

## AGENDA

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Minutes**
  - a. September 26, 2022 Board of Aldermen Meeting Minutes
5. **Citizen Comments**
6. **Legislation**
  - a. 4138 - Ameren Missouri Easement
  - b. 4139 - SUE Escape Room
  - c. 4140 - SUE Marco's Pizza
7. **Mayor's Report**
8. **City Administrator's Report**
9. **City Attorney's Report**
10. **Staff Reports**
  - a. Administration - IT Fiber
  - b. Parks - 2023 Facility Fees
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**

September 26, 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 September 12, 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 September 12, 2022 Board of Aldermen meeting as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.

The minutes from the September 12, 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 September 12, 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**

September 26, 2022

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

**CITIZEN COMMENTS**

---

Susan Haake, owner of the Rose Barrel Restaurant, addressed the Board. She stated they have been open for 35 weeks now and they were just awarded best restaurant in Ballwin in 2022. Ms. Haake also shared that they would like to open on Sundays because their business is booming and it would help the Claymont shopping center. She is asking the Board's approval of their Sunday liquor license application and thanked the Board for their time.

**LEGISLATION**

---

Bill 4137 - AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF BALLWIN, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PROVIDING FOR ROADWAY IMPROVEMENTS ON RIES ROAD FROM MANCHESTER ROAD TO BIG BEND ROAD.

A motion was made by Alderman Stallmann and seconded by Alderman Bullington for a first reading of Bill 4137, title only. A voice vote was taken with unanimous affirmative result and the motion passed. Bill 4137 was read for the first time.

Discussion:

Alderman Roach asked if this is a similar approach as used on other projects; Public Works Director Jim Link responded that it is. Alderman Siegel asked if this was just for milling and not curb/gutter replacement; Mr. Link replied this is just milling. Alderman Roach asked if we would be replacing some of Ameren's street lights with our own; City Administrator Sterman replied we would be. Alderman Siegel asked if these would be LED lights; the response was that they would be. Alderman Utt asked if we could make sure that they are mindful of repaving around sewer lids for instance, so as to not create a "hole".

A motion was made by Alderman Fleming and seconded by Alderman Bullington for a second reading of Bill 4137, title only. A voice vote was taken with unanimous affirmative result and the motion passed. Bill 4137 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4137 with the following results:

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

Nays --

Bill No. 4137 was approved and became Ordinance No. 22-24.



**BOARD OF ALDERMEN  
Meeting Minutes**

September 26, 2022

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

**CONSENT ITEMS**

---

**Administration** – Rose Barrel Liquor License

Staff recommends approving Rose Barrel’s liquor license adding Sunday sales.

Discussion:

Alderman Roach stated he has no issue with the liquor license and has heard no complaints about the restaurant and that the petitioners don’t often attend the Board meeting. Alderman Stallmann stated he was happy to see Ms. Haake in attendance as well and has heard nothing but great things about the business. He also stated he is glad to have them as part of Ballwin’s business community.

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

**Public Works-** Temporary Labor 2022

Staff recommends awarding the contract to Westside Personnel for the Unit price of \$21.45 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.

Discussion:

Alderman Roach stated he wanted to be sure the motion is clear that if Westside Personnel, the low bidder, is unable to provide enough staff, the second lowest bidder would be used for more laborers; Mr. Link replied that was correct.

A motion was made by Alderman Roach and seconded by Alderman Utt to accept staff’s recommendation. A voice vote was taken with unanimous affirmative result and the motion passed.

**MAYOR’S REPORT**

---

Mayor Pogue stated the St. Louis County Boundary Commission would be meeting Tuesday evening and our items are on the agenda, but they may not act on them at this meeting. It is his understanding that they will have to at the October meeting. Mr. Sterman stated that was correct and that he and Planning Technician Shawn Edghill would be in attendance; it is hoped they will act on it at Tuesday’s meeting. He also shared the meeting would be held in Clayton.

