



BOARD OF ALDERMEN

Meeting Agenda

JUNE 14, 2021

7:00 PM 1 GOVERNMENT CTR BALLWIN, MO 63011

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Minutes**
 - a. May 24, 2021 Board of Aldermen Meeting Minutes
 - b. May 24, 2021 Strategic Planning Meeting Minutes
5. **Citizen Comments**
6. **Presentations**
 - a. JEMA/Navigate – Update on New Police Building
 - b. Flock Cameras
7. **Old Business**
 - a. Police Department – Flock Cameras
8. **Legislation**
 - a. Bill 4097 – MSD Easement
 - b. Bill 4098 – Ameren Franchise Agreement
9. **Consent Items**
 - a. Administration – SUE Transfer-Pizza Hut
 - b. Administration – Document Destruction
 - c. Administration - Liquor Licenses
10. **Mayor's Report**
11. **City Administrator's Report**
12. **City Attorney's Report**
13. **Staff Reports**
 - a. Administration – Budget Survey
 - b. Administration – Demolition Contracts
14. **Aldermanic Comments**
15. **Closed Session**
16. **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 matters relating to litigation, legal actions, and/or communications from the City Attorney, as provided under Section 610.021(1) RSMo., and/or personnel matters under Section 610.021(13) RSMo., and/or employee matters under Section 610.021(3) RSMo., and/or real estate matters under Section 610.021 (2) or other matters as permitted by Chapter 610.



BOARD OF ALDERMEN

Meeting Briefs

JUNE 14, 2021

7:00 PM 1 GOVERNMENT CTR BALLWIN, MO 63011

MINUTES Enclosed, please find the Minutes from the May 24, 2021 Board of Aldermen Meeting and the minutes from the May 24, 2021 Strategic Planning Meeting.

PRESENTATIONS

JEMA/Navigate – Update on New Police Building

Flock Safety – License Plate Recognition Cameras

OLD BUSINESS

Police – License Plate Recognition Cameras

LEGISLATION

Bill 4097 - AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BALLWIN, MISSOURI, ON BEHALF OF THE CITY, TO EXECUTE AN EASEMENT WITH THE METROPOLITAN ST. LOUIS SEWER DISTRICT.

This bill authorizes the Mayor to execute an easement with MSD.

Bill 4098 - AN ORDINANCE RENEWING AN EXISTING FRANCHISE AND GRANTING FOR A PERIOD OF TWENTY (20) YEARS TO UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE, RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXCAVATE FOR, PLACE, MAINTAIN, OPERATE, AND USE ALL EQUIPMENT, FACILITIES, DEVICES, MATERIALS, APPARATUS OR MEDIA INCLUDING BUT NOT LIMITED TO DUCTS, LINES, PIPES, HOSES, CABLES, CULVERTS, TUBES, POLES, TOWERS, WIRES, CONDUITS, CONDUCTORS, MANHOLES, TRANSFORMERS UNDERGROUND VAULTS, SWITCHGEAR, CAPACITORS, RECEIVERS, AND TRANSMITTERS, WITH ALL NECESSARY OR APPROPRIATE APPURTENANCES AND APPLIANCES IN CONNECTION THEREWITH, IN, ALONG, ACROSS, OVER AND UNDER THE STREETS, ROADS, ALLEYS, SIDEWALKS, SQUARES, BRIDGES, AND OTHER PUBLIC PLACES IN THE CITY OF BALLWIN AND AREAS DEDICATED TO THE CITY FOR PUBLIC UTILITY USE, FOR THE PURPOSE OF TRANSMITTING, FURNISHING AND DISTRIBUTING ELECTRICITY WITHIN AND THROUGH SAID CITY, PRESCRIBING THE TERMS AND CONDITIONS OF SUCH GRANT, IMPOSING CERTAIN OBLIGATIONS UPON THE GRANTEE, ITS SUCCESSORS AND ASSIGNS, SUCCESSIVELY, IN CONNECTION THEREWITH.

This bill will renew the existing franchise agreement with Ameren.



BOARD OF ALDERMEN

Meeting Briefs

JUNE 14, 2021

7:00 PM 1 GOVERNMENT CTR BALLWIN, MO 63011

CONSENT ITEMS

Administration – SUE Transfer Pizza Hut

Staff recommends approval of this SUE transfer.

Administration – Document Destruction

Staff requests the Board's approval to destroy items listed on the Notice of Destruction of Records.

Administration – Liquor Licenses

Liquor licenses for Ballwin businesses are presented for the Board's approval.

MAYOR'S REPORT

CITY ADMINISTRATOR'S REPORT

CITY ATTORNEY'S REPORT

STAFF REPORTS

Administration – Budget Survey

Staff will be presenting a synopsis of the budget survey to the Board.

Administration – Demolition Contracts

Staff recommends the contracts be approved not to exceed the amount in the bid prepared by Premier Demolition.

ALDERMANIC COMMENTS



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

May 24, 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 7:03 p.m.

ROLL CALL

Present

Mayor Tim Pogue
Alderman Mike Utt
Alderman Michael Finley
Alderman Kevin M. Roach
Alderman Mark Stallmann
Alderman Frank Fleming
Alderman Jim Leahy
Alderman Ross Bullington
Alderman Raymond Kerlagon
City Administrator Eric Sterman
City Attorney Robert Jones

Absent

MINUTES

The Minutes from the May 10, 2021, Board of Aldermen meeting were submitted for approval. ***A motion was made*** by Alderman Fleming and seconded by Alderman Bullington to approve the minutes from the May 10, 2021 Board of Aldermen meeting as submitted. A voice vote was taken with unanimous affirmative result and the motion passed.



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

May 24, 2021

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

CONSENT ITEMS

Public Works – Holloway Rd

Staff recommends awarding the contract to Krupp Construction.

Discussion:

Alderman Fleming asked City Administrator Sterman to give an overview of this project. Mr. Sterman explained that this program is federally funded; they will pay 80% and the City pays 20%. Bids were sent out with Krupp being the low bidder. Since this project is under budget, we would like to go back and add some elements such as sidewalks to the total project. Alderman Roach asked if lighting could be covered such as the New Ballwin project; Mr. Sterman replied it would not be at this stage.

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

MAYOR'S REPORT

Nothing to report

CITY ADMINISTRATOR'S REPORT

Mr. Sterman reported that updates on the Holloway project will be provided over the course of the summer. This project will present challenges with the Golf Course and North Pointe but the plan is to keep at least one lane open at all times.

