

## **AGENDA**

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes**
  - [a.](#) March 14, 2022 Board of Aldermen Meeting Minutes
  - [b.](#) March 14, 2022 Board of Aldermen Closed Meeting Minutes
- 5. Citizen Comments**
- 6. Legislation**
  - [a.](#) Bill 4120 - Permit Fees
  - [b.](#) Bill 4121 - Sewer Lateral Program
- 7. Consent Items**
  - [a.](#) Police - Fitness Equipment - New Police Building
- 8. Mayor's Report**
- 9. City Administrator's Report**
- 10. City Attorney's Report**
- 11. Aldermanic Comments**
- 12. Closed Session**
- 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 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

Absent

- 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 Raymond Kerlagon
- City Administrator Eric Sterman
- City Attorney Robert Jones

The Pledge of Allegiance was recited.

Mayor Pogue shared that Ballwin had lost a great police officer, Steve Morrison. Officer Morrison had served the City for 35 years and was a terrific asset to both the department and the community. Mayor Pogue asked for a moment of silence to remember Officer Morrison.

**MINUTES**

The minutes from the February 28, 2022 Board of Aldermen meeting were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Finley to approve the minutes from the February 28, 2022 Board of Aldermen meeting as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.

**BOARD OF ALDERMEN**  
**Meeting Minutes**

March 14, 2022

7:00 PM 1 GOVERNMENT CTR. BALLWIN, MO 63011

**CONSENT ITEMS**

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**Administration** – Check Signatories

Staff is recommending the Board approve the authorized signers for all City accounts as presented.

Discussion:

None

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

**Public Works** – Asphalt Hot Mix

Staff is recommending awarding the unit price contract to the lowest bidder, New Frontier and accepting alternate Bid #2.

Discussion:

This consent item was pulled for further discussion by Alderman Roach.

**Public Works** – Slabs

Staff is recommending awarding this unit price contract to the low bidder, Kelpo Construction, not to exceed \$995,164.

Discussion:

This consent item was pulled for further discussion by Alderman Roach.

**MAYOR'S REPORT**

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Nothing to report.

**CITYADMINISTRATOR'S REPORT**

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Mr. Sterman reported that we are under construction at the new police department site; we are starting to see the site getting leveled and lowered.

Mr. Sterman then talked about how change orders for the new police department could be handled. He stated that under normal purchasing procedures, the City Administrator may approve purchases up to \$15,000. There are contingencies built into the police building contract for changes up to \$100,000, but if something would go outside



**BOARD OF ALDERMEN**  
**Meeting Minutes**

March 14, 2022

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of that amount, Mr. Sterman is asking that the City Administrator be given the ability to approve these changes if the Board is comfortable. This would prevent something being held up to be presented and approved at a Board meeting and, if a change is made and approved, Mr. Sterman would report it at the next Board meeting. Alderman Roach stated he is in favor of granting the City Administrator the latitude to approve change orders as he sees fit as long as all change orders are reported to the Board. Alderman Stallman seconded this. A voice vote was taken with unanimous affirmative result and the motion passed.

Mr. Sterman also reported the current trash services contract with Republic Services runs out at the end of this year. We are planning to issue this bid in April with 60 days to receive bids, so that the new contract would be issued in June or July. If the Board has any issues or concerns, now would be the time to raise them. Alderman Roach asked if there was any way to get feedback from the public; Mr. Sterman stated we could possibly put something out on social media. Alderman Stallmann stated he feels City residents are pretty happy with trash services. Mayor Pogue asked if any issues were anticipated; Mr. Sterman stated we don't expect a huge response. Alderman Roach stated he had been contacted by Republic to make sure he is up-to-date on their services and he anticipates they will attend a meeting at some point to make an informational presentation.

Lastly, Mr. Sterman shared that an index of all bills and resolutions has been added to the website. Alderman Stallmann asked how to search for something; Mr. Sterman explained there are tabs for each year and it's searchable by keyword, however, if actual text is needed, this can be found on the Municode portal. Alderman Fleming asked how far back the information goes; Mr. Sterman explained that the Municode portal goes back farther, but all information is out on the website.

