



BOARD OF ALDERMEN

Meeting Agenda

JANUARY 25, 2021

7:00 PM 1 GOVERNMENT CTR/ZOOM BALLWIN, MO 63011

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes**
 - a. January 11, 2021 Board of Aldermen Meeting Minutes
4. **Legislation**
 - a. Bill 4086 – Clean Air Act
5. **Consent Items**
 - a. Parks – Twin Oaks Recreation Passes
 - b. Parks – Wildwood Swim Passes
 - c. Parks – Staff/Program Apparel
6. **Mayor's Report**
7. **City Administrator's Report**
8. **City Attorney's Report**
9. **Staff Reports**
 - a. Police – Vehicle Purchase
 - b. Public Works – Ruppel Farms Maintenance
10. **Aldermanic Comments**
11. **Closed Session**
12. **Adjourn**

NOTE: Due to ongoing City business, all meeting agendas should be considered tentative. Additional issues may be introduced during the course of the meeting.

CLOSED SESSION: Pursuant to Section 610.022 RSMo., The Board of Aldermen could, at any time during the meeting, vote to close the public meeting and move to closed session to discuss matters relating to litigation, legal actions, and/or communications from the City Attorney, as provided under Section 610.021(1) RSMo., and/or personnel matters under Section 610.021(13) RSMo., and/or employee matters under Section 610.021(3) RSMo., and/or real estate matters under Section 610.021 (2) or other matters as permitted by Chapter 610.

This meeting of the Board of Aldermen will be conducted via Zoom.

Please click the link below to join the webinar:

<https://zoom.us/j/98016872155>

Or iPhone one-tap :

US: +16465588656,,98016872155# or +13017158592,,98016872155#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 980 1687 2155

No comments will be taken from the public during the meeting. If you wish to submit comments, please submit them in writing to esterman@ballwin.mo.us no later than 5 p.m. on Monday, January 25. Any comments received will be read aloud into the record during the meeting. Comments must not contain vulgar language or exceed three minutes in duration.



BOARD OF ALDERMEN

Meeting Briefs

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MINUTES Enclosed, please find the Minutes from the January 11, 2021 Board of Aldermen Meeting.

LEGISLATION

BILL 4086 - AN ORDINANCE AMENDING THE EXCEPTIONS TO APPLICATION OF THE CLEAN AIR ACT.

This ordinance amends exceptions to the Clean Air Act.

CONSENT ITEMS

Parks – Twin Oaks Recreation passes

Staff recommends allowing the sale of Pointe Memberships, Platinum Memberships, North Pointe Swim Passes, and Resident Greens Fees to Twin Oaks residents at the Ballwin resident rate. The Village of Twin Oaks would reimburse Ballwin the difference between resident and non-resident passes, memberships, and fees.

Parks – Wildwood Swim Passes

Staff recommends allowing the sale of North Pointe Family Swim Passes to Wildwood residents at the Ballwin resident rate with the City of Wildwood to reimburse Ballwin \$125 per pass sold.

Parks – Staff/Program Apparel

Staff recommends awarding the bid for apparel to low bidder, St. Louis Sportswear, in the amount of \$15,185.30.

MAYOR'S REPORT

CITY ADMINISTRATOR'S REPORT

CITY ATTORNEY'S REPORT



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STAFF REPORTS

Police – Vehicle Purchase

Staff recommends purchasing three Dodge Durango Police Vehicles from Lou Fusz Dodge.

Public Works – Ruppel Farms Streets

Staff is recommending accepting Ruppel Farms Subdivision, which includes Wilhelmine Ct. and a portion of Westrun Drive, for City maintenance.

ALDERMANIC COMMENTS



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

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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 Raymond Kerlagon
City Administrator Eric Sterman
City Attorney Robert Jones

Absent

Mayor Pogue asked for a moment of silence in memory of former Mayor R. Jon Bopp, who recently passed away. Not only did R. Jon serve as Mayor, his law office was located on Manchester Rd. for years. He was currently serving as a council member in the City of Wildwood.

MINUTES

The Minutes from the December 14, 2020, Board of Aldermen meeting were submitted for approval. **A motion was made** by Alderman Fleming and seconded by Alderman Bullington to approve the minutes from the December 14, 2020 Board of Aldermen meeting as submitted. A voice vote was taken with a unanimous affirmative result and the motion passed.



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LEGISLATION

BILL 4084 - AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO CHAMPION CAR CARE AUTOMOTIVE REPAIR FOR OPERATION OF A MOTOR VEHICLE SERVICE AND REPAIR BUSINESS AT 15230 MANCHESTER ROAD.

This ordinance grants a special use exception to Champion Car Care Automotive Repair.

A motion was made by Alderman Fleming and seconded by Alderman Finley for a first reading of Bill 4084, title only. A voice vote was taken with unanimous affirmative result and Bill 4084 was read for the first time.

Discussion:

Alderman Roach asked if the petitioner was on the Zoom meeting; he wanted to know when the business would be opening. Mayor Pogue asked that if the representative was available, they use the Zoom function and raise their hand; there was no response. City Administrator Serman stated he did not have an exact opening date, but they have already been moving equipment in to the location, so he thought they would be opening as soon as possible.

A motion was made by Alderman Fleming and seconded by Alderman Utt for a second reading of Bill 4084, title only. A voice vote was taken with unanimous affirmative result and Bill 4084 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4084 with the following results:

Ayes – Aldermen Finley, Roach, Stallmann, Fleming, Leahy, Bullington, Utt, Kerlagon

Nays -- None.

Bill No. 4084 was approved and became Ordinance No. 21-01

BILL 4085 - AN ORDINANCE REVISING GOLF COURSE RATES.

This ordinance revises golf course fees

A motion was made by Alderman Stallmann and seconded by Alderman Bullington for a first reading of Bill 4085, title only. A voice vote was taken with unanimous affirmative result and Bill 4085 was read for the first time.

Discussion:

Alderman Roach directed a statement to Parks Director Chris Conway that, for clarification purposes, this was not lowering or raising golf fees, but bringing all sections of the code into congruity. Mr. Conway stated that was correct as there were conflicting sections/tables within the code.



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City Attorney Jones also stated that, at the Board's request, language was included so that City staff may adjust rates as needed and they won't have to come back to the Board.

A motion was made by Alderman Bullington and seconded by Alderman Kerlagon for a second reading of Bill 4085, title only. A voice vote was taken with unanimous affirmative result and Bill 4085 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4085 with the following results:

Ayes – Aldermen Finley, Roach, Stallmann, Fleming, Leahy, Bullington, Utt, Kerlagon

Nays -- None.

Bill No. 4085 was approved and became Ordinance No. 21-02

CONSENT ITEMS

Administration – Check Signatories

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

Discussion:

None

A motion was made by Alderman Fleming and seconded by Alderman Stallmann to approve the check signatories. A voice vote was taken with unanimous affirmative result and the motion passed.

Administration – Semi-Annual Revenue/Expenditure Statement

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

Discussion:

None

A motion was made by Alderman Fleming and seconded by Alderman Stallmann to approve the semi-annual statement. A voice vote was taken with unanimous affirmative result and the motion passed.



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MAYOR'S REPORT

Mayor Pogue wanted to follow up on the request from Leah Schroeder for the Board to sign a letter of support for the Borgen Project. He stated a draft letter had been sent to everyone and asked if the Board should take consideration on the matter this evening. Aldermen Fleming and Finley both agreed the letter could be more generic; Alderman Finley pointed out several lines he felt should be removed. City Administrator Sterman stated he had sent an updated draft earlier today. Alderman Roach stated he had not seen the draft and asked that the matter be held over. Alderman Finley stated there was no rush and holding it over was not an issue; Alderman Stallmann agreed. Alderman Fleming shared that he would collaborate with City Administrator Sterman on a new draft of the letter; he also stated the Board should stick with her request and be generic; Alderman Stallmann agreed. Mayor Pogue will send the new draft to everyone for review.

CITY ADMINISTRATOR'S REPORT

City Administrator Sterman reminded everyone that the deadline for candidacy filing is January 19, 2021 at 5:00 p.m. He also updated the Board on the property at 977 Morena. The owner recently passed away and the property is currently owned by the bank. The City is working with the bank to address what the City believes are nuisance issues, particularly on the home's exterior.

CITY ATTORNEY'S REPORT

City Attorney Jones has drafted an ordinance amending exceptions to the Clean Air Act, adding an exception for military veteran's associations which have certification of exception from St. Louis County and adopts, by reference, a section of St. Louis County code which has certain criteria not necessarily in the City's ordinance. This gives the Board the opportunity to discuss whether the VFW post should be exempt from the Clean Air Act so they could continue to offer a smoking area. Mayor Pogue spoke with the new commander at the VFW; their membership voted in favor of asking the City for the amendment. He also stated this would only affect the canteen area and not the hall where events such as fish fries, bingo, etc. take place. Alderman Roach asked if the banquet hall would remain no smoking and how the canteen area would stay separated from the hall; Mayor Pogue replied the canteen would be the only area where smoking would be permitted and there is a door and wall separating the two areas. Alderman Fleming asked what prompted the VFW to ask; Mayor Pogue stated a member brought it to their attention that the business model had changed and there are now paid employees. Alderman Roach asked if Alderman Finley, the chair of the Public Health and Safety committee, had any concerns; he did not. A motion was made by Alderman Fleming and seconded by Alderman Stallmann for the City Attorney to formally draft legislation for a future meeting. A voice vote was taken with unanimous affirmative result and the motion passed.



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STAFF REPORTS

Public Works – Street Assessment

Public Works Director Jim Link made a power point presentation, sharing information from the Streets Assessment book which had been sent to the Board earlier in the week. He discussed all aspects of street assessment including how the streets are maintained, being proactive and the benefits of keeping the City's streets in good condition. He also talked about looking into the future (2021-2035), costs for replacement, notifications to businesses, etc. He discussed the best way to allocate funding as we are in a ten-year cycle.

Public Works – Ries Rd STP

Staff is recommending allowing Cochran Engineering to submit a proposal and an application to East-West Gateway Council of Governments and provide professional engineering services. Mr. Link stated we had applied for the grant last year, but our application was rejected; he would like to try again. The cost for application is \$5000, which is reimbursed if the application is not approved. Alderman Roach asked if there was something wrong with the previous application; Mr. Link stated projects are scored on a point system and other projects scored higher than ours. Mayor Pogue stated this happened before with the New Ballwin Rd. project. A motion was made by Alderman Roach and seconded by Alderman Stallmann to approve staff's recommendation to submit the application. A voice vote was taken with unanimous affirmative result and the motion passed.

Mayor Pogue discussed the two recent water main breaks and asked Mr. Link if he has any idea when Missouri American Water would be fixing the patch. Mr. Link stated he has called Missouri American Water but has yet to receive a response. He also stated we would intervene if necessary to get things moving.

ALDERMANIC COMMENTS

Alderman Leahy stated he had sent a letter to Board members as he feels the meetings should return to in-person. He also stated City employees are back out in the field and have been at work in various departments, so the Board should also return to in-person meetings.

Alderman Finley shared that Monte's School of Music, located in Claymont Center is merging with Mozingo's. Mozingo's will be moving from Ellisville to the Claymont Center location; they will have musical instruments and equipment for sale. Alderman Finley stated he has been taking lessons at Monte's, and that this will be a great place to go for lessons. City Attorney Jones added that the end cap of Claymont where Mozingo's is moving to is the original location of Mozingo's. Alderman Roach asked Alderman Finley if he knew what the name of the merged businesses will be; Alderman Finley did not have the name available.



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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 8:00 p.m.

TIM POGUE, MAYOR

ATTEST:

POLLY MOORE, CITY CLERK



CITY OF BALLWIN
#1 Government Ctr, Ballwin, MO 63011

BILL NO. 4086

ORDINANCE NO. _____

INTRODUCED BY

ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, KERLAGON, BULLINGTON

**AN ORDINANCE AMENDING THE EXCEPTIONS TO APPLICATION OF THE
CLEAN AIR ACT**

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY
OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Section 17-65(c) of the Code of Ordinances of the City of Ballwin shall be amended by adding a new subsection (3) thereto as follows:

(c) *Exceptions.* The following areas shall be exempt from the provisions of this section:

(1) Private homes, private residences and private vehicles;

(2) a. Membership associations that were in existence and in operation on November 30, 2004; provided, however, that smoking shall only be allowed in membership associations in which all of the duties with respect to the operation of such association, including, but not limited to the preparation of food and beverages, the service of food and beverages, reception and secretarial work of the membership association are performed by members of such membership association who are at least 18 years of age and who do not receive compensation of any kind from the membership association or any other entity for the performance of such duties. In addition, the membership association shall not allow any person under the age of 18 years of age to be present on the membership association premises at any time when smoking is permitted.

b. Membership associations may retain and utilize non-members for professional services such as accounting and legal services and other services that are not generally within the scope of the day-to-day operation of the membership associations.

(3) A military veterans association with a certificate of exemption issued by the St. Louis County Department of Revenue pursuant to SLCRO Section 605.076.

Section 2. The definition of *Membership association* in Section 1-2 of the Code of Ordinances of the City of Ballwin shall be amended by deleting Subsection (3) d. thereof as follows:

d. A military veterans association; or

Section 3. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this _____ day of _____, 2021. _____
TIM POGUE, MAYOR

APPROVED this _____ day of _____, 2021. _____
TIM POGUE, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR



Consent Item

RE: Twin Oaks Resident Recreational Benefits

Department/Program: Parks and Recreation

Recommendation:

In 2021, allow the sale of Pointe Memberships, Platinum Memberships, North Pointe Swim Passes, and Resident Greens Fees to Twin Oaks residents at the Ballwin resident rate with the Village of Twin Oaks to reimburse Ballwin the difference between resident and non-resident passes, memberships, and fees.

Explanation:

The sale of recreational benefits at Ballwin Resident rates would increase the Parks and Recreation Department's revenue while having minimal impact on the facility's operations.

Submitted By: Chris Conway, Director of Parks and Recreation

Date: January 25, 2021



Consent Item

RE: Wildwood Swim Passes

Department/Program: Parks and Recreation

Recommendation:

For the 2021 season, allow the sale of North Pointe Family Swim Passes to Wildwood residents at the Ballwin resident rate with the City of Wildwood to reimburse Ballwin \$125 per pass sold

Explanation:

Beginning in 2008 Ballwin has had a cooperative agreement with the City of Wildwood to offer this benefit to their residents. \$7,500 in revenue is budgeted in 2021 for the sale of Wildwood passes. In FY2019 33 passes were sold resulting in revenue of \$9,255. The sale of the pool passes would enhance the facility's revenue while having minimal impact on the facility's operations.

Submitted By: Chris Conway, CPRP, Director of Parks and Recreation

Date: January 25, 2021



Consent Item

RE: Staff and recreation program apparel – 21-20

Department/Program: Parks & Recreation

Recommendation: Award bid to low bidder St. Louis Sportswear in the amount of \$15,185.30

Explanation:

\$17,000 was budgeted for this purchase in the 2021 operating budget. The bid was advertised in the St. Louis Business Journal, posted on the Ballwin website and sent directly to 24 individual businesses. On January 12, 2021, four bids were received for the purchase of various apparel items.

St Louis Sportswear	\$15,185.30
MPG Tandem	\$15,920.00
EmbroidMe	\$15,234.43
Treetop Enterprises	\$18,108.65

Submitted By: Chris Conway, CPRP, Director of Parks and Recreation

Date: January 25, 2021



Staff Report

Subject: Police Vehicle Purchase Program

Department/Program: Police Department

Explanation:

Request permission to move forward with the purchase of three Dodge Durango Police Vehicles from Lou Fusz Dodge.

We have budgeted \$96,000 from the General Fund.

We assembled and disseminated an RFP (Request for Proposal) for pricing on the new 2021 Dodge Durango. We received our only bid from Lou Fusz Automotive. Using their bid the purchase of the three vehicles is \$93,585.

The state contract for the same three vehicles sets our cost at \$100,659.

Recommendation:

I recommend we move forward with the purchase of the three vehicles from Lou Fusz based on their Ballwin RFP bid.

Submitted By: Chief Douglas W. Schaeffler

Date: January 14, 2021



Staff Report

Subject: Ruppel Farms

Department/Program: Public Works/ Maintenance Request

Recommendation: Staff recommends we accept Ruppel Farms Subdivision which includes Wilhelmine Ct. and a portion of Westrun Drive for City Maintenance.

Explanation: The developer McBride & Sons Homes Co. has completed the required work and repairs on the Ruppel Farms subdivision. MSD has accepted the sewers for their maintenance, and the detention basin construction has been verified by the design engineer to have been constructed in accordance with the approved plans. The punch list has been completed and the final layer of asphalt has been placed. Therefore, we are requesting that an ordinance be approved accepting the streets and sidewalks for City maintenance.

Submitted By: Jim Link, Director of Public Works

Date: 1/8/2021