Mr. Sterman also reported that once the CDC changed their restrictions regarding COVID, St. Louis County rescinded their public health orders. In following St. Louis County's guidelines, mask restrictions at City Hall and other Ballwin facilities were lifted. This also gave us a green light for Ballwin Days, to be held the weekend of August 20, with a soft opening on August 19. Parks Director Chris Conway's plans have been approved by St. Louis County. Mr. Sterman reported that there has been a significant uptick in business at the Pointe. Alderman Finley asked if hours would return to normal; Mr. Conway responded that, effective June 1, closing would be extended to 9 p.m. Monday through Friday and 4 p.m. on weekends.

CITY ATTORNEY'S REPORT

Nothing to report



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

May 24, 2021

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

STAFF REPORTS

Police – Stationary License Plate Recognition Cameras

Staff recommends proceeding with a two-year contract with Flock Safety for two LPR cameras to be installed at the city limits along Manchester Rd. Flock is the only provider of an all-inclusive package for installation and maintenance.

Discussion:

Chief Schaeffler provided some background information on these cameras. He stated the cameras are leased from Flock, so there is nothing to purchase; the cost would be under \$3000/year. The cameras do not photograph the driver, only the rear license plate of the vehicle. License plate information goes to NCIC, which is updated daily. NCIC notifies dispatch if a vehicle of concern comes into Ballwin. Ellisville currently has three cameras and there are dozens more throughout the St. Louis area. Flock also provides cameras to private industry; Meadowbrook Country Club is getting one for their parking lot. Alderman Roach asked Chief Schaeffler if he had any concerns about the program; Chief Schaeffler replied he did not. Several aldermen expressed an interest in having a presentation at the next Board meeting, in the interest of transparency. Alderman Fleming voiced his concern about how and what information is used; Chief Schaeffler stated officers will have lots of discretion. Alderman Bullington stated he feels this is a valuable tool to be used to better protect our city. It was decided to have a representative present information at the next meeting.

A motion was made by Alderman Roach and seconded by Alderman Stallmann to table this item until the next Board meeting. A voice vote was taken with unanimous affirmative result and the motion passed.



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

May 24, 2021

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

ALDERMANIC COMMENTS

None

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 7:46 p.m.

TIM POGUE, MAYOR

ATTEST:

POLLY MOORE, CITY CLERK



Strategic Planning Meeting Minutes

May 24, 2021

6:00 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 Tim Pogue at 6:00 p.m.

MINUTES:

City Administrator Eric Sterman discussed where we are with the new police station project. We have been working closely with Navigate and JEMA to finalize the preliminary building design. Amendments had to be made to the original plans due to rising costs, but should still suit the needs of the department. After approval on June 14, we will begin detailed design. It is hoped that construction material prices may come down soon. Core samples have been taken at the building site and a survey has been done. There is an area between the Metro West firehouse and the building site for which we have been unable to identify ownership. The title company is researching. There will be a presentation at the June 14 Board Meeting of the preliminary design.

Mr. Sterman also discussed financing for this project. The original budget was approximately \$12 million. The City has received \$2 million from Cares Act (reimbursing incurred public safety costs) and additionally anticipates approximately \$5.4 million in American Rescue Plan funds which will be paid out over the next two years. There are stipulations on how the money can be spent. It can possibly be allocated toward the new police station or can also be used for revenue replacement. Mr. Sterman stated he would like to suggest a level of financing which does not involve issuing debt. There is money in the Public Safety Fund, saved from the public safety tax. This plus money earmarked for infrastructure and the CARES/American Rescue Plan funds would leave us approximately \$500,000 to \$1.5 million to supplement from our unassigned funds balance. We would be able to pay for the station, keep our unassigned funds balance well above policy and incur no interest costs. After the next meeting, he and Finance Officer Denise Keller will be able to come up with a financial plan.

Mr. Sterman shared information regarding the Use Tax. Currently in Missouri, internet sales are not taxed at a local level. Missouri is the last state to implement this. The bill was recently passed which will allow for it. As part of the deal, there will be a phase down of the franchise fee on cable; this will go down to a cap of 2.5% over the next five years. This does have to go to the voters in any city that does not have the use tax approved; specific language is provided for the ballot. We would like to generate ideas of how to use this money. There was discussion over several topics including when the tax would start being collected, when the phase down starts and possible use of funds by different departments. Details will be forthcoming.

Mr. Sterman discussed future annexations. The annexation of Waterford subdivision was completed in 2020. It seems the areas most interested are to the south, around Big Bend. Mr. Sterman shared that a meeting had been held with residents of the Cascades subdivision, which has about 90 homes. There was further discussion of other possible areas which have expressed an interest.



Strategic Planning Meeting Minutes

May 24, 2021

6:00 PM 1 GOVERNMENT CTR. BALLWIN, MO 63011

The meeting was paused at 6:53 for the regularly scheduled Board of Aldermen Meeting.

The meeting resumed at 8:00.

Public Works Director Jim Link discussed future street funding needs. He stated that there is a need to get street ratings up. Several suggestions were to spread the work over a time period, dividing one lump sum of funding among the four wards or designate a specific amount of funding for each ward. Alderman Leahy stated he feels funding needs to be given to Public Works for street issues. Finance Officer Keller explained how much money has been spent over the last several years; \$1.4 million was budgeted for this year and \$1.3 million last year. Mr. Link stated we need to equalize street repairs among the wards. Mr. Sterman shared that these are just concerns that are being presented to the Board so they are aware of issues.

Mr. Link discussed the leaf program. He stated this is the shortest program, but the most popular. Residents have asked for a weekly pick up. He shared different options such as adding equipment and automating, adding manpower or contracting services out. He tracked manpower for 2020 leaf collection and found that our in-house crews did the work at \$13-\$16/cubic yard. A contractor was paid for several areas of the city and that cost was \$34/cubic yard. Automating would drive down the in-house costs. There was discussion of the machinery needed and costs. Mr. Link stated that they would like one/two automated leaf vacuums to start, but ultimately be able to have eight. Mayor Pogue encouraged looking at automating this program.

Parks Director Chris Conway discussed the City's playgrounds as they are aging. He stated they are always looking for grants. They have applied for the Land and Water Conservation grant for Holloway; this is the oldest of all the playgrounds and equipment is becoming obsolete. If this grant isn't awarded, he will try for a muni grant. He is also waiting to hear on a grant for New Ballwin Park. He stated he is hoping to tackle Vlasik Park playground in 2023. There was discussion regarding two homes near the Pointe.

Alderman Fleming asked Mr. Conway about the Pointe and North Pointe. Mr. Conway stated the Pointe is good structurally, but there is a need to keep up amenities such as the pool and equipment. The North Pointe is outdoors so everything is exposed and is used seasonally, factors which create costs. The area needs to be inspected.

