



BOARD OF ALDERMEN
Meeting Minutes

OCTOBER 23, 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
- Alderman David Siegel
- City Administrator Eric Sterman
- City Attorney Robert Jones

Absent

The Pledge of Allegiance was recited.

MINUTES

The minutes from the October 9, 2023 Board of Aldermen meeting were submitted for approval. Alderman Michael Finley made a motion to change the Alderman who made a motion to move the ordinance amending regulations for hookah lounges, retail tobacco stores and vapor lounges in the City of Ballwin to the Planning and Zoning Commission from himself to Alderman Mark Stallmann. Alderman Mark Stallmann seconded that motion and the motion was approved unanimously. Alderman Frank Fleming then made a motion to approve the amended minutes, seconded by Michael Finley. The amended minutes were approved unanimously.

The minutes from the October 9, 2023 Board of Aldermen Closed Session 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 closed session minutes were approved unanimously.



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The minutes from the September 25, 2023 Board of Aldermen Budget Workshop 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.

The minutes from the October 9, 2023 Board of Aldermen Budget Workshop 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.

CITIZEN COMMENTS

Mike Scott of 643 Kehrs Mill Road spoke before the Board of Alderman about requesting a performance audit be put into the budget.

LEGISLATION

Bill 4177- AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BALLWIN TO EXECUTE A DECLARATION OF DEED RESTRICTION FOR HOLLOWAY PARK.

A motion was made by Alderman Mark Stallmann and seconded by Alderman Mike Utt for a first reading of Bill 4177 title only. The motion was approved unanimously and Bill 4177 was read for the first time, title only.

Discussion:

Alderman Frank Fleming questioned whether the City would run into any problems with this ordinance if the City had to give a sliver of property for an easement to settle a property line dispute. City Attorney Bob Jones said he believed giving property to a property owner to resolve a property dispute would be inconsistent with the use of this ordinance. Alderman Fleming noted this ordinance was to make this land forever a park. Alderman Kevin Roach asked about the legal description of the property, and City Attorney Jones noted he was working with the recorder of deeds to get a full copy of the legal description. He noted they would have to get that figured out before a legal description is recorded.

A motion was made by Alderman Frank Fleming and seconded by Alderman Ross Bullington for a second reading of Bill 4177, title only. The motion was approved unanimously and Bill 4177 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4177. Bill No. 4177 was approved unanimously and became Ordinance No. 23-23.



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MAYOR'S REPORT

None.

CITY ADMINISTRATOR'S REPORT

None.

CITY ATTORNEY'S REPORT

City Attorney Bob Jones reported he searched other cities ordinances as to whether or not there were prohibitions on the sale of nitrous oxide and only found two: St. Peters and St. John. He noted there are some cities in other states that prohibit it.

Alderman Frank Fleming questioned whether those ordinances would make it illegal to sell it to someone other than for its intended purpose.

City Attorney Jones noted that was the case, but prosecutors would have to prove the store sold it knowing it would be inhaled.

Alderman Fleming noted he liked the wording of those ordinances to make the store think twice about selling it. City Attorney Jones noted he would wait to see what Planning & Zoning recommended.

STAFF REPORTS

Public Works – Claymont Sidewalk Request

Staff recommends applying for a grant that will alleviate the cost for the City with an 80/20 split with the City's cost projected to be around \$37,100.43

Public Works Director Jim Link noted his department was approached by the Claymont subdivision to add sidewalks to enhance safety in the neighborhood.

City Administrator Eric Sterman noted that the City was looking to potentially see if the school district would also like to participate in this, lowering the cost.

Alderman Frank Fleming noted this was something he was interested in seeing the City pursue, and noted other neighborhoods might be interested, too.

Alderman Michael Finley asked if there was any feedback from residents who didn't want it.

Alderman Fleming noted in the past it was "I just don't want it in my front yard" from people, and there was no reason from others. But the City has to balance that against the fact that moms are pushing strollers and kids are walking in the street.

Alderman Frank Fleming made a motion to accept staff's recommendation that was seconded by Alderman Ross Bullington. Staff's recommendation was unanimously accepted.



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ALDERMANIC COMMENTS

Alderman Frank Fleming responded to Mike Scott’s citizen comments, saying the Finance Administration Committee could take up the issue of a City performance audit, but he didn’t want to schedule a meeting just yet. He noted he’d much rather see an IT Security audit and a performance audit would fall lower on the importance scale.

CLOSED SESSION

A motion was made by Alderman Ross Bullington and seconded by Alderman Michael Finley to move to closed session. The motion was passed by unanimous affirmative voice vote and the meeting moved to closed session at 7:24 p.m.

A motion was made by Alderman Siegel to adjourn the closed session. The motion was seconded by Alderman Bullington. The motion was approved unanimously and the closed session adjourned at 8:20 p.m.

When the Board returned to open session, a motion was made by Alderman Fleming to reconvene. The motion was seconded by Alderman Stallmann. The motion passed by a unanimous voice vote at 8:21 p.m. Then, a motion was made by Alderman Fleming to adjourn. The motion was seconded by Alderman Finley and passed by a unanimous voice vote. The meeting adjourned at 8:22 p.m.

TIM POGUE, MAYOR

ATTEST:

MEGAN FREEMAN, CITY CLERK