Consent Item b was then discussed. Alderman Roach asked if New Frontier provides asphalt for the entire year; Public Works Director Jim Link stated they do. Alderman Roach also asked about the concrete debris which Mr. Link further explained. A motion was made by Alderman Roach and seconded by Alderman Stallmann to approve awarding the contract to New Frontier. A voice vote was taken with unanimous affirmative result and the motion passed.

Consent Item c was then discussed. Alderman Roach asked about the reduction in the square yardage amount, which was further explained by Mr. Link. Mr. Sterman also stated we are not expecting a surplus this year. Mayor Pogue stated that this is to accept the bid at unit cost. Mr. Sterman stated he feels it is the fiscally responsible decision at this time and can be revisited later if necessary. A motion was made by Alderman Bullington and seconded by Alderman Stallmann to approve awarding the contract to Kelpe Construction. A voice vote was taken with unanimous affirmative result and the motion passed.

**BOARD OF ALDERMEN**  
**Meeting Minutes**

March 14, 2022

7:00 PM 1 GOVERNMENT CTR. BALLWIN, MO 63011

**CITY ATTORNEY'S REPORT**

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Nothing to report for open session.

**STAFF REPORTS**

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**Administration** – Sewer Lateral Program

Staff is recommending accepting the bid from A & A Sewer.

Discussion:

Building Commissioner Mike Roberts stated this goes out for bid every two years and only one bid came in from our current contractor, A & A Sewer. Mr. Roberts stated this contractor is top notch and he receives many compliments from customers. Mr. Roberts also shared that costs have risen significantly. Furthermore, the account is in much better shape than it was in the past. Mayor Pogue shared there are two different parts of this to review, first being the contractor. Mayor Pogue echoed Mr. Roberts's comments regarding A & A, stating that he has received emails complimenting their work. Alderman Stallmann shared that he has had no complaints. Alderman Leahy asked if it is the customer's responsibility to pay for the initial camera fee and sewer lateral fee; Mr. Roberts stated it is. A motion was made by Alderman Stallmann and seconded by Alderman Bullington to contract with A & A Sewer for the sewer lateral program.

A discussion of the proposed change in per-project caps was had. Alderman Stallmann stated he feels this is a great service for homeowners as this type of repair can be very costly. He also stated this is reviewed every two years so that we can stay on top of fees and so we are not creating a surplus in the account. Alderman Roach asked if Mr. Roberts could come back in a year and give an update; Mr. Roberts replied he could. Alderman Leahy asked about the amount that the tax brings in. Mr. Serman explained that even with a comparable number of claims and if they all hit the proposed \$4500 cap, we believe we would have enough to cover without tapping into reserves.

Alderman Fleming discussed his concerns with going from a \$3000 to \$4500 cap. There was more discussion about the size of projects and what defines the size of the project and possibly bringing more definition to costs, setting standards and possibly reviewing the account annually.

A motion was made by Alderman Roach and seconded by Alderman Stallmann to draft legislation to move the cap to \$4500 and to \$7500 for large projects which are defined as deep excavation or the approval of the City Administrator. A voice vote was taken with unanimous affirmative result and the motion passed.



**BOARD OF ALDERMEN**  
**Meeting Minutes**

March 14, 2022

7:00 PM 1 GOVERNMENT CTR. BALLWIN, MO 63011

**Administration – Permit Fees**

Staff is recommending an increase to some permit fees.

**Discussion:**

Building Commissioner Mike Roberts stated he reviews our permit fees every three years to make sure we are covering our costs as well as to stay in line with other municipalities. He is asking that mechanical, electrical and plumbing permit fees be raised from \$25 to \$30 with the cost for inspections remaining at \$50. He is also asking to increase apartment inspection fees to \$50 from \$40 and adding a charge of \$2 per \$1000 for unsolicited addendums to building permits. Mayor Pogue thanked Mr. Roberts for reviewing the fees and stated that we need to be sure our costs are covered. He also shared that per the Hancock Amendment, we cannot charge so that we are profiting from the fees. Mr. Sterman stated that a motion would be needed for the City Attorney to draft legislation. Alderman Roach asked about the potential additional fee for addendums; Mr. Roberts stated it just depends on the size of the project and that the fee would cover the cost of the entire project as all the plans have to be reviewed again after an addendum has been submitted.