Alderman Fleming stated we need to look into ADA compliant playground equipment and possibly putting that into the budget.

A motion was made by Alderman Fleming and seconded by Alderman Roach to adjourn. A voice vote was taken with unanimous affirmative result and the meeting adjourned at 8:37.



Strategic Planning Meeting Minutes

May 24, 2021

6:00 PM 1 GOVERNMENT CTR. BALLWIN, MO 63011

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



Bill No. 4097

Ordinance No. _____

INTRODUCED BY

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

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BALLWIN, MISSOURI, ON BEHALF OF THE CITY, TO EXECUTE AN EASEMENT WITH THE METROPOLITAN ST. LOUIS SEWER DISTRICT.

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, Missouri, is hereby authorized to execute the Easement attached hereto with Metropolitan St. Louis Sewer District to construct and maintain a sewer line for the Grand Glaize Trunk Sanitary Relief Project.

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

E A S E M E N T

TO WHOM IT MAY CONCERN:

KNOW ALL MEN BY THESE PRESENTS, that The City of Ballwin, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations to It in hand paid by The Metropolitan St. Louis Sewer District, the receipt of which is hereby acknowledged, do(es) hereby give, grant, extend, and confer on The Metropolitan St. Louis Sewer District the exclusive right to build and maintain a sewer or sewers, including stormwater improvements, on the strip or strips of ground described as shown hachured on the attached "Easement Plat" marked Exhibit "A" and made a part hereof, and to use such additional space adjacent to the easement(s) so granted as may be required for working room during the construction, reconstruction, maintenance, or repair of the aforementioned sewer or sewers, including stormwater improvements. The Metropolitan St. Louis Sewer District may from time to time enter upon said premises to construct, reconstruct, replace, maintain, or repair the aforesaid sewer or sewers, including stormwater improvements, and may assign its rights herein to the State, County, City, or other political subdivisions of the State. The easement(s) hereby granted is(are) irrevocable and shall continue forever.

Also, granted and conferred upon The Metropolitan St. Louis Sewer District by this instrument is a temporary construction easement shown but not hachured giving The Metropolitan St. Louis Sewer District the right to use certain areas, designated on Exhibit "A" as temporary construction easement areas, including ingress and egress, the right to remove trees, shrubs, and bushes, grade, excavate and fill as necessary to build said sewer(s) and/or stormwater improvements and to perform all other related construction, including temporary relocated utilities for this project. The temporary construction easement hereby granted shall become null and void upon the completion of this project.

IN WITNESS WHEREOF, the said City of Ballwin has caused these presents to be signed by its

_____ this ____ day of _____, 20__.

The City of Ballwin

By _____

Attest:

print title & name

STATE OF MISSOURI)
) SS.
COUNTY OF ST. LOUIS)

On this ____ day of _____, 20__, before me appeared _____, to me personally known, who being by me duly sworn, did say he/she is _____ of The City of Ballwin and that said instrument was signed in behalf of said corporation by authority of its Board of Aldermen, and said Board of Aldermen acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have herewith set my hand and affixed my notarial seal the day and year first above written.

My Commission expires _____.

Notary Public

**GRAND GLAIZE TRUNK
SANITARY RELIEF
MSD #12272
Easement Summary**

Parcel #25 City of Ballwin
A Tract of Land in Section 34 Township 45 North, Range 4 East
22R410217

<u>Property Area</u>	<u>2,218,075 Square Feet</u>
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New Easement

Hachured Area	531 Square Feet
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Area overlapped in existing easements	<u>-279 Square Feet</u>
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<u>New Easement Area Total</u>	<u>252 Square Feet</u>
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New Temporary Construction Easement

TCE #1 Area	250 Square Feet
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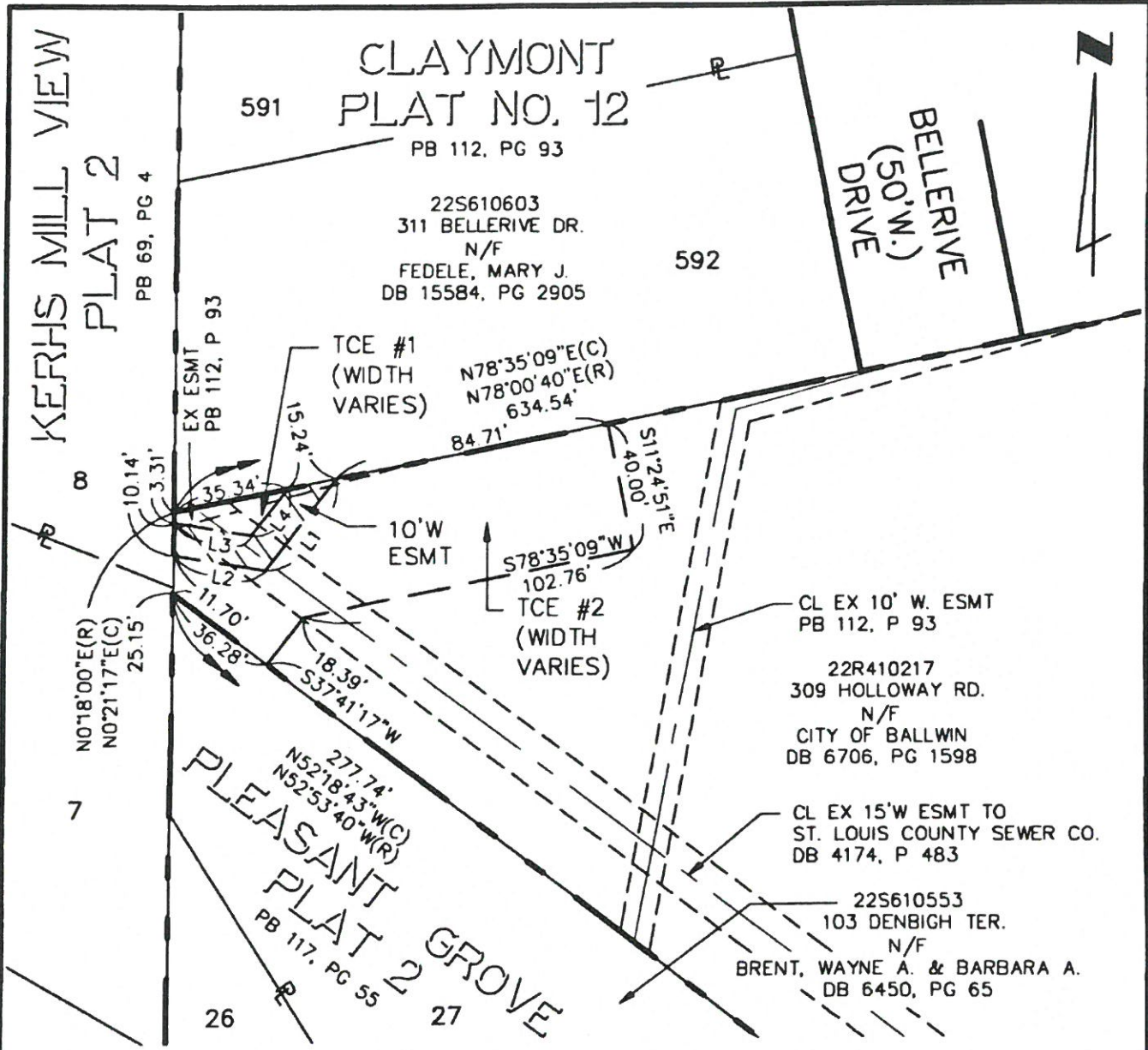
Area overlapped in existing easements	-212 Square Feet
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TCE #2 Area	4,817 Square Feet
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Area overlapped in existing easements	-409 Square Feet
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<u>New Temporary Construction Easement Area Total</u>	<u>4,446 Square Feet</u>
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Plotted by sagic on February 4, 2021 at 8:03:58 AM
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SHEET 1 OF 2

