



BOARD OF ALDERMEN

Meeting Minutes

October 24, 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
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 October 10, 2022 Board of Aldermen meeting were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Stallmann to approve the minutes from the October 10, 2022 Board of Aldermen meeting as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.

The minutes from the October 10, 2022 Board of Aldermen closed meeting were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Stallmann to approve the minutes from the October 10, 2022 Board of Aldermen closed meeting as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.



CITIZEN COMMENTS

Michael Bertz, 1864 Oxborough Ct, Chesterfield, addressed the Board, advocating for Parkway School District Prop S, which will be on the November 8 ballot. He stated Prop S will help to maintain the buildings in the district, update security and technology, and improve accessibility for those with mobility devices.

Chief Schaeffler introduced new Communications Officers Courtney Bourbon and Chandra Sullivan, and Police Officer Joseph Carroll.

LEGISLATION

Bill 4141 - AN ORDINANCE AMENDING CERTAIN PARKS AND RECREATION FEES FOR THE CITY OF BALLWIN.

A motion was made by Alderman Fleming and seconded by Alderman Leahy for a first reading of Bill 4141, title only. A voice vote was taken with unanimous affirmative result and the motion passed. Bill 4141 was read for the first time.

Discussion:

Alderman Finley asked if any consideration was given to limiting the number of non-residents at North Pointe rather than raising the rate. Parks Director Chris Conway said that can be considered. City Administrator Sterman clarified that the intent of Alderman Finley's suggestion is to limit non-resident attendance to season pass holders and those who are guests of residents, and said that might be too limiting. Parks Director Conway said that he would prefer to give non-residents a discount if they are attending as a guest, but still charge the increased daily rate to non-residents attending on their own. Alderman Siegel said he doesn't want to raise rates just to limit the number of people at North Pointe.

Discussion was held regarding the various fees and alternatives to some fee increases. Parks Director Conway stated that the proposed fee increases bring the City of Ballwin in line with surrounding cities' fees. The fee increases will help offset the cost for providing staff for the facilities. Alderman Finley asked if staff can monitor the number of people at North Pointe. Parks Director Conway said that they have to, because there is a maximum number of bathers they can allow. Mayor Pogue stated his concern about limiting non-residents, because of fluctuations in attendance and the possibility of losing income. Parks Director Conway said it would be very difficult to monitor non-resident attendance on the fly. Alderman Finley said he would be in favor of tabling the bill to allow staff to look into alternatives to raising rates. Alderman Siegel agreed, saying that raising the rates may not work to dissuade non-residents. Mayor Pogue said that alternatives may not work either, and staff has determined this is the best option. Alderman Bullington noted that raising the rates will provide funds to improve the facility.



A motion was made by Alderman Roach and seconded by Alderman Finley to refer Bill 4141 to the Parks & Rec Committee of the Board.

A voice vote was taken with the following results:

Ayes – Aldermen Finley, Roach, Stallmann, and Siegel

Nays – Aldermen Utt, Fleming, Bullington, Leahy, and Mayor Pogue

The motion failed.

A motion was made by Alderman Bullington and seconded by Alderman Fleming for a second reading of Bill 4141, title only. A voice vote was taken with majority affirmative result and the motion passed 7-1. Bill 4141 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4141 with the following results:

Ayes – Aldermen Utt, Fleming, Bullington, Leahy, and Mayor Pogue

Nays – Aldermen Finley, Roach, Stallmann, and Siegel

Bill No. 4141 was approved and became Ordinance No. 22-27.

CONSENT ITEMS

Parks & Recreation – Holloway Park Comfort Station

Staff recommends purchase of CXT prefabricated comfort station utilizing Sourcewell Contract.

