



BOARD OF ALDERMEN Meeting Minutes

November 14, 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 October 24, 2022 Board of Aldermen meeting were submitted for approval. Alderman Frank Fleming made a motion to approve as submitted, seconded by Alderman Mike Finley. The minutes from the October 24, 2022 Board of Aldermen meeting were approved unanimously.

CITIZEN COMMENTS

No citizen comments.

LEGISLATION

Bill 4142 - AN ORDINANCE AMENDING GOLF CART FEES FOR THE CITY OF BALLWIN.

Alderman Frank Fleming made a motion for a first reading of Bill 4142, title only, seconded by Alderman Mark Stallmann. The vote was unanimous for a first reading. Bill 4142 was read for the first time.



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Discussion:

Alderman Kevin Roach asked Superintendent of Parks & Recreation John Hoffman about whether these fees can be discounted with a promotion or a special. Hoffman replied that like the greens fees, the golf cart fees can be discounted.

A motion was made by Alderman Frank Fleming and seconded by Alderman Ross Bullington for a second reading of Bill 4142, title only. The motion passed unanimously. Bill 4142 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4142. Bill No. 4142 was approved unanimously and became Ordinance No. 22-28.

Bill 4143 - AN ORDINANCE ADDING THE DEFINITION OF EMERGENCY VEHICLE IN SECTION 1.2 OF THE CITY CODE OF ORDINANCES.

A motion was made by Alderman Mark Stallmann and seconded by Alderman Frank Fleming for a first reading of Bill 4143, title only. The motion passed unanimously. Bill 4143 was read for the first time.

Discussion:

Mayor Tim Pogue asked City Attorney Bob Jones if the new definition was in line with state statute. City Attorney Bob Jones replied yes, this is adding a definition of emergency vehicle for the City of Ballwin, as we currently do not have a definition of emergency vehicle. This brings us in line with state statute.

A motion was made by Alderman Ross Bullington and seconded by Alderman Frank Fleming for a second reading of Bill 4143, title only. The vote passed unanimously. Bill 4143 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4143, and the bill was passed unanimously. Bill No. 4143 was approved and became Ordinance No. 22-29.

Bill 4144 - AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO PIERRE LAMOUR FOR A RESTAURANT WITH SALE OF ALCOHOL BY THE DRINK FOR CONSUMPTION ON THE PREMISES AT 15581 MANCHESTER ROAD.

A motion was made by Alderman Frank Fleming and seconded by Alderman Mark Stallmann for a first reading of Bill 4144, title only. That motion passed unanimously. Bill 4144 was read for the first time.

Discussion:

Alderman Kevin Roach asked if there were any questions on the SUE from the Planning & Zoning Commission meeting. City Attorney Bob Jones said there was one question as to the hours of operation, which are 11 a.m. to 1 a.m., in line with city ordinance.



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A motion was made by Alderman Frank Fleming and seconded by Alderman Ross Bullington for a second reading of Bill 4144, title only. The motion passed unanimously. Bill 4144 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4144. Bill 4144 was approved unanimously and became Ordinance No. 22-30.

Bill 4145 - AN ORDINANCE AMENDING ORDINANCE NO. 557, KNOWN AS "THE ZONING ORDINANCE" OF THE CITY OF BALLWIN, AND AMENDING "THE DISTRICT MAP" BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN LAND IN THE CITY OF BALLWIN FROM ST. LOUIS COUNTY R-4 DISTRICT TO R-3 SINGLE FAMILY DWELLING DISTRICT.

A motion was made by Alderman Mark Stallmann and seconded by Alderman Mike Utt for a first reading of Bill 4145, title only. The motion passed unanimously. Bill 4145 was read for the first time.

Discussion:

Alderman Kevin Roach asked what the difference between St. Louis County R-4 and Ballwin R-3 zoning was. City Attorney Bob Jones replied the changes would not impact structures that were already built out. The changes mainly impact the side setback by about 2 feet. If someone in that new zone would need to rebuild due to a catastrophic event, they may be able to get a variance due to special circumstances.

Alderman Mark Stallmann noted that this was a voluntary annexation by the residents of the Waterford subdivision.

A motion was made by Alderman Mark Stallmann and seconded by Alderman Mike Utt for a second reading of Bill 4145, title only. The motion was approved unanimously. Bill 4145 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4145. Bill No. 4145 was approved unanimously and became Ordinance No. 22-31.

