



**BOARD OF ALDERMEN  
Meeting Minutes**

SEPTEMBER 11, 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 via videochat
- Alderman Mark Stallmann
- Alderman Frank Fleming
- Alderman Mark Weaver
- Alderman Ross Bullington
- Alderman David Siegel
- City Administrator Eric Sterman
- City Attorney Robert Jones

Absent

The Pledge of Allegiance was recited. A moment of silence was held for all 9/11 victims.

**MINUTES**

The minutes from the August 14, 2023 Board of Aldermen meeting were submitted for approval. A motion to approve the minutes as submitted was made by Alderman Frank Fleming and seconded by Alderman Michael Finley. The minutes were approved unanimously.

The minutes from the August 14, 2023 Board of Aldermen Closed Session meeting were submitted for approval. A motion to approve as submitted was made by Alderman Frank Fleming and seconded by Alderman Michael Finley. The minutes were approved unanimously.



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**CITIZEN COMMENTS**

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None.

**EMPLOYEE RECOGNITION**

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Ballwin Police Chief Doug Schaeffler officially recognized Officer Michael Burgoyne and promoted him to Sergeant.

**LEGISLATION**

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**Bill 4174 - AN ORDINANCE AMENDING THE SETBACK DIMENSIONS FOR DYNAMIC SIGNS IN THE CITY OF BALLWIN.**

This ordinance creates laws for dynamic (moving) lit display signs at churches, schools, and non-profit organizations in residential areas. It lowers the minimum amount of feet needed between the sign and residences from 250 feet to 85 feet.

A motion was made by Alderman Frank Fleming and seconded by Alderman Ross Bullington for a first reading of Bill 4174, title only. The motion was approved unanimously and Alderman Frank Fleming read the bill, title only.

*Discussion:*

The Board of Aldermen discussed turning off dynamic signs from 9 p.m. to 6 a.m. There was discussion on whether there should be a static message allowed between those hours or whether the signs should be completely off.

Alderman Ross Bullington invited Mike Anselmo, Principal of Selvidge Middle to discuss whether this would be possible with the sort of signs they're looking to purchase. Anselmo confirmed it was possible.

Alderman David Siegel was concerned about neighbors near Woerther Elementary and whether it would be better to have the signs shut off.

Alderman Mark Stallmann echoed the same concerns, and made a motion for an amendment for dynamic signs to be off from 9 p.m. to 6 a.m. Alderman David Siegel seconded the motion. A roll call vote was taken, with Aldermen Fleming, Weaver, Finley and Bullington voting no to the amendment with Aldermen Roach, Siegel, Stallmann, and Utt voting yes, along with Mayor Pogue casting the tie-breaking yes vote. That amendment passed.

City Attorney Bob Jones then discussed the language of the bill and how they wanted the amendment worded. Alderman Mike Utt called for another vote, because he believed the amendment was regarding keeping the signs on a static image overnight, not completely turning them off. Alderman Mark Stallmann called for another vote on an amendment with the language that signs "may not be illuminated between the hours of 9 p.m. and 6



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a.m.”. Alderman David Siegel seconded the motion. A roll call vote was taken, with Aldermen Bullington, Finley, Utt, Weaver and Fleming voting no, and Aldermen Stallmann, Siegel, and Roach voting yes. The amendment failed so the original language in the bill stood.

A motion was made by Alderman Ross Bullington and seconded by Alderman Mike Utt for a second reading of Bill 4174, title only. The motion passed unanimously and Alderman Bullington read the bill, title only.

A roll call vote was taken for passage and approval of Bill 4174. Aldermen Roach and Siegel voted no, while Aldermen Utt, Finley, Stallmann, Fleming, Weaver and Bullington voting yes.

Bill No. 4174 was approved and became Ordinance No. 23-20.

**CONSENT ITEMS**

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**Administration – Liquor Licenses for Little Hi, Witches Night Out and Stuttgart Sister Cities**

The liquor license for Little Hi is the same as approved in October 2022, just under a different managing officer. The West County Chamber of Commerce is applying for a liquor license for their event “Witches Night Out” on October 21, 2023. Stuttgart Sister Cities is applying for a liquor license to serve alcohol at their fundraiser on September 25th in Vlasia Park.

A motion was made by Alderman Mark Stallmann and seconded by Alderman Mike Utt for approval of staff’s recommendation. A roll call vote was taken for approval. Staff’s recommendation was approved unanimously.

**MAYOR’S REPORT**

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Mayor Tim Pogue announced the recommendations for the Parks and Recreation Citizen Advisory Committee as follows:

**Parks and Recreation Citizen Advisory Committee**

**3 year term**

- Jimmy Terbrock Ward 1
- Megan Gibson Ward 2
- Elizabeth Davis Ward 3
- Sandi Grassi Ward 4

**2 year term**

- Pam Haug Ward 2
- Sam Biver Ward 3



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**1 year term**

Sue Pyles Ward 1

Susan Harris Ward 4

Alderman Mark Stallmann made a motion to approve, with Alderman Ross Bullington seconding that motion. The appointments were approved unanimously, with Alderman Kevin Roach abstaining.

Mayor Tim Pogue made a recommendation of Pat McDermott to serve on the Parks & Recreation Citizen Advisory Committee, representing the Ballwin Days Committee. Alderman Mark Stallmann made a motion to approve, with Alderman David Siegel seconding that motion. That appointment was approved unanimously.

Mayor Tim Pogue made a recommendation to the Planning and Zoning Commission as follows:

Ward 2: Bill Hinds replacing Chald Silker

Ward 3: Zach Carter replacing Mark Weaver.

Alderman Mike Utt made a motion to approve the appointments, with Alderman Frank Fleming seconding that motion. The appointments were approved unanimously.

**CITY ADMINISTRATOR'S REPORT**

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City Administrator Eric Sterman made a note that it was City Finance Officer Denise Keller's birthday that day. The Board of Aldermen sang Happy Birthday to her.

City Administrator Sterman brought up possibly addressing vape and smoke paraphernalia shops opening up around town. He asked the Board whether they were interested in addressing it through the zoning code, because right now those kinds of shops do not require an SUE. He noted the City could make it a conditional use permit, which gives the City the right to review the application. The other option would be to only allow those businesses in certain zoning districts, which would require legislation. City Administrator Sterman noted he has been asked about it, and wanted to see if the Board had any interest in pursuing legislation. Alderman Kevin Roach noted the SUE is a normal process that restaurants have to go through as well. Alderman Frank Fleming mentioned an article in STLToday about a woman killed after a car accident on Clarkson who had purchased a vape and modified it. He noted he was willing to have staff take a look at the issue.

A draft bill will be brought back to the Board at a future meeting.



## **CITY ATTORNEY’S REPORT**

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### **Daylighting Drain Pipes Ordinance**

City Attorney Bob Jones brought up a draft bill regarding daylighting drain pipes (where stormwater runoff is released) in the City’s right of way. Currently, there is no ordinance prohibiting it. It would declare those properties to be a nuisance if they daylight in the City’s right of way.

Alderman Frank Fleming brought up City Code stating that daylighting needed to occur 12 inches from a neighbor’s property line, noting he has heard disputes between residents. He directed the City Attorney to look into that issue as well.

City Attorney Bob Jones noted that anything we have to do regarding that would have to take the neighbor dispute ordinance into account. Alderman Mark Stallmann noted he’d also had complaints from residents regarding neighbors daylighting onto their property as well.

## **STAFF REPORTS**

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### **Parks & Recreation – Golf Now**

Staff recommends approving a contract with GolfNow to help free up unused/no show tee times at the Ballwin Golf Course. This would also increase the potential for revenue as more golfers will be able to see the course on the popular app.

Parks & Recreation Director Chris Conway noted he was bringing back this staff report for a 1-year contract with GolfNow to get rid of no-shows and utilize revenue streams at the golf course. The Board of Alderman discussed how much time there was to cancel in advance, with staff stating it’s up to their discretion but will most likely be 4 hours. Parks & Recreation Director Conway noted the City is not passing along credit card fees to those who are booking tee times.

Alderman Frank Fleming questioned when no shows would be charged. Golf Course Manager Alex Graf noted they will wait until the end of the day to collect no shows, then charge them the next day. He also noted staff would have the discretion to not charge some no shows if there was legitimate reasons or if there were extenuating circumstances.

Alderman Mark Weaver asked about fees for the app. Parks & Recreation Director Chris Conway noted the charges will be the non-resident rate of \$17. Alderman Weaver then asked about call-in bookings, and Conway noted they would accept call-ins on the day of only, or possibly allow residents to reserve tee times for the year, but staff has discretion to make changes and amendments to policies if they’re not working.



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Alderman Kevin Roach noted that on the platform, the only out is for 30 days prior to the 1-year renewal period. The 30-day out is for the payment portion of GolfNow. Parks & Recreation Director Chris Conway noted that was correct.

Alderman David Siegel noted he spoke with several people who currently use the GolfNow app, and he said they were shocked Ballwin's Golf Course wasn't on the app already. He also noted that everyone that uses that app is under the assumption they will be charged.

City Administrator Eric Sterman noted the City always has the option to use the product as a booking platform, but the City has the discretion to adjust the time, whether we charge, etc.

Alderman Ross Bullington made a motion to approve staff's recommendation with a second from Alderman David Siegel. A vote was taken and Alderman Frank Fleming was the only Alderman to vote no. Staff's recommendation was approved.

**ALDERMANIC COMMENTS**

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Alderman Michael Finley asked Alderman Kevin Roach if he wanted to expand on his decision to not vote in favor of the Parks & Recreation Citizen Advisory Committee candidates.

Alderman Kevin Roach said not at this time.

Alderman Mark Stallmann thanked everyone who applied for the committee.

**ADJOURN**

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A motion was made by Alderman Frank Fleming and seconded by Alderman Michael Finley to move to adjourn. The motion was passed by unanimous affirmative voice vote and the meeting adjourned at 7:42 p.m.

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TIM POGUE, MAYOR

ATTEST:

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MEGAN FREEMAN, CITY CLERK