

AGENDA

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes**
 - [a.](#) Minutes of the September 25, 2023 Board of Aldermen Meeting
- 5. Citizen Comments**
- 6. Presentations**
 - a. Introduction of Ballwin Police Officer Elizabeth Hemingway
- 7. Legislation**
 - [a.](#) Bill 4176 - Lighting Standards
- 8. Consent Items**
 - [a.](#) Public Works – Leaf Collection Temporary Labor
- 9. Mayor’s Report**
- 10. City Administrator’s Report**
- 11. City Attorney’s Report**
 - [a.](#) Retail Tobacco Stores Ordinance
- 12. Staff Reports**
 - [a.](#) Public Works – Contractual Leaf Collection
- 13. Aldermanic Comments**
- 14. Closed Session**
 - a. Pursuant to Section 610.022 RSMo., The Board may vote to move to closed session to discuss real estate matters, as provided under Section 610.021(2), and/or personnel matters under Section 610.021 (3).
- 15. Adjourn**

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

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

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



BOARD OF ALDERMEN
Meeting Minutes

SEPTEMBER 25, 2023

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 7:10 p.m.

ROLL CALL

Present

Mayor Tim Pogue
Alderman Mike Utt
Alderman Michael Finley
Alderman Kevin M. Roach
Alderman Mark Stallmann
Alderman Frank Fleming
Alderman Mark Weaver
Alderman Ross Bullington
Alderman David Siegel
City Administrator Eric Sterman
City Attorney Robert Jones

Absent

The Pledge of Allegiance was recited.

MINUTES

The minutes from the September 11, 2023 Board of Aldermen meeting were submitted for approval. A motion to approve as submitted was made by Alderman Frank Fleming and seconded by Alderman Michael Finley. The motion was approved unanimously.

CITIZEN COMMENTS

None.



BOARD OF ALDERMEN
Meeting Minutes

SEPTEMBER 25, 2023

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

LEGISLATION

Bill 4175- AN ORDINANCE PROHIBITING DRAINAGE DEVICES OR PIPES THAT DAYLIGHT IN THE PUBLIC RIGHT-OF-WAY AND DECLARING THE SAME TO BE A NUISANCE.

A motion was made by Alderman Mark Stallmann and seconded by Alderman Michael Finley for a first reading of Bill 4175, title only. The motion was approved unanimously and the title was read for the first time.

Discussion:

Alderman Kevin Roach questioned what was changed in section 29-1. City Attorney Bob Jones noted it was adding in the wording on drainage devices and pipes daylighting. City Administrator Eric Sterman noted the City was trying to give people some flexibility with regards to how the City can address any properties that are causing problems.

Alderman Michael Finley questioned how properties that are not in compliance currently can be brought into compliance. City Administrator Eric Sterman described the current violation process and noted there is a long time between notice and court action.

A motion was made by Alderman Frank Fleming and seconded by Alderman Ross Bullington for a second reading of Bill 4175, title only. The motion passed unanimously and the title was read for the second time.

A roll call vote was taken for passage and approval of Bill 4175.

Bill No. 4175 was approved unanimously and became Ordinance No. 23-21.

MAYOR'S REPORT

Mayor Tim Pogue asked for a motion to appoint Alderman Mark Stallmann to the Parks and Recreation Citizen Advisory Committee. Alderman Ross Bullington made the motion and Alderman Michael Finley seconded that motion. It passed unanimously and Alderman Stallmann was placed on the Parks and Recreation Citizen Advisory Committee.

CITY ADMINISTRATOR'S REPORT

City Administrator Eric Sterman invited two representatives from the Claymont subdivision to speak to the board. Claymont subdivision President Jack Ehlers and Secretary Rebecca Valencia spoke to the board about a petition to add sidewalks in several places throughout the subdivision. They noted the school district buses do not go to those areas, so the kids walk to school and end up walking in the street in some parts because there are no sidewalks. The subdivision received about 50 percent support from the neighborhood for these sidewalks. Alderman Frank Fleming noted this issue of sidewalks in the Claymont subdivision has come up several times

**BOARD OF ALDERMEN**
Meeting Minutes

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before the Board. Board policy states the threshold has to be 75 percent support to allow for sidewalks. But he noted the Board does have the ability to place sidewalks if it is a safety or school issue. The Board asked about easements, and Public Works Director Jim Link and Claymont representatives noted there are no issues in two places, but in two other places there is not enough room. Public Works Director Link and City Administrator Sterman also noted the possibility of sidewalks being paid for by a grant. Mayor Tim Pogue noted the issue is still up for discussion to potentially be put in the 2024 budget.