A motion was made by Alderman Roach and seconded by Alderman Utt to draft legislation for the permit fee increases. A voice vote was taken with unanimous affirmative result and the motion passed.

**Parks – Truck**

Staff is recommending awarding the bid to Don Brown Chevrolet.

**Discussion:**

Parks Director Chris Conway shared he is seeking the Board's approval for a truck for park maintenance. The bid was sent to 11 dealers; two bids were received. Don Brown's bid results in a net cost to the City of just under \$24,000.

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



**BOARD OF ALDERMEN**  
**Meeting Minutes**

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**ALDERMANIC COMMENTS**

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Alderman Finley shared that this is Communications Coordinator Kennedy Robinson's last meeting. He stated we will all miss her and that she has done a great job!

A motion was made by Alderman Bullington and seconded by Alderman Stallmann to move to closed session. A roll call vote was taken with the following results:

Ayes: Aldermen Utt, Finley, Roach, Stallmann, Fleming, Leahy, Bullington, Kerlagon

Nays: None

The Board moved to closed session at 8:02 p.m.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann to reconvene in open session at 8:34. A voice vote was taken with unanimous affirmative result and the motion passed.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann to adjourn. The motion was passed by unanimous affirmative voice vote and the meeting adjourned at 8:35 p.m.

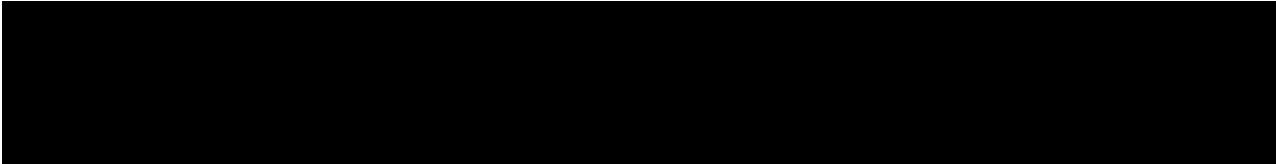
\_\_\_\_\_ TIM POGUE, MAYOR

ATTEST:

\_\_\_\_\_ POLLY MOORE, CITY CLERK

**MINUTES OF THE CLOSED SESSION – MARCH 14, 2022  
BALLWIN BOARD OF ALDERMEN**

The Ballwin Board of Aldermen convened in closed session on March 14, 2022 at 8:12 PM at 1 Government Center. Present were Mayor Pogue, Aldermen Finley, Fleming, Stallmann, Utt, Bullington, Roach, Leahy and Kerlagon, City Administrator Eric Sterman and City Attorney Robert E. Jones.

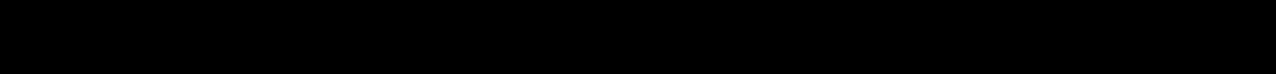


A motion was made by Alderman Roach to approve an extension of the demolition deadline to September 15, 2022 and authorizing the Mayor to sign a contract addendum. The motion was seconded by Alderman Finley.

The following vote was recorded:

- Alderman Stallmann            aye
- Alderman Fleming            aye
- Alderman Finley            aye
- Alderman Roach            aye
- Alderman Bullington        aye
- Alderman Utt                abstain
- Alderman Kerlagon        aye
- Alderman Leahy            aye

The motion passed.



A motion was made by Alderman Stallmann to authorize the Mayor to sign a deed for the omitted parcel or for the City to otherwise execute an Affidavit of Scrivener’s Error. The motion was seconded by Alderman Bullington.

The following vote was recorded:

- Alderman Stallmann            aye
- Alderman Fleming            aye
- Alderman Finley            aye
- Alderman Roach            aye
- Alderman Bullington        aye
- Alderman Utt                aye
- Alderman Kerlagon        aye
- Alderman Leahy            aye

The motion passed.



A motion was made by Alderman Fleming to adjourn the closed session. The motion was seconded by Alderman Stallmann.

