



BOARD OF ALDERMAN REGULAR MEETING
1 GOVERNMENT CTR, BALLWIN, MO 63011
MONDAY, SEPTEMBER 13, 2021 at 7:00 PM

AGENDA

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes**
 - [a.](#) August 9, 2021 Board of Aldermen Meeting Minutes
- 5. Citizen Comments**
- 6. Legislation**
 - [a.](#) Bill 4099 - Manchester Dispatching Contract
 - [b.](#) Bill 4100 - Parc Place at Vlasits
 - [c.](#) Bill 4101 - Landau Group Zoning Change
 - [d.](#) Bill 4102 - Landau Group Manchester Road Revitalization Overlay
- 7. Mayor's Report**
- 8. City Administrator's Report**
- 9. City Attorney's Report**
- 10. Staff Reports**
 - [a.](#) Administration - SB126-Liquor License Changes
 - [b.](#) Police - Helmet Law Changes
- 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.



DRAFT

Section 4, Item a.

**BOARD OF ALDERMEN
Meeting Minutes**

August 9, 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 Michael Finley

Alderman Kevin M. Roach

Alderman Mark Stallmann

Alderman Frank Fleming

Alderman Ross Bullington

City Administrator Eric Sterman

City Attorney Robert Jones

Absent

Alderman Mike Utt

Alderman Jim Leahy

Alderman Raymond Kerlagon

MINUTES

The minutes from the July 12, 2021, 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 July 12, 2021 Board of Aldermen meeting as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.

**BOARD OF ALDERMEN
Meeting Minutes**

August 9, 2021

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

CITIZEN COMMENTS

Melissa Murphy, 910 Claybend, addressed the Board regarding parking on Clayton Ridge. She is asking that the Board change the ordinance passed in 2019 which allowed parking on the north side of Clayton Ridge. She provided a map showing the area she was speaking of and also showed all the parking available for the businesses such as the Wolf Café. She stated she would like Clayton Ridge changed to no parking on both sides and eventually install stop signs. She feels there is plenty of parking around the building for everyone patronizing businesses as well as all employees.

Mayor Pogue stated he and Alderman Stallmann had previously met with Ms. Murphy and Alderman Stallmann would speak more on this issue during Aldermanic Comments.

CONSENT ITEMS**Administration – Six Month Financial Statement**

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

Discussion:

None

A motion was made by Alderman Roach and seconded by Alderman Bullington to approve the semi-annual statement. A voice vote was taken with unanimous affirmative result and the motion passed.

MAYOR'S REPORT

Mayor Pogue stated he would be requesting a closed session pursuant to Section 610.021(13) RSMo for the City Administrator review.

CITY ADMINISTRATOR'S REPORT

City Administrator Sterman reported that work on Holloway started; the schedule has been posted on the website and on the City's social media pages.

Mr. Sterman also reported Ballwin Days is less than two weeks away and everything is moving forward.

Mr. Sterman also reported the State of Missouri has received its share of ARPA funding. We have submitted our request to receive a portion of the funding, but we don't know yet how much that will be. Hopefully, we will receive more information by September's meeting.



DRAFT

Section 4, Item a.

BOARD OF ALDERMEN Meeting Minutes

August 9, 2021

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

CITY ATTORNEY'S REPORT

Nothing to report

STAFF REPORTS

Administration – 2022 Budget Calendar

The 2022 Budget Calendar including budget work sessions and public hearings is presented for the Board's review.

Discussion:

Finance Officer Denise Keller shared upcoming work session dates and a general review of the budget calendar.

Police – Dispatching Contract with Manchester

Staff is requesting legislation to renew the dispatching contract with Manchester for an additional five years.

Discussion:

Police Chief Doug Schaeffler stated that Ballwin has been providing dispatching services for Manchester for about 40 years; it is requested that the City Attorney prepare legislation for the new contract. City Administrator Sterman stated there will be adjustments for inflation and costs, but the general language will remain the same.

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

ALDERMANIC COMMENTS

Alderman Stallmann extended his thanks to the Public Works crews for the work they've been doing on street maintenance. He also shared that, while at the Pointe, he witnessed a lifeguard rendering aid to a child in the pool and helping the child to safety; the situation could have ended very differently if it weren't for the lifeguard's quick handling of the situation.

