



BOARD OF ALDERMEN

Meeting Minutes

JANUARY 9, 2023

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 David Siegel
- City Administrator Eric Sterman
- City Attorney Robert Jones

Absent

The Pledge of Allegiance was recited.

MINUTES

The minutes from the November 28, 2022 Board of Aldermen Meeting were submitted for approval. Alderman Utt stated that the questions he had had been answered. Alderman Frank Fleming made a motion to approve as submitted, seconded by Alderman Michael Finley. The minutes from the November 28, 2022 Board of Aldermen Meeting were approved unanimously.

The minutes from the December 12, 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 December 12, 2022 Board of Aldermen Meeting were approved unanimously.



CITIZEN COMMENTS

Mr. Matthew Conlon addressed the Board, asking about the withdrawal of Brennan Redinger from the ballot for the April 5, 2022 election, and the subsequent filing of a court order in his name. Did the Board question this and is it a conflict of interest for the City Attorney to have done so? Mayor Pogue responded that Mr. Redinger knew that a court order would be required to remove his name from the ballot, due to the withdrawal occurring after the filing had closed. Mayor Pogue noted that this was an undisputed case, since Mr. Redinger had signed the withdrawal paperwork. He pointed out that several officials reviewed the matter, including the judge in the case, the St. Louis County Prosecutor, the State of Missouri, and the St. Louis County Board of Elections, and none felt further action was necessary.

PRESENTATION

City Administrator Sterman introduced Dave Christensen of Cochran Engineering. Mr. Christensen spoke about STP funding, which is for roadway work. The funds come from gasoline tax and are then distributed across the state in the form of grants for such projects. Mr. Christensen said that the City did not receive the grant for Claymont Drive last year due to requesting funds for the entire project, so this year the project was split into two phases, and the City is applying for separate grants for each phase, one this year and one in 2024. This will potentially increase the likelihood that the City will be awarded the grant. If the City is awarded the grant, the earliest construction funds will be available is 2026. The grant for Phase 2 will be applied for in 2024, with construction scheduled by 2027; however, Phase 2 construction will be accelerated and the whole project may be completed in 2026. Mr. Christensen said when road improvements are made, the ramps have to be included and made ADA compliant. The sidewalks between the ramps are not included in this project, because if they were, they would be required to be ADA compliant as well, which is cost-prohibitive.

Mr. Christensen showed an analysis of costs for the new streetlights, and noted that with savings from city-owned LED lights, the lights will pay for themselves within 6 years, and the City will see significant savings each year beyond that.

Mayor Pogue stated that he will move the Resolution for New Ballwin Road up on the agenda, as well as the Staff Report for Claymont Dr, so that Mr. Christensen is available to answer any questions.

Alderman Roach asked if the materials will be the same as when the project was bid last year. Public Works Director Jim Link said that it is the same. Alderman Roach asked if replacing the driveway aprons in-house will cost less than including them in the project. Public Works Director Link said doing them in-house will cost less.



Alderman Fleming made a motion to approve the Resolution accepting a bid for New Ballwin Road improvements from Jokerst Paving. Alderman Stallman seconded the motion, which was approved unanimously.

Alderman Roach made a motion to approve staff's recommendation to move forward with applying for a grant for the Claymont Drive project, Phase 1, and to award professional engineering services for the project to Cochran Engineering. Alderman Fleming seconded the motion, which was approved unanimously.

OLD BUSINESS

BILL 4152 - AN ORDINANCE LEVYING AN ADDITIONAL SALES TAX ON SALES OF ADULT USE MARIJUANA AND CALLING AN ELECTION FOR VOTER APPROVAL OF SUCH TAX.

A motion was made by Alderman Frank Fleming and seconded by Alderman Mark Stallmann for a first reading of Bill 4152, title only. The motion passed unanimously. Bill 4152 was read for the first time. Mayor Pogue noted that the bill was read for the first time at the December 12, 2022 meeting.