EXHIBIT "A"

- LEGEND**
- (C)-CALCULATED
 - (R)-RECORD
 - (ESMT)-PERMANENT EASEMENT
 - (TCE)-TEMPORARY CONSTRUCTION EASEMENT

SCALE: 1" = 50'

0 25 50

INITIAL:

EASEMENT PLAT
A TRACT OF LAND IN SECTION 34
TOWNSHIP 45 NORTH, RANGE 4 EAST
CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI

KEI KOWELMAN
ENGINEERING, INC.
710 N. SECOND ST. STE. 520
ST. LOUIS, MO 63102
(314) 241-2601

Terry William Ortman
Terry William Ortman
Date: 2-4-21
P.L.S. Missouri License No. 2103
Missouri Land Surveying Certificate of Authority No. 000363



2/4/2021 **REVIEWED**
By sjantosik at 1:34 pm, Feb 05, 2021

12272-25-22R410217-[E-TCE]

GRAND GLAIZE TRUNK SANITARY RELIEF (12272)

Plotted by sdagic on February 4, 2021 at 8:06:17 AM
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LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	35.72'	S37°34'05"W
L2	28.31'	N80°07'49"W
L3	23.94'	S80°07'49"E
L4	18.17'	N37°34'05"E

SHEET 2 OF 2

EXHIBIT "A"

INITIAL:

EASEMENT PLAT
A TRACT OF LAND IN SECTION 34
TOWNSHIP 45 NORTH, RANGE 4 EAST
CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI

**KEI KOWELMAN
ENGINEERING, INC.**

710 N. SECOND ST. STE. 520
ST. LOUIS, MO 63102
(314) 241-2601


Terry William Ortman Date: 2-4-21
P.L.S. Missouri License No. 2103
Missouri Land Surveying Certificate of
Authority No. 000363



2/4/2021

REVIEWED

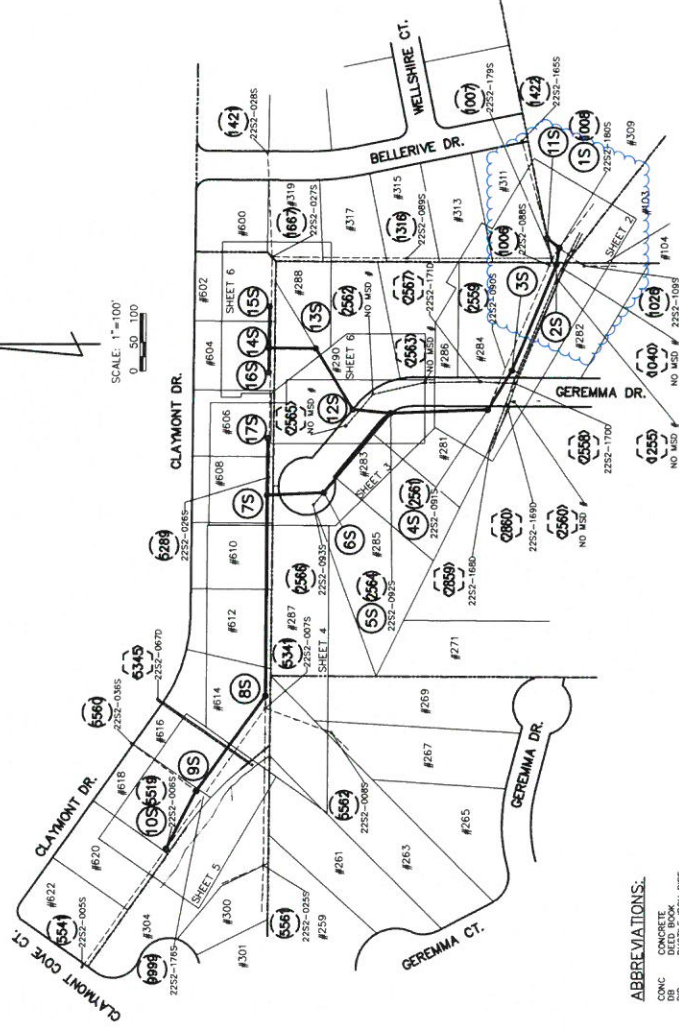
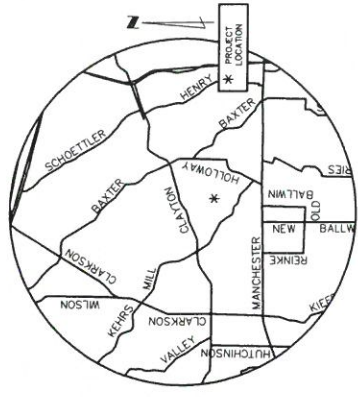
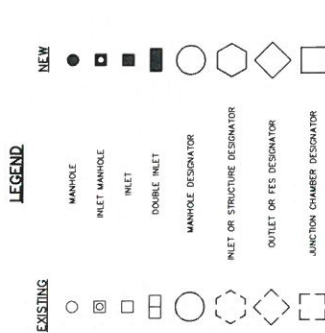
By sjantosik at 1:34 pm, Feb 05, 2021

12272-25-22R410217-[E-TCE]