MAYOR'S REPORT

Mayor Tim Pogue noted that the St. Louis County Boundary Commission is expected to finalize the acceptance of annexation of the Cascades subdivision to the City of Ballwin at their next meeting in November. It will make three annexations in the last three years for the City of Ballwin.

He also noted that he toured the new Police Station and said construction was moving along nicely.

He also thanked Cub Scouts Pack 621 for being at tonight's meeting, and said he and Alderman Mark Stallmann were honored to meet them.



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CITY ADMINISTRATOR'S REPORT

City Administrator Eric Sterman noted we're in the throes of leaf season, which may overlap with snow season. He also noted that Public Works is still waiting on their leaf vac that was ordered at the beginning of 2022. We did finally get our pickup truck for the Ballwin Police Department.

CITY ATTORNEY'S REPORT

City Attorney Bob Jones reported there are more changes that need to be made to Ballwin City Code due to changes in state law. Senate Bill 775 and House Bill 2400 added a section to closed records and closed meetings under Sunshine Law for personal information in court records of certain victims. The section on closed records and closed meetings in the Ballwin City Code has not been changed in several years. The City of Ballwin will need to revise their statute on Sunshine Law to accommodate this bill and other changes that have been made since city ordinance has been updated on Sunshine Law.

Mayor Tim Pogue asked about changes that will need to be made with Constitutional Amendment 3 recently passing. City Attorney Bob Jones says his firm and the municipal attorneys group are looking into the best way to do it to be uniform across St. Louis County.

City Attorney Bob Jones will compile draft bills for the Board to review.

STAFF REPORTS

Administration – Ward Annexations

Staff recommends the Board make a motion to include the Cascades subdivision in Ward 1 and the Charleston Oaks subdivision in Ward 4.

Discussion:

City Administrator Eric Sterman says the new annexations need to be assigned wards. It makes sense to put Cascades in Ward 1 and Charleston Oaks in Ward 4 because it would make all of the wards more equitable in population. City Administrator Eric Sterman noted we may run into issues with future annexations if we put all of them in one ward.

A motion was made by Alderman Mike Finley and seconded by Alderman Mike Utt to accept staff's recommendation. The motion passed unanimously.

City Administrator Eric Sterman also noted that the board will still need to pass a formal acceptance of both annexations, an ordinance taking over street lights, and Cascades HOA will need to deed the streets to the City of Ballwin as they are currently private streets. He also noted we have an informational packet, letter and website set up to inform the residents of these subdivisions as to what's going on.



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City Attorney Bob Jones also noted that the legal descriptions of each ward in the City Code will need to change. Alderman Ross Bullington made a motion to allow City Attorney Bob Jones to draft a bill to change the legal descriptions. It was seconded by Alderman Mike Finley. The motion passed unanimously.

Parks – North Pointe Lounge Chairs

Staff recommends awarding purchase of chaise lounge chairs to replace existing older pieces at North Pointe, in addition to removal of old chairs to Fry & Associates, Inc. for the amount of \$30,060.00. This price includes 90 chairs and the removal of 90 old chairs.

Discussion:

Alderman Kevin Roach asked if the disposal needed to come with the purchase of the chairs. City Administrator Eric Sterman replied that the City had looked at proposals without disposal, but it was cheaper to include it up front.

Superintendent of Parks & Recreation John Hoffman noted the City had originally wanted to replace 130 chairs, but the rising costs are limiting how many they can actually replace.

There was a motion by Alderman Frank Fleming and seconded by Alderman Mike Utt to accept staff's recommendation. The motion was approved unanimously.

ALDERMANIC COMMENTS

Alderman Mike Finley noted Philip Oehlerking, the newly elected Missouri State Representative, was in the audience.

A motion was made by Alderman Mike Utt and seconded by Alderman Mike 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 7:25 p.m.

A motion was made by Alderman Frank Fleming and seconded by Alderman Mike Utt to reconvene in open session at 8:44 p.m. The motion was passed by unanimous affirmative voice vote and the motion passed.

A motion was made by Alderman Frank Fleming and seconded by Alderman Mike Finley to adjourn. The motion was passed by unanimous affirmative voice vote and the meeting adjourned at 8:45 p.m.

TIM POGUE, MAYOR

ATTEST:

LINDA LECHNER, INTERIM CITY CLERK