City Administrator Sterman also discussed the potential for adding in a stop sign on Westrun Drive at Marsten Court. The “squiggle” in the street was removed, and there has been a neighbor concerned about the potential for increased speeders. City Administrator Sterman asked the Board about commissioning a speed study in that area after construction is complete. The Board gave approval.

City Administrator Sterman also noted the shred event was a success this past weekend.

CITY ATTORNEY’S REPORT

City Attorney Bob Jones brought up the potential for a possible City Ordinance change to require an SUE for Tobacco Accessory shops. There are some examples of cities that are currently doing so. Alderman Mark Stallmann noted there are several shops that have recently opened up. Alderman Frank Fleming noted he wanted to see those shops have a little more of a process to go through, similar to what happened with payday loans. Mayor Tim Pogue questioned whether other cities were including the cannabis industry in requiring SUE’s for Tobacco Accessory shops. City Attorney Bob Jones noted he had not seen cities include that yet, he had only seen cities update offenses regarding cannabis. The Board directed staff to create an ordinance requiring Tobacco Accessory shops to get an SUE.

STAFF REPORTS

Parks & Recreation - Golf Course Cart Path Overlay

The 2023 budget includes \$20,000 to have as much asphalt cart path overlaid as possible. Bids were solicited and two proposals were received. Staff recommends awarding the project to Ford Asphalt Company for \$19,750.

Parks and Recreation Director Chris Conway noted the City had trouble finding contractors to bid on the project, only getting two bidders in the end. Alderman Frank Fleming asked whether the City was still looking at putting concrete on the cart paths eventually. Parks and Recreation Director Conway noted that was the ultimate goal, but these paths are so bad they need to be fixed now, since concrete paths are not in the budget for the foreseeable future.



BOARD OF ALDERMEN
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Alderman Frank Fleming made a motion to accept staff's recommendation with Mark Stallmann seconding. The motion was approved unanimously.

ALDERMANIC COMMENTS

A motion was made by Alderman Frank Fleming and seconded by Alderman Michael Finley to adjourn. The motion was passed by unanimous affirmative voice vote and the meeting adjourned at 7:55 p.m.

TIM POGUE, MAYOR

ATTEST:

MEGAN FREEMAN, CITY CLERK

INTRODUCED BY

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

AN ORDINANCE CREATING LIGHTING STANDARDS AND REQUIREMENTS IN THE CITY OF BALLWIN.

WHEREAS, the purpose of this Section is to set standards for exterior lighting in the City of Ballwin in order to promote safety, security and to protect against potential nuisances.

WHEREAS, a public hearing was held before the Planning & Zoning Commission on October 2, 2023 with respect to this Ordinance. The Planning & Zoning Commission recommended approval.

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

Section 1: Appendix A, Article XVI shall be amended by adding a new Section 31 thereto, as follows:

Section 31. – Lighting Standards

(a) The following lighting standards shall be applicable to all residential properties within the City:

1. All lighting shall be aimed, located, designed, fitted and maintained so as not to create glare that presents a hazard or nuisance to drivers and/or pedestrians, generates nuisance glare or produces prohibited light trespass on neighboring properties.
2. Lights must be of full cutoff design as depicted in Subsection (d) hereof and screened from adjacent properties in a manner that limits light trespass to one-tenth (0.1) of a foot-candle as measured at ground level at the property line.