GRAND GLAIZE TRUNK SANITARY RELIEF (12272)

METROPOLITAN ST. LOUIS SEWER DISTRICT

GRAND GLAIZE TRUNK SANITARY RELIEF (BALLWIN GOLF CLUB TO CLAYMONT COVE CT)





Bill No. 4098

Ordinance No. _____

INTRODUCED BY

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

AN ORDINANCE RENEWING AN EXISTING FRANCHISE AND GRANTING FOR A PERIOD OF TWENTY (20) YEARS TO UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE, RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXCAVATE FOR, PLACE, MAINTAIN, OPERATE, AND USE ALL EQUIPMENT, FACILITIES, DEVICES, MATERIALS, APPARATUS OR MEDIA INCLUDING BUT NOT LIMITED TO DUCTS, LINES, PIPES, HOSES, CABLES, CULVERTS, TUBES, POLES, TOWERS, WIRES, CONDUITS, CONDUCTORS, MANHOLES, TRANSFORMERS UNDERGROUND VAULTS, SWITCHGEAR, CAPACITORS, RECEIVERS, AND TRANSMITTERS, WITH ALL NECESSARY OR APPROPRIATE APPURTENANCES AND APPLIANCES IN CONNECTION THEREWITH, IN, ALONG, ACROSS, OVER AND UNDER THE STREETS, ROADS, ALLEYS, SIDEWALKS, SQUARES, BRIDGES, AND OTHER PUBLIC PLACES IN THE CITY OF BALLWIN AND AREAS DEDICATED TO THE CITY FOR PUBLIC UTILITY USE, FOR THE PURPOSE OF TRANSMITTING, FURNISHING AND DISTRIBUTING ELECTRICITY WITHIN AND THROUGH SAID CITY, PRESCRIBING THE TERMS AND CONDITIONS OF SUCH GRANT, IMPOSING CERTAIN OBLIGATIONS UPON THE GRANTEE, ITS SUCCESSORS AND ASSIGNS, SUCCESSIVELY, IN CONNECTION THEREWITH.

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

SECTION 1. A non-exclusive franchise, right, permission and authority is hereby granted to, and renewed and vested in Union Electric Company d/b/a Ameren Missouri, a Missouri corporation, its successors and assigns, hereinafter called "Company", to construct, reconstruct, excavate for, place, maintain, operate, and use all equipment, facilities, devices, materials, apparatuses or media including but not limited to ducts, lines, pipes, hoses, cables, culverts, tubes, poles, towers, wires, conduits, conductors, manholes, transformers underground vaults, switchgear, capacitors, receivers, and transmitters, with all necessary or appropriate appurtenances and appliances in connection therewith, in, along, across, over and under the streets, roads, alleys, sidewalks, squares, bridges and other public places within the corporate limits of the City of BALLWIN, Missouri, hereinafter called "City", as now fixed and as hereafter extended, and areas dedicated to the City for public utility use, for the purpose of furnishing and distributing electricity and other services within said City and in territory adjacent to said City, and for the purpose of transmitting electricity through said City; all such equipment, appliances and apparatus to be installed and maintained with due regard to and the rightful use by other persons, with vehicles or otherwise, of the streets, roads, alleys, sidewalks, squares, bridges and other public places,

and areas dedicated to the City for public utility use, and Company's exercise of the rights, permission and authority hereby granted shall at all times be subject to proper regulation by the City in the exercise of its police powers.

SECTION 2. Company shall pay to said City on or before the last day of each month of each year that this franchise remains in effect, an amount equal to Seven percent (7%) its gross receipts, as herein defined, from supplying or furnishing electricity or electrical service, or power for compensation for any purpose in the City for the preceding month, or such other percentage rate as may be provided in Section 14-251 of the Code of Ordinances of the City of Ballwin, as amended. The City shall notify Company within sixty (60) days of any percentage rate change as provided for in Section 14-251 of the Code of Ordinances.

With each franchise payment hereunder, Company shall file with the Clerk of said City a sworn statement of the gross receipts for the applicable period and also a sworn statement of all payments made by it for such period on account of any of the taxes enumerated above in this Section. The term "gross receipts" shall mean the aggregate amount of all sales and charges that result from Company's business of supplying electric energy or electricity transmission and distribution service to customers within said City during any period less discounts, credits, refunds, sales taxes, state or county taxes on electricity distribution service, and uncollectible accounts. In the event retail wheeling of unbundled electric energy becomes available in the City (i.e., retail customers are permitted to choose their suppliers of electric energy), then Company and City agree within three (3) months of the availability of retail wheeling ("the Negotiated Period") to revise the definition of gross receipts to be consistent with law and regulation in effect at that time and to eliminate any provision that prevents Company from competing equally with other potential suppliers of electric energy in the City. In the event the Company and City cannot agree upon a revised definition of gross receipts within the Negotiation Period, this Ordinance shall automatically terminate. The Negotiation Period may be extended at any time prior to termination by written agreement between City and Company.

SECTION 3. In order for Company to render efficient and continuous electrical service it will be necessary for Company to trim the trunks and branches of trees along or over the streets, sidewalks, alleys, avenues, squares, bridges and other public places in said City, and areas dedicated to the City for public utility use, wherever the same are likely to come in contact with its equipment; therefore, Company is hereby granted the right to trim such trees, including the trunk branches, and all parts thereof, so as to enable it to erect and maintain its equipment in a regular and consistent form and manner and to enable it to provide the most efficient and continuous service that the circumstances will permit; provided, however, that Company shall exercise proper care and discretion in cutting and trimming said trees and all parts thereof.

SECTION 4. The rights, privileges and authority hereby granted shall inure to and be vested in Company, its successors and assigns, successively, subject to all of the terms, provisions and conditions herein contained, and each of the obligations hereby imposed upon Company shall devolve and be binding upon its successors and assigns, successively, in the same manner.

SECTION 5. This Ordinance shall confer no right, privilege or authority on Company, its successors, licensees, transferees or assigns, unless Company shall within ninety (90) days after due notice to the Company of the enactment of this Ordinance, file with the City Clerk an acceptance of the terms and provisions hereof; provided, however, that if such acceptance be not so filed within said period of ninety (90) days, all rights, privileges, and authority herein granted shall become null and void.

SECTION 6. This Ordinance and Franchise, upon its enactment and its acceptance by Company, as hereinbefore provided, shall continue and remain in full force and effect for a period of twenty (20) years from the filing of the Company's acceptance.