**BOARD OF ALDERMEN  
Meeting Minutes**

September 26, 2022

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

**CITY ADMINISTRATOR'S REPORT**

---

Mr. Sterman shared that the State Legislature passed a bill this year on how cities can regulate home-based businesses. The ability to license those was taken away. While Ballwin does not license home-based businesses, we do have rules in our ordinances to include a long list of restrictions. Mr. Sterman asked the Board's permission to work with the City Attorney and review that list as well as the new state law and make any changes necessary; he stated he would bring that back to the Board as a bill. There was discussion regarding the new law and some of the things that we would need to consider. Mayor Pogue stated that, unfortunately, this is another attempt from legislators to take more control away from local government. He also shared this has been addressed with legislators at the Lafayette Area Mayors group, but this seems to have fallen on deaf ears. Alderman Fleming asked that Mr. Sterman present his findings under his report rather than as a bill so that everyone can hear the impact of the changes. Mayor Pogue asked City Attorney Jones if there were any other new items we should be reviewing; Mr. Jones stated there were a few others and he would bring information to a future Board meeting. Alderman Roach asked about short-term rentals; Mr. Jones stated the City licenses those and further explained how those work.

Mr. Sterman also reported on the new Computer Aided Dispatch system for which the Board had previously authorized funding. He stated the new system went live this morning and has been going well so far.

**CITY ATTORNEY'S REPORT**

---

Nothing to report.

**STAFF REPORTS**

---

Parks – Holloway Park Pickleball Courts

Staff recommends awarding to McConnell Associates, the low bidder.

Discussion:

Parks Director Chris Conway stated only two bids were received for this project and he is recommending the low bidder to convert one tennis court to four pickleball courts as part of the Land Water Conservation Grant we received for Holloway Park improvements. Mayor Pogue asked if everything is on budget as a whole; Mr. Conway replied it is. Alderman Roach asked if waiting could possibly get a better price; Mr. Conway replied that he doesn't believe so. Alderman Roach stated he has seen McConnell's work in the area and they seem very professional.

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

September 26, 2022

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

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

**Public Works – Leaf Collection 2022**

Staff recommends awarding the unit price contract to Hendel Lawncare not to exceed \$90,000.

**Discussion:**

Public Works Director Link stated we have contracted with local landscapers to collect leaves in Meadowbrook Country Club and Claymont subdivisions. This year, two bids were received; he is requesting an amount not to exceed \$90,000 and will use any excess funds for leaf collection in other areas. Alderman Utt asked if this is the same amount as last year; Mr. Link stated it is. Mr. Sterman then explained how this has helped especially with staff shortages in Public Works. Alderman Finley asked if there had ever been discussion of selection of other areas; Mr. Link stated these are heavy leaf areas and Meadowbrook is so spread out, but since we collect by the cubic yard, we can move laborers around to other areas as needed. Mr. Link stated he is looking forward to having more automated equipment as we are expecting to receive our new leaf vacuum in October. He further explained how it will work.

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

**ALDERMANIC COMMENTS**

---

Alderman Siegel asked where we were with the performance audit which was discussed at the last meeting. Finance Officer Denise Keller stated she has talked with two firms and neither do this type of audit. She also shared that one company would need a list of specifics to even provide an estimate as to cost. Alderman Siegel asked if there were standards or a metric we could use; Ms. Keller explained that without identifying the scope of what was needed, she was told this could be an infinite process. Mr. Sterman shared that he has talked with colleagues in other cities and a few have their own performance measures they use, but this is challenging when comparing to other cities for different reasons such as city size and the scope of services the city provides. There was further discussion on the performance audit measures.

Alderman Siegel discussed the planning directive; he would like to see the police department increase in size and become fully accredited. Alderman Roach stated that, with more crime, more eyes on the road couldn't hurt. Mayor Pogue asked Capt. Bergfeld about the CALEA time line; Capt. Bergfeld stated there will be an on-site visit in 2023. Mayor Pogue asked if there were any issues with the new building and CALEA; Capt. Bergfeld replied there were none.



**BOARD OF ALDERMEN  
Meeting Minutes**

September 26, 2022

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

Alderman Roach asked Capt. Bergfeld if standards get added for accreditation; Capt. Bergfeld explained that standards change and some may even be dropped due to societal changes. Alderman Roach also shared that he would like to see Public Works fully staffed. Alderman Fleming and Mayor Pogue stated that these are items that can be discussed at a later time; Alderman Siegel shared that these are things he would like to see discussed down the road.

Alderman Finley stated he is still in the process of scheduling a date for the Public Health and Safety Committee meeting to address the golf cart issue. He asked if October 25 would work even though it would be the day after the Board meeting, but there is court that night. It was asked if the meeting could be held before the Board meeting; Alderman Finley stated he thought Chief Schaeffler was not available that evening. There was also discussion of using the boardroom at the police station if the meeting was held on the 25<sup>th</sup>. Alderman Finley stated he will check with the Chief for his availability and let everyone know about the date.

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 7:38 p.m.

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

ATTEST:

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



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

---

AN ORDINANCE AUTHORIZING EXECUTION OF AN EASEMENT IN FAVOR OF UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI FOR OVERHEAD AND UNDERGROUND ELECTRIC SERVICE TO THE NEW POLICE STATION.

---

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 or City Administrator is hereby authorized to execute the Easement in favor of Union Electric Company d/b/a Ameren Missouri for overhead and underground electric service to the new Police Station, in the form attached as Exhibit A hereto.

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*





September 27, 2022

CITY OF BALLWIN  
Attn: Eric Sterman, City Administrator  
300 City Hall Drive  
Ballwin, MO 63011

Dear Mr. Sterman:

Ameren Missouri is requesting an easement for the property addresses of 302 Kehrs Mill Road in Ballwin, Missouri.

I am enclosing an original easement document for your review. Please have the easement documents properly signed and executed (notarized) and returned to me at your earliest convenience. Please make an additional copy of the easement documents for your records.

Please contact me at (314) 435-4146, or [tross-hester@ameren.com](mailto:tross-hester@ameren.com) if you need any additional information.

Please send the signed ***original*** document back via email to [tross-hester@ameren.com](mailto:tross-hester@ameren.com) or U. S. Mail to the following address:

Tanya Ross-Hester  
903 Clayworth Drive  
Ballwin, MO 63011

Thank you in advance for your assistance.

Sincerely,

*Tanya M. Ross Hester, RWA*  
Senior Real Estate Representative

TRH  
WR# 21MT781252  
Attachment

**REMS INFORMATION**

Agreement ID: UEC-202209-44630  
Project ID: 56519

**EASEMENT**

(Overhead and Underground Electric)

302 Kehrs Mill Road  
Ballwin  
Ellisville District/Meramec Valley Division  
Locator No. 22R111604

KNOW ALL MEN BY THESE PRESENTS, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that **CITY OF BALLWIN**, their successors and assigns, whether one or more and whether an individual, individuals, a corporation, or other legal entity (hereinafter "Grantor"), for and in consideration of the sum of One and No/100th Dollars (\$1.00) and other valuable consideration in hand paid, the receipt of which is hereby acknowledged, does hereby grant unto **UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI**, an Illinois corporation, its successors and assigns (hereinafter "Grantee"), a perpetual easement (hereinafter "Easement") with the right, privilege, and authority of Grantee, its agents, contractors, and subcontractors to survey, stake, construct, reconstruct, replace, use, operate, maintain, patrol, inspect, protect, repair, relocate, modify, add to the number of, abandon or retire in place, and remove overhead and underground electric and communication line or lines consisting of poles, guys, anchors, wires, cables, conduits, fixtures, appliances and other appurtenances thereto, including transformers, cabinets, and pedestals (hereinafter individually and collectively "Facilities"), together with all rights and privileges for the exercise and enjoyment of the Easement rights and the authority to extend to any other party the right to use, pursuant to the provisions hereof, upon, over, across and under the following described land in U.S. Survey 1908, Township 45 North, Range 4 East, of the 5th Principal Meridian, in St. Louis County, State of Missouri, to-wit:

A ten (10) foot wide strip of land being part of Lot Seven (7) in Block Three (3) of MARY J. EICKERMANN'S ADDITION to the Town of Ballwin according to Plat Book 4, Page 16 of the St. Louis County Records in U. S. Survey 1908, Township 45 North, Range 4 East, as evidenced by Deed Book 11164, Page 2491 of the St. Louis County, Missouri, Records.

The strip of land where the Grantee's facilities shall be located (hereinafter "Easement Area") shall be ten (10) feet wide. The center line of which shall be the center line of Grantee's facilities, as actually installed. Said location shall be generally and as nearly practicable, as shown hachured on the drawing marked Exhibit "A" hereto attached and made a part hereof.