The following vote was recorded:

|                     |     |
|---------------------|-----|
| Alderman Stallmann  | aye |
| Alderman Fleming    | aye |
| Alderman Finley     | aye |
| Alderman Roach      | aye |
| Alderman Bullington | aye |
| Alderman Utt        | aye |
| Alderman Kerlagon   | aye |
| Alderman Leahy      | aye |

The closed session adjourned at 8:32 PM.

/s/ Robert E. Jones  
Robert E. Jones  
Acting Secretary



INTRODUCED BY  
ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, KERLAGON, BULLINGTON

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AN ORDINANCE REVISING THE AMOUNTS OF PERMIT FEES IN THE CITY OF BALLWIN

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WHEREAS, City staff and the Board of Aldermen have reviewed permit fees for various inspections and plan review and determined that the amounts must be adjusted to recover the costs associated with each service.

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

Section 1. Section 7-86 of the Code of Ordinances of the City of Ballwin shall be amended as follows:

**Sec. 7-86. - Fees.**

(a) Fees for constructing, erecting, altering or demolishing buildings and structures and site improvements shall be as follows:

(1) For construction or erection of new buildings and structures and alterations, demolitions, remodeling and additions: \$6.00 for each \$1,000.00 and part thereof for costs of work with a minimum fee of \$75.00.

(2) Notwithstanding subsection (1) above, the minimum fee for a demolition permit of any type shall be \$125.00.

(3) For the purposes of this section, fees required shall be computed on the basis of the per square foot or similar unit cost of construction for equivalent types of construction as is published in the R. S. Means Co. or an equivalent replacement publication of regional construction cost data as approved by the board of aldermen.

(4) Plan review addendums that are not requested by the building department staff will incur a fee of \$2.00 per thousand dollars of construction costs. This fee will be in addition to the building permit fee on any set of plans that come back in as an unsolicited addendum with a minimum fee of \$50.00.

(b) The fee for occupancy permits required under the provisions of the zoning ordinance shall be as follows:

(1) For commercial buildings, \$15.00 per store or unit.

(c) In the discretion of the building commissioner, where the submission of an application and accompanying plans requires review that is beyond the expertise of the existing staff or when in the discretion of the building commissioner, there is a backlog of applications with plans for review, such plan review may be contracted to a private party and the fees charged by such private party shall be paid by the applicant. The fees to be paid to such private contractor in accordance with this subsection (c) shall be charged at the rate which the City of Ballwin is charged by the contractor.



- (d) Plumbing, Mechanical, and Electrical Fees
- Residential Permit processing fee \$30.00
- Minimum Residential fee, no plan review & 1 inspection \$75.00
- Residential Permit fee including permit processing, plan review & 1 inspection- \$125.00
- Minimum Residential fee, no plan review & 2 inspections-\$125.00
- Minimum Residential fee, plan review & 2 inspections—\$175.00
- Extra inspection fee- \$50.00
- Commercial Permit - \$30.00 processing fee + \$1.00 for each \$100.00 and part thereof for costs of work with a minimum of \$50
- Commercial permit plan review, if needed- \$50.00

Section 2. Section 13-24 of the Code of Ordinances of the City of Ballwin shall be amended as follows:

**Sec. 13-24. - Inspection fees.**

- (a) A fee of \$125.00 shall be paid to the city and shall accompany each request for inspection of a single-family dwelling. For the purpose of this section, a dwelling unit occupied as a condominium shall be considered a single-family dwelling.
- (b) Except as otherwise provided, a fee of \$50.00 for each inspection shall be paid to the city and shall accompany each request for inspection of a dwelling unit in a multifamily dwelling.
- (c) A fee of \$25.00 shall be charged for each reinspection. This fee shall be paid before another inspection is scheduled. A reinspection fee shall be charged for all inspections after a first reinspection in made. No reinspection fee shall apply for reinspections because of life safety violation in conjunction with a code compliance agreement pursuant to section 13-34.

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

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_

*TIM POGUE, MAYOR*

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_

*TIM POGUE, MAYOR*

ATTEST: \_\_\_\_\_

*CITY CLERK*



Section 6, Item b.