SECTION 7. The City acknowledges that Company is vested in rights, permissions and authority independent of this Ordinance. Neither acceptance of this Ordinance nor compliance with its provisions shall impair in any way or waive any right, permission or authority which Company may have independent of this Ordinance. In addition, neither use by Company of public property or places as authorized by this Ordinance nor service rendered by Company in said City shall be treated as use solely of the rights, permission and authority provided for by this Ordinance and in no way shall indicate non-use of any right, permission or authority vested in the Company independent of this Ordinance.

SECTION 8. All ordinances and parts of ordinances in conflict with this Ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

SECTION 9. If it shall become necessary for the City in the exercise of its police power to change for a proper governmental purpose the grade or width or general structure of any street, road, alley, sidewalk, square, bridge or other public place, which change shall require the relocation of any pole, tower, wire, conduit, conductor, manhole, underground vault, or other equipment of the Company situated on said street, road, alley, sidewalk, square, bridge or other public place within the City, then, Company shall, without cost to the City, unless agreed to otherwise by the City and the Company, make such relocation as may be necessary to conform to any such change, it being understood that this provision is for the sole benefit of the City and shall not relieve other persons, corporations, partnerships or governmental bodies of any obligation to pay such relocation costs as they may be obligated to pay as a matter of law or by reason of contractual or applicable tariff provisions. The Company after using said streets, avenues, alleys, parks and other public places, shall restore them as quickly as reasonably possible and as nearly as practicable to their former condition and shall hold the City harmless for any and all damage arising from negligence or mismanagement of said

Company and/or its agents and employees in constructing, extending, or maintaining the said works. Danger signal lights are to be kept burning all night along the line of all street excavations and temporary barricades are to be erected at night at the end of trenches and at all streets where they cross said excavation. For any failure on the part of the Company, and/or its agents and employees, to comply with all the provisions of this section, after written notice to said Company of the existence of said failure, said notice to be served and shall be deemed to have been fully given when delivered by hand or dispatched (with reasonable evidence of receipt) by electronic facsimile transmission, or three (3) days after being sent by prepaid, certified mail, return receipt requested, or by a nationally recognized overnight courier service, addressed to the party to whom the notice is intended to be given at the addresses specified below, shall, in addition to saving the City harmless from any such negligence or mismanagement, owe and be indebted to the city in the sum of \$100.00 for each and every day for which said Company shall fail and/or neglect to remedy the defects and specifically mentioned in such notice. This Section shall not affect or repeal any ordinance of the City that contains any reasonable regulations for the control and maintenance public streets, avenues, alleys, parks and other public places of the City shall be effective against the Company so far as such ordinances are reasonably applicable to the condition and business of the Company.

SECTION 10. If any provision of this Ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby. Nothing in this Ordinance shall be construed as preventing the City from enacting any right-of-way management legislation, which shall become effective in accordance with any such ordinance and/or the terms and conditions of this Ordinance.

SECTION 11. If, at any time, during the term of this Ordinance, City grants or renews a franchise to another entity or person for the purposes of transmitting, furnishing and distributing electricity for light, heat, power or similar services, and Company reasonably believes the other entity or person is granted more favorable treatment, terms, or conditions, then Company shall notify City of such treatment, terms, or conditions. Upon receipt of such notice, City and Company shall negotiate in good faith to amend this Ordinance to provide Company such more favorable treatment, terms or conditions on an equivalent basis. Such amendment shall take into consideration all circumstances that distinguish between Company and entity or person receiving the more favorable treatment, terms, or conditions.

SECTION 12. This bill shall take effect and the rights, privileges and authority hereby granted and renewed shall vest in Company upon its filing of an acceptance with the City Clerk according to the terms prescribed herein. The Ordinance shall be subject to approval or disapproval of the voters of this City only upon the terms and conditions as provided in Mo. Rev. Stat. § 88.251. If the City Clerk

does not receive within thirty days after the passing of this Ordinance a petition sufficient in form and signed by the requisite number of voters, it shall be a valid and binding franchise of the City upon the filing of an acceptance by the Company according to the terms prescribed herein and shall remain in full force and effect and cannot be repealed or amended. Nothing in this Ordinance shall be construed as granting the Company the right to grant, license, rent or convey to any third party use of the rights of the way of the City, for any purpose, except as may be otherwise provided by applicable law.

SECTION 13. The franchise granted under the Ordinance shall terminate automatically if (i) the Public Service Commission, or its successor in interest, no longer regulates the rates of the Company, and/or (ii) the license tax imposed on the Company, pursuant to RSMo. Section 94.270, is found not to apply to Company's operations, for any reason. This section shall be void and of no effect if the State of Missouri (i) grants the City taxing authority over electric energy suppliers, (ii) taxes electric energy suppliers at the state level and distributes a portion of that tax's proceeds to the City y, or (iii) provides state funds to compensate the City.

SECTION 14. Company shall hold the City harmless from all liability, damages, penalties and expenses, including attorney's fees, which the City may incur on account of injury or damage to persons or property caused by company in the exercise of any franchise right, pursuant to this Ordinance.

SECTION 15. This Ordinance authorizes use of publicly owned rights-of-way ONLY for the purpose of transmitting, furnishing and distributing electricity. Notwithstanding the foregoing, Company or its contractors can construct, reconstruct, excavate for, place, maintain, operate and use communication equipment, devices and components, along with their associated wired, cables (including fiber-optic), conduits, structures and supporting facilities (hereinafter "Communication facilities") in, along, across, over and under the public right-of-way, provided that the communication facilities are used by the company solely in transmitting, furnishing and distributing electricity. The Company shall also inform the City when another entity requests to use the Company's facilities in the public right-of-way of the City without providing Company evidence of a valid franchise agreement (or permit) with the City.

SECTION 16. The Company shall not assign or transfer any of its rights under this Ordinance without the prior written consent of the City, which shall not be unreasonably withheld, except that the Company may assign any utility into which the Company may be merged or consolidated.

SECTION 17. This bill shall take effect and the rights, privileges and authority hereby granted and renewed shall vest in Company upon its filing of an acceptance with the City Clerk according to the terms prescribed herein. The Ordinance shall be subject to approval or disapproval of the voters of this City only upon the terms and conditions as provided in Mo. Rev. Stat. § 88.251. If the City

Clerk does not receive within thirty days after the passing of this Ordinance a petition sufficient in form and signed by the requisite number of voters, it shall be a valid and binding franchise of the City upon the filing of an acceptance by the Company according to the terms prescribed herein and shall remain in full force and effect and cannot be repealed or amended.

