

AGENDA

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes**
 - [a.](#) July 25, 2022 Board of Aldermen Meeting Minutes
 - [b.](#) July 25, 2022 Board of Aldermen Closed Meeting Minutes
 - [c.](#) July 25, 2022 Finance Committee Meeting Minutes
- 5. Citizen Comments**
- 6. Presentations**
 - [a.](#) Public Hearing - Olde Towne Plaza TIF District Update
- 7. Legislation**
 - [a.](#) 4133 - Collective Bargaining Agreement Amendment
- 8. Consent Items**
 - [a.](#) Administration - Craft Beer Festival Liquor License
- 9. Mayor's Report**
- 10. City Administrator's Report**
 - [a.](#) Employee Compensation
- 11. City Attorney's Report**
- 12. Aldermanic Comments**
- 13. Closed Session**
 - [a.](#) Pursuant to Section 610.022 RSMo, the Board may vote to move to closed session regarding personnel matters under Section 610.021(13).
- 14. 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**

July 25, 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 David Siegel
- City Administrator Eric Sterman
- City Attorney Robert Jones

The Pledge of Allegiance was recited.

MINUTES

The Minutes from the June 27, 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 June 27, 2022 Board of Aldermen meeting as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.

The minutes from the June 27, 2022 Board of Aldermen closed meeting were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Utt to approve the minutes from the June 27, 2022 Board of Aldermen closed meeting as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.

BOARD OF ALDERMEN
Meeting Minutes

July 25, 2022

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

LEGISLATION

Bill 4132 - AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BALLWIN TO ENTER INTO A CONTRACT WITH ALLIED SERVICES, LLC D/B/A REPUBLIC SERVICES OF BRIDGETON FOR COLLECTION AND DISPOSAL OF WASTE.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann for a first reading of Bill 4132, title only. A voice vote was taken with unanimous affirmative result and the motion passed. Bill 4132 was read for the first time.

Discussion:

Alderman Roach asked about bulk item collection and the frequency as well as acceptable materials/electronic items. Joell Aguirre, Republic Services, clarified that bulk item collection is one time per month and that there can be two free items at that collection at no charge. She further explained that one of the two can be an electronic item, so, both can be bulk or one bulk/one electronic. She stated this can be further clarified in the contract. There was further discussion of bulk item pickup concerns. Mayor Pogue brought up the starting pickup time for clarification. He stated that the contract states that pickup would not start before 7 a.m., but with the past contract, drivers were starting pickup before 7, so he would like to clarify the new contract to say pickup would not start before 6 a.m. Ms. Aguirre stated she was agreeable to that change. A motion was made by Alderman Stallmann and seconded by Alderman Bullington to amend the pickup time to start at 6 a.m. A voice vote was taken with unanimous affirmative result and the motion passed. A motion was made by Alderman Roach and seconded by Alderman Stallmann to amend/clarify bulk item pickup. A voice vote was taken with unanimous affirmative result and the motion passed.

A motion was made by Alderman Finley and seconded by Alderman Stallmann for a second reading of Bill 4132, title only. A voice vote was taken with unanimous affirmative result and the motion passed. Bill 4132 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4132 with the following results:

Ayes – Aldermen Utt, Finley, Roach, Stallmann, Fleming, Leahy, Bullington, Siegel

Nays --

Bill No. 4132 was approved and became Ordinance No. 22-19.



**BOARD OF ALDERMEN
Meeting Minutes**

July 25, 2022

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

CONSENT ITEMS

Administration – Semi-Annual Revenue/Expenditure Statement

Staff recommends the Board approve the semi-annual statement of revenues and expenditures.

Discussion:
None

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

Administration – Rotary Club Liquor License

Staff recommends Board approval for the Rotary Club liquor license for Ballwin Days.

Discussion:
None

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

MAYOR'S REPORT

Nothing to report.

CITY ADMINISTRATOR'S REPORT

Nothing to report.

CITY ATTORNEY'S REPORT

Nothing to report.

ALDERMANIC COMMENTS

None



**BOARD OF ALDERMEN
Meeting Minutes**

July 25, 2022

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

A motion was made by Alderman Bullington and seconded by Alderman Utt to move to closed session pursuant to Section 610.021(13), for personnel matters.

A roll call vote was taken with the following results:

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

Nays: None

The Board moved to closed session at 7:13 p.m.

A motion was made by Alderman Fleming and seconded by Alderman Utt to reconvene in open session at 8:03. A voice vote was taken with unanimous affirmative result and the motion passed.

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 8:04 p.m.

_____ TIM POGUE, MAYOR

ATTEST:

_____ POLLY MOORE, CITY CLERK



The Finance and Administration Committee meeting was called to order at 6:00 by Chairman Fleming. Members in attendance included Aldermen Siegel, Stallmann, Finley, Utt, Leahy and Bullington, Mayor Pogue, City Administrator Sterman, Finance Officer Keller, Public Works Director Link and Police Chief Schaeffler.

Finance Officer Keller made a power point presentation showing the financial impact Covid has had on the City. It was noted that Parks and Recreation was most impacted. Thus far, 2022 is exceeding expectations. Ms. Keller also shared details about recreation and personnel expenses. There was discussion about open positions and the impact those have made at areas such as North Pointe and employee turnover, particularly at the Police Department and in Public Works. Ms. Keller shared a slide on contractual slab replacement to show how costs have increased. Alderman Fleming asked about grants, etc., which could possibly help. City Administrator Sterman stated we will be applying for grants, though these are not always readily available for neighborhood streets.

Mr. Sterman gave an update on police station change orders. The first formal change order has been approved. Mr. Sterman gave highlights and stated the change order was well within the contingency allowance. He also stated steel had been delivered the previous week.

Mr. Sterman discussed different aspects of the purchasing policy and talked about the Board being able to waive criteria if a purchase would be beneficial to the City. There was discussion of being more active in reaching out to vendors and the use of local vendors.

The Planning Directives Draft will be distributed to the Board. Board members are asked to give their thoughts and comments over the next few months. The 2023 budget calendar was also discussed. It is proposed that two, 6 p.m. work sessions be held; one before the September 26 Board Meeting and one before the October 10 Board Meeting. Mr. Sterman stated both of these documents would be emailed after this meeting

Alderman Fleming thanked Ms. Keller and Mr. Sterman for putting together the information for the meeting. A motion was made by Alderman Finley and seconded by Alderman Stallmann to adjourn; there was a unanimous affirmative voice vote and the meeting was adjourned at 6:50.



Section 7, Item a.

Bill No. 4133

Ordinance No. _____

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

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BALLWIN, MISSOURI TO EXECUTE A FIRST AMENDMENT TO COLLECTIVE BARGAINING AGREEMENT WITH THE EASTERN MISSOURI COALITION OF POLICE, FRATERNAL ORDER OF POLICE, LODGE 15 FOR THE FOUR YEAR PERIOD FROM 2022 THROUGH 2026.

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

Section 1. The Mayor of the City of Ballwin, Missouri is hereby authorized to execute for and on behalf of the City of Ballwin, a First Amendment to Collective Bargaining Agreement with the Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15 for the four-year period from 2022 through 2026 which is attached hereto as Exhibit A.

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

**FIRST AMENDMENT TO
COLLECTIVE BARGAINING AGREEMENT**

This FIRST AMENDMENT TO COLLECTIVE BARGAINING AGREEMENT (“Amendment”) made and entered into as of this __ day of August, 2022, by and between the City of Ballwin, Missouri (“City”) and Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15 (“Lodge”).

WITNESSETH

WHEREAS, City and Lodge executed that certain Collective Bargaining Agreement in 2019 which terminates on the close of business August 1, 2022 (the “Original Agreement”); and

WHEREAS, City and Lodge have agreed to amend the Original Agreement to extend the termination date and certain provisions of the Original Agreement as otherwise set forth herein.

NOW THEREFORE, for and in consideration of the foregoing and the mutual covenants and agreements herein contained, City and Lodge hereby stipulate, covenant, and agree that the Original Agreement is hereby amended as follows:

1. Amendments. Article 12, Sections 2 and 4, Article 14, Article 17, Section 2 and Article 20 of the Original Agreement are amended as follows:

Article 12 – Benefits

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Section 2. Pension

The City agrees to provide Members with the same retirement benefit plans on the same basis as are provided to other City employees; provided, however, that Members may be entitled to different or unique benefit terms and provisions provided to first responders under the retirement plan. During the term of this Agreement, Members shall participate in the LAGERS plan at the L12 level, with a 4% contribution annually by the Members, as provided in Ordinance 19-06.

A Member, of the Lodge's choosing, shall be included on any employee pension review committee established by the City and/or will be permitted to participate in all employee pension review meetings held by the City.

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Section 4. Certification and Tuition Assistance

Any full-time employee with more than two years of service is eligible to receive Certification and Tuition Assistance. The employee's Department Head must approve the course or certification selection in advance of the annual appropriations ordinance. Such Assistance shall be based upon the cost of a credit hour at University of Missouri St. Louis (currently \$400 per hour) plus an allowance of \$200 for books. A maximum of \$5,000 per employee per year may be paid by the City.

