



BOARD OF ALDERMAN REGULAR MEETING
1 GOVERNMENT CTR, BALLWIN, MO 63011
MONDAY, SEPTEMBER 27, 2021 at 7:00 PM

AGENDA

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes**
 - [a.](#) September 13, 2021 Board of Aldermen Meeting Minutes
- 5. Citizen Comments**
- 6. Old Business**
 - [a.](#) Bill 4101 - Landau Group Zoning Change
 - [b.](#) Bill 4102 - Landau Group Manchester Rd Revitalization Overlay
- 7. Legislation**
 - [a.](#) Bill 4103 - Liquor Laws
 - [b.](#) Bill 4104 - Motorcycle Helmet Laws
- 8. Consent Items**
- 9. Mayor's Report**
- 10. City Administrator's Report**
- 11. Staff Reports**
 - [a.](#) Public Works - Temporary Labor 2021
 - [b.](#) Public Works - Leaf Collection 2021
- 12. City Attorney's Report**
- 13. Aldermanic Comments**
- 14. Closed Session**
- 15. 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.



DRAFT

Section 4, Item a.

BOARD OF ALDERMEN
Meeting Minutes

September 13, 2021

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 Raymond Kerlagon
City Administrator Eric Sterman
City Attorney Robert Jones

Absent

MINUTES

The minutes from the August 9, 2021, Board of Aldermen meeting were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Bullington to approve the minutes from the August 9, 2021 Board of Aldermen meeting as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.

The minutes from the August 9, 2021 Board of Aldermen closed meeting were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Bullington to approve the minutes from the August 9, 2021 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**

September 13, 2021

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

CITIZEN COMMENTS

John Kasperek, 14563 Manchester Rd., addressed the Board. He is opposed to the apartment project and feels greenspace is being cut more and more. He also suggested possibly using strip centers which are becoming vacant for the complex.

Mary Marcinkiewicz, 274 Oak Pass Ct., addressed the Board. While she is not opposed to the apartment project, she is opposed to locating it in Vlasik Park. There are other places in Ballwin for the complex and asked that Vlasik Park remain as it is.

Connie Oster, 743 Stoney Creek Ln., addressed the Board. Ms. Oster stated her comments were based on facts mostly found on the City's website. She shared that parking for the complex is short and overflow parking has not been addressed. She spoke of fire department ladder trucks which would be unable to reach the top floors of the complex. She also stated that, in numerous plans and studies, Ballwin residents have stated they would like more greenspace/town center. Her questions for the Board included how this is considered mixed use space when only one percent is retail, what the plan is to replace greenspace lost to the new government center and would Ballwin residents have to pay for new ladder trucks for fire departments.

Walter Young, 634 Lemonwood Dr., addressed the Board. Mr. Young is a former alderman and mayor for Ballwin. He feels the Board is not looking at the comprehensive plan carefully. He stated he remembers the Board supporting a plan to make this area an amphitheater. He also expressed a concern regarding the shortage of parking and that previous commercial plans have had to have enough parking before the Board would pass them.

Barb Ryan, 113 Holly Green Dr., addressed the Board. Ms. Ryan had several questions for the Board as she felt Ballwin residents were not given much opportunity to view presentations or hear discussions regarding the apartment project. She asked if things could be delayed so residents can talk with the developers and ask questions. She also asked if there are similar projects that she could view.

Shane Earley, 415 Gatehall Ln., addressed the Board. Mr. Earley prefers and enjoys all the common ground and greenspace in the area and doesn't feel the apartments are necessary. He feels greenspace is more important and that this space should be used for something beneficial to the community.

**BOARD OF ALDERMEN
Meeting Minutes**

September 13, 2021

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

Judith Fister, 313 Bellerive Dr., addressed the Board. Ms. Fister is concerned about the apartment project in Vlasik Park; she is also concerned about the traffic issues it will cause. She feels it is a mistake to put the complex in the park. She also feels more greenspace is needed and that an amphitheater would be a more logical choice for the space.

James Wilding, 587 Twigwood Dr., addressed the Board. He feels this is taking away park space that we can never get back. He is concerned about the parking, the entrance which encroaches on the park and the height of the building.

Therese Wegan, 11 Sweet Meadows, addressed the Board. She stated she was encouraged to move to Ballwin 26 years ago by family already residing here. She is concerned about greenspace as well as the same concerns expressed by other speakers.

Janice Viazanko, 809 Westwood Dr., addressed the Board. She stated the new government center is the former site of ballfield two. She shared information from the Ballwin Comprehensive Plan from 2019 and that people were very clear that Parks needed more attention; more parks were needed and less development. She feels the apartment complex does not meet the comprehensive goals for Ballwin.

Wesley Wu, 1026 Anna Meadows Ln., addressed the Board. He does not feel there will be any concerns with traffic and/or parking with the new complex as it is well within walking distance to area shopping. He also feels the new complex will be high quality housing.

LEGISLATION

Bill 4099 - AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BALLWIN TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY WITH THE CITY OF MANCHESTER RELATING TO THE PROVIDING OF POLICE DISPATCHING SERVICES FOR THE CITY OF MANCHESTER.