Passed this ____ day of _____, 2021. _____
Tim Pogue, Mayor

Approved this ____ day of _____, 2021. _____
Tim Pogue, Mayor

Attest: _____
Eric Sterman, City Administrator

STATE OF MISSOURI

)

) ss

COUNTY OF ST. LOUIS

)

I, _____, City Clerk within and for the City of BALLWIN, in the State and County aforesaid, do hereby certify that:

(1) the foregoing constitutes a full, true and correct copy of Ordinance No. _____ of said City as:

(a) introduced before the Board of Aldermen on the _____ day of _____, 20__; and

(b) completed in the form as finally passed and which remained on file with the undersigned City Clerk for public inspection at least thirty (30) days before the final passage thereof; and

(c) passed by the Board of Aldermen and approved by the Mayor on the _____ day of _____, 20__, as fully as the same appears of record in my office.

(2) I did not receive, within thirty (30) days after the final passage and approval of the Ordinance, a petition sufficient in form and signed by the requisite number of voters as set forth in § 88.251 RSMo.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of BALLWIN, Missouri, at my office in said City, this _____ day of _____, 20__.

City Clerk



Consent Item

RE: SUE Transfer - 15425 Manchester Rd, Ste. 32

Department/Program: Planning

Recommendation: Recommend Special Use Exception Transfer

Explanation:

Ronald Igarashi is requesting on behalf of Greg Flynn and Flynn Restaurant Group as the new owners of Pizza Hut that the City of Ballwin approve a request for a transfer of the special use allowance to operate a restaurant to be permitted for the continued operation of the Pizza Hut #4916 at 15425 Manchester Rd, Ste. 32. The continued operation would fall under all confines permitted under the Special Use Exception in the governing Ordinance, with no changes to be made.

The transfer would be based on Ordinance 2050, signed on January 8, 1990, and originally granted to "Pizza Hut of St. Louis".

The restaurant is still required to meet modern building code under our Building Department for the purpose of Occupancy and will be required to undergo an Occupancy Inspection following Board approval.

Submitted By: Shawn Edghill, Planning Technician

Date: June 14, 2021



Consent Item

RE: Notice of Destruction of Records

Department/Program: Administration

Explanation: A list of records kept during the normal course of business is presented to the Board as they have reached their retention date.

Recommendation: Staff requests the Board's approval to destroy these records which have been kept per the Missouri Secretary of State - State Archives - Local General Records Retention Schedule (August 2016).

Submitted By: Denise Keller

Date: June 14, 2021

NOTICE OF DESTRUCTION OF RECORDS

Per the Missouri Secretary of State – State Archives – Local General Records Retention Schedule, August, 2016.

DESTRUCTION REQUESTS:

The following records must be retained through “completion of audit”:

- 2020 accounts payable vouchers and invoices – excluding court - paper (scanned files retained)
- 2020 cash receipts – excluding court - paper (scanned files retained)
- 2020 accounts receivable files – paper (scanned files retained)
- 2019 budget preparation records – paper
- 2020 escrow receipts and vouchers – paper (scanned files retained)

The following records must be retained through “completion of audit” plus 1 year:

- 2019 monthly bank reconciliations- other* – paper (scanned files retained)
- 2019 Investment statements (matured investments) – paper
- 2019 Check Registers – other* – paper (scanned files retained)

The following records must be retained for a period of 2 years after expiration:

- 04/01/2018 – 03/31/2019 contractor licenses – paper (scanned files retained)

The following records must be retained for a period of 3 years after completion:

- 2009 – 2017 Sunshine Law Requests

The following records must be retained for a period of 3 years plus audit:

- 2017 payroll time sheets – paper (scanned files retained)
- 2017 Public notices – 6-month Revenue/Expenditure Statements
- 2017 Public notices – Budget Public Hearing

The following records must be retained for a period of 5 years

- 2015 monthly and end-of-year journal entries – paper (scanned files retained)
- 2015 accounts payable registers - paper (scanned files retained)
- 2015 audit work papers

The following records must be retained through “completion of audit” and superseded.

- 2020 Disposed Fixed Assets records – paper (scanned files retained)

DATE OF DESTRUCTION:

To be destroyed June 15, 2021, following approval by the Board of Aldermen at its June 14, 2021 meeting.

Destruction follows specifications prescribed by the State of Missouri Local Records Board.

METHOD OF DESTRUCTION:

Place in trash receptacle. (Any confidential material will be removed and shredded).

Approved by the Board of Aldermen and recorded in meeting minutes of: _____.

* Other excludes General (5 yr), Bail Bond (5 yr), TDD (10 y), and Special Allocations (10 yr) accounts.

NOTICE OF DESTRUCTION OF RECORDS

Per the Missouri Secretary of State – State Archives – Local General Records Retention Schedule, August, 2016.

DESTRUCTION REQUESTS:

The following records must be retained through “completion of audit” plus 1 year:

2019 NSF checks and files – paper

The following records must be retained for a period of 18 months:

2019(January) – 2019 (December) Credit Card Receipts

The following records must be retained for a period of 2 years after expiration:

04/01/2018 – 03/31/2019 business licenses – paper (scanned files retained)

The following records must be retained for a period of 3 years after completion

2016-2017 Grants (Missouri Highway Safety, Rockwood Alcohol Compliance, OCTDEF)

The following records must be retained for a period of 3 years

2017 Cancelled Pointe Debit Contracts – paper (scanned files retained)

DATE OF DESTRUCTION:

To be destroyed June 15, 2021, following approval by the Board of Aldermen at its June 14, 2021 meeting.

METHOD OF DESTRUCTION:

Shred NSFs (Cancelled checks include Account Numbers and Signatures.)
Shred Credit Card Receipts (Contains minimal information)
Shred Business Licenses (May contain proprietary information on gross receipts.)
Shred Pointe Debit Contracts (Personal banking Information may be present on form.)

Approved by the Board of Aldermen and recorded in meeting minutes of: _____.

- Destruction follows specifications prescribed by the State of Missouri Local Records Board.



Consent Item

RE: Liquor Licenses

Department/Program: Administration

Recommendation: Staff recommends Board approval for Ballwin businesses and restaurants requesting liquor licenses listed on the attachment.

Explanation: Each year, Ballwin businesses and restaurants must submit documentation to be able to sell liquor. The new liquor license will expire June 30, 2022.