(b) The following lighting standards shall be applicable to all non-residential properties within the City:

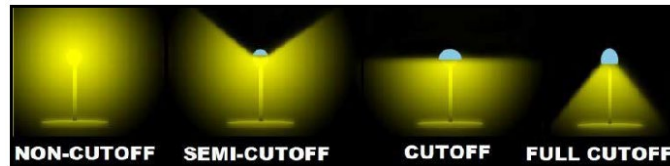
All lighting shall be aimed, located, designed, fitted and maintained so as not to create glare that presents a hazard or nuisance to drivers and/or pedestrians, generates nuisance glare or produces prohibited light trespass on neighboring properties. Illumination from light trespass shall not exceed one-tenth (0.1) foot-candles as measured at the property line for adjacent residential property or one-half (0.5) foot-candles as measured at ground level at the property line for adjacent non-residential property.

(c) Outdoor Athletic Facility. High-intensity or special purpose lighting of outdoor athletic facilities or entertainment venues shall require a conditional use permit as governed by Article XIV, Special Use Exception Regulations. Conditions related to the following may be imposed by

the Board of Aldermen:

1. Hours of operation.
2. Pole height.
3. Illumination levels at the property line.
4. Minimum setback distance from the property line.

(d) Lighting design for multifamily, office, commercial and industrial developments. All new exterior lighting fixtures installed within the City for multifamily, office, commercial or industrial developments shall utilize cutoff or full cutoff designs to ensure that no light is emitted above a horizontal plane, as depicted in the graphic below. The replacement of fixtures within existing projects in the City shall be brought into compliance with this section.



(e) The City of Ballwin shall have the right to inspect completed lighting installations to assure compliance with the requirements of this Chapter. Any lighting or light fixture which is not erected, installed or maintained in accordance with the provisions of this Chapter shall be removed by the property owner of the land on which the lighting or light fixture is situated within fifteen (15) days of notice by the City. If the owner fails to act after fifteen (15) days' notice, the City may refer the matter to municipal court and the penalty provisions in Section 1 – 6 of this Code shall apply upon a plea or finding of guilt.

Section 2: This ordinance shall be in full force and effect from after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Aldermen.

PASSED this ____ day of _____, 2023.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2023.

TIM POGUE, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR



Consent Item

RE: Temporary Labor

Department/Program: Public Works/Leaf Collection

Explanation: The City of Ballwin solicited proposals for temporary laborers for a six (6) week period beginning October 23rd. The City received 3 proposals. The results are on file in the Public Works Department. The laborers will be required to work outdoors in a dusty environment and in all types of weather including rain and severe heat and cold. The work consists of raking leaves that were placed at the curb by homeowners to be picked up by the City’s vacuum. Each laborer will be required to work 7:00 am to 3:30 pm, Monday through Friday with a 30 minute non-paid lunch break.

	Hourly Rate		Budget
People Ready	\$31.00		
Westside Personnel	\$22.88		
Labor Finders	\$22.22		\$45,000.00

Recommendation: To award the contract to Labor Finders for the Unit price of \$22.22 per Hour. In the event that Labor Finders cannot supply all 6 people, we also recommend using the next lowest bidder to ensure we have enough laborers for leaf collection.

Submitted By: Jim Link

Date: 10/02/2023

INTRODUCED BY

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

AN ORDINANCE AMENDING REGULATIONS FOR HOOKAH LOUNGES, RETAIL TOBACCO STORES AND VAPOR LOUNGES IN THE CITY OF BALLWIN.

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

Section 1: Section 1-2 of the Code of Ordinances of the City of Ballwin shall be amended by adding the following definitions thereto:

HOOKAH LOUNGE

Any facility, establishment, or location where the primary use is the smoking of tobacco or other substances through one (1) or more hookah pipes (also commonly referred to as a "hookah," "waterpipe," "shisha" or "nareghile"), including, but not limited to, establishments known as "hookah bars," "hookah lounges," or "hookah cafes."

RETAIL TOBACCO STORE

A retail store that devotes more than fifteen percent (15%) of its total floor area to the sale of electronic cigarettes, electronic cigarette products/paraphernalia, tobacco or smoking products and accessories/paraphernalia. A retail tobacco store may also be referred to as a smoke shop.

VAPOR LOUNGE

Any facility, establishment or location where the primary use is the utilization of a heating element that vaporizes a substance that releases nicotine, tobacco, flavored vapor or other substances, through one (1) or more electronic or battery-operated delivery devices known as an electronic cigarette (also commonly referred to as "e-cig," "e-cigarette," "e-pipe," "electronic cigarillo," "hookah pen," "e-hookah," "vape pen," or "vape pipe"), or any other electronic cigarette product, including, but not limited to, establishments known as "vape bars," "vape lounges," "e-cigarette bars" or "vape cafes."