A motion was made by Alderman Fleming and seconded by Alderman Kerlagon for a first reading of Bill 4099. A voice vote was taken with unanimous affirmative result and Bill 4099 was read for the first time.

Discussion:

Alderman Roach asked about any changes made to the agreement; City Attorney Jones replied the only changes are monetary; he also shared the City of Manchester has not yet considered this agreement, but will be doing so at their meeting on September 20. Alderman Stallmann asked how long this agreement has been in place; we have been providing this service for decades.



DRAFT

Section 4, Item a.

BOARD OF ALDERMEN
Meeting Minutes

September 13, 2021

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

A motion was made by Alderman Roach and seconded by Alderman Stallmann for a second reading of Bill 4099. A voice vote was taken with unanimous affirmative result and Bill 4099 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4099 with the following results:

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

Nays -- None.

Bill No. 4099 was approved and became Ordinance No. 21-16

Bill 4100 - AN ORDINANCE PROVIDING FOR THE APPROVAL OF A SUBDIVISION PLAT FOR THE PARC PLACE AT VLASIS CONSOLIDATION SUBDIVISION AS PROVIDED IN CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF BALLWIN, MISSOURI.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann for a first reading of Bill 4100. A voice vote was taken with unanimous affirmative result and Bill 4100 was read for the first time.

Discussion:

Mayor Pogue stated there are three bills concerning this development and he asked the petitioner to come forward with their presentation and answer as many questions from residents as possible.

George Restovich, attorney representing the Landau Group and Brent Evans, addressed the Board and audience. He stated the presentation this evening was on the mixed use development leading into the park, which they believe will make Ballwin stand out among neighboring communities. He stated he also feels this project meets the goals outlined in the 2019 Comprehensive Plan. He briefly spoke of the three components to be discussed: the application to unify 14811, 14819 and 14821 Manchester Rd, the change in zoning from PA to C1 and to ask for the unified parcel to become Manchester Road overlay district. He then introduced Brent Evans.

Mr. Evans is a resident of Ballwin and a former state representative for Ballwin and Manchester. Since leaving office, he has participated in the revitalization of several downtown areas (lofts, etc.). He stated he is in Vlasik Park nearly every day and believes this project will help Ballwin. He also stated this commercial property is not part of the park and this project will provide market rate housing, purposely designed.

Gabe McKee, architect with V Three Studios, 2717 Sutton Blvd., made a presentation on the apartment project. This project would consolidate three parcels of land into 197 units of market rate apartments. He stated the site has been challenging with 25+ feet of grade change between Manchester Rd. and the lots. There are two levels of parking nested into the hillside. Originally, they had been looking at 1.2 as the parking multiplier, but have been able to change that to 1.4 or 1.5. There are five levels of actual apartments; four will be visible. Retail space such as a coffee shop, will overlook the park. A food truck park is planned for the smaller parcel. Amenity decks overlooking the park will be available for residents. This will be accessed through Andrews Parkway, off Seven Trails Dr.; two entrances are already there. They have worked with the fire department to create a fire lane on the southern side of the building between the retaining wall and the building. They are currently working with MoDot to expand the right of ways to allow for fire truck circulation. They have worked with the fire department to ensure the building is in compliance with their ladder trucks and it will be safe and serviceable in the event of an

BOARD OF ALDERMEN
Meeting Minutes

September 13, 2021

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

emergency. The smaller lot to the west would be a food truck park on the weekends and would also allow for extra parking during the day and overflow parking in the evenings. Forty-two surface parking spaces have been added.

Alderman Stallmann asked if it was possible to get to the 1.5 ratio for parking and retain green space; Mr. McKee responded the 1.5 multiplier applied only to the building. They can get to 1.5 by excavating more. Retail space has its own overflow parking. For the food truck area specifically, they are looking at a grass paver system to double as overflow parking for daytime and evening. Alderman Stallmann also wanted to be clear that this is strictly market based rent and there are no plans for subsidized or any assisted rentals; Mr. McKee responded that is correct and there is no HUD housing. Alderman Stallmann stated that the developers are asking for no assistance and that this is strictly privately financed; Mr. McKee replied that is correct.

Alderman Fleming asked to follow up on the parking. Mr. McKee responded that there are 10 spots next to the café/retail space. They have allocated an additional 12 spots in what is currently utility space. Sixteen spots have been added as a grass paver system and four parallel parking spots have been added near the sidewalk.

Alderman Bullington stated the current plan shows only one retail spot and asked if they are committed to adding more retail. Mr. McKee responded they are and that the space on the western end could be additional retail space.

Mayor Pogue wanted to clarify that they could reach the 1.5 ratio and that 42 surface spots have been added; Mr. McKee stated that an additional 32 spots were added to make a total of 42 surface spots and that to reach the 1.5 ratio, they would excavate more into the hillside. Mayor Pogue also asked Mr. McKee to give more detail on the accommodations made for the house adjacent to the food truck area to attach to the sewer system. Scott Goforth, civil engineer with G & W Engineering, 138 Weldon Pkwy, stated they are working with MSD to get a connection to the sewer system and have presented the layout to the sanitary sewer. Alderman Stallmann asked if MSD had approved the plans yet; Mr. Goforth replied that final approval would not come until the final plans are drawn up. He stated they reach out to MSD with conceptual plans so they are aware the product is coming and they can provide early preliminary comments about addressing storm water runoff. City Attorney Jones shared that the house and food truck space were once under common ownership which we believe as the trustees have informed us there is a leach field for the septic system which happened years ago.