Bill No. 4121

Ordinance No. \_\_\_\_\_

INTRODUCED BY  
ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, KERLAGON, BULLINGTON

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BALLWIN WITH REGARD TO THE SEWER LATERAL REPAIR PROGRAM

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, MISSOURI, AS FOLLOWS:**

Section 1. Section 21-8(j) of the Code of Ordinances of the City of Ballwin shall be repealed and replaced with the following:

(j) The maximum amount available for repayment under this program for any sewer lateral repair shall be \$4,500.00. Notwithstanding the foregoing, the City may reimburse an eligible property owner up to \$7,500.00 for a sewer lateral repair that involves special circumstances such as deep excavation, street cutting and repair or other circumstances approved by the City Administrator or his designee.

Section 2. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
**TIM POGUE, MAYOR**

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
**TIM POGUE, MAYOR**

ATTEST: \_\_\_\_\_  
**ERIC STERMAN, CITY ADMINISTRATOR**



## Consent Item

**RE:** Facility Fitness Equipment – New Police Building

**Department/Program:** Police/New Building Project

**Explanation:** We initially met with three local fitness vendors (Foremost Fitness, Advanced Exercise and Push Pedal Pull) as part of a qualification process to determine the most qualified vendor for the job. Each vendor could provide equipment from purchasing cooperatives that the City belongs to. We reviewed the department’s needs and desires, reviewed existing equipment with each vendor, received their recommendations, requested equipment proposals and preliminary layouts. We again met with each vendor to review their proposals/layouts, then selected a vendor, Foremost Fitness.

Once a vendor was selected, we fine-tuned the selections and formalized pricing to ensure we were within budget. (Note: The original budget was \$80,000, but after we met with the three vendors, we reduced the budget to \$65,000.) Once the main General Contractor package was awarded and we were certain that the project was moving forward, we asked the selected vendor to confirm current pricing which is what we are presenting today.

Foremost Fitness purchases will be made through the Sourcewell purchasing cooperative, contract TRUE SW #081120-TRU. The current budget is \$65,000; Foremost Fitness’s proposal is \$64,197.23.

**Recommendation:** Recommendation is to accept the Foremost Fitness proposal.

**Submitted By:** Chief Douglas W. Schaeffler

**Date:** March 28, 2022

# FOREMOST FITNESS

Your Fitness, Our Business.

FOREMOST FITNESS  
 1122 Spring Lilly Ct  
 High Ridge, MO 63049

Section 7, Item a.

Number AAAQ2869  
 Date Mar 9, 2022

| Sold To                          |
|----------------------------------|
| <b>Ballwin Police Department</b> |
| TBD                              |
| Phone                            |
| Email                            |

| Ship To                          |
|----------------------------------|
| <b>Ballwin Police Department</b> |
| TBD                              |
| Phone                            |
| Email                            |

Hanna Jackson  
 P: 314-704-9768  
 F: 314-689-0021  
 Hanna@foremostfitnessgroup.com

| Salesperson |     | P.O. Number  | Ship Via   | Terms      |             |
|-------------|-----|--|------------|------------|-------------|
| Hanna       |     |  |            | NET 30     |             |
| Line        | Qty | Description  | Unit List  | Unit Price | Ext. Price  |
| 1           |     | <i>TRUE Fitness Cardiovascular Equipment</i>                       |            |            |             |
| 2           | 1   | Alpine Runner Incline Trainer Treadmill Emerge Console             | \$9,515.00 | \$6,185.00 | \$6,185.00  |
| 3           | 1   | Optional Step For Incline Trainer                                  | \$200.00   | \$130.00   | \$130.00    |
| 4           | 1   | TRUE Treadmill 2 Window Emerge C650T                               | \$8,315.00 | \$5,405.00 | \$5,405.00  |
| 5           | 1   | TRUE Spectrum Adjustable Stride Elliptical 2 Window Emerge Console | \$8,535.00 | \$5,548.00 | \$5,548.00  |
| 6           |     | <b>SubTotal</b>  |            |            | \$17,268.00 |
| 7           |     |  |            |            |             |
| 8           |     | <i>Octane Cardiovascular Equipment</i>                             |            |            |             |
| 9           | 1   | AirdyneX   | \$1,830.00 | \$1,199.00 | \$1,199.00  |
| 10          |     | <b>SubTotal</b>  |            |            | \$1,199.00  |
| 11          |     |  |            |            |             |
| 12          |     | <i>Concept 2 Cardiovascular Equipment</i>                          |            |            |             |
| 13          | 1   | Model D Indoor Rower with PM5 (black)                              | \$900.00   | \$895.00   | \$895.00    |
| 14          |     | <b>SubTotal</b>  |            |            | \$895.00    |
| 15          |     |  |            |            |             |
| 16          |     | <i>TRUE Strength Equipment</i>                                     |            |            |             |
| 17          | 1   | Preacher Curl  | \$960.00   | \$672.00   | \$672.00    |
| 18          | 2   | 10 Pair Dumbbell Rack (Rack Only)                                  | \$685.00   | \$459.00   | \$918.00    |

THE UNDERSIGNED AGREES TO PURCHASE THE FOLLOWING PRODUCTS FROM FOREMOST FITNESS GROUP, LLC, FOR THE PRICE INDICATED AND ON THE TERMS AND CONDITIONS SET FORTH HEREIN. FOREMOST FITNESS GROUP, LLC RESERVES THE RIGHT TO CANCEL THIS ORDER AND GIVE CUSTOMER A FULL REFUND IN THE EVENT PRICES CHANGE. PRICES ABOVE ARE BASED ON TOTAL PACKAGE PURCHASE. FOREMOST FITNESS GROUP, LLC MAKES NO WARRANTY REGARDING HARDWARE, COMPUTER COMPONENTS, OR ANY OTHER COMPONENTS OF MERCHANDISE ORDERED, EXCEPT SUCH AS IS GIVEN BY THE MANUFACTURER. THE UNDERSIGNED DISCLAIMS AND WAIVES ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR USE OF PURPOSE. FOREMOST FITNESS GROUP, LLC MAKES NO WARRANTY EXPRESSED OR IMPLIED. THE UNDERSIGNED ACKNOWLEDGES FOREMOST FITNESS GROUP, LLC SHALL NOT BE LIABLE FOR ANY LOSS OF PROFITS, BUSINESS, GOODWILL, DATA, INTERRUPTION OF BUSINESS, NOR FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES RELATED TO THIS AGREEMENT OR THE PRODUCT OR SERVICES PURCHASED, OR AGREED TO BE FURNISHED, HEREUNDER. IN THE EVENT THIS ORDER IS CANCELLED CUSTOMER SHALL BE ENTITLED TO A REFUND OF ANY PAYMENT MADE PURSUANT TO THIS CONTRACT PROVIDED 1) THE GOODS HAVE NOT BEEN DELIVERED TO CUSTOMER'S SITE/PLACE OF BUSINESS AND 2) FOREMOST FITNESS GROUP, LLC WILL RETAIN A 25% RESTOCKING FEE BASED UPON THE TOTAL PURCHASE PRICE (EXCLUDING SALES TAX) AND TOGETHER WITH ANY SHIPPING CHARGES ACTUALLY PAID BY FOREMOST FITNESS GROUP, LLC. \$25 FEE FOR RETURNED CHECKS. 50% DEPOSIT/50% DUE UPON DELIVERY. CLIENT IS RESPONSIBLE FOR JOB SITE CONDITION, ENSURING FACILITY IS CLEAN AND READY FOR INSTALLATION (INCLUDING PROPER POWER SUPPLY, CABLING, AV REQUIREMENTS, FLOORING) RETURN TRIPS MAY RESULT IN ADDITIONAL FEES.