Section 2: Appendix A, Article XIV shall be amended by adding a new Section 11 thereto, as follows:

Section 11. Restrictions on Retail Tobacco Stores.

- A. In addition to all other pertinent and applicable regulations, the following special conditions shall apply to retail tobacco stores:
1. No retail tobacco store shall be permitted within seven hundred fifty (750) feet of any property zoned and/or used for residential, eleemosynary, religious, school, or public use, or within three hundred (300) feet of the right-of-way line of Manchester Road. Such distance shall be

measured in a straight line without regard to intervening properties from the closest exterior structural wall of the establishment to the closest point on any property line of the residential, eleemosynary use, religious institution, school, public building or public park.

2. No retail tobacco store shall be allowed to locate or expand within seven hundred fifty (750) feet of any other such business or establishment or of any business licensed to sell or serve alcoholic beverages, whether or not such business is also an establishment as defined in this Section. The distance between any two (2) retail tobacco stores or between a tobacco retail store and a business selling or serving alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of each business.
3. All access to and from a retail tobacco store shall be provided from a street classified as a public right-of-way.
4. The property on which a tobacco retail store is located shall have a minimum of one hundred (100) feet of frontage on a public right-of-way.
5. Off-street parking shall be provided pursuant to the City Code.
6. All landscaping and screening requirements otherwise required by the Ballwin City Code shall be observed.
7. Signage for a facility in which a retail tobacco store is located shall be pursuant to Chapter 22 of the City Code as it pertains to a retail tobacco store.
8. Lighting of the parking area shall conform to the requirements of the City Code.

Section 3: Appendix A, Article XIV shall be amended by adding a new Section 12 thereto, as follows:

Section 12. Restrictions on Cigar Bars, Hookah Lounges, and Vapor Lounges.

A. In addition to all other pertinent and applicable regulations, the following special conditions shall apply to cigar bars, hookah lounges, and vapor lounges:

1. No cigar bar, hookah lounge, or vapor lounge shall be permitted within seven hundred fifty (750) feet of any property zoned and/or used for residential, eleemosynary, religious, school, or public use. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the establishment to the closest point on any property line of the residential, eleemosynary use, religious institution, school, public building or public park.



Bill No. _____

Ordinance No. _____

Section 4: Appendix A, Article XIV, Section 1 shall be amended by adding a new subsection (38) thereto, as follows:

(38) Hookah lounges, retail tobacco stores, cigar bars and vapor lounges in the C-1, C-2 and C-3 Zoning Districts.

Section 5: This ordinance shall be in full force and effect from after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Aldermen.

PASSED this ____ day of _____, 2023.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2023.

TIM POGUE, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR



Staff Report

Re: Leaf Collection-Contractual

Department/Program: Public Works / Leaf Collection

Explanation: We advertised for bids and received one bid. The contractor will collect leaves in Meadowbrook Country Club and Claymont subdivision as well as other areas as needed and deliver them to the Public Works yard for disposal. The contract is for leaf collection for approximately 6 weeks from October 23rd to December 1st.

	Unit Price 2021	Unit Price 2022	Unit Price 2023	TOTAL BID
<i>West County Landscaping</i>	\$36.00/cy	\$38.60/cy	\$36.17	\$72,340
<i>Hendel Lawncare</i>	No Bid	\$29.00/cy	No Bid	No Bid
Leaves collected	1997 Cy	2149 cy		
BUDGET				\$45,000.00

Information from the 2021 leaf collection indicated that 1997 cubic yards of leaves were collected in Meadowbrook Country Club and the Claymont subdivision. In 2022 we collected 1707 cubic yards in Claymont and Meadowbrook Country Club and a total of 2149 cubic yards of leaves throughout the city from the contractor.

We would like to also make you aware that although we are going over budget in this account, we have had at least 5 positions vacant due to a shortage of workers.

Recommendation: We recommend awarding the unit price contract to West County Landscaping not to exceed \$73,000.

Submitted By: Jim Link

Date: 10/02/2023