Submitted By: Denise Keller

Date: June 14, 2021

LIQUOR LICENSES FOR APPROVAL

Licensee Business	Licensee Name	Contact Address Line1	Contact Address Line2	Contact City	Contact State	Contact Zip
ALDI INC #21	ALDI INC	PO BOX 8800		O'FALLON	MO	63366
APPLEBEE'S #3108	MID RIVER RESTAURANT LLC	ATTN: LORENE WILLIAMS	PO BOX 456	JEFFERSON CITY	MO	63102
BALLWIN ATHLETIC ASSOCIATION	BALLWIN ATHLETIC ASSOCIATION	1 BALLPARK DR		BALLWIN	MO	63011
BALLWIN MEMORIAL VFW POST 6274	BALLWIN VFW POST 6274	115 MIMOSA LN		BALLWIN	MO	63011
BALLWIN RECREATION COMPLEX	CITY OF BALLWIN	333 HOLLOWAY RD		BALLWIN	MO	63011
BALLWIN SNO CONE COMPANY	BALLWIN SNO CONE COMPANY	151 RIES RD		BALLWIN	MO	63021
BEERSUCE SHOP BALLWIN LLC	BEERSAUCE SHOP BALLWIN LLC	14738 MANCHESTER RD B		BALLWIN	MO	63011
BONES FRENCH QUARTER INC	BONES FRENCH QUARTER INC	14766 MANCHESTER RD		BALLWIN	MO	63011
BUFFALO WILD WINGS GRILL & BAR	AMC BALLWIN INC	ATTN: LORENE WILLIAMS	PO BOX 456	JEFFERSON CITY	MO	63011
CANDICCI'S RESTAURANT & BAR	M & S ROUHANI MANAGEMENT LLC	100 HOLLOWAY RD		BALLWIN	MO	63011
CHARLOTTE'S RIB BBQ	CHARLOTTE'S RIB BBQ	15467 CLAYTON RD		BALLWIN	MO	63011
CHUNMI SUSHI	HUA TENG LLC	15583 MANCHESTER RD		BALLWIN	MO	63011
CIRCLE 7 RANCH	RANCH INC	14412 CLAYTON RD		BALLWIN	MO	63011
CLANCY'S BUTCHER SHOP	CLANCY'S BUTCHER SHOP	930 #101 KEHRS MILL RD		BALLWIN	MO	63011
CVS PHARMACY #2341	MISSOURI CVS PHARMACY LLC	ATTN: LORENE WILLIAMS	PO BOX 456	JEFFERSON CITY	MO	65102
DISCOUNT SMOKE SHOP	DISCOUNT SMOKE SHOP INC	4400 WOODSON RD		BERKELEY	MO	63134
HOLY INFANT CHURCH	HOLY INFANT CHURCH	627 DENNISON DR		BALLWIN	MO	63021
KABUKI	YONG HENG LLC	15015 MANCHESTER RD		BALLWIN	MO	63011
MARCELLA'S MIA SORELLA	KB12 LLC	14426 CLAYTON RD		BALLWIN	MO	63011
MEADOWBROOK COUNTRY CLUB	MEADOWBROOK COUNTRY CLUB	200 MEADOWBROOK CTRY CLUB EST		BALLWIN	MO	63011
MILUPITA MEXICAN RESTAURANT	CAMPASANCH INCORPORATED	15307 MANCHESTER RD		BALLWIN	MO	63011
MPC #10	MIDWEST PETROLEUM COMPANY	220 OLD MERAMEC STATION RD		MANCHESTER	MO	63021
QUIKTRIP #621	QUIKTRIP CORPORATION	PO BOX 3475		TULSA	OK	74101
SCHNUCKS (15425 #01 MANCHESTER RD)	SCHNUCKS MARKETS INC	ATTN: JED PENNEY	11420 LACKLAND RD	ST LOUIS COUNTY	MO	63146
SCHNUCKS (2511 KEHRS MILL RD)	SCHNUCKS MARKETS INC	ATTN: JED PENNEY	11420 LACKLAND RD	ST LOUIS COUNTY	MO	63146
SKY MUSIC LOUNGE	THE BARN PARTNERS LLC	930 #201 KEHRS MILL RD		BALLWIN	MO	63011
ST LOUIS TACO AND PITA GRILL	THE STAR GROUP LLC	15493 MANCHESTER RD		BALLWIN	MO	63011
TARGET STORE T-0026	TARGET STORE T-0026	ATTN: LORENE WILLIAMS	PO BOX 456	JEFFERSON CITY	MO	65102
TEXAS ROADHOUSE	TEXAS ROADHOUSE HOLDINGS LLC	ATTN: LORENE WILLIAMS	PO BOX 456	JEFFERSON CITY	MO	65102
THE ROSE BARREL	R B & K LLC	15483 CLAYTON RD		BALLWIN	MO	63011
THE WOLF CAFE	VEGGIE COUPLE LLC	15480 CLAYTON RD #210		BALLWIN	MO	63011
WALGREENS #10429	WALGREENS CO	ATTN: ROBBIN GRIFFITH	PO BOX 456	JEFFERSON CITY	MO	63011
WALLIS PETROLEUM #504	WALLIS PETROLEUM LC	106 EAST WASHINGTON		CUBA	MO	65453
WALLIS PETROLEUM #523	WALLIS PETROLEUM LC	106 EAST WASHINGTON		CUBA	MO	65453



Staff Report

Subject: City of Ballwin Budget Survey

Department/Program: Finance/Communications

Explanation: Changes to the criteria for the Government Finance Officers Association's (GFOA) Distinguished Budget Presentation Award were made in 2020, making public engagement in the budgeting process a mandatory element. Many cities have achieved successful engagement through the use of budgeting surveys, enabling residents to provide input at a time and location that is convenient to them.

We compiled a ten question survey. Information about the survey was shared in our May issue of the Ballwin Life Magazine, on our website in multiple places, on our social media pages (Facebook, Twitter, NextDoor), on our electronic board on Manchester Road, and in our City, Business, and Public Works email newsletters. It was available on our website throughout the month of May.

Recommendation: A brief synopsis of the survey results will be presented during the Board meeting.

Submitted By: Denise Keller

Date: June 14, 2021



Staff Report

Subject: Demolition Bids for Dangerous Buildings

Department/Program: Administration/Code Enforcement

Explanation: Two residences have recently gone through the dangerous building hearings and have been declared dangerous buildings. The circumstances leading to the declarations have not been abated as of this time. As such, they need to be demolished in order to preserve public safety for the neighboring homes and residents. These structures are located at 14640 Clayton Rd. and 977 Morena Ct. Both of these properties have been code enforcement issues for several years with little to no improvements being made.

After contacting multiple demolition contractors, only one placed a bid to remove the structures on these properties. The bid submitted by Premier Demolition is attached. The bid covers costs associated with an asbestos survey, sewer and water destroys. Please see the bid to note what is and is not covered in the proposal. Some additional costs may be required if any hazardