



**BOARD OF ALDERMEN  
Meeting Minutes**

DECEMBER 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
- Alderman Mark Stallmann
- Alderman Frank Fleming
- Alderman Mark Weaver
- Alderman Ross Bullington (via teleconference)
- Alderman David Siegel
- City Administrator Eric Sterman
- City Attorney Robert Jones

Absent

The Pledge of Allegiance was recited.

**MINUTES**

The minutes from the November 27, 2023 Board of Aldermen meeting were submitted for approval.

A motion to approve as submitted was made by Alderman Frank Fleming and seconded by Alderman Michael Finley. The motion was approved unanimously.

The minutes from the November 27, 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 motion was approved unanimously.



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The minutes from the November 29, 2023 Board of Aldermen meeting were submitted for approval.

A motion to approve as submitted was made by Alderman Frank Fleming and seconded by Alderman Michael Finley. The motion was approved unanimously.

The minutes from the November 29, 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 motion was approved unanimously.

The minutes from the December 6, 2023 Board of Aldermen meeting were submitted for approval.

A motion to approve as submitted was made by Alderman Frank Fleming and seconded by Alderman Michael Finley. The motion was approved unanimously.

The minutes from the December 6, 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 motion was approved unanimously.

## **CITIZEN COMMENTS**

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Jason Politte and Karen Chaplin spoke to the Board of Aldermen about the death of their daughter, Marissa Politte and to advocate for the banning of smoke shops & tobacco shops from carrying nitrous oxide. Their daughter was killed when a driver, who was huffing nitrous oxide, passed out at the wheel of the car and slammed into her while she was on a sidewalk.

Attorney John Simon also spoke in favor of banning of smoke shops & tobacco shops from carrying nitrous oxide. He was the attorney for the family, and successfully sued United Brands and the Coughing Cardinal for selling the nitrous oxide.

## **PRESENTATIONS**

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### **Employee Recognition – Police Department**

Sgt. Rob Rogers, and Officer Steven Ysaguirre were recognized with Chief’s Commendation awards for their actions during a call in November in which they were confronted by a man with a deadly weapon. The officers used restraint and were able to get the situation under control without using deadly force.



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**Public Works Facility Update**

City Administrator Eric Sterman and Navigate Senior Project Manager Joe Sweitzer presented the Board with options for a renovated Public Works facility. The facility is outdated and too small for current needs. There is around \$6 million in the facilities budget that is already budgeted for situations like these that would be utilized for this facility. The Board of Aldermen decided to present options A, B & C to the Parks & Recreation Citizen Advisory Committee since the project could have potential impacts on green space at Vlasis Park.

**PUBLIC HEARING**

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Mayor Pogue opened the public hearing for the proposed 2024 Budget and asked if anyone wished to speak in favor of the budget. No one came forward. Mayor Pogue asked if anyone wished to speak in opposition to the 2024 Budget. No one came forward, and Mayor Pogue closed the public hearing.

**LEGISLATION**

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**Bill 4179-** AN ORDINANCE APPROVING AND ADOPTING AN OPERATIONS BUDGET OF ANTICIPATED CASH REVENUE AND CASH DISBURSEMENTS FOR THE GENERAL REVENUE FUND OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2024, AND ENDING DECEMBER 31, 2024, PROVIDING FOR EXPENDITURES IN ACCORDANCE WITH SAID BUDGET AND MAKING APPROPRIATIONS THEREOF.

A motion was made by Alderman Frank Fleming and seconded by Alderman Michael Finley for a first reading of Bill 4179, title only. The motion was approved unanimously and Bill 4179 was read for the first time, title only.

*Discussion:*

Alderman Michael Finley noted he and Alderman Mike Utt have not had any complaints or concerns from residents regarding the budget.

A motion was made by Alderman Frank Fleming and seconded by Alderman Michael Finley for a second reading of Bill 4179, title only. The motion was approved unanimously and Bill 4179 was read for the second time, title only.

A roll call vote was taken for passage and approval of Bill 4179. Bill No. 4179 was approved unanimously and became Ordinance No. 23-25.



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**Bill 4180** - AN ORDINANCE APPROVING AND ADOPTING A BUDGET OF ANTICIPATED CASH REVENUE AND CASH DISBURSEMENTS FOR THE CAPITAL IMPROVEMENT PROGRAM OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2024, AND ENDING DECEMBER 31, 2024, PROVIDING FOR EXPENDITURES IN ACCORDANCE WITH SAID BUDGET AND MAKING APPROPRIATIONS THEREOF.

A motion was made by Alderman Kevin Roach and seconded by Alderman Frank Fleming for a first reading of Bill 4180, title only. The motion was approved unanimously and Bill 4180 was read for the first time, title only.

*Discussion:*

Mayor Tim Pogue noted the Capital Improvement Budget was approved by the Planning & Zoning Commission.

A motion was made by Alderman Mark Stallmann and seconded by Alderman Frank Fleming for a second reading of Bill 4180, title only. The motion was approved unanimously and Bill 4180 was read for the second time, title only.

A roll call vote was taken for passage and approval of Bill 4180. Bill No. 4180 was approved unanimously and became Ordinance No. 23-26.

**Bill 4181**- 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-3 TO BALLWIN R-3 SINGLE FAMILY ZONING DISTRICT.

A motion was made by Alderman Mark Stallmann and seconded by Alderman Frank Fleming for a first reading of Bill 4181, title only. The motion was approved unanimously and Bill 4181 was read for the first time, title only.

*Discussion:*

Mayor Tim Pogue noted there was a positive recommendation from the Planning & Zoning Commission, and residents affected were notified of the Planning & Zoning Commission meeting. Alderman Mark Stallmann noted the subdivisions were annexed at their request.



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A motion was made by Alderman Mark Stallmann and seconded by Alderman Frank Fleming for a second reading of Bill 4181, title only. The motion was approved unanimously and Bill 4181 was read for the second time, title only.

A roll call vote was taken for passage and approval of Bill 4181. Bill No. 4181 was approved unanimously and became Ordinance No. 23-27.

**Bill 4182-** 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 TO BALLWIN R-4 PLANNED MULTIPLE DWELLING DISTRICT.

A motion was made by Alderman Michael Finley and seconded by Alderman Mike Utt for a first reading of Bill 4182, title only. The motion was approved unanimously and Bill 4182 was read for the first time, title only.

There was no discussion.

A motion was made by Alderman Michael Finley and seconded by Alderman Mike Utt for a second reading of Bill 4182, title only. The motion was approved unanimously and Bill 4182 was read for the second time, title only.

A roll call vote was taken for passage and approval of Bill 4182. Bill No. 4182 was approved unanimously and became Ordinance No. 23-28.

**Bill 4183-** AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO MIDAS FOR FRONT YARD PARKING AND OPERATION OF AN AUTOMOBILE AND MOTOR VEHICLE SERVICE BUSINESS AT 15230 MANCHESTER ROAD.

A motion was made by Alderman Kevin Roach and seconded by Alderman Frank Fleming for a first reading of Bill 4183, title only. The motion was approved unanimously and Bill 4183 was read for the first time.

*Discussion:*

Alderman Mark Stallmann noted the Planning & Zoning Commission saw an issue with parking spaces, but noted City Staff determined that because it was a service center, parking won't be an issue with employees.



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A motion was made by Alderman Mark Stallmann and seconded by Alderman Frank Fleming for a second reading of Bill 4183, title only. The motion was approved unanimously and Bill 4183 was read for the second time, title only.

A roll call vote was taken for passage and approval of Bill 4183. Bill No. 4183 was approved unanimously and became Ordinance No. 23-29.

**Bill 4184-** AN ORDINANCE AMENDING REGULATIONS FOR HOOKAH LOUNGES, RETAIL TOBACCO STORES AND VAPOR LOUNGES IN THE CITY OF BALLWIN.

A motion was made by Alderman Ross Bullington and seconded by Alderman Mike Utt for a first reading of Bill 4184, title only. The motion was approved unanimously and Bill 4184 was read for the first time.

*Discussion:*

Alderman Frank Fleming noted the Board was being proactive to try and limit some of the things happening at smoke shops. He also noted the previous discussion was that nitrous oxide was a legal substance being used illegally. He wondered if there was something more the City could be doing to prevent illegal use of nitrous oxide and whether this bill should be approved today or to wait until something more could be done.

City Attorney Bob Jones advised the Board to approve this current bill to restrict the location of businesses and then look into the issue further.

Alderman Mark Stallmann noted the Planning & Zoning Commission discussed this issue and couldn't come up with a rationale to ban it since it was a legal substance. He noted this bill will limit more from coming into the City of Ballwin. He wondered if a County or State ban would be more appropriate.