Tuition and registration fees must be paid by the employee. Upon receipt of a passing grade in the course, all eligible tuition, registration and book fees will be reimbursed, up to the maximum benefit amount. Employees who are testing for certifications must pay for their tests. Upon receipt of a passing grade, the City will reimburse the employee for the cost of the certification, up to the maximum benefit amount. Paid receipts are required for all reimbursements.

The employee must reimburse the City in full if he or she terminates employment less than one year from the date of the certification or tuition assistance. After the first year from the date of certification or tuition assistance, the reimbursement due shall reduce by 1/12 of the assistance received for each month of employment in the second year. If the employee terminates employment more than two years after the date of the certification or tuition assistance, no reimbursement is due.

Article 14 – Compensation

Section 1. Salary Ranges

Compensation and salary ranges of the Bargaining Unit Members are set forth below. Current Members shall progress to the next step on April 1 of each year following completion of the appropriate anniversary date. New hires commencing employment between April 1 and September 30 shall progress to the next step on April 1 of the next calendar year. New hires commencing employment between October 1 and March 31 shall progress to the next step on the second April 1 after date of hire. All current Members employed on the effective date of this Amended Agreement shall receive a raise equal to 3% of base salary in September, 2022.

Each step is equal to one year of employment. Members will progress one step on each April 1 until reaching the top rate.

Year	Base Salary
2023, 2024, 2025:	
Step 1	\$63,507.78
Step 2	\$65,413.01
Step 3	\$67,375.40
Step 4	\$69,396.67
Step 5	\$71,478.57
Step 6	\$73,622.92
Step 7	\$75,831.61
Step 8	\$78,106.56
Step 9	\$80,449.76
2026:	
Add Step 10	\$82,863.25

In September of 2022 the new 2023 pay scale will be adopted and Members will stay on their current step. Members will then move to their next respective step on April 1, 2023. For Example: A Member on Step 2 as of 7/1/22 will have their salary moved to the proposed 2023 Step 2 on 9/1/22 and will then move to Step 3 of the proposed 2023 scale on 4/1/23. That Member will then move to Step 4 on 4/1/24 and Step 5 on 4/1/25 and Step 6 on 4/1/26 (This year will also include a Step 10).

In addition to the above salary steps, Members at Step 9 shall receive a merit check each year, payable quarterly, equal to the amount of the raise that is adopted by the Board of Aldermen for all City employees.

For calendar year 2022, 2023, 2024 and 2025, should the City’s total revenue fall below 95% of the amount of total revenues received for the previous year, the City may suspend the step raises set forth while the parties renegotiate future compensation increases. The City and the Lodge agree to commence negotiations immediately upon suspension of the step raises. If the Consumer Price Index for the Midwest Region is above 5% for any year of this Agreement, the Board of Aldermen may consider and implement additional raises to offset inflation.

Section 2. New Hires

Newly hired Members with experience from other law enforcement agencies shall be paid at a rate of (3) years of experience equaling one (1) step year upon hire. No new hire shall start higher than Step 3. Years of experience shall be rounded up or down by one and one-half (1 ½) years. For example, (1) if a Member is hired with four (4) years of experience, they will be paid at Step 2 upon hire; (2) if a Member is hired with eight (8) years of experience, they will be paid at Step 3.

Article 17 – Miscellaneous Provisions Section

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Section 2. General Orders

The Department will make accessible to each Member a notebook in print or electronic media that contains the City Policies, Procedures, General or Special Orders of the Department, and this Agreement. The parties acknowledge that references to General Orders in this Agreement are to General Orders currently in effect. In the event that a General Order referenced in this Agreement is amended or replaced, the reference shall automatically include the new General Order unless otherwise provided herein.

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Article 20 – Duration

This Agreement shall become effective upon its execution by the City and the Lodge and shall terminate at the close of business on August 1, 2026. Either party desiring to negotiate any modifications to this Agreement shall give notice of its intention to reopen the agreement for negotiation at least ninety (90) days prior to the expiration date. Notice by either party shall be construed as notice on behalf of both parties. Failure to do so shall result in this Agreement being automatically

renewed for a period of one (1) year. In the event notice of reopening is served, this Agreement shall continue in full force and effect until the parties enter into a new Agreement or exhaust their duty to engage in good faith negotiations over the terms of a new agreement. If negotiations for a successor Agreement conclude without the parties agreeing upon a successor Agreement, this Agreement shall terminate.

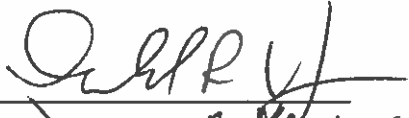
2. Ratification. As expressly modified by this Amendment, the Original Agreement shall remain in full force and effect, and is expressly ratified and confirmed by the City and the Lodge.

3. Miscellaneous.

- a. This Amendment contains the entire understanding and undertaking by the City and the Lodge and there are no terms, express or implied, relating to the subject matter of this Amendment, except as contained herein.
- b. If any term, provision, covenant or agreement contained in this Amendment or the application thereof to any person, entity, or circumstance shall be held to be invalid, illegal or unenforceable, the validity of the remaining terms, provisions, covenants or agreements or the application of such term, provision, covenant or agreement to persons, entities or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby.
- c. This Amendment may be executed in separate counterparts, each of which when so executed and delivered will be deemed to be an original and all of which taken together will constitute one and the same instrument. The signatures of the City and Lodge may be in the form of an image in its manually executed signature transmitted by facsimile or other electronic format (including, without limitation, “pdf”, “tif”, or “jpg”) or an electronic signature executed through DocuSign.

[Remainder of page intentionally left blank. Signature page to follow.]

IN WITNESS HEREOF, the City and the Lodge have executed and delivered this Amendment effective on the date first set forth above.

<u>LODGE</u>	<u>CITY</u>
Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15 By: <u></u> Print: <u>DONALD R. RANS JR</u> Title: <u>PRESIDENT</u>	City of Ballwin, Missouri By: _____ Print: _____ Title: _____

Consent Item

RE: Craft Beer Festival Liquor License

Department/Program: Ballwin Visual & Performing Arts

Recommendation: Staff Recommends Board Approval for the Craft Beer Festival Liquor License.

Explanation: Ballwin Visual & Performing Arts has applied for a liquor license to sell beer at the Craft Beer Festival, to take place on September 10, 2022.

Submitted By: Denise Keller

Date: August 22, 2022



Staff Report

Subject: Employee Compensation

Department/Program: Administration

Explanation:

The City is in the process of entering into a new collective bargaining agreement with the City's Police Officers. As a part of the new CBA, Officer pay will be increased by a one-time amount of 6% in September of this year in order to get the Officers to the amount of the new pay steps agreed to in the plan. The question before the Board now is whether or not to provide the additional 6% raise to the non-union employees as well.

Up to this point the City has granted the same pay and benefit system to both union and non-union employees in an effort to treat everyone equally.

There are some factors to consider when making this decision. Employee recruitment and retention is the City's biggest challenge right now. We currently have 11 vacancies out of 140 full time employees. Our employee turnover rate is the highest it has ever been. This reflects trends occurring in the national economy regarding labor, and in fact we have had lower turnover than many of our peer cities. Regardless, our inability to recruit and retain employees has already impaired our ability to provide timely services in some cases, and that could become a more significant problem if more employees leave without qualified replacements.

The City has a policy that states that we will pay our employees at the 70th percentile of the market rate for their position. The market rate is established by comparing our pay ranges to those of 10 comparable cities. However, our policy only establishes the minimum and maximum for the range, and does not necessarily affect an employee's actual salary. For example, even if the range increases for a position due to the market increasing, an employee's salary is only raised if they are below the minimum for the position. This can often lead to what is known as compression, where employees have been with the City for many years but because the minimum of their range rises faster than their actual salary, they have not progressed nearly as far into their range as they should have. Giving this one-time adjustment would not affect employee ranges; rather, it would move people further into their existing ranges thus helping to ease the compression concern.

Another factor to consider is the high toll of inflation currently. Again, this is a national issue not unique to Ballwin. Inflation both nationally and in the Midwest has hovered around 9% for a year. Even with the annual 3% raise given each year, employee pay has not kept up with the cost of living due to such high inflation. There is some hope that such high inflation is on the wane, but this additional one time increase would help mitigate the impact of the past year of inflation on employees. Several of our peer cities (and many companies in the private sector) have given higher than normal raises in the past year or two in response to this large increase in the cost of living.

Lastly, there is the question of cost. The cost of a 1% raise for the non-union employees equates to approximately \$65,694 per year. The cost total is \$394,164 per year if the full 6% is given. The cost to be incurred in 2022 is \$21,898 per percentage point of raise, or \$131,388 total for 6%. It is important to note that the cost of this one-time adjustment will decrease over time. Again, since salary ranges are not being adjusted, as employees retire or leave the City, their replacements will not benefit from this adjustment. Therefore, as employees leave each year the overall cost of this adjustment will decline in each coming year.

In summary, the question before the Board tonight is whether or not to provide the non-union employees with a one-time salary adjustment comparable to the adjustment being provided to Police Officers in the new CBA. For the reasons outlined above, I recommend the Board provide an increase. The City's employees are an important asset that allow the City to provide the many services our residents appreciate have come to expect. We are in an unprecedented labor economy and retaining and recruiting employees is more important than ever. If the Board is not comfortable with a full 6% increase then other amounts could be considered as well.

Please let me know if there are any questions.

Submitted By: Eric Sterman

Date: 8/16/22