



AGENDA

- 1. **Call to Order**
- 2. **Roll Call**
- 3. **Pledge of Allegiance**
- 4. **Approval of Minutes**
 - a. January 24, 2022 Board of Aldermen Meeting Minutes
- 5. **Presentations**
 - a. Introduction of New Police Officers
- 6. **Citizen Comments**
- 7. **Old Business**
 - a. Bill 4111 - Clayton Ridge Parking
 - b. Bill 4117 - Wolf Café SUE
- 8. **Mayor’s Report**
- 9. **City Administrator’s Report**
- 10. **City Attorney’s Report**
- 11. **Aldermanic Comments**
- 12. **Closed Session**
- 13. **Adjourn**

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

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

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



**BOARD OF ALDERMEN
Meeting Minutes**

January 24, 2022

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

THE MINUTES ARE PREPARED IN SUMMARY TO REFLECT THE OVERALL DISCUSSIONS, NOT VERBATIM QUOTES.

The meeting was called to order by Mayor Pogue at 7:00 p.m.

ROLL CALL

Present

Absent

- Mayor Tim Pogue
- Alderman Mike Utt
- Alderman Michael Finley
- Alderman Kevin M. Roach
- Alderman Mark Stallmann
- Alderman Frank Fleming

Alderman Jim Leahy

- Alderman Ross Bullington
- Alderman Raymond Kerlagon
- City Administrator Eric Sterman
- City Attorney Kate Henry

The Pledge of Allegiance was recited.

MINUTES

The minutes from the January 10, 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 January 10, 2022 Board of Aldermen meeting as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.



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CITIZEN COMMENTS

Melissa Murphy, 910 Claybend and Wroten McQuirter, 917 Claybend, addressed the Board regarding the Wolf Café SUE and Clayton Ridge parking. Ms. Murphy stated she had attended the Planning & Zoning meeting and appreciated the fact that one of the commissioners had recused himself because of a personal issue. She also stated she believes it is time for them to take their street back and restore their peace and safety. She presented a handout of pictures she had taken. She expressed her concerns with a new business opening, ordinance regulations and the sale of alcohol so close to a school.

David Siegel, 573 Golfwood, addressed the Board regarding items on the agenda. He asked that the Board table Bill 4117 for further discussion because of ongoing issues. He also shared that he had talked with Chief Schaeffler regarding the police vehicles. Mr. Siegel stated he believes the police department should have everything they need to keep Ballwin safe and that we should not be compromising.

LEGISLATION

BILL 4116 - AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF BALLWIN, MISSOURI, ON BEHALF OF THE CITY, TO EXECUTE A ROADWAY DEDICATION PLAT FOR PART OF LOTS 6 & 7 OF MARY J. EICKERMANN’S ADDITION.

A motion was made by Alderman Fleming and seconded by Alderman Bullington for a first reading of Bill 4116, title only. A voice vote was taken with unanimous affirmative result and Bill 4116 was read for the first time.

Discussion:

Alderman Roach asked for clarification about where the roadway will go which was further explained.

A motion was made by Alderman Fleming and seconded by Alderman Utt for a second reading of Bill 4116, title only. A voice vote was taken with unanimous affirmative result and Bill 4116 was read for the second time.

A roll call vote was taken for passage and approval of Bill 4116 with the following results:

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

Nays -- None.

Bill No. 4116 was approved and became Ordinance No. 22-03

BILL 4117 - AN ORDINANCE GRANTING AN AMENDED SPECIAL USE EXCEPTION TO ROBERT BIRIBIN D/B/A THE WOLF CAFE FOR SALE OF ALCOHOL IN THE LOWER LEVEL BY THE DRINK FOR CONSUMPTION ON THE PREMISES AND BY PACKAGE FOR CARRYOUT AT 15480 CLAYTON ROAD.

A motion was made by Alderman Fleming and seconded by Alderman Finley for a first reading of Bill 4117, title only. A voice vote was taken with unanimous affirmative result and Bill 4117 was read for the first time.

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Discussion:

There was discussion about parking and the need for additional spaces. Planning Technician Shawn Edghill explained how the number was decided. There was also discussion about the codes from when the building opened as compared to today. Alderman Roach thought there was a 20 space deficit; City Administrator Sterman explained that deficit is for the entire building and not just for the Wolf Café. Alderman Roach pointed out that, during citizen comments, it was noted there could potentially be 100 customers.