Grantor also conveys the right of ingress and egress to and over the Easement Area and premises of Grantor adjoining the same, for all purposes herein stated, together with the right to trim, control the growth, cut and remove or cause to be removed at any time and from time to time, by any means, any and all brush, bushes, saplings, trees, roots, undergrowth, rock, over-hanging branches, and other obstructions upon, over, and under the surface of said Easement Area and of the premises of Grantor adjoining the same deemed by Grantee to interfere with the exercise and enjoyment of Grantee's rights hereunder, endanger the safety of the Facilities, or in order for Grantee to maintain compliance with the minimum clearance requirements of the National Electric Safety Code.

Grantee shall be responsible for actual damages (except the trimming, controlling of growth, cutting and removal of trees and other vegetation) occurring as a result of the Grantee's exercise of the Easement rights hereinabove conveyed and shall reimburse the owner thereof for such loss or damages.

Grantor, for itself, its successors and assigns, does hereby warrant and covenant unto Grantee, (1) that Grantor is the owner of the Easement Area and has the full right and authority to grant this Easement, (2) that Grantee may quietly enjoy the Easement for the purposes herein stated, and (3) that Grantor will not create or permit any building or other obstruction or condition of any kind or character upon Grantor's premises that will interfere with the Grantee's exercise and enjoyment of the Easement rights hereinabove conveyed.

This Easement shall be governed by the laws of the State of Missouri.

IN WITNESS WHEREOF, the Grantor has hereunto caused this Easement to be executed on the date hereinabove written.

By: \_\_\_\_\_  
Signature

Name: \_\_\_\_\_

Company/Title: \_\_\_\_\_

By: \_\_\_\_\_  
Signature

Name: \_\_\_\_\_

Company/Title: \_\_\_\_\_

By: \_\_\_\_\_  
Signature

Name: \_\_\_\_\_

Company/Title: \_\_\_\_\_

ALL PURPOSE NOTARY ACKNOWLEDGMENT

STATE OF MISSOURI }
COUNTY OF ST. LOUIS } SS

On this \_\_\_ day of \_\_\_, 20\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared (print or type names of signatories):

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she/they executed the same as his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Capacity Claimed By Signator(s)
Individual(s) Corporate Limited Liability Company Partner(s)
Trustee(s) Title(s) of Officer(s): Member(s)/Manager(s): Limited Partnership
Executor(s) General Partnership
Administrator(s) Other (Specify Below):
Attorney-In-Fact City of
Conservator(s)
Guardian(s)

My Commission Expires

Notary Public

Affix Notary Stamp Below

Prepared By: Tanya Ross-Hester
Senior Real Estate Representative

Return To: Tanya Ross-Hester
tross-hester@ameren.com

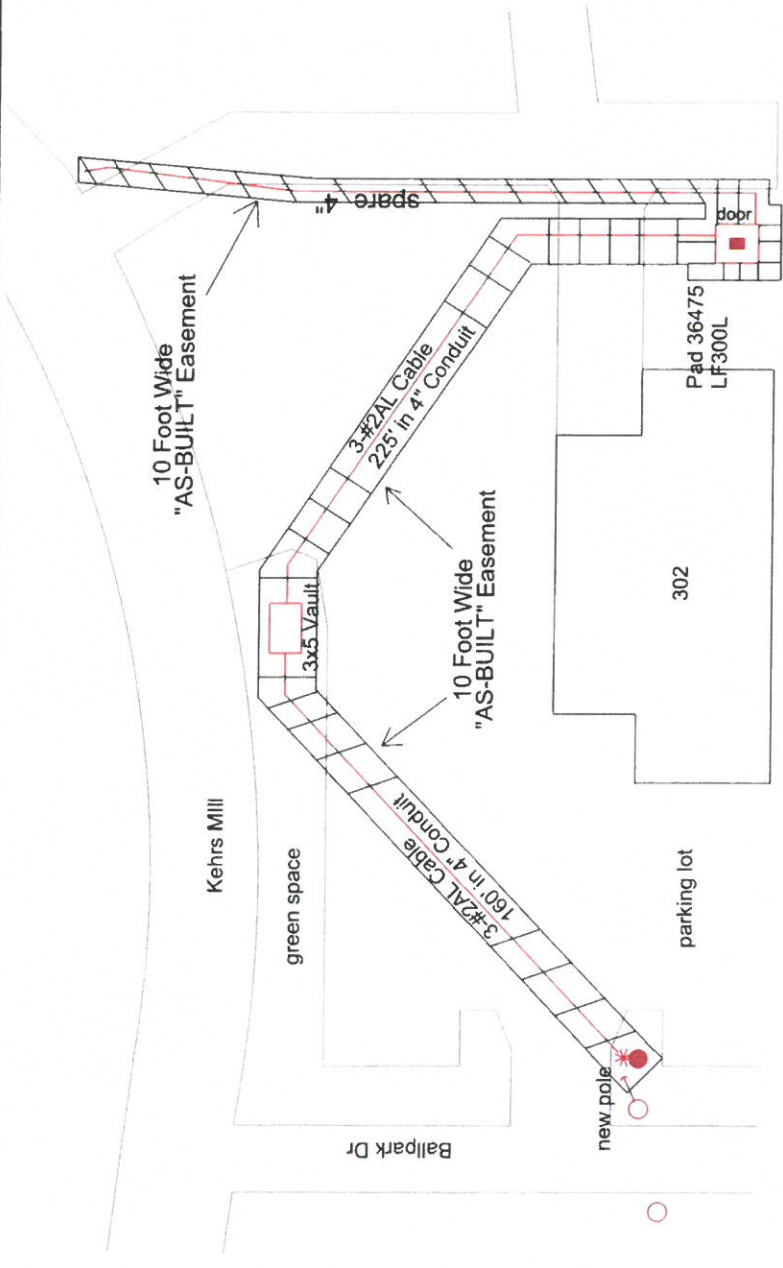
TRH
WR#: 21MT781252

one drive\seasement\trh-ease-city of ballwin
09/27/2022

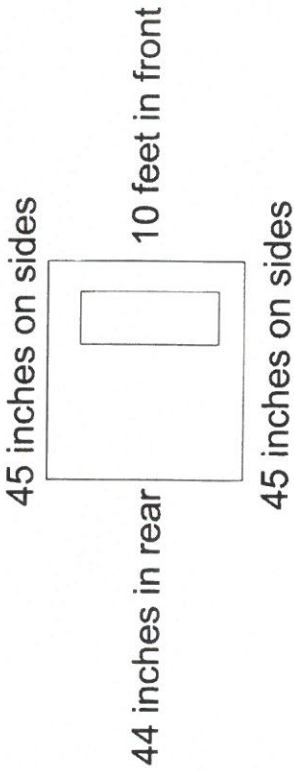
# Easement Requirements

City of Ballwin to grant 10 foot "As-Built" Easement to Ameren covering new pole, underground primary lines, vault, and spare conduit.

See below for easements around transformer



# Easement around Transformer



For Easements Contact:  
 Eric Sterman - City Administrator  
 Esterman@ballwin.mo.us  
 636-227-8599

**SAFETY MESSAGE**  
 -be very aware of other construction vehicles and material in area. **HAZARDOUS BACKING**

SHEET #	781252	DATE	02/28	DRAWING DATE	11/5/52
PROJECT	302 Kehrs Mill	OPERATING CENTER	Adam Hill	OPERATING DATE APPROVAL	
CLIENT	City of Ballwin	OPERATING CENTER	Ellisville	OPERATING DATE APPROVAL	
WORKING DRAWING	Ballwin	OPERATING CENTER	Ellisville	OPERATING DATE APPROVAL	
SHEET #		SHEET #		SHEET #	



INTRODUCED BY

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

---

AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO JAMES TYLER D/B/A DE-CRYPT-IT ESCAPE ROOM FOR AN INDOOR ENTERTAINMENT FACILITY AT 116 HOLLOWAY ROAD.