Alderman Stallmann also shared that he and Mayor Pogue had met with Ms. Murphy regarding the parking on Clayton Ridge. He was requesting the Board authorize an ordinance to ban parking on both sides of Clayton Ridge. Alderman Finley asked about another traffic study being done and also if the owners of the Wolf Café had been notified. Mayor Pogue stated he would be contacting the Wolf about the possibility of other parking arrangements for their staff. Alderman Roach asked if the number of parking spots is stipulated in the SUE. City Attorney Jones spoke about the formula used to figure parking. A motion was made by Alderman Stallmann and



DRAFT

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seconded by Alderman Roach to have the City Attorney draft legislation to ban parking on both sides of Clayton Ridge. A voice vote was taken with unanimous affirmative result and the motion passed.

Alderman Bullington shared that Ballwin Days would be held August 20, 21 and 22 and encouraged everyone to come out and bring family and friends.

CLOSED SESSION

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

Ayes: Aldermen Finley, Roach, Stallmann, Leahy and Bullington

Nays: None

Absent: Aldermen Utt, Leahy and Kerlagon

The meeting moved to closed session at 7:27 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 8:25.

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 8:26 p.m.

TIM POGUE, MAYOR

ATTEST:

POLLY MOORE, CITY CLERK



Bill No. ~~4099~~

Ordinance No. _____

INTRODUCED BY

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

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.

WHEREAS, under the provisions of sections 70.210-70.325, inclusive, RSMo., the City of Ballwin is empowered and authorized to contract and cooperate with other municipalities for a common services; and

WHEREAS, the City of Manchester desires police communication services by the Ballwin Police Department; and

WHEREAS, the City of Ballwin has the ability to provide such communication services.

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

Section 1. The Mayor of the City of Ballwin is hereby authorized and directed to sign, on behalf of the City of Ballwin, an agreement with the City of Manchester, Missouri, providing for police communication services for the City of Manchester by the Ballwin Police Department, a copy of which is attached hereto and incorporated herein by reference as Exhibit A.

Section 2. The period for which special police services shall be rendered to and for the City of Manchester shall be from January 1, 2022, through December 31, 2026 subject to annual appropriations by the City of Manchester, and a one hundred-eighty (180) day notification of cancellation, in writing, by either party.

Section 3. The cost of providing police dispatching shall be based upon the activity formula attached and incorporated into Exhibit A. The activity formula categories will be reviewed annually and may be adjusted annually based on the results of an audit performed by the City of Ballwin. A copy of the audit shall be provided to the city of Manchester. Fees shall be adjusted upwardly and/or downwardly base on such audit.

Section 4. The Agreement shall be in the form, language and contain the figures set forth in Exhibit A.

Section 5. 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

EXHIBIT A
POLICE SERVICE AGREEMENT

This agreement made and entered into by and between the City of Manchester, a municipal corporation of the State of Missouri, hereinafter referred to as "Manchester," and the City of Ballwin, a municipal corporation of the State of Missouri, hereinafter referred to as "Ballwin,"

WHEREAS, the provision of RSMo. Secs. 70.210-70.325, inclusive, empower municipalities to contract and cooperate with each other for a common service; and

WHEREAS, Manchester desires police dispatching, and

WHEREAS, Manchester has duly enacted and approved Ordinance #_____ a certified copy of which is attached hereto and made a part thereof, authorizing its Mayor to execute this agreement; and

WHEREAS, Ballwin has duly enacted and approved Ordinance #_____ a certified copy of which is attached hereto and made part thereof, authorizing its Mayor to execute this agreement and to appoint any and all necessary to insure performance of these services to extend to the City of Manchester.

NOW, THEREFORE, IT IS AGREED BY AND BETWEEN MANCHESTER AND BALLWIN AS FOLLOWS:

1. Ballwin shall provide continuous twenty-four (24) hour-per-day, seven (7) day-per-week police dispatching service for Manchester. The dispatching services are intended to include:

A. Answering all calls for service that are transmitted by telephone or radio to the Ballwin Communications Center.

B. A Primary radio frequency using the City of Ballwin Police Channel through the Emergency Management Commission, hereafter referred to as the ECC. An emergency backup transmitter through the ECC. The radio system will provide coverage as outlined by the ECC agreement.

C. Serve as the 911 primary answering point for the City of Manchester. All emergency and non-emergency police related calls are included. Non-police related calls will be referred to the Manchester police station.

