



Board of Aldermen

Meeting Minutes

July 23, 2018 at 7:00 p.m.
City of Ballwin – 300 Park Dr

THE MINUTES ARE PREPARED IN SUMMARY TO REFLECT THE OVERALL DISCUSSIONS, NOT VERBATIM QUOTES.

The meeting was called to order by Mayor Tim Pogue at 7:00 p.m.

ROLL CALL

PRESENT

Mayor Tim Pogue
Alderman James Terbrock
Alderman Michael Finley
Alderman Kevin M. Roach (via video conferencing)
Alderman Mark Stallmann
Alderman Frank Fleming
Alderman Jim Leahy
Alderman Ross Bullington
Alderman Raymond Kerlagon
City Administrator Eric Hanson
City Attorney Robert E. Jones

ABSENT

The Pledge of Allegiance was given.

MINUTES

The Minutes of the from the June 25, 2018 Board meeting was submitted for approval.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock to approve the minutes from the June 25, 2018, Board of Aldermen meeting as submitted. A voice vote was taken with a unanimous affirmative result and the motion passed.

PUBLIC COMMENTS

Tiffany Winchell, 201 Old Ballwin Rd, commented on the SUE for ELCO regarding the property that was originally Ballwin Nursery. She stated this is her home, she has worked very hard, and purchased her home nearly two years ago. She was very sad to see the nursery leave, considering what it has turned into, is a shame. She stated ever since ELCO took over the property, it has not been maintained, cars are parked there when they shouldn't be. She said this speaks volumes for the kind of neighbor they will be, especially for her, who resides directly across from them. Even though she loves living in Ballwin and where she lives, if she had the option, she would consider moving. Unless she calls to complain about the way the property looks or the vehicles being parked on the lot, nothing gets done. She stated she has nothing against ELCO, she takes her vehicle there for maintenance, but she has seen the kind of neighbors they will be. She asked that this be taken into consideration when considering the Bill.

UNFINISHED BUSINESS

LEGISLATION

BILL NO. 3994 AN ORDINANCE PROHIBITING THE ACCEPTANCE OF NEW STREET LIGHTS BY THE CITY OF BALLWIN.

Bill 3994 had its first reading at the June 25, 2018, Board of Aldermen Meeting. During the meeting, Board expressed their concern about making a universal standard in regards to street light maintenance in Ballwin. City Administrator Hanson stated staff will continue to research a viable solution to reduce the cost of street light maintenance. He stated he will keep the Board updated on any progress or solutions.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann to **withdraw** Bill 3994. A voice vote was taken with a unanimous affirmative result and Bill No. 3994 was withdrawn.

NEW BUSINESS

LEGISLATION

BILL NO. 3995 AN ORDINANCE DEFINING THE ELIGIBILITY OF APPLICANTS FOR A LIQUOR LICENSE IN THE CITY OF BALLWIN

A motion was made by Alderman Fleming and seconded by Alderman Leahy for a first reading of Bill No. 3995, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 3995 was read for the first time.

Alderman Finley asked for summarization of why Ballwin is amending the liquor license application ordinance. City Administrator Hanson stated the current ordinance states that if any business receives just one the liquor license violation, that business's liquor license will be revoked and they would not be eligible to receive a liquor license.

Alderman Finley stated he prefers that new applicants for liquor licenses present themselves to the Board of Aldermen. He likes to have the officer of the business come before the Board in order to ask the applicant what their policy is on maintaining compliance.

City Administrator Hanson stated the review process is very thorough and comparable to other cities he's been with. Alderman Finley asked if a summary document for each applicant could be made available for review when new applications are submitted for the Board's approval. City Administrator Hanson stated there would be no issue in providing this information.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann for a second reading of Bill No. 3995, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 3995 was read for the second time.

A roll call vote was taken for passage and approval of Bill No. 3995 with the following results:

Ayes – Aldermen Fleming, Terbrock, Stallmann, Bullington, Kerlagon, Roach, Leahy, Finley;

Nays -- None.

