



BOARD OF ALDERMEN REGULAR MEETING
1 GOVERNMENT CTR, BALLWIN, MO 63011
MONDAY, MARCH 27, 2023 at 7:00 PM

AGENDA

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes**
 - [a.](#) Minutes of the March 13, 2023 Board of Aldermen Meeting
- 5. Citizen Comments**
- 6. Legislation**
 - [a.](#) 4165 - Special Legal Counsel
 - [b.](#) 4166 - Zero Property Tax Rate
 - [c.](#) 4167 - Electrical Code Change
- 7. Mayor's Report**
- 8. City Administrator's Report**
- 9. City Attorney's Report**
- 10. Staff Reports**
 - [a.](#) Police - Police Vehicle Purchase
- 11. Aldermanic Comments**
- 12. Closed Session**
 - a. Pursuant to Section 610.022 RSMo., The Board may vote to move to closed session to discuss legal matters, as provided under Section 610.021(1), and/or operational guideline matters under Section 610.021 (18).
- 13. Adjourn**

NOTE: Due to ongoing City business, all meeting agendas should be considered tentative. Additional issues may be introduced during the course of the meeting.

CLOSED SESSION: Pursuant to Section 610.022 RSMo., The Board of Aldermen could, at any time during the meeting, vote to close the public meeting and move to closed session to discuss legal matters, personnel/employee matters, and/or real estate, as provided under Sections 610.021(1) RSMo., 610.021(2) RSMo., 610.021(3) RSMo.

ADA NOTICE: Residents of Ballwin are afforded an equal opportunity to participate in the programs and services of the City of Ballwin regardless of race, color, religion, sex, age, disability, familial status, national origin or political affiliation. If one requires an accommodation, please call (636) 227-8580 V or (636) 527-9200 TDD or 1-800-735-2466 (Relay Missouri) no later than 5:00 p.m. on the third business day preceding the hearing. Offices are open between 8:00 a.m. and 5:00 p.m. Monday through Friday.



BOARD OF ALDERMEN
Meeting Minutes

MARCH 13, 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 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 February 27, 2023 Board of Aldermen meeting were submitted for approval. Alderman Frank Fleming made a motion to approve, seconded by Alderman Michael Finley. The minutes were approved unanimously as submitted.

The minutes from the February 27, 2023 Board of Aldermen closed meeting were submitted for approval. Alderman Frank Fleming made a motion to approve, seconded by Alderman Michael Finley. The minutes were approved unanimously as submitted.

**BOARD OF ALDERMEN**
Meeting Minutes

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PRESENTATION

Matt Nigh from Navigate gave an update on the construction of the new Ballwin Police Station. He walked the board through the latest progress with pictures. The project is on track to have substantial completion done on April 17, final completion May 17, and furniture installation May 8. Dispatch will relocate early April through May to St. Louis County as equipment is moved out of the old police station into the new one. Final move-in and occupancy is targeted for the end of May 2023. Construction costs are estimated to be under budget. Alderman Frank Fleming asked for clarification on the dispatch targeted move-in date. City Administrator Eric Sterman noted that mid to late May is the pinpoint for dark fiber cutoff, which will have to happen before dispatch is moved over. City Administrator Sterman also noted dispatch will move at the same time everyone else moves into the new building.

LEGISLATION

Bill 4160 - AN ORDINANCE APPROVING A SPLIT OF THE LOT KNOWN AND NUMBERED AS 14808 MANCHESTER ROAD IN THE CITY OF BALLWIN.

A motion was made by Alderman Frank Fleming and seconded by Alderman Ross Bullington for a first reading of Bill 4160, title only. The motion passed unanimously and Bill 4160 was read for the first time.

Discussion:

Alderman Mark Stallmann noted that the Planning and Zoning Commission reviewed the plan, and recommended approval subject to compliance with codes. City Attorney Bob Jones noted that the plan is all in compliance with City code. Alderman Kevin Roach questioned why the lot was being split. The petitioner explained that the property is currently two separate tax parcels and they receive two separate tax bills. The owner wants the City of Ballwin to separate them to make it easier for tax purposes.

Alderman Frank Fleming made a motion for a second reading of Bill 4160, seconded by Alderman Ross Bullington. The motion was approved unanimously and Bill 4160 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4160 with Alderman Kevin Roach voting nay, and Aldermen Mike Utt, Michael Finley, Mark Stallmann, Jim Leahy, Ross Bullington and David Siegel voting aye.