Bob Biribin, owner of the Wolf Café, stated that because of the square footage, Metro West Fire Department has approved the space for just over 100 people. Mr. Biribin also shared that their goal is to have no more than 80. Alderman Roach asked why they originally said no customers and now the SUE is being amended to 80. Mr. Biribin stated that, at the time, there was no seating. Mayor Pogue stated they were asked about future seating and they were made aware they would have to come back to the Board to amend their SUE once seating was decided on. There was further discussion on the parking around the building. Mr. Biribin stated he truly does not believe there will be an issue with parking as the downstairs area would only be open in the evening, so the overlap time would be from 4 p.m.- 8 p.m., with most of the businesses closing at five.

Alderman Roach asked when the designated parking signs were installed; Justin Riegelsberger, property manager for the building, stated the signs were contracted for in November, but they had just received them about 10 days ago and the signs designate spots for building tenants only, Monday – Friday, 7a.m. – 4 p.m.. Alderman Roach was concerned that Planning and Zoning would have a different conclusion if they would see the lot now and asked if they had been made fully aware. Mayor Pogue stated the signage was mentioned at the Planning and Zoning meeting. Mayor Pogue also shared that they have still been unsuccessful in getting dates from the trustees to set a meeting.

Alderman Fleming asked Mr. Riegelsberger to repeat the calculation for parking; Mr. Riegelsberger further explained. Alderman Roach asked, as it pertains to the SUE, how much parking would be needed on the street; Mr. Riegelsberger replied, that in the evening, no street parking would be needed. Mr. Riegelsberger also shared that he is a bit confused as to why this has become an issue just recently; his contact information has been made available, but yet he hasn't heard from anyone.

Alderman Finley addressed an issue he had with photos presented during citizen comments. He also asked Chief Schaeffler if the police department has received any complaints about the Wolf and their liquor license/sales; Chief Schaeffler replied they have not. Alderman Fleming asked City Attorney Kate Henry about how to word an amendment to the SUE. Ms. Henry explained further and stated the Board has the ability to write something that is enforceable. She then asked Mayor Pogue and City Administrator Sterman if they recall writing time restrictions into SUEs before. Mayor Pogue stated that they have restricted hours for a business before. Ms. Henry stated that if we believe putting specific times will help to accomplish our goals, then we have the ability to do that. Mayor Pogue stated that the cleanest way to do this would be to do as we have previously and restrict hours

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for the space. There was further discussion of the parking situation and how it would be affected by business hours. Mr. Biribin stated the original parking issue was because of breakfast and lunch and not with the lower level; the lower level would not be open until 4 p.m. Alderman Stallmann asked about closing time; Mr. Biribin stated that, eventually he would like Friday/Saturday to be 4 p.m. – midnight and Tuesday-Thursday to be 4 p.m. – 11 p.m., but hours would not be extended immediately because he doesn't have staff. Alderman Roach asked if street parking would be needed for those hours; Mr. Biribin said no.

Mayor Pogue made the recommendation to ask the City Attorney to amend #12 to the restricted hours of Monday through Thursday, 4 p.m. – 11 p.m. and Friday through Sunday, 4 p.m. – midnight to stay consistent. Alderman Fleming added that there has been a lot of conflicting information from all parties involved, but the police department did a study which has shown that parking is not an issue nor have there been any issues with disorderly customers. A motion was made by Alderman Fleming and seconded by Alderman Utt to modify Bill 4117 as suggested by Mayor Pogue and table Bill 4117. A voice vote was taken with unanimous affirmative result and the motion passed.

RESOLUTION – A RESOLUTION APPROVING THE AWARD OF A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$10,653,000 WITH WRIGHT CONSTRUCTION SERVICES, INC. FOR THE NEW BALLWIN POLICE STATION.

Discussion:

Alderman Roach ASKED questions about alternates and addressing budget shortfalls and how we will handle that. City Administrator Sterman stated the bid is within our budgeted number, but doesn't allow for contingencies which we need and want to have in place for unexpected costs, etc. This is being paid for out of reserves and change orders would be brought to the Board for approval. We could possibly have to use some unassigned general fund balance if necessary. There was further discussion regarding several alternates on the building. Alderman Stallmann asked, to be clear, this is all being internally funded; the response was that this is correct. Alderman Stallmann also stated the police department needs a better, safer facility; Alderman Finley agreed as well, adding they need an up-to-date facility as well.

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

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CONSENT ITEMS

Public Works – Skidsteer Purchase

Staff recommends approval of the purchase of a skidsteer, stump grinder and bucket using the Missouri State Bid Program.

Discussion:

Alderman Roach asked if there was any advantage to using the state bid process. Public Works Director Jim Link responded with information on how the process works and that usually the price point will be better.

A motion was made by Alderman Roach and seconded by Alderman Kerlagon to approve the consent item as submitted by staff. A voice vote was taken with unanimous affirmative result and the motion passed.

MAYOR'S REPORT

Nothing to report

CITYADMINISTRATOR'S REPORT

City Administrator Sterman reported that we would with all electronic board packets beginning with the first February Board meeting (February 14). There was a delay in getting iPads for those aldermen who requested them, but we have them available now. We will also continue to email packets and, if a paper copy is needed, Mr. Sterman or Ms. Moore should be notified.

CITY ATTORNEY'S REPORT

Nothing to Report.

STAFF REPORT

Parks – Golf Cart Lease

Staff recommends the Board's approval to enter into a lease agreement for 30 battery powered golf carts.

Discussion:

Park Director Chris Conway stated the cost for this came in over budget. Since there is a 10-month lead time, he reached out to the vendors regarding the trade-in price. One vendor stated they would honor their quoted price and the other stated it would be market value at the time. Alderman Roach asked if the golf carts would need to be kept in a garage; Mr. Conway stated that was not mentioned in the lease. Alderman Roach asked if the City Attorney had reviewed the lease; Mr. Conway stated he had not, but it had been reviewed internally.

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

Police – Police Vehicles

Staff is recommending the purchase of three Ford Explorers and one Ford F150 from Lou Fusz Ford for \$141,530.

Discussion:

Chief Schaeffler stated we are switching from Durangos to Explorers because the Durangos can no longer be ordered. He also stated the police department did its own bid process; the only bid received was from Lou Fusz, which is local. The state contract bidder is in Columbia, MO. The price difference between the two bids is \$150 with Lou Fusz being the higher amount. It is felt that staying with a local vendor is worth the extra cost. Alderman Stallmann stated that it makes sense to stay with the local vendor. He also asked Chief Schaeffler if he was comfortable with purchasing the Explorers; Chief Schaeffler replied that, while it is a smaller vehicle, it is comfortable and works with their needs. Chief Schaeffler also stated we will be purchasing an F150 pickup truck. Alderman Roach asked how having a person in custody would work with the truck; Chief Schaeffler responded that it is a four-door vehicle with a backseat, so it would be the same as with any other vehicle.

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

Public Works – Pavement Saw

Staff is recommending the purchase of a pavement saw from Pat Kelly Equipment.

Discussion:

Public Works Director Link reported that \$30,000 has been budgeted for a pavement saw. We currently have two, but they are getting old and he would like to replace one.

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

ALDERMANIC COMMENTS

None



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A motion was made by Alderman Fleming and seconded by Alderman Finley to adjourn. The motion was passed by unanimous affirmative voice vote and the meeting adjourned at 8:20 p.m.

_____ TIM POGUE, MAYOR

ATTEST:

_____ POLLY MOORE, CITY CLERK



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

AN ORDINANCE PROVIDING FOR THE ERECTION OF TRAFFIC CONTROL SIGNS AND AMENDING THE ORDINANCES PROVIDING FOR THE LOCATIONS THEREOF

WHEREAS, the Board of Aldermen, with the assistance of the Police Department, has determined that it is in the public interest to provide for new traffic control signs.

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

Section 1. Sec. 15-482. – Schedule G of the Code of Ordinances of the City of Ballwin shall be amended as follows:

Sec. 15-482. - Schedule G - Parking prohibited at all times.

In accordance with the provisions of section 15-268 and when signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets or parts thereof described in this schedule:

*Street or Part Thereof Where
Parking Is Prohibited*

Clayton Ridge Drive, on both sides, along its entire length.

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 GRANTING AN AMENDED SPECIAL USE EXCEPTION TO ROBERT BIRIBIN D/B/A THE WOLF CAFE FOR SALE OF ALCOHOL IN THE LOWER LEVEL BY THE DRINK FOR CONSUMPTION ON THE PREMISES AND BY PACKAGE FOR CARRYOUT AT 15480 CLAYTON ROAD.

WHEREAS, a petition has been received from Robert Biribin d/b/a The Wolf Cafe, requesting the use of certain property for sale of alcohol in the lower level by the drink for consumption on the premises and by the package for carryout at 15480 Clayton 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 January 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. An amended special use exception, subject to the conditions hereinafter specifically set forth, is hereby granted to Robert Biribin d/b/a The Wolf Cafe, for sale of alcohol in the lower level by the drink for consumption on the premises and by the package for carryout, as is made and provided for in Article XIV of Ordinance No. 557.

Section 2. The amended 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 7, Item b.

Bill No. ~~4117~~

Section 3. The amended 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 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. Permittee shall restrict its hours of operation for the lower level to 4:00 p.m. to 11:00 p.m. Mondays through Thursdays and 4:00 p.m. to 12:00 a.m. Fridays through Sundays.