| Line | Qty | Description   | Unit List  | Unit Price | Ext. Price         |
|------|-----|---|------------|------------|--------------------|
| 19   | 1   | Force Lat/Row Standard Stack                                    | \$3,580.00 | \$2,211.00 | Section 7, Item a. |
| 20   | 1   | Force Leg Curl/Leg Extension Standard Stack                     | \$3,730.00 | \$2,355.00 | \$2,355.00         |
| 21   |     | <b>SubTotal</b>   |            |            | \$6,156.00         |
| 22   |     |   |            |            |                    |
| 23   |     | <i>Legend Fitness Strength Equipment</i>                        |            |            |                    |
| 24   | 2   | Pro Series Half Cage and Plate Storage                          | \$2,899.00 | \$2,699.00 | \$5,398.00         |
| 25   | 1   | 72"Side to Side Cage Connector                                  | \$539.00   | \$495.00   | \$495.00           |
| 26   | 2   | Fusion 6 Rotating Destroyer Arms                                | \$1,729.00 | \$1,600.00 | \$3,200.00         |
| 27   | 1   | Single Unit Dip Attachment                                      | \$329.00   | \$310.00   | \$310.00           |
| 28   | 1   | Landmine Attachment   | \$249.00   | \$225.00   | \$225.00           |
| 29   | 2   | Ball Target   | \$249.00   | \$225.00   | \$450.00           |
| 30   | 3   | Flat/Incline/Decline Bench                                      | \$769.00   | \$740.00   | \$2,220.00         |
| 31   | 1   | Multi Storage Rack Legend #3313                                 | \$999.00   | \$900.00   | \$900.00           |
| 32   |     | <b>SubTotal</b>   |            |            | \$13,198.00        |
| 33   |     |   |            |            |                    |
| 34   |     | <i>Free Weights and Accessories</i>                             |            |            |                    |
| 35   | 1   | 47" Olympic Curl Bar  | \$150.00   | \$130.00   | \$130.00           |
| 36   | 1   | Lite Weight Power Bar (women)                                   | \$360.00   | \$330.00   | \$330.00           |
| 37   | 3   | TKO middleweight Bar  | \$390.00   | \$350.00   | \$1,050.00         |
| 38   | 1   | 50lb Combo Hex (Trap) Bar - 56"                                 | \$240.00   | \$225.00   | \$225.00           |
| 39   | 4   | Lock Jaw Collar Pairs   | \$66.00    | \$50.00    | \$200.00           |
| 40   | 1   | 5-75lb Rubber Hex Dumbbell Set                                  | \$2,888.00 | \$2,400.00 | \$2,400.00         |
| 41   | 1   | Kettle Bell Set - 8.8lb, 17.6, 26.4, 35.2, 44, 52.8, 61.6, 70.4 | \$1,081.90 | \$750.00   | \$750.00           |
| 42   | 1   | 30lb Slam Ball - Sand Filled                                    | \$76.00    | \$60.00    | \$60.00            |
| 43   | 1   | 50lb Slam Ball - Sand Filled                                    | \$144.00   | \$105.00   | \$105.00           |
| 44   | 1   | 14lb Wall Ball  | \$90.00    | \$75.00    | \$75.00            |
| 45   | 1   | 18lb Wall Ball  | \$100.00   | \$80.00    | \$80.00            |
| 46   |     | <b>SubTotal</b>   |            |            | \$5,405.00         |
| 47   |     |   |            |            |                    |
| 48   | 6   | UMAX Black 45lb Bumper Plate                                    | \$270.00   | \$270.00   | \$1,620.00         |
| 49   | 4   | UMAX Black 35lb Bumper Plate                                    | \$210.00   | \$210.00   | \$840.00           |
| 50   | 4   | UMAX Black 25lb Bumper Plate                                    | \$150.00   | \$150.00   | \$600.00           |
| 51   | 4   | UMAX Black 10lb Bumper Plate                                    | \$75.00    | \$75.00    | \$300.00           |
| 52   |     | <b>SubTotal</b>   |            |            | \$3,360.00         |
| 53   |     |   |            |            |                    |
| 54   | 1   | 6 Ball Medicine Ball Rack With 6 Balls                          | \$677.00   | \$495.00   | \$495.00           |
| 55   | 1   | 3 in 1 Foam Plyo  | \$390.00   | \$275.00   | \$275.00           |
| 56   | 1   | Battle Rope - 30ft Long/1.5" Thick                              | \$150.00   | \$125.00   | \$125.00           |
| 57   | 1   | 5 Pack Resistance Band Set                                      | \$160.00   | \$115.00   | \$115.00           |