Bill 4160 was approved and became Ordinance No. 23-07.

Bill 4161 - AN ORDINANCE AUTHORIZING EXECUTION OF A PERMANENT SIDEWALK EASEMENT AND TWO TEMPORARY SLOPE AND CONSTRUCTION LICENSES IN FAVOR OF ST. LOUIS COUNTY, MISSOURI FOR NEW BALLWIN ROAD ARS RESURFACING.



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A motion was made by Alderman Mark Stallmann and seconded by Alderman Frank Fleming for a first reading of Bill 4161, title only. The motion was approved unanimously and Bill 4161 was read for the first time.

Discussion:

Alderman Kevin Roach questioned if there was anything new that was being done to the area. Public Works Director Jim Link noted that they are widening the ADA ramps, and it won't affect anyone's property.

A motion was made by Alderman Mark Stallmann and seconded by Ross Bullington for a second reading of Bill 4161, title only. The motion passed unanimously and Bill 4161 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4161. Bill No. 4161 was approved unanimously and became Ordinance No. 23-07.

Bill 4162 - AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BALLWIN, MISSOURI, TO EXECUTE THE MUNICIPAL HOUSING AND COMMUNITY DEVELOPMENT SUPPLEMENTAL COOPERATION AGREEMENT FOR 2022; AND SUPPLEMENTAL AGREEMENTS THERETO WITH ST. LOUIS COUNTY WITH REGARD TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED.

A motion was made by Alderman Michael Finley and seconded by Alderman Frank Fleming for a first reading of Bill 4162, title only. The motion passed unanimously and Bill 4162 was read for the first time.

Discussion:

Alderman Mark Stallmann questioned what the funds will go towards. City Administrator Eric Sterman replied that each year, federal funds are allocated to cities through the Community Development Block Grant. The City of Ballwin allocates funding to home improvement projects through the Home Improvement Program through St. Louis County. Residents can apply and the funds get used up every single year.

A motion was made by Alderman Michael Finley and seconded by Alderman Mark Stallmann for a second reading of Bill 4162, title only. The motion passed unanimously and Bill 4162 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4162.

Bill No. 4162 was approved unanimously and became Ordinance No. 23-08.



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Bill 4163 - AN ORDINANCE AMENDING CERTAIN PROVISIONS OF APPENDIX A TO ALLOW FOR RECREATIONAL MARIJUANA RELATED USES WITHIN THE CITY OF BALLWIN, MISSOURI.

A motion was made by Alderman Frank Fleming and seconded by Alderman Michael Finley for a first reading of Bill 4163, title only. The motion was approved unanimously and Bill 4163 was read for the first time.

Discussion:

Alderman Mark Stallmann noted that the Planning and Zoning Commission reviewed the ordinance change, and the change brings our ordinance into compliance with the new state law passed at the end of 2022.

A motion was made by Alderman Frank Fleming and seconded by Alderman Mike Utt for a second reading of Bill 4163, title only. The motion was approved unanimously, and Bill 4163 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4163.

Bill No. 4163 was approved unanimously and became Ordinance No. 23-09.

Bill 4164 - AN ORDINANCE AMENDING SECTION 2-294 OF THE MUNICIPAL CODE REGARDING CLOSED RECORDS AND VOTES.

A motion was made by Alderman Mark Stallmann and seconded by Alderman Ross Bullington for a first reading of Bill 4164, title only. The motion was approved unanimously and Bill 4164 was read for the first time.

Discussion:

Alderman Mark Stallmann questioned whether this bill brings us into compliance with state statute and increases categories in the City's code regarding closed records and votes. City Attorney Bob Jones confirmed that currently we only have 19 categories in the City's code, this bill will bring us up to 25 to mirror the state's statutes.

A motion was made by Alderman Kevin Roach and seconded by Alderman David Siegel for a second reading of Bill 4164, title only. The motion passed unanimously and Bill 4164 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4164.

Bill No. 4163 was approved unanimously and became Ordinance No. 23-10.



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CONSENT ITEMS

Public Works – Crush Rock/Stone

Staff recommends awarding this unit price contract to Simpson Materials including all the alternate bids. \$80,000 is budgeted for the concrete components, but Public Works only plans to use around \$20,000 for the crushed rock and \$15,000 for the concrete stone.