Discussion:

Alderman Stallmann stated his preference to designate the funds from this tax for public safety. City Attorney Jones said that is up to the Board's discretion, and cautioned that once designated, it cannot be changed.

Alderman Roach requested that if the ballot wording is changed to designate a fund, can it also be modified to better define "adult use"? City Attorney Jones said that if the verbiage is going to be changed to include a designated fund, it can include the word "recreational" as well. Mayor Pogue asked if it would be better to add the word "recreational" in parentheses after the words "adult use." City Attorney Jones said that would work.

A motion was made by Alderman Mark Stallmann and seconded by Alderman Mike Utt to amend Bill 4152 to include the word "recreational" parenthetically after "marijuana" and state that the funds will be used for public safety needs of Ballwin. The motion passed unanimously.

A motion was made by Alderman Frank Fleming and seconded by Alderman Mark Stallmann for a second reading of Bill 4152, as amended, title only. Aldermen Utt, Finley, Roach, Stallmann, Fleming, Leahy and Bullington voted aye, Alderman Siegel voted nay. The motion carried and Bill 4152 was read for a second time as amended.

A roll call vote was taken for passage and approval of Bill 4152, with the following result:

Aye: Utt, Finley, Stallmann, Fleming, Leahy, Bullington.

Nay: Roach, Siegel

Bill No. 4152 was approved and became Ordinance No. 23-01.



CONSENT ITEMS

Administration – Siline’s Liquor License

Staff recommends that the Board approve Siline’s liquor license.

Finance – Semi-Annual Revenue/Expenditure Statement

Staff recommends that the Board approve the semi-annual statement of revenues and expenditures.

Finance – Check Signatories

Staff recommends that the Board approve the authorized signers for all City accounts as presented.

Public Works – Snowplow Purchase

Staff recommends we purchase a snowplow from Woody’s Municipal Supply/Buyers Snow Equipment using Sourcewell for a total cost of \$16,998.00.

Discussion:

None.

Alderman Mark Stallmann made a motion to approve all consent items. Alderman Roach seconded the motion, which was approved unanimously.

MAYOR’S REPORT

Nothing to report.

CITY ADMINISTRATOR’S REPORT

City Administrator Eric Sterman said there was a change order for the new Police Building. The security gate will be changed to a lifting gate rather than a sliding one due to the topography of the site. There were some minor changes due to utilities. All of these changes were covered by contingency funds and will not raise the price of the project, which is still on budget and on schedule to be completed in April 2023.

Mr. Sterman reported that the City has received the first payment from the national opioid settlement that the Board opted to participate in. At this point, the funds have not been allocated, but must be used for efforts in addressing the opioid problem.



CITY ATTORNEY'S REPORT

City Attorney Jones reported back regarding the difference between a comprehensive marijuana license and one for a microbusiness.

City Attorney Jones also referred to a draft of the ordinance for recreational marijuana that will be considered at the Planning & Zoning Commission meeting in March, and asked the Board to contact him or City Administrator Sterman with any questions or comments.

Alderman Mark Stallmann made a motion to direct City Attorney Jones to prepare legislation regarding recreational marijuana. Alderman Roach seconded the motion, which was approved unanimously.

ALDERMANIC COMMENTS

Alderman Stallmann commended the Pointe lifeguard staff for rescuing a child in distress in the lap lanes of the pool. He also noted that today is National Law Enforcement Appreciation Day and asked Chief Schaeffler to convey his thanks to the officers and dispatchers for their service to the City.

Alderman Finley asked City Administrator Sterman about insurance that covers natural disasters. City Administrator Sterman said that Ballwin has agreements with cities across the county to help in such cases.

Alderman Finley stated that the Public Health & Safety meeting will be held at 6:00 pm on January 23, 2023.

_____ TIM POGUE, MAYOR

ATTEST:

_____ LINDA LECHNER, INTERIM CITY CLERK