Alderman Roach asked if there was any way to make the south side of the building look more pleasing. Mr. McKee replied that there is no space for landscaping due to the grade change. The adjacent development built the sidewalk and retaining wall along Manchester as part of a previous development plan. If MoDOT would allow it, trees could be planted in their right of way, which would in time, create a more shaded space along that corridor. He also stated part of this development is to renovate/redo the marquee sign in front, which would beautify that area. Alderman Roach also asked about adjusting the percent of finishing materials; Mr. McKee stated they could look at other options for finishing materials for apartment buildings which would meet the requirements for windows/balconies. Alderman Roach asked if the marquee conceptual drawing is final; Mr. McKee stated it is not a final design and they would work with the City to enhance the current sign/area.

BOARD OF ALDERMEN
Meeting Minutes

September 13, 2021

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

Mayor Pogue clarified that normally the building would be closer to Manchester Rd., but due to topography issues, they had to get a variance to set it back off of Manchester. Alderman Fleming followed up the Mayor's comment, stating the variance was for the fire department's request that they be able to go all the way around the building.

Alderman Fleming stated that comments indicate everyone believes more parking would be beneficial. He asked City Attorney Jones how to best handle any suggestions for changes in the list of requirements in Bill 4102. Mr. Jones responded that if the Board feels changes need to be made, a motion should be made to amend the bill. Mr. Jones also pointed out a date error in the bill and that would need a motion for change as well. Alderman Stallmann asked if an amendment could be made that any parking would not cut into greenspace/park. Mr. Jones responded it could and also if the Board wanted to impose a higher percentage of retail space as well. He also stated any future changes would require approval from Planning and Zoning and the Board.

Alderman Stallmann asked Police Chief Doug Schaeffler if he anticipated additional coverage would be needed. Chief Schaeffler responded that, with an influx of population, you might expect that, but we are in a low crime area. Alderman Stallmann asked if there was any idea of assessed valuation of the completed project; the response was between \$50-70 million. Alderman Stallmann also clarified that no type of abatement was being sought; the response was that no TIFs or tax incentives are being pursued.

Alderman Roach asked how we would deal with retail space if the businesses are not successful. Mr. McKee stated he believes the space will do well because of the apartment residents and park patrons. Alderman Roach asked if a laundromat would meet the criteria of retail space; Mr. McKee responded that it would. Alderman Roach asked City Attorney Jones about the Exhibit 1, which was not part of the packet. Mr. Jones replied that is the subdivision plat of the three lots; there will be a subdivision plat that will be signed by the Mayor and attested by the City Clerk before it can be recorded.

Alderman Stallmann stated there have been many comments referencing the Comprehensive Plan. Shawn Edghill, Planning Technician, shared his findings from comparing the Plan and the new development. He shared that a goal that would not be met with new development was turning the space into an amphitheater or other type of greenspace. Goals he felt were being followed through on are that the City should support mixed-use development in connection with Manchester Rd., ensure parks and open spaces are within walking distance of all residents and following the recommendations of the Parks Master Plan for facilities. Through his evaluation, he feels this is in line with our Comprehensive Plan.

Alderman Stallmann asked City Administrator Eric Sterman about what happens with the building and cell tower if we don't move forward with this development and estimates of what it would cost the city. Mr. Sterman stated the cost to demolish the old building is approximately \$100,000 - \$150,000. The challenge is the cell tower. We have a lease for the tower, but server racks and other equipment that support the tower are located in the building which is a large part of the reason it hasn't been demolished yet. We are obligated by lease to have a facility for the equipment. The cost of building something for the equipment would be approximately \$200,000-\$400,000, on top of the building demolition. We could also look at buying out of the lease or relocating the tower. The lease would transfer to the developer once they purchased the parcel. Alderman Stallmann asked if this was ever part



DRAFT

Section 4, Item a.

BOARD OF ALDERMEN
Meeting Minutes

September 13, 2021

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

of the park; Mr. Sterman replied that he was not aware of it being part of the park, rather, they are adjacent, separate parcels.

Alderman Roach asked what the developers' current plan is for the cell tower; the response was that Mr. Evans is working with the providers to get the tower relocated.

Alderman Finley asked if the slide presentation could be attached to the minutes for the meeting as he would like to have paper copies. He also stated that there are items in Bill 4101 that they will need to make finding upon such as affecting the character of the immediate vicinity. Because of the fact that this is adjacent to the park, he feels it does adversely affect the character of the immediate vicinity. Also, he feels not enough evidence has been produced considering there's a synergistic effect of parking with traffic patterns and that needs to be produced and has not been sufficiently proven. Another clause is whether it would negatively affect the community's health. He feels it would negatively affect because it is evident that the community does want the property for park services. He also referred to goals not met from the Comprehensive Plan and because of these reasons he plans to vote no on the bills. Alderman Utt echoed Alderman Finley's comments.

A motion was made by Alderman Fleming and seconded by Alderman Leahy for a second reading of Bill 4100. A voice vote was taken with unanimous affirmative result and Bill 4100 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4100 with the following results:

Ayes – Aldermen Stallmann, Fleming, Leahy, Bullington, Kerlagon

Nays – Aldermen Finley, Utt, Roach

Bill No. 4100 was approved and became Ordinance No. 21-17

Bill 4101 - 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 PA PUBLIC ACTIVITY DISTRICT TO C-1 COMMERCIAL.

A motion was made by Alderman Fleming and seconded by Alderman Leahy for a first reading of Bill 4101. A voice vote was taken with unanimous affirmative result and Bill 4101 was read for the first time.

Discussion:

Alderman Stallmann asked if the restrictions previously discussed should be brought up at this point. City Attorney Jones stated those would be brought up in discussion of Bill 4102.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann for a second reading of Bill 4101. A voice vote was taken resulting in seven aye votes and one nay vote. Bill 4101 will be held over.



DRAFT

Section 4, Item a.

BOARD OF ALDERMEN
Meeting Minutes

September 13, 2021

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

Bill 4102 - AN ORDINANCE ADOPTING A MANCHESTER ROAD REVITALIZATION OVERLAY DISTRICT FOR CERTAIN LAND COMMONLY KNOWN AS 14811, 14819 AND 14821 MANCHESTER ROAD IN THE CITY OF BALLWIN AND CURRENTLY ZONED C-1 COMMERCIAL.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann for a first reading of Bill 4102. A voice vote was taken with unanimous affirmative result and Bill 4102 was read for the first time.

Discussion:

Mayor Pogue requested a motion to amend Section 1, paragraph 1. The date should be amended from November 1, 2010 to July 6, 2021. A motion was made by Alderman Stallmann and seconded by Alderman Bullington. A voice vote was taken with unanimous affirmative result and the motion passed.

Alderman Stallmann made a motion that the parking be the 1.5 ratio without any loss of greenspace as outlined in plans submitted by the petitioner. Alderman Fleming agreed with the 1.5 ratio for parking in the building and asked that the motion be clarified. Alderman Stallmann amended his motion to 1.5 ratio for parking in the building. Alderman Fleming seconded the motion. A voice vote was taken with unanimous affirmative result and the motion passed.

Alderman Bullington made a motion to amend the retail units to a minimum of two. Alderman Stallmann seconded the motion. A voice vote was taken with unanimous affirmative result and the motion passed.

Alderman Fleming had a follow up on Section 1 which states that no portion of the building shall be taller than 86 feet above the primary finished floor of the building. He asked for clarification as to what a “floor” is. City Attorney Jones clarified building height from the city’s code as vertical distance from grade to the highest point of the building. There was discussion regarding some parking being below grade and whether an amendment would read from grade rather than from finished floor. Mr. Jones stated we would encourage the developer to use parapets and other screening for equipment on top of the building; Alderman Fleming shared that screening on the roof does not count. Mr. McKee shared that if it was set as lowest level of parking, it would still fit the requirement. The primary level of the building would be the lowest floor level as grade varies. Mayor Pogue asked if Alderman Fleming would bring his amendment to the next meeting; he stated he would. Mayor Pogue noted Bill 4102 cannot be voted on at this meeting because Bill 4101 has been held over. A motion was made by Alderman Fleming and seconded by Alderman Stallmann to hold over Bill 4102.



DRAFT

Section 4, Item a.

**BOARD OF ALDERMEN
Meeting Minutes**

September 13, 2021

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

MAYOR'S REPORT

Mayor Pogue let the audience know discussion on the apartment development has concluded, but they were welcome to stay for the remainder of the meeting. An audience member asked for clarification on what has happened with the bills. Mayor Pogue explained that Bill 4100 passed; this was the consolidation of the parcels of land. Bill 4101 did not pass for a second reading so it is held over and Bill 4102 is held over as it cannot be voted on until Bill 4101 passes.

CITY ADMINISTRATOR'S REPORT

City Administrator Sterman shared that we need to pick an address for the new police department building. The building is on the southeast corner of Ballpark Dr. (the 100 block) and Kehrs Mill Rd. (the 300 block). An option from staff is 302 Kehrs Mill Rd., which is based on the badge number of Officer Michael Flamion. Mayor Pogue strongly encouraged the use of 302 Kehrs Mill Rd. A motion was made by Alderman Bullington and seconded by Alderman Utt to use 302 Kehrs Mill Rd. as the address for the new police department building. A voice vote was taken with unanimous affirmative result and the motion passed.

Mr. Sterman also reported that, according to the latest census, the population of Ballwin increased by 2.3% or about 700 residents and talked about redistricting. He doesn't see that we are obligated to redistrict, but wanted the Board to be aware. Aldermen Stallmann and Roach both stated they didn't see any reason to change anything but would like to see further information.

CITY ATTORNEY'S REPORT

City Attorney Jones stated that, in the packet, there are amendments to ordinances because of state law changes. He reminded the Board that we cannot be more restrictive than state law; for instance, we cannot have more restrictive hours or can't restrict to go cups for liquor.

**BOARD OF ALDERMEN
Meeting Minutes**

September 13, 2021

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

STAFF REPORTS

Administration – Liquor License Changes

Staff seeks direction from the Board on this matter.

Discussion:

The governor signed SB126 on July 7, 2021 which made permanent several temporary changes made during the pandemic to properly licensed vendors. Most notable are that time parameters for when liquor may be sold changed along with being able to sell by the drink for consumption off premises. Mayor Pogue recommended the Board authorize the City Attorney to draft appropriate legislation to be in line with state law.

A motion was made by Alderman Stallmann and seconded by Alderman Bullington. A voice vote was taken with unanimous affirmative result and the motion passed.

Police – Helmet Law Changes

Staff requests the City Attorney draft legislation to update our current ordinance.

Discussion:

Changes to the state statute regarding helmet laws were made approximately a year ago. Staff is recommending updating our ordinance to be in line with state statute.

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

Mayor Pogue shared at this time that he has met with one of the trustees regarding the Clayton Ridge parking. He is trying to set up a meeting with the business owner and another trustee to make sure we're not moving a problem from one spot to another and will keep the Board updated.

ALDERMANIC COMMENTS

Alderman Finley shared that he appreciates Alderman Bullington's work and dedication to the Ballwin Days event. He stated he was there on Friday evening and Alderman Bullington was there in his yellow vest, directing traffic. He thanked Alderman Bullington again for his dedication. Alderman Bullington challenged the other Aldermen for future events.



DRAFT

Section 4, Item a.

BOARD OF ALDERMEN
Meeting Minutes

September 13, 2021

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

CLOSED SESSION

Mayor Pogue requested a motion to move to closed session. A motion was made by Alderman Fleming and seconded by Alderman Bullington. A roll call vote was taken with the following results:

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

Nays: None

The meeting moved to closed session at 8:55 p.m.

A motion was made by Alderman Fleming and seconded by Alderman Finley to reconvene to open session. A voice vote was taken with unanimous affirmative result and the motion passed. The Board returned to open session at 9:31.

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 9:33 p.m.

_____ TIM POGUE, MAYOR

ATTEST:

_____ POLLY MOORE, CITY CLERK



Bill No. 4101

Ordinance No. _____

INTRODUCED BY

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

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 PA PUBLIC ACTIVITY DISTRICT TO C-1 COMMERCIAL.

WHEREAS, a petition was received from Landau Group, to change the zoning classification of certain land in the City of Ballwin; and

WHEREAS, said petition was duly referred to the Planning and Zoning Commission for its consideration and recommendation; and

WHEREAS, a public hearing before the Planning and Zoning Commission was held on July 6, 2021, upon the petition, due notice of which was published and posted according to law and ordinance; and

WHEREAS, the Planning and Zoning Commission has submitted its report to the Board of Aldermen and has recommended that said property be rezoned in accordance with the petition received; and

WHEREAS, upon review and due consideration of the Planning and Zoning Commission's report, minutes and recommendation, review of the City's Comprehensive Plan, written and oral comments from the public, and submissions of the Petitioner, the Board of Aldermen finds and determines that said rezoning would not adversely affect the character of the immediate vicinity and is not inconsistent with good planning practices, would result in traffic and pedestrian improvements positively affecting the public safety, would not otherwise negatively affect the community's health and safety, can be developed in a manner that is not detrimental, either operationally or visually, to existing land uses within the vicinity and would be beneficial to the City's general welfare by providing significant employment and tax revenues necessary to support essential municipal services.

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

Section 1. Ordinance No. 557 of the City of Ballwin, known as "The Zoning Ordinance," and "The District Map" of the City of Ballwin are hereby amended by changing the existing zoning classification of the property at 14811 Manchester Road from PA Public Activity to C-1 Commercial.

Section 2. The City Planner is authorized and directed to change "The District Map" of the City of Ballwin to reflect the changes made by this ordinance.



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

PASSED this ____ day of _____, 2021.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2021.

TIM POGUE, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR



INTRODUCED BY

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

AN ORDINANCE ADOPTING A MANCHESTER ROAD REVITALIZATION OVERLAY DISTRICT FOR CERTAIN LAND COMMONLY KNOWN AS 14811, 14819 AND 14821 MANCHESTER ROAD IN THE CITY OF BALLWIN AND CURRENTLY ZONED C-1 COMMERCIAL.

WHEREAS, a petition was received from Landau Group to adopt a Manchester Road Revitalization Overlay District for certain land commonly known as 14811, 14819 and 14821 Manchester Road in the City of Ballwin and currently zoned C-1 Commercial; and

WHEREAS, said petition was duly referred to the Planning and Zoning Commission for its consideration and recommendation; and

WHEREAS, a public hearing before the Planning and Zoning Commission was held on July 6, 2021, upon the petition due notice of which was published and posted according to law and ordinance; and

WHEREAS, the Planning and Zoning Commission has submitted its report to the Board of Aldermen and has recommended that a Manchester Road Revitalization Overlay District for said property be adopted in accordance with the petition received; and

WHEREAS, upon review and due consideration of the Planning and Zoning Commission's report, minutes and recommendation, review of the City's Comprehensive Plan, written and oral comments from the public, and submissions of the Petitioner, the Board of Aldermen finds and determines that said rezoning would not adversely affect the character of the immediate vicinity and is not inconsistent with good planning practices, would result in improved traffic and pedestrian improvements positively affecting the public safety, would not otherwise negatively affect the community's health and safety, can be developed in a manner that is not detrimental, either operationally or visually, with existing land uses in the vicinity and would be beneficial to the City's general welfare by providing significant employment and tax revenues necessary to support essential municipal services.

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

Section 1. A Manchester Road Revitalization Overlay District is hereby adopted for certain land commonly known as 14811, 14819 and 14821 Manchester Road, Ballwin, MO, in the City of Ballwin as shown on the Site Development Plans attached hereto and made a part hereof, according to the site development plans, building elevation drawings, traffic studies, SWPP Plan and landscaping plans dated May 3, 2021 presented to the Ballwin Planning and Zoning Commission on July 6, 2021 subject to the following requirements:

1. Building heights shall be limited to no more than the individual roof line and architectural feature heights specified on the building elevations presented to the Planning and Zoning Commission on July 6, 2021. No portion of any building shall be taller than 86 feet above the lowest floor.
2. Vehicular site access shall be limited to the two existing curb cuts from Andrews Parkway and exit – only access from the Elm Street stub onto Manchester Road.
3. All storm water detention facilities shall meet all Ballwin and MSD standards for the quantity of water detained, rates and quantities of discharge and overall system capacity and design.
4. All MSD standards for water quality in force on the date of this ordinance shall be met.
5. No building or grading permit will be issued for any work on this site for the development permitted via this ordinance until MSD issues a permit for a storm water detention and water quality plan and MoDOT issues a permit(s) for roadway improvements, if needed.
6. The approved uses for this MRD shall be limited exclusively to multifamily residential living space and no less than 4000 ft.² of retail commercial space.
7. Unless designed as bioretention, all parking lot islands and landscaped areas adjacent to vehicular pavement areas shall be protected by vertical concrete curbs. A parking ratio of 1.5 spaces per dwelling unit shall be maintained entirely within the buildings.
8. All landscaped areas shall be irrigated.
9. The site landscaping, and screening to surrounding properties shall be installed and maintained as shown on the site development and landscaping plans attached hereto and made a part of this ordinance. The Petitioner shall utilize native or acclimatized species that thrives in this proposed environment, but that will be properly maintained in a way that does not negatively affect Vlasik Park or any other surrounding property.
10. The architecture of the building including the color palate, materials, textures, and features shall be as shown on the attached architectural elevations. The proposed building materials and their percentages of the overall square footage shall be no less than the following, although different materials or greater percentages may be incorporated, if the substitutions are permitted by City Code and approved by Staff:
 - (a) Brick (25.79%)
 - (b) Wood Look Fiber Cement (23.62%)
 - (c) Varied Grey Fiber Cement (11.38%)
 - (d) Decorative metal panel (21.28%)
 - (e) Glazed (17.93%)



11. All site and building mechanical equipment shall be roof mounted. All such equipment, trash containers, loading docks and facilities wherever located shall be 100% screened from view from all adjoining rights-of-away, properties and all public areas of the development.

12. All relocated or new service lateral utility lines shall be installed underground.

13. Noise from any source within this MRD development shall comply with all noise regulations of the City of Ballwin at all times.

14. The Ballwin directory sign and associated electrical service at the intersection of Manchester Rd. and Seven Trails Dr. serving the Vlasik Park government complex and the Retreat at Seven Trails Apartments shall be removed and replaced at the cost of Petitioner. The new sign will need to be reviewed at a later date by City Staff through the usual sign permitting process, but also under the legal context found in Ordinance 12-14 between the City of Ballwin and Seven Trails Investors, LLC, wherein an easement deed was entered into and executed and includes the allowance for the Retreat at Seven Trails Apartments to maintain a panel on the current sign. The Sign Easement agreement includes a clause which states that should the City of Ballwin replace the sign, the Retreat at Seven Trails Apartments will have the right to a panel of similar dimension as currently exists on the monument sign.

15. No blasting will be allowed in conjunction with the construction authorized per this MRD ordinance.

16. The Petitioner shall construct a new sidewalk along the southern side of Andrews Parkway.

Section 2. The City Planner is authorized and directed to change "The District Map" of the City of Ballwin to reflect the changes made by this ordinance.

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

PASSED this ____ day of _____, 2021.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2021.

TIM POGUE, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR



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

AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 3 OF THE CITY CODE OF ORDINANCES REGARDING ALCOHOLIC BEVERAGES

WHEREAS, the Missouri Legislature has enacted legislation (SB 126 2021) revising the laws regarding the sale of intoxicating liquor; and

WHEREAS, it is necessary and proper to revise Chapter 3 of the City Code of Ordinances to match such changes in state law.

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

Section 1. Sections 3-52, 3-55, 3-56, 3-57 and 3-71 of the Code of Ordinances of the City of Ballwin are hereby amended to read as follows:

Sec. 3-52. Classes; annual fees.

A separate license shall be taken out, and an annual fee paid, for each of the following classes of sales of intoxicating liquors:

- (1) To sell intoxicating liquor for consumption on premises where sold, including sale in the original package (or as otherwise provided in RSMo. Section 311.202), with an annual fee of \$450.00.
- (2) To sell intoxicating liquor in the original package (or as otherwise provided in RSMo. Section 311.202), not to be consumed on the premises where sold, with an annual fee of \$150.00.
- (3) To sell malt liquor and light wine or both malt liquor and light wine at retail, by the drink, for consumption on the premises where sold, with an annual fee of \$50.00.
- (4) To sell malt liquor in the original package (or as otherwise provided in RSMo. Section 311.202) but not for resale or consumption on the premises where sold, with an annual fee of \$22.50.
- (5) To sell light wine and malt liquor for consumption on the premises where sold for a church, school, civic, service, fraternal, veteran, political, or charitable club or organization at a picnic, bazaar, fair or similar gathering. Such permit shall be issued only for the day or days specified and shall not be for more than seven days per fiscal year, with a fee of \$35.00.
- (6) To sell intoxicating liquor, including the sale in original package (or as otherwise provided in RSMo. Section 311.202) on Sunday between the hours of 6:00 a.m. and 1:30 a.m. on

the following Monday, for operations meeting the definition of restaurant bar or amusement place as provided by state law with an annual fee of \$300.00.

- (7) To sell intoxicating liquor at wholesale, with an annual fee of \$375.00 plus \$1.00 per gallon sold.
- (8) To manufacture, distill or brew intoxicating liquor with an annual fee of \$350.00 plus any appropriate fee for gallons produced.
- (9) To sell intoxicating liquor in the original package (or as otherwise provided in RSMo. Section 311.202), not to be consumed on the premises where sold, on Sunday between the hours of 6:00 a.m. and 1:30 a.m. on the following Monday for establishments qualifying under state law with an annual fee of \$300.00.
- (10) To sell malt liquor at retail by drink for consumption on the premises where sold, with an annual fee of \$50.00 per year. Notwithstanding the provisions of RSMo. 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail by drink for consumption on the premises where sold between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on the following Monday.
- (11) For the privilege of manufacturing wine or brandy, which manufacturing shall be in accordance with all provisions of federal law applicable thereto except as may otherwise be specified by state law, in quantities provided by state law, not in excess of 18 percent of alcohol by weight for wine, or not in excess of 34 percent of alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey, and vegetables produced or grown in the State of Missouri, exclusive of sugar, water and spirits, with an annual license fee of \$5.00 for each 500 gallons or fraction thereof produced up to a maximum license fee of \$300.00.

Sec. 3-55. Restaurant bar; Sunday license.

- (a) Notwithstanding any other provision of this article, any person who possesses the qualifications required by this article, and who now or hereafter meets the requirements of and complies with the provisions of this article, may apply for, and upon approval of the board of aldermen, the city clerk may issue a license to sell intoxicating liquor, between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on the following Monday by the drink at retail for consumption on the premises of any restaurant bar as described in the application.
- (b) Persons holding a license under this section shall comply with all provisions of state law and with all other ordinances and regulations of the city relating to the sale of liquor by the drink for consumption on the premises where sold; and, in addition to all other fees required by the ordinances of the city, a restaurant bar shall pay an additional fee of \$300.00 a year, payable at the same time and in the same manner as are other license fees.

Sec. 3-56. Amusement place; Sunday sale.

- (a) Notwithstanding any other provision of this chapter to the contrary, any person who possesses the qualifications required by this section and who now or hereafter meets the requirements of and complies with the provisions of this section may apply for a license to sell intoxicating liquor between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on the following Monday, by the drink at retail for consumption on the premises of any amusement place described in the application.
- (b) Persons holding a license under this section shall pay the same fee as the fee charged for a restaurant bar license as set out in section 3-54
- (c) Any new amusement place having been in operation less than 90 days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on the following Monday for a period not to exceed 90 days if the amusement place can show a projection of annual business from game participation of at least 50 percent of a total gross business of at least \$300,000.00 for the first year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.
- (d) Except for those licensees possessing a license to sell intoxicating liquor, pursuant to section 3-52(1), nothing in this section shall be construed to permit a licensee to sell intoxicating liquor, malt liquor, or beer for off-premises consumption.

Sec. 3-57. Limited permit to sell light wine and malt liquor; picnic license.

- (a) Notwithstanding the other provisions of this chapter, a permit for the sale of light wine and malt liquor for consumption on the premises where sold may be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of light wine or malt liquor at a picnic, bazaar, fair or similar gathering. Such permit shall be issued only for the day or days named therein and shall not authorize the sale of light wine and malt liquor for more than seven days by any such organization in any fiscal year.
- (b) To secure the permit, the applicant shall complete a form provided by the city clerk; however, no applicant shall be required to furnish a personal photograph as part of the application.
- (c) If the event will be held on a Sunday, the permit shall authorize the sale of light wine and malt liquor between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on the following Monday.
- (d) No provision of law or regulation shall prevent any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the holder of the license at such picnic, bazaar, fair or similar gathering.



Sec. 3-71. Hours and days sales permitted.

No person shall sell, give away or otherwise dispose of or permit the sale or disposition on or about his premises of any intoxicating liquor in any quantity on any day between the hours of 1:30 a.m. and 6:00 a.m.

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

PASSED this ____ day of _____, 2021.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2021.

TIM POGUE, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR



INTRODUCED BY

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

AN ORDINANCE AMENDING MOTORCYCLE HELMET LAWS FOR DRIVERS AND PASSENGERS.

WHEREAS, the Missouri Legislature has enacted legislation revising the laws regarding helmet requirements for motorcycle drivers and passengers; and

WHEREAS, it is necessary and proper to revise Section 15-31 of the City Code of Ordinances to match such changes in state law.

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

Section 1. Section 15-131 of the Code of Ordinances of the City of Ballwin shall be repealed and replaced with the following:

Sec. 15-131. Riding on motorcycles; additional passenger; requirements.

- (a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.
- (b) The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto, and shall not permit more than one person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one person. Any motorized bicycle designed to carry more than one person must be equipped with a passenger seat and footrests for the use of a passenger.
- (c) Every person under twenty-six years of age who is operating or riding as a passenger on any motorcycle or motortricycle, as defined in RSMo 301.010, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion; except that, any person twenty-six years of age or older operating any motorcycle or motortricycle who has been issued an instruction permit shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the Director of Revenue.
- (d) Any qualified motorcycle operator who is twenty-six years of age or older may operate a motorcycle or motortricycle upon any highway of this state without wearing protective headgear if he or she in addition to maintaining proof of financial responsibility in accordance with RSMo chapter 303, is covered by a health insurance policy or other form of insurance which will provide the person with medical benefits for injuries incurred as a result of an accident while operating or riding on a motorcycle or motor tricycle.

1. Proof of coverage required by subsection (d) of this section shall be provided, upon request by authorized law enforcement, by showing a copy of the qualified operator's insurance card.



2. No person shall be stopped, inspected, or detained solely to determine compliance with this section.
- (e) No person shall operate or ride as a passenger on any motorcycle unless such motorcycle is equipped with a windshield, intact and firmly attached, or unless such operator or passenger is wearing shatterproof goggles or glasses that are shielding the eyes from wind and foreign objects.

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

PASSED this ____ day of _____, 2021.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2021.

TIM POGUE, MAYOR

ATTEST: _____

ERIC STERMAN, CITY ADMINISTRATOR



Staff Report

RE: Temporary Labor

Department/Program: Public Works/Leaf Collection

Recommendation: Staff recommends awarding the contract to Westside Personnel for the unit price of \$19.74 per hour. In the event that Westside Personnel cannot supply all six people, we also recommend using the next lowest bidder to ensure we have enough laborers for leaf collection.

Explanation: The City of Ballwin solicited proposals for temporary laborers for a six-week period beginning October 25th. The City received two proposals. The results are on file in the Public Works Department. The work consists of raking leaves that were placed at the curb by homeowners to be picked up by the City’s vacuum. Each laborer will be required to work 7:00 am to 3:30 pm, Monday through Friday with a 30-minute, non-paid lunch break.

	Hourly Rate		Budget
People Ready	No Bid		
Westside Personnel	\$19.74		\$35,000.00
Labor Finders	\$21.69		

Submitted By: Jim Link

Date: 9/21/2021



Staff Report

Subject: Leaf Collection-Contractual

Department/Program: Public Works / Leaf Collection

Recommendation: We recommend awarding the unit price contract to West County Landscaping not to exceed \$91,188.

	Unit Price 2020	Unit Price 2021	TOTAL BID
<i>West County Landscaping</i>	\$34.32/yd.	\$36.00/yd.	\$91,188.00
<i>TRC Outdoor</i>	No Bid	No Bid	No Bid
Leaves collected	1281 Cy	2533 Cy (Est)	
BUDGET			\$45,000.00

Explanation: We advertised for bids and received one bid. The contractor will collect leaves in Meadowbrook Country Club and Claymont subdivision and deliver them to the Public Works yard for disposal. The contract is for a weekly pickup for 6 weeks from October 25th to December 3rd.

Information from the 2020 leaf collection indicated that 500 cubic yards of leaves were collected in Meadowbrook Country Club and 2033 cubic yards from the Claymont subdivision. Those amounts were higher than a typical year, and we ended up having to use City employees to finish the leaf season in the two subdivisions. This higher amount will ensure that we can get the full season collection. If leaf volumes are lower this year, we will either capture the savings or utilize the contractor in other subdivisions if needed.

We would like to also make you aware that although we are going over budget in this account, we have not spent \$313,000 in payroll expenses in the Public Works Department during the first 8 months of 2021, due to a shortage of workers.

Submitted By: Jim Link

Date: 9/20/2021