A motion was made by Alderman Ross Bullington and seconded by Alderman Michael Finley to accept staff's recommendation. The motion was approved unanimously.

Public Works – Slab Work

Staff recommends awarding this unit price contract to the low bidder, M&H Concrete Contractors, not to exceed \$1,116,288.00. This is provided for in the 2023 budget. All bids are over the City's budget, but Public Works will adjust the number of slabs replaced to stay within budget.

Discussion:

Alderman Kevin Roach questioned whether this was the contractor the City had previous problems with regarding pouring straight lines. Public Works Director Jim Link confirmed, and said his staff will keep an eye on the contractors to make sure everything is done correctly.

A motion was made by Alderman Kevin Roach and seconded by Alderman Mark Stallmann to accept staff's recommendation. The motion was approved unanimously.

Public Works – Surplus Vehicles

Staff recommends auctioning or selling seven City equipment and Vehicles listed in the memo on Gov Deals.com.

A motion was made by Alderman Ross Bullington and seconded by Alderman Michael Finley to accept staff's recommendation. The motion was approved unanimously.

MAYOR'S REPORT

Nothing to report.



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CITY ADMINISTRATOR'S REPORT

City Administrator Eric Sterman noted that the City signed on to a National Opioid settlement. The City will receive \$8,000 to \$10,000 dollars a year for the next 10 years, and will use the money for supplies and training for the Police Department regarding opioids.

City Administrator Sterman noted the City received notice of a second settlement, which would be \$80,000 over the next 12 years. The City will also use these funds for supplies and training for the Police Department regarding opioids.

City Administrator Sterman also noted that the City is tentatively planning a ribbon cutting/Open House for July 8th for the new Ballwin Police Department, which is also Officer Mike Flamion's 7th Alive Day.

CITY ATTORNEY'S REPORT

Nothing to report.

STAFF REPORTS

Public Works – Cold Milling

Staff recommends awarding this unit price contract to the only bidder, GS Grinding Services, not to exceed \$89,649.06.

Discussion:

Public Works Director Jim Link noted there was only one bidder this year. Last year there were three.

A motion was made by Alderman Kevin Roach and seconded by Alderman David Siegel to accept staff's recommendation. The motion was approved unanimously.

ALDERMANIC COMMENTS

Alderman Mark Stallmann wanted to thank Ballwin Police officers after his son's caregiver locked her keys in the car. Officers were able to help her get back into her car.

Alderman Michael Finley wanted to make note of the March 27th Public Safety Committee meeting at 6 p.m. regarding mosquito fogging.



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A motion was made by Alderman Frank Fleming and seconded by Alderman Michael Finley to adjourn. The motion was passed by unanimous affirmative voice vote and the meeting adjourned at 7:36 p.m.

TIM POGUE, MAYOR

ATTEST:

MEGAN FREEMAN, CITY CLERK



Bill No. 4165

Ordinance No. _____

INTRODUCED BY

ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, SIEGEL, BULLINGTON

AN ORDINANCE AUTHORIZING THE CITY OF BALLWIN TO EXECUTE A CONTRACT RETAINING SPECIAL LEGAL COUNSEL FOR THE LIMITED PURPOSE OF PROVIDING ADVICE AND DIRECTION WITH RESPECT TO A DATA SECURITY INCIDENT.

WHEREAS, the Board of Aldermen ("Board") of the City of Ballwin, State of Missouri ("City") finds and declares that there is reason to believe that it needs legal representation with respect to a data security incident;

WHEREAS, the Board finds and declares that its City Attorney is not in a position to render optimal advice and direction in this matter and it is in the best interests of all concerned, including but not limited to the taxpayers and residents of the City, that the City engage special counsel for advice and direction in this matter; and

WHEREAS, Nicholas Kurk, Madaleine Gray and other lawyers in the law firm of which they are members, McDonald Hopkins PLC are experienced attorneys retained by the City's insurer, who are qualified to render expert legal advice in this matter.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Nicholas Kurk, Madaleine Gray and McDonald Hopkins PLC are hereby retained as Special Counsel to the City of Ballwin to render advice and direction to its Board with respect to a data security incident. The City Administrator is hereby authorized to execute a retention agreement with Special Counsel.

Section 2. Special Counsel shall receive up to \$350.00 per hour for their legal services in connection with this matter.

PASSED this ____ day of _____, 2023.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2023.