D. Computer Aided Dispatch service, including dispatch of all emergency and non-emergency calls for service. Manchester's participation with Ballwin's dispatch services can include the provisions of daily, weekly, and/or monthly management Information reports on all dispatched and self-initiated calls.

E. REJIS and MULES service to include all inquiry and entry related teleprocessing services based on usage either by phone, radio, or In person. This does not include REJIS court

docketing. Ballwin communications personnel will assist In the biennial REJIS and MULES re-certification of Manchester personnel. In addition, should Manchester choose, Ballwin communications personnel will provide training as it relates to ECC user updates.

F. Availability of an emergency radio channel and dispatcher for emergency/unique circumstances. Examples would be pursuit coordination with other agencies, Code 1000, etc.

G. Programs, such as, "In Safe Hands," "RUOK," "911 Educational Programs," and/or any dispatch/911 educational or public speaking presentations are included as services to the City of Manchester. In addition, Manchester citizens or officials, desirous of observing daily operations in the communications room, will be afforded that opportunity in coordination with the Ballwin Police Operational Support Commander.

2. A monthly report of all police activities shall be submitted to the Manchester Chief of Police prior to the 15th day of the following month. Additional reports will be prepared by Ballwin as requested by Manchester on a reasonable and timely basis.

3. Any official complaints from Manchester involving either an individual employee or the type of police dispatch service provided by Ballwin to Manchester, shall be forwarded in writing from the Chief of Police of Manchester to the Ballwin Chief of Police. All such complaints will be recognized and handled in this manner only. Communications shall be made by the Ballwin Chief of Police as to the final disposition of all such complaints within a reasonable time. If a complaint cannot be resolved by the Ballwin Chief of Police, it will be referred to the Ballwin City Administrator; and if not resolved at this level, the two mayors shall attempt to resolve the issue.

4. The parties hereto agree that the communications officers and other personnel providing the aforesaid police services to Manchester are employees of Ballwin alone, and nothing herein contained shall be construed to create an employer-employee relationship with Manchester.

5. In consideration for dispatching, Ballwin shall receive compensation monthly based on the following formula, for the initial twelve (12) month period beginning January 1, 2022:

1. Salaries and fringe benefits of two (2) dispatchers, based on a yearly salary analysis by Job; plus
2. REJIS costs calculated at 40% of the total number of transactions.

6. Manchester shall pay Ballwin for the municipal dispatch services set out herein, in accordance with the formula set forth in paragraph 5, above. The monthly payment for the initial twelve (12) month period, commencing January 1, 2022 shall be \$12,198.66. Subsequent monthly payments shall be based on an extension of this formula.

7. The projected costs of police dispatch services for any succeeding year or part thereof during which the contract is in force shall be submitted to Manchester on or before August 1st of each year. The cost of the contract, as finally determined, shall be calculated using actual costs from January 1st through July 31st of each year and estimated/actual costs, whichever are available, for August through December of each year. Actual costs of a preceding year shall be subject to the

same cost formulas. If the contract is terminated prior to the normal expiration, Manchester will continue to be responsible for that portion of the final cost that was incurred during the period that the contract was in effect.

8. This agreement shall be effective for a term of five years commencing with the 1st day of January, 2022 and terminating on the 31st day of December, 2026. This contract may be terminated sooner by either party giving not less than one hundred eighty (180) days written notice of termination, during the term of the agreement or as otherwise provided in this agreement. In the event a party to this agreement becomes financially insolvent or otherwise unable to satisfy its obligations, either party may terminate this agreement upon giving thirty (30) days written notice of termination to the other party. Due to the importance of the service being provided, It Is agreed by both parties that this agreement will be automatically renewed for a month-to-month basis until or unless terminated by one of the parties.

9. Manchester agrees to Indemnify and hold harmless Ballwin and its Mayor, members of the Board of Aldermen, City Administrator, Chief of Police and all other employees of the City, from and against all claims, damages, losses and expenses, including reasonable attorney's fees, arising from any action or non-action on the part of the Ballwin Police Department to perform services in excess of or in addition to the services required by this agreement or arising because Manchester contracted with Ballwin for the furnishing of police dispatch services. This paragraph shall not apply in the instance of any dispute between the parties hereto involving the interpretation or enforcement of the provisions of this agreement, but in the event of any such dispute, the prevailing party shall be entitled to recover its reasonable attorney's fees. This paragraph shall not apply in the instance of claims by third parties.