Bill No. 3995 was approved and became **Ordinance No. 18-09**

BILL NO. 3997 AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO MSH ELCO CHEVROLET CADILLAC INC. FOR PROPERTY AT 112 OLD BALLWIN ROAD.

A motion was made by Alderman Fleming and seconded by Alderman Kerlagon for a first reading of Bill No. 3997, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 3997 was read for the first time.

Tim Elli of CRESA, representing the petitioner, provided an overview of the site plan that was originally presented at the planning and zoning Commission meeting. The plan indicated the number of parking spaces, location of the proposed service building, and provided a detailed landscape plan, including a six foot privacy fence along the entire southern perimeter of the property.

The Board's main concern and main topic of discussion was the continued non-compliance with the lot in question as well as the adjacent lot on the west side of Old Ballwin Road where employee continue parking illegally.

The Board appreciated and recognized that employees of ELCO vacated the lot on the west side recently. However, the Board was concerned with how long it took them to become compliant with City Ordinances regarding the parking of vehicles at that location.

Paul Rader, Vice President of ELCO, was also present to provide additional information and feedback regarding the SUE petition. He stated that he had intended to ask the Board to allow for employee's to once again park at the lot adjacent to ELCO on the west side of Old Ballwin until 112 Old Ballwin Road site was completed, which would accommodate employee parking.

While the Board validated Mr. Rader's point in regards to the convenience of employee parking, the Board, in general, stated the business had been told numerous times to vacate the lot and to find other means to accommodate their employee's vehicles. The Board felt that ELCO has acted in complete disregard to the City's Ordinance and failed to understand the seriousness of the continued non-compliance.. The Board stated they would not allow ELCO to utilize the vacant site on the west side of Old Ballwin for parking at any time.

Mayor Pogue asked that there be a condition added to the motion that would forbid vehicles to be parked at 112 Old Ballwin Road until an occupancy permit was obtained.

A motion was made by Alderman Stallmann and seconded by Alderman Leahy to add the following condition to the SUE located at 112 Old Ballwin Road: that no vehicles, except for vehicles directly associated in the construction and involvement of the site improvement, shall be parked on the premise until a valid occupancy permit, from the City, has been obtained. A voice vote was taken with the majority of the Board (7-1) voting in favor of the motion. The motion passed.

Several aldermen agreed that ELCO has been somewhat uncooperative in heeding the City's request for compliance; however, they also recognized that ELCO had provided all the required items to the

City in order to approve the SUE. They felt that the City should not prolong the process and should approve the SUE in order to move forward with this project.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock for a second reading of Bill No. 3997, title only. A voice vote was taken with a unanimous affirmative result and Bill No. 3997 was read for the second time.

A roll call vote was taken for passage and approval of Bill No. 3997 with the following results:
Ayes – Aldermen Fleming, Terbrock, Roach, Leahy, Stallmann, Bullington, Finley, Kerlagon;
Nays -- None.

Bill No. 3997 was approved and has been assigned **Ordinance No. 18-10**.

Mayor Pogue stated he would not sign Bill 3997 until ELCO was in compliance of Ballwin's Code of Ordinances.

CONSENT ITEM

- a. Semi-Annual Financial Statement
- b. Liquor License Application for the Ballwin Craft Beer Festival
- c. Liquor License Transfer for the Ballwin Recreation Complex
- d. Stump grinder

City Administrator Hanson asked to remove item "a" to be elaborated upon during his report.

A motion was made by Alderman Fleming and seconded by Alderman Kerlagon to accept Consent Items "b, c and d" as recommended by staff. A voice vote was taken with a unanimous affirmative result and the motion passed.

MAYOR'S REPORT

Mayor Pogue asked that a motion be made to appoint Martin Schipper to complete the term for Carolyn Johnson, who resigned.

A motion was made by Alderman Stallmann and seconded by Alderman Leahy to to appoint Martin Schipper to complete the remainder of the term for Carolyn Johnson. A voice vote was taken with a unanimous affirmative result and the motion passed.