---

WHEREAS, a petition has been received from James Tyler d/b/a De-Crypt-It Escape Room for an indoor entertainment facility at 116 Holloway Road; and

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

WHEREAS, due notice of a public hearing before the Planning and Zoning Commission upon said petition was published and posted according to law and ordinance; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on October 3, 2022, upon said petition; and

WHEREAS, the Planning and Zoning Commission has submitted its report recommending denial to the Board of Aldermen; and

WHEREAS, the Board of Aldermen has determined that an establishment for the purposes disclosed above, under certain conditions, would not substantially increase traffic hazards or congestion; would not adversely affect the character of the neighborhood; would not adversely affect the general welfare of the community; would not over-tax public utilities; would not adversely affect public safety and health; is consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the District; and can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and

WHEREAS, all applicable matters in Section 2 of Article XIV of Ordinance No. 557, "The Zoning Ordinance," have been adequately provided for:

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

Section 1. A special use exception, subject to the conditions hereinafter specifically set forth, is hereby granted to James Tyler d/b/a De-Crypt-It Escape Room for an indoor entertainment facility at 116 Holloway, as is made and provided for in Article XIV of Ordinance No. 557.

Section 2. The special use exception hereby issued, and referred to in Section 1, is issued to the named permittee only and shall not be assigned or transferred, without the permission of the Board of Aldermen of the City of Ballwin.

Section 3. The special use exception hereby issued and referred to in Section 1, shall be valid only if the conditions set forth in the Addendum, attached hereto as Exhibit 1 and made a part hereof, are observed by permittee.



Section 6, Item b.

Bill No. 4139

Section 4. 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*

## EXHIBIT ONE

The permittee granted a Special Use Exception per the ordinance hereby appended to, their assignees and successors, as authorized and approved by the Board of Aldermen of the City of Ballwin, agree to abide by the following provisions, the provisions of all ordinances of the City of Ballwin, and all applicable laws of St. Louis County, the State of Missouri and of the United States of America and to require all licensees, franchisees, and lessees to similarly abide by said ordinances, laws and provisions, as appropriate to such special use exception. In addition, the following provisions, as appropriate, shall apply:

1. There is no outdoor storage, display or sale of any merchandise, equipment, vehicle, supplies or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin.

2. There is no servicing, repair, cleaning, maintenance or other work on any merchandise, equipment, vehicle, materials, supplies, or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin, except within a fully enclosed building which shall not include carports, porte-cocheres, accessory structures or temporary coverings and/or enclosures such as tents, tarpaulins, flies, or other similar structures.

3. Any violation of the laws, statutes, ordinances, codes, policies and regulations of the City of Ballwin, St. Louis County, the State of Missouri, or the United States of America by the permittee, its agents, servants or employees shall be cause for the revocation of the Special Use Exception hereby granted.

4. That the site, premises and/or land use described by the permittee in the application and subsequently approved by this ordinance is developed and operated in accordance with the final approved development plan and the provisions of this ordinance, and any failure to do so shall be cause for the revocation of the Special Use Exception hereby granted.

5. All new utility and other service laterals and connections on the site and/or premises, and all connections to site improvements and fixtures installed outside of a fully enclosed building shall be installed underground.

6. All sign illumination and other lighting is selected and arranged so as not to cast light upon, and/or be a nuisance, to any right-of-way or any other property.

7. The permittee and their approved assignees or successors, if any, shall preserve, maintain and care for all plantings, and landscaped and planted areas on the site and/or premises, in accordance with the landscape and site plans of this ordinance. Such maintenance, preservation and care shall include all planted and landscaped rights-of-way adjacent to the site and/or premises addressed and approved by the Special Use Exception hereby granted.

8. Trash and debris shall not be allowed to accumulate and the site/premises shall at all times be kept clean and free of all refuse, debris, leakage and recyclable material accumulation.

9. All trash dumpsters and recyclable material storage areas shall be screened with a 100% opaque screen which shall totally obscure any visibility of the dumpster and recyclables container. Such screening shall be permanent in nature and architecturally compatible with the associated development.





10. Unless otherwise provided by this Special Use Exception or other ordinances of the City of Ballwin, no vehicles, equipment or property may be parked or stored on the premises for which this permit is issued except non-commercial vehicles as defined by the Ballwin Ordinances and one fully operational and licensed delivery/service vehicle per business or tenant or use operated on the premises.

11. This Special Use Exception shall terminate three months following the non-renewal of the business license for the business associated with the location for which the Exception is granted.

12. No alcohol shall be sold or permitted to be carried in or consumed on the premises subject to this special use exception.



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

---

AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO SHAWN KRISHER FOR MARCO'S PIZZA FOR A RESTAURANT WITH FRONT YARD PARKING AT 15003 MANCHESTER ROAD.

---

WHEREAS, a petition has been received from Shawn Krisher for Marco's Pizza for a restaurant with front yard parking at 15003 Manchester Road; and

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

WHEREAS, due notice of a public hearing before the Planning and Zoning Commission upon said petition was published and posted according to law and ordinance; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on October 3, 2022, upon said petition; and

WHEREAS, the Planning and Zoning Commission has submitted its report recommending approval to the Board of Aldermen; and

WHEREAS, the Board of Aldermen has determined that an establishment for the purposes disclosed above, under certain conditions, would not substantially increase traffic hazards or congestion; would not adversely affect the character of the neighborhood; would not adversely affect the general welfare of the community; would not over-tax public utilities; would not adversely affect public safety and health; is consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the District; and can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and

WHEREAS, all applicable matters in Section 2 of Article XIV of Ordinance No. 557, "The Zoning Ordinance," have been adequately provided for:

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

Section 1. A special use exception, subject to the conditions hereinafter specifically set forth, is hereby granted to Shawn Krisher for Marco's Pizza for a restaurant with front yard parking at 15003 Manchester Road, as is made and provided for in Article XIV of Ordinance No. 557.

Section 2. The special use exception hereby issued, and referred to in Section 1, is issued to the named permittee only and shall not be assigned or transferred, without the permission of the Board of Aldermen of the City of Ballwin.

Section 3. The special use exception hereby issued and referred to in Section 1, shall be valid only if the conditions set forth in the Addendum, attached hereto as Exhibit 1 and made a part hereof, are observed by permittee.



Section 6, Item c.

Bill No. ~~4140~~

Section 4. 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*

## EXHIBIT ONE

The permittee granted a Special Use Exception per the ordinance hereby appended to, their assignees and successors, as authorized and approved by the Board of Aldermen of the City of Ballwin, agree to abide by the following provisions, the provisions of all ordinances of the City of Ballwin, and all applicable laws of St. Louis County, the State of Missouri and of the United States of America and to require all licensees, franchisees, and lessees to similarly abide by said ordinances, laws and provisions, as appropriate to such special use exception. In addition, the following provisions, as appropriate, shall apply:

1. There is no outdoor storage, display or sale of any merchandise, equipment, vehicle, supplies or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin.

2. There is no servicing, repair, cleaning, maintenance or other work on any merchandise, equipment, vehicle, materials, supplies, or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin, except within a fully enclosed building which shall not include carports, porte-cocheres, accessory structures or temporary coverings and/or enclosures such as tents, tarpaulins, flies, or other similar structures.

3. Any violation of the laws, statutes, ordinances, codes, policies and regulations of the City of Ballwin, St. Louis County, the State of Missouri, or the United States of America by the permittee, its agents, servants or employees shall be cause for the revocation of the Special Use Exception hereby granted.

4. That the site, premises and/or land use described by the permittee in the application and subsequently approved by this ordinance is developed and operated in accordance with the final approved development plan and the provisions of this ordinance, and any failure to do so shall be cause for the revocation of the Special Use Exception hereby granted.

5. All new utility and other service laterals and connections on the site and/or premises, and all connections to site improvements and fixtures installed outside of a fully enclosed building shall be installed underground.

6. All sign illumination and other lighting is selected and arranged so as not to cast light upon, and/or be a nuisance, to any right-of-way or any other property.

7. The permittee and their approved assignees or successors, if any, shall preserve, maintain and care for all plantings, and landscaped and planted areas on the site and/or premises, in accordance with the landscape and site plans of this ordinance. Such maintenance, preservation and care shall include all planted and landscaped rights-of-way adjacent to the site and/or premises addressed and approved by the Special Use Exception hereby granted.

8. Trash and debris shall not be allowed to accumulate and the site/premises shall at all times be kept clean and free of all refuse, debris, leakage and recyclable material accumulation.