10. Irrespective of any other provisions herein, Ballwin shall, at all times, be responsible for the performance of all actions by its police employees which are performed in the line of duty. Ballwin shall, at all times, maintain an insurance policy providing adequate police liability coverage. Ballwin shall cause to be furnished to Manchester a copy of its police liability policy, and any lapse in said liability policy shall be cause for immediate termination of this agreement at the option of Manchester.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed as of the _____ day of _____, 2021.

CITY OF MANCHESTER

Mike Clement, Mayor

ATTEST:

Justin Klocke, City Clerk

CITY OF BALLWIN

ATTEST:

Tim Pogue, Mayor

Eric Sterman, City Administrator



Bill No. 4100

Ordinance No. _____

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

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.

WHEREAS, a plan has been received from the Landau Group for the subdivision of certain property in the City of Ballwin.

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

Section 1. The Subdivision Plat made a part hereof and attached hereto as Exhibit 1 for the Parc Place at Vlasis Consolidation Subdivision, as submitted to the Board of Aldermen, is hereby approved.

Section 2. The Mayor and City Clerk are authorized and directed to evidence the approval of said Subdivision Plat by affixing their signatures and the official seal of the City of Ballwin to a certification of approval upon the Subdivision Plat of the Parc Place at Vlasis Consolidation Subdivision, as submitted.

Section 3. The Subdivision Plat of Exhibit 1 is hereby accepted for the development of the Parc Place at Vlasis Consolidation Subdivision.

Section 4. 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



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 November 1, 2010. No portion of any building shall be taller than 86 feet above the primary finished floor elevation of the building.
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 2090 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.
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



Staff Report

Subject: State Statute changes regarding Liquor Licenses

Department/Program: Planning/Finance

Explanation: On 7/7/21, the Governor signed Senate Bill 126, which includes changes made to the time parameter within which alcohol is permitted to be sold by retail or by drink for the purpose of consumption. Currently, the City's Code of Ordinances reflects the original time parameters on Sundays which are between 9:00am and 12:00 midnight. SB 126 changes it to between 6:00am Sunday and 1:30 am Monday.

Additionally, SB 126 provides the opportunity for the holder of valid liquor licenses to sell retailer-packaged liquor to a consumer in a container for off-premises consumption (RSMo 311.202). This would permit licensees who sell by the drink to sell their alcohol to-go with some restrictions. This was originally a temporary allowance permitted by the State during the height of the pandemic, but this bill makes the allowance permanent.

Recommendation: Staff seeks direction from the Board on this matter.

It should be noted that the City has the opportunity to keep our current limitations, as they are now more restrictive than those of the State. Any approval to adopt Missouri's new Sunday time parameters or to permit the allowance of alcohol by the drink to be sold to-go will need to be reflected in relevant subsections under Chapter 3.

Further discussion may be required under Chapter 3, Sec. 3-71(b), which references authorization for the sale of alcohol by the drink when New Year's Eve, December 31, falls on a Sunday. This subsection specifically states that the allowance to sell alcohol by the drink only starts past 1:00pm. Given changes to alcohol sale and consumption laws on Sundays since 1973, Staff recommends the discussion of removing this subsection from our Municipal Code due to conflict with modern allowances.

Submitted By: Shawn Edghill

Date: August 26, 2021



Staff Report

Subject: Helmet Ordinance Updates

Department/Program: Police Department

Explanation:

Over the last several years the state helmet laws have changed. However our local ordinances have not kept up with the changes. Ordinance 15-131 does not reflect a person twenty-six years of age or older may operate a motorcycle without wearing a protective helmet if he or she maintains proof of financial responsibility and is covered by a health insurance policy which will provide medical benefits for injuries incurred as a result of an accident. Proof of health insurance coverage shall be provided upon request by a law enforcement officer.

Recommendation:

Attached you will find a copy of the Ballwin ordinance along with suggested changes (highlighted in yellow) The Police Department requests approval for the City Attorney to begin the process of updating our ordinances in this area.

Submitted By: Col. Douglas W. Schaeffler, Chief of Police

Date: September 13, 2021

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.
- (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 motortricycle.
 - 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.

(Code 1973, § 14-119)

State law reference(s)—Similar provisions, RSMo 300.345. RSMo 302.020, RSMo 302.026