CITY ADMINISTRATOR'S REPORT

CONSENT ITEM A: City Administrator Hanson stated he wanted to provide additional information on the Semi-Annual Financial Statement: He explained the expenses, shown on the report, appear to be exceeding the revenue, slightly. He said this was due to a full transfer of funds for the City Hall project. A transfer was made to the Capital Fund now that construction has commenced. The City has begun to make regular payments to the various contractors associated with the project. He also added that despite current trends, Ballwin's finances were the the strongest it has been since his tenure at Ballwin began. The strong stability, he added, was due to sales tax revenue being higher than projected, public utilities and gross receipts increasing, participation in community programs from the City's various facilities increasing and that expenses have been kept in check. Through the first six months of this year, the City appeared to be in sound financial shape. City Administrator

Hanson added that even with the transfer for the City Hall project, the City appeared to be sitting a little better than when the 2018 budget was originally approved at the end of 2017.

A motion was made by Alderman Stallmann and seconded by Alderman Terbrock to accept Consent Items “a” as recommended by staff. A voice vote was taken with a unanimous affirmative result and the motion passed.

RETIRING EMPLOYEES: City Administrator Hanson recognized and commended the legacy of two long-tenured employees who will retire next month, both after more than 30 years with Ballwin: City Engineer, Gary Kramer, and Parks and Recreation Director, Linda Bruer.

Ms. Bruer stated that time flies when you’re having fun! She added that it’s been an honor to work at Ballwin over these past years and that she appreciates how well it has been to work with the Board and various serving members during her tenure. She thanked the the staff she has worked with over the years, her family and the community. Adding that Ballwin is a great community.

Mayor Pogue thanked her for Ms. Bruer and Mr. Kramer for their service and that they have helped to make Ballwin into the great community it is today.

RIES ROAD BRIDGE PROJECT: Mayor Pogue asked if there was an update to the Ries Road bridge project. City Administrator Hanson referred the question to Mr. Kramer who stated that the project is still on schedule.

CITY HALL PROJECT: City Administrator Hanson stated steel is beginning to be put in place and that a crane should be constructed in the next day. The project has remained on schedule, due in part for the good weather. The goal is to have the building weather-tight by the first week of September.

STAFF REPORTS

PUBLIC WORKS: NEW BALLWIN ROAD WALL REPAIR

Mr. Kramer stated that due to an accident that occurred on November 20, 2017, the retaining wall along New Ballwin Road has a crack. To determine the cost of repair, bids were solicited. Only two bids were received. The bids were submitted to the insurance company of the person at fault and the City received a check in the amount of the lowest bid, \$16,794.00. The low bidder has done satisfactory work for Ballwin in the past. Mr. Kramer recommended the Board award the retaining wall bid to Ideal Landscape Construction, Inc., the lowest bidder, for \$16,794.00.

A motion was made by Alderman Terbrock and seconded by Alderman Leahy to accept staff’s recommendation awards the retaining wall bid to Ideal Landscape Construction, Inc., the lowest bidder, for \$16,794.00. A voice vote was taken with a unanimous affirmative result and the motion passed.

PUBLIC WORKS: TACK SPRAYER

Superintendent of Streets, Jim Link, provided that \$14,000.00 was budgeted for the purchase of 250 gallon tack sprayer. However, after paving several streets this year, he found that it would be beneficial to purchase a 500 gallon tack sprayer rather than the 250 gallon. Favorable purchasing prices of equipment has allowed a remaining balance of \$23,805.00. For bidding purposes, staff used Sourcewell contract #052417-VTL (formerly National Joint Powers Alliance). Mr. Link asked that the Board approve the purchase of a 500 gallon tack sprayer in the amount of \$21, 768.00, from the

contract holder for Sourcewell contract #052417-VTL,Roland's Machinery. The amount is an additional \$7,768.00 from what was originally budgeted.

Mr. Link also added that after paving Old Ballwin Road, Ballwin will have covered the cost of the paver in savings, plus an additional approximate \$16,000. This savings is a testament to the talent and hard work of Ballwin's asphalt crew.

A motion was made by Alderman Stallmann and seconded by Alderman Bullington to approve the additional \$7,768.00 to purchase of a new tack sprayer in the amount of \$21, 768.00, from the contract holder for Sourcewell contract #052417-VTL,Roland's Machinery. A voice vote was taken with a unanimous affirmative result and the motion passed.

POLICE DEPARTMENT: EVIDENCE BARCODE SYSTEM

Chief Scott stated the Police Department budgeted for the purchase of a new barcoding system for evidence tracking. Lt. Kevin Bushery added that the Ballwin Police Department has found that establishing a barcoding system to track evidence is needed and beneficial to the department. \$15,000.00 was budgeted for this project. Bids were solicited and advertised and only 2 bids were received. Staff recommended the contract be awarded to Progressive Microtechnology Inc. (PMI), the lowest bidder. PMI's bid for the project came in under budget at \$10,533.00.

A motion was made by Alderman Bullington and seconded by Alderman Kerlagon to award the contract to Progressive Microtechnology Inc. (PMI), the lowest bidder, in the amount of \$10,533.00. A voice vote was taken with a unanimous affirmative result and the motion passed.

ALDERMANIC COMMENTS

Alderman Terbrock congratulated Gary Kramer and Linda Bruer on their retirements and that they have done a great job serving Ballwin.

Alderman Finley also congratulated Gary Kramer and Linda Bruer on their retirements and for making Ballwin look so good.

Alderman Finley acknowledged the Public works department for their work on the Windcliff project. He stated that that he received feedback from a resident who mentioned that not only did the crews do an excellent job on the roads but that the street crews made a notable, positive impression upon residents.

Alderman Finley stated that earlier this year he brought up a topic about allowing residents to use their homes however they saw fit for business purposes, mainly pertaining to airbnb. He asked if City Administrator Hanson or Assistant City Administrator Andy Hixson knew anything regarding a resident within his ward who was instructing private softball lessons in their backyard. He stated this resident was cited for code violations. He was wondering if this was something the Board would want to consider in the future to allow.

Mayor Pogue stated the resident may have been cited for violating an accessory use.

Alderman Fleming stated that this is similar to complaints he has received regarding residents

providing private piano lessons in their homes and parking issues. He stated it would not hurt to look at the ordinances and see if any changes need to be made to update the codes to current times. Alderman Stallmann also agreed, but stated that the Board should be careful in naming acceptable types or forms of business, such as in home daycare, piano lessons, etc., doing so may cause more of a problem.

Alderman Fleming added that he was thinking more along the lines to update the section regarding deliveries, not necessarily naming acceptable in-home business practices
City Administrator Hanson stated some subdivision covenants would not allow this type of use within their subdivision. He stated he would have staff look into the matter further.

Alderman Stallmann thanked Gary Kramer and Linda Bruer for their hard work and dedication to the City. Ballwin’s streets are some of the best in the area and that credit is due to Mr. Kramer. He added that he and his son spend a lot of at the Pointe facility and that is due to Ms. Bruer.

Alderman Fleming stated that had this retirement not snuck up on him and he would have prepared a little more. He state has been on this board a long time and the level of professionalism shown to the elected officials, employees and citizens is something every administrator in any city should and would be proud of. He thanked them for their service to Ballwin.

Alderman Bullington also thanked Gary Kramer and Linda Bruer for theirs years of dedication to the City of Ballwin.
Alderman Bullington recognized the Police Department who provided a wonderful video and rendition of the lip sync challenge. He also thanked Officer Morrison for his assistance with Alderman Kerlagon’s neighborhood watch program. He stated Officer Morrison is instrumental in putting that program together.

A motion was made by Alderman Fleming and seconded by Alderman Terbrock to adjourn the Board of Aldermen Meeting. A voice vote was taken with a unanimous result, and the meeting was adjourned at 8:32 p.m.

TIM POGUE, MAYOR

ATTEST:

ERIC HANSON, CITY ADMINISTRATOR

Approved: August 27, 2018
A. Johnson