Discussion:

Alderman Siegel asked about the installation of a two-unit bathroom and asked Parks Director Conway about the difference in cost. Parks Director Conway said that the two-unit bathroom would cost \$33,000 more than the one-unit bathroom, which is \$11,000 more than he put in the budget. Alderman Siegel said he is in favor of spending the additional funds for the two-unit bathroom. City Administrator Sterman explained that the City was awarded an approximately \$300,000 grant for all of the renovations at Holloway Park, which is broken down into four bids/projects: the new playground, the conversion of tennis court to pickleball court, the new restroom, and grading/construction. Three of the four bids have been done; the fourth (grading/construction) has not. That bid, and the decision about the restroom, will determine whether we exceed the budget. Parks Director Conway said that once the type of restroom has been decided on, we can go out for bid on the construction. Mayor Pogue suggested we write an RFP for both options of the restroom, and then compare it to the budget.

No action was taken on the consent item at this time.



Administration – Little Hi Liquor License

Staff recommends approval of the liquor license for Little Hi.

Discussion:

None.

A motion was made by Alderman Roach and seconded by Alderman Stallmann to accept staff's recommendation. A voice vote was taken with unanimous affirmative result and the motion passed.

MAYOR'S REPORT

Mayor Pogue stated the St. Louis County Boundary Commission will meet Tuesday evening and we expect to receive a final decision on the Cascades annexation proposal. He confirmed with City Attorney Jones that the City came to an agreement with St. Louis County regarding the legal description.

CITY ADMINISTRATOR'S REPORT

City Administrator Sterman stated that golf cart fees are not currently set by ordinance. Unless there is objection from the Board, City Attorney Jones will draft legislation to include golf cart fees in the same ordinance with greens fees.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann to authorize the City Attorney to draft legislation following the staff recommendation in relation to golf cart rentals. A voice vote was taken with unanimous affirmative result and the motion passed.

City Administrator Sterman announced that the City has been awarded the grant for the Vlasik Park playground renovation. Mayor Pogue asked Parks Director Conway about the timeline for the project. Mr. Conway said the plan is to go out to bid in February 2023, but construction will be dependent on the manufacturers.

CITY ATTORNEY'S REPORT

City Attorney Jones had provided copies of the proposed revisions to residential home business accessory use to the Board of Aldermen prior to the meeting. This is to comply with House Bill 1662, which restricts the ability of municipalities to regulate and prohibit certain home-based businesses, while maintaining the residential character of the structure or neighborhood.

Alderman Roach asked how it would be determined if the residential character is changed. City Attorney Jones said it would have to be applied on a case-by-case basis, at the discretion of the code enforcement officer.



Alderman Stallmann asked about short-term rentals and confirmed that, under the new language, someone could purchase a home to use exclusively as an AirBnB or VRBO type property. City Attorney Jones said that is correct.

Alderman Fleming asked about the section relating to commercial vehicles. City Attorney Jones said he used the verbiage from federal law verbatim. Alderman Fleming asked about the registration for home-based businesses. City Attorney Jones said the City is not allowed to require business licenses, but can require registration to ensure compliance with state and local laws and payment of applicable taxes.

Mayor Pogue directed the Board to review the proposed changes and contact City Attorney Jones with any concerns.

STAFF REPORTS

Administration – City Clerk Appointment

Staff recommends the Board move to appoint Linda Lechner as the Interim City Clerk, and Megan Freeman as the City Clerk upon her return from maternity leave.

Discussion:

Alderman Finley asked if the Board is free to select any employee. City Attorney Jones said that is correct; it does not need to be done by ordinance.

Alderman Roach asked if the title should be Deputy City Clerk, so as not to have a “temporary” label. City Administrator Sterman said City Clerk is an official title as designated by State law and City ordinance. There is no provision for a “deputy” city clerk, so it is not necessary. City Attorney Jones said if it is necessary, an interim city clerk can always be named.

A motion was made by Alderman Stallmann and seconded by Alderman Siegel to accept staff’s recommendation. A voice vote was taken with unanimous affirmative result and the motion passed.

ALDERMANIC COMMENTS

Alderman Finley stated that the Public Health & Safety Committee of the Board has been rescheduled for January 23, 2023 at 6:00 pm. The petitioner has been notified.

Alderman Siegel said that leaf pickup has begun and commended Public Works for the great job they are doing.



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ADJOURNMENT

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 8:23 p.m.

_____ TIM POGUE, MAYOR

ATTEST:

_____ LINDA LECHNER, INTERIM CITY CLERK