountain. Mayor Tim Pogue noted that the total cost of the project came in around 20 thousand dollars under budget. Aldermen David Siegel and Michael Finley both questioned the removal of the water fountain on the comfort station, wondering if it should be put back on there due to popularity of the park, especially among pickleballers.

Parks Director Conway noted that the cost of adding a water fountain onto the scope of the building project would be between four and five thousand dollars. Alderman Frank Fleming also mentioned he would like to see a water bottle filler as part of the water fountain.

A motion was made by Alderman Frank Fleming and seconded by Mark Stallmann to approve the staff report for the Holloway Park Comfort station, adding in a water fountain into the bid. That motion was approved unanimously.

**ALDERMANIC COMMENTS**

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Alderman Kevin Roach made a note recognizing former City Board Member Ray Kerlagon in the audience.

Alderman Mark Stallmann wanted to commend City staff for their work on the capital budget. In 2021, it was estimated the City would have a significant budget deficit for 2022, and this year the City will end up \$500,000 in the black.

Alderman Ross Bullington took a moment to welcome the residents of Charleston Oaks into the City of Ballwin.



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A motion was made by Alderman Frank Fleming and seconded by Alderman Michael Finley to move to closed session regarding Section 610.021 (2) and 610.021 (9) RSMo. The motion was passed by unanimous affirmative roll call vote and the meeting moved to closed session at 7:42 p.m.

A motion was made by Alderman Frank Fleming and seconded by Alderman Michael Finley to reconvene in open session at 8:16 p.m. The motion was passed by unanimous affirmative voice vote and the motion passed.

The meeting reconvened at 8:17 p.m. A motion was made by Alderman Frank Fleming and seconded by Alderman Michael Finley to adjourn the meeting. The motion was passed by a unanimous voice vote. The meeting was adjourned at 8:18 p.m.

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

ATTEST:

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