City Attorney Bob Jones noted City statutes are supposed to mirror state statutes with regard to illegal substances.

Alderman Frank Fleming noted this issue appears to be similar to the smoking ban a decade ago, and noted Ballwin was one of the first to pass that. He hoped the City could also be a leader on tackling the nitrous oxide issue.

Alderman Kevin Roach agreed, stating he saw an opportunity for us to be a leader on an obvious issue.

A motion was made by Alderman Frank Fleming and seconded by Alderman Mike Utt for a second reading of Bill 4184, title only. The motion was approved unanimously and Bill 4184 was read for the second time, title only.

A roll call vote was taken for passage and approval of Bill 4184. Bill No. 4184 was approved unanimously and became Ordinance No. 23-30.



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**CONSENT ITEMS**

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**Administration – Facility Usage Policy**

*This amends the current policy for Board/Commission discounts at City facilities. There is some outdated language that needs to be replaced.*

Alderman Mark Stallmann noted he wanted to see a provision added that former elected officials are allowed permanent use of the Pointe and North Pointe after ten years of service, similar to the Golf Course provision.

Alderman Mark Stallmann made a motion to approve staff’s recommendation with the added provision.

Alderman Mike Utt seconded the motion. The motion was approved with Alderman Kevin Roach abstaining.

**MAYOR’S REPORT**

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Mayor Tim Pogue appointed Janet Carr to the Planning & Zoning Commission to serve in place of her late husband, Gary Carr.

Alderman Michael Finley made a motion to approve the appointment. Alderman Mike Utt seconded the motion. The motion was approved unanimously.

Mayor Pogue noted he was still looking for an appointment to the Planning & Zoning Commission from Ward 4. Mayor Pogue also recommended canceling the second meeting in December. Alderman Mark Stallmann made the motion and Alderman Mike Utt seconded that motion. It was approved unanimously.

**CITY ADMINISTRATOR’S REPORT**

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City Administrator Eric Sterman noted there was a question about adding additional swings to the new Vlasis Park playground. He noted the addition of two more swings to the currently proposed six swings would cost the City an additional \$8,000 for the change order. Alderman David Siegel made a motion to approve the change, with Alderman Mark Stallmann seconding the motion. It was approved unanimously.

**CITY ATTORNEY’S REPORT**

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None.

**ALDERMANIC COMMENTS**

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Alderman Kevin Roach noted he had a conversation with a subdivision trustee and they had a question about whether Fox Village and Quail Village streets were public streets. City Attorney Bob Jones believed they were public but noted he would look into it.



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Alderman Roach also asked for an update on Vlasis Park apartments. City Administrator Eric Sterman noted there have been no building permits submitted. The demolition plans were submitted and approved. City Administrator Sterman noted the City would need to review the plans if they are submitted.

Alderman Michael Finley noted he read there may be additional grants available to cities as a result of the Inflation Act. He asked City Administrator Sterman to look into whether there could be an impact in Ballwin. Alderman Finley also wished everyone a happy holidays.

Alderman Mark Stallmann thanked Finance Officer Denise Keller and City Staff for their work on the 2024 Budget. He also noted that the Ballwin Police Department was praised by St. Louis County Prosecutor Wesley Bell for their coverage. Alderman Stallmann also wished everyone a Merry Christmas and a Happy New Year.

Alderman Frank Fleming thanked City Staff for their perseverance during a challenging 2024 and noted how much he appreciated the hard work put in this year.

**CLOSED SESSION**

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A motion was made by Alderman Mark Stallmann and seconded by Alderman Mike Utt to move to closed session pursuant to state statute 610.021 (1) and (3). A roll call vote was taken with the following results:

Ayes: Aldermen Utt, Finley, Roach, Stallmann, Fleming, Weaver, Bullington, Siegel

Nayes: None

The Board moved to closed session at 8:36 p.m.

When the Board returned to chambers, a motion was made by Alderman Frank Fleming to reconvene. The motion was seconded by Alderman Michael Finley and the meeting reconvened in open session at 9:40 p.m.

Then, Alderman Michael Finley made a motion to adjourn. The motion was seconded by Alderman Frank Fleming and the meeting adjourned at 9:41 p.m.

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TIM POGUE, MAYOR

ATTEST:

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MEGAN FREEMAN, CITY CLERK