THE UNDERSIGNED AGREES TO PURCHASE THE FOLLOWING PRODUCTS FROM FOREMOST FITNESS GROUP, LLC, FOR THE PRICE INDICATED AND ON THE TERMS AND CONDITIONS SET FORTH HEREIN. FOREMOST FITNESS GROUP, LLC RESERVES THE RIGHT TO CANCEL THIS ORDER AND GIVE CUSTOMER A FULL REFUND IN THE EVENT PRICES CHANGE. PRICES ABOVE ARE BASED ON TOTAL PACKAGE PURCHASE. FOREMOST FITNESS GROUP, LLC MAKES NO WARRANTY REGARDING HARDWARE, COMPUTER COMPONENTS, OR ANY OTHER COMPONENTS OF MERCHANDISE ORDERED, EXCEPT SUCH AS IS GIVEN BY THE MANUFACTURER. TH UNDERSIGNED DISCLAIMS AND WAIVES ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR USE OF PURPOSE. FOREMOST FITNESS GROUP, LLC MAKES NO WARRANTY EXPRESSED OR IMPLIED. THE UNDERSIGNED ACKNOWLEDGES FOREMOST FITNESS GROUP, LLC SHALL NOT BE LIABLE FOR ANY LOSS OF PROFITS, BUSINESS, GOODWILL, DATA, INTERRUPTION OF BUSINESS, NOR FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES RELATED TO THIS AGREEMENT OR THE PRODUCT OR SERVICES PURCHASED, OR AGREED TO BE FURNISHED, HEREUNDER. IN THE EVENT THIS ORDER IS CANCELLED CUSTOMER SHALL BE ENTITLED TO A REFUND OF ANY PAYMENT MADE PURSUANT TO THIS CONTRACT PROVIDED 1) THE GOODS HAVE NOT BEEN DELIVERED TO CUSTOMER'S SITE/PLACE OF BUSINESS AND 2) FOREMOST FITNESS GROUP, LLC WILL RETAIN A 25% RESTOCKING FEE BASED UPON THE TOTAL PURCHASE PRICE (EXCLUDING SALES TAX) AND TOGETHER WITH ANY SHIPPING CHARGES ACTUALLY PAID BY FOREMOST FITNESS GROUP, LLC. \$25 FEE FOR RETURNED CHECKS. 50% DEPOSIT/50% DUE UPON DELIVERY. CLIENT IS RESPONSIBLE FOR JOB SITE CONDITION, ENSURING FACILITY IS CLEAN AND READY FOR INSTALLATION (INCLUDING PROPER POWER SUPPLY, CABLING, AV REQUIREMENTS, FLOORING) RETURN TRIPS MAY RESULT IN ADDITIONAL FEES



| Line | Qty | Description  | Unit List   | Unit Price  | Ext. Price         |
|------|-----|--|-------------|-------------|--------------------|
| 58   | 3   | Speed Ropes  | \$10.00     | \$8.00      | Section 7, Item a. |
| 59   | 3   | Hanging Mats   | \$55.00     | \$42.00     | \$126.00           |
| 60   | 1   | Mat Hanger For Mats  | \$32.00     | \$26.00     | \$26.00            |
| 61   |     | <b>SubTotal</b>  |             |             | \$1,186.00         |
| 63   | 1   | Trade in of Precor Elliptical, TRUE LC1100 Tread, white bench, white decline/ab bench, spin bike, maxrack, dumbbell racks and all dumbbells and Olympic Flat | \$0.00      | -\$2,000.00 | -\$2,000.00        |
| 64   |     |  |             |             |                    |
| 65   | 1   | Freight, installation and Manufacture Surcharge  | \$17,530.23 | \$17,530.23 | \$17,530.23        |

|                 |                    |
|-----------------|--------------------|
| <b>SubTotal</b> | \$64,197.23        |
| <b>Tax</b>      | \$0.00             |
| <b>Shipping</b> | \$0.00             |
| <b>Total</b>    | <b>\$64,197.23</b> |

Quote Expires in 30 days. Does not account for future price increases, surcharges, trade in devalue or freight increases.

There is a 3% additional charge for all credit card transactions.

Remit payment to: Foremost Fitness Group LLC  
1122 Spring Lilly Court  
High Ridge, MO 63049

Company Name \_\_\_\_\_  
Signature and Title \_\_\_\_\_  
Date \_\_\_\_\_

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