9. All trash dumpsters and recyclable material storage areas shall be screened with a 100% opaque screen which shall totally obscure any visibility of the dumpster and recyclables container. Such screening shall be permanent in nature and architecturally compatible with the associated development.



10. Unless otherwise provided by this Special Use Exception or other ordinances of the City of Ballwin, no vehicles, equipment or property may be parked or stored on the premises for which this permit is issued except non-commercial vehicles as defined by the Ballwin Ordinances and one fully operational and licensed delivery/service vehicle per business or tenant or use operated on the premises.

11. This Special Use Exception shall terminate three months following the non-renewal of the business license for the business associated with the location for which the Exception is granted.

12. No alcohol shall be sold or permitted to be carried in or consumed on the premises subject to this special use exception.



# Staff Report

**RE:** Fiber Relocation

**Department/Program:** Administration/IT Services

**Explanation:** The city owns the fiber network which connects each of its locations (The Pointe, Golf, North Pointe, Government Center and Public Works) to its central hub located in the police building. This is known as a private, dark fiber network and supports all voice and data traffic including phones, internet access, secure door access, etc. The hub is in the police building because this facility is operational 24/7. Because of the new police building construction this fiber hub has to be relocated to the new building.

An RFP was issued on August 26, 2022. It was posted on the city website, published in The Countian and emailed directly to four vendors. One bid was received. It is our belief that the narrow time frame for this project as well as the volume of boring projects currently underway was a deterrent to bidders.

The bid received was from NetCom, Inc. This company has been in business for 33 years and has previously performed work for the city in a satisfactory manner. The cost for this service is budgeted as part of the total police building project. A preliminary quote had been received in November, 2021 in the amount of \$66,298. The bid received was for \$89,374. The increased price is due to factors not known at the time of the quote; a rerouting of the Public Works fiber and a change from multi mode to single mode fiber because of distance limitation.

**Recommendation:** Staff recommends award of the bid for fiber relocation to NetCom, Inc. at a cost of \$89,374.

**Submitted By:** Denise Keller

**Date:** October 5, 2022



# Staff Report

**Subject:** 2023 Park Facility Fee Increases

**Department/Program:** Parks and Recreation

**Explanation:**

The proposed fee increases are in large part due to an increase in expenses across the board associated with staffing and materials. 2023 marks the final year of minimum wage increases from Proposition B in 2018 bringing a majority of the Parks and Recreation Salaries to a minimum of \$12 per hour from \$7.85 per hour. Additionally, supply chain issues and worker shortages all or in part are to blame for increased expenses as well.

It has been several years since the last parks and recreation facility rental increase. The request this evening is a simple adjustment of approximately 25% increase. For park facilities, it is a matter of \$10 to \$15 per reservation. Facilities included in this are park pavilions, ballfields and tennis courts.

The Community Center increases for meeting rooms, gyms etc. would go up \$5 to \$10 per hour. Indoor pool rental goes up \$15 to \$30 per hour, 8-hour, -after-hour rentals (lock-ins) go up \$200 to \$250 depending on residency.

The Ballwin Golf Course Events Center proposed rental rates were raised by \$25 per hour and increased the refundable deposit to \$400.

Cart fees were last increased prior to the 2021 season however after further fee analysis of municipal courses in the St. Louis Area the proposed change to \$10 per person would be at the top end of cart fees in the area. Cart fee when combined with the greens fee at the Ballwin golf course equates to about \$1.50 higher per round on average when compared with local municipal courses. We believe the Ballwin Golf Course to be in excellent condition and with the addition of a new fleet of golf carts the higher cost per round is justified.

North Pointe Aquatic Center realized notable attendance in 2022. In non-resident visits alone, we recorded approximately 34,000 visits this year up from an average of 30,000. In addition to high non-resident visits, family pool pass sales were up 11% and 17% over the 2021 season for residents and non-residents respectively. Staff has received several resident pass holder complaints this year regarding crowds. To help curb crowding and ensure a more pleasant resident experience staff recommends a \$5 increase to \$15 per day for non-residents will help with crowding while staying revenue neutral.

**Recommendation:**

Motion for the City Attorney to draft legislation approving the proposed fee increases to be implemented on January 1, 2023.

**Submitted By:** Chris Conway, CPRP, Director of Parks and Recreation

**Date:** October 10, 2022