TIM POGUE, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR



INTRODUCED BY

ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, SIEGEL, BULLINGTON

AN ORDINANCE SETTING THE REAL ESTATE TAX RATE OF ZERO (0%) PERCENT IN THE CITY OF BALLWIN FOR THE FISCAL PERIOD BEGINNING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2023.

WHEREAS, the voters of the City of Ballwin previously authorized a tax upon real estate located in the City of Ballwin. The City is authorized under the state law of the State of Missouri to collect real estate taxes at the tax rate of 27 cents per one hundred dollars of assessed valuation on real estate within the City of Ballwin; and

WHEREAS, each year, the Board of Aldermen must set the tax rate in order to notify the Collector of Revenue of St. Louis County of the rate in order to provide for collection and remittance of the same; and

WHEREAS, the City of Ballwin has maintained a 0% property tax for the last 36 years; and

WHEREAS, by consistently imposing a 0% property tax for over three decades, the City of Ballwin is in the minority of municipalities in St. Louis County to do so; and

WHEREAS, the residents and taxpayers of the City of Ballwin are satisfied with the level of services provided; and

WHEREAS, the residents and taxpayers of the City of Ballwin do not seek higher taxes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The City of Ballwin hereby determines that the rate for a tax upon real estate located in the City of Ballwin for the year 2023 shall be zero (0%) percent.

Section 2. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage and approval.



Bill No. 4166

Ordinance No. _____

PASSED this ____ day of _____, 2023.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2023.

TIM POGUE, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR



Bill No. 4167

Ordinance No. _____

INTRODUCED BY

ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, SIEGEL, BULLINGTON

AN ORDINANCE ADOPTING LICENSING PROVISIONS OF THE ST. LOUIS COUNTY ELECTRICAL CODE, AMENDING SECTION 7-42 AND REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. **ADOPTION OF LICENSING PROVISIONS.**

Section 7-42 of the Code of Ordinances of the City of Ballwin is amended to add a new subsection 3 thereto as follows:

Sec. 7-42. - County codes adopted.

3. Section 1102.080-80-24 “Licenses Issued by St. Louis County” of the Electrical Code of St. Louis County all through the date of the last amendatory ordinance, are hereby adopted as the Electrical Licensing Code of the City of Ballwin, Missouri as if fully set out herein. Three copies of the same are on file in the Office of the City Clerk of the City of Ballwin for examination and review.

Section 2. **INCONSISTENT ORDINANCES REPEALED.**

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. **SAVING CLAUSE.**

That nothing in this ordinance or in the licensing provisions hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 4. **VIOLATIONS.**

The violation of any provision of this Code shall be punished by a fine of not exceeding \$1,000.00 and costs, or by imprisonment not exceeding 90 days, or by both such fine and



Bill No. 4167

Ordinance No. _____

imprisonment. Each day that any violation of any provision of this Code shall continue shall constitute a separate offense.

Section 5. **DATE OF EFFECT.**

This ordinance shall take effect and be in force from and after its passage and approval as required by law.

PASSED this ____ day of _____, 2023.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2023.

TIM POGUE, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR



Staff Report

Subject: Subject: Police Vehicle Purchase

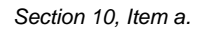
Department/Program: Police Department

Explanation: At the February 13, 2022 Board meeting the purchase of two Ford F150 Police Responder Pick-up Trucks were approved for purchase. \$70,264 remains in the budget for a third police vehicle. As you may recall, the State of Missouri no longer offers the contract bid, it only offers qualified vendors. When qualified vendors were contacted regarding the trucks, they were also asked about Dodge Durangos. None of the vendors had any nor expected to receive any. The Police Department was contacted by Lou Fusz Auto Network notifying them that a new Dodge Durango is scheduled to be delivered to them in the next two weeks and became available unexpectedly. The quoted price falls within our approved budget. As any type of police vehicle is in high demand, Lou Fusz can only hold this one for us a short period of time.

Recommendation: Staff recommends the purchase of one 2023 Dodge Durango Pursuit V-8 from Lou Fusz Auto Network at a cost of \$42,833.

Submitted By: Denise Keller

Date: March 22, 2023



3/22/2023

City of Ballwin
1 Government Center
Ballwin, MO 63011
Att: Kevin Busherry

Customer Pickup	in stock unit	
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Subtotal	\$	42,833.00
Sales Tax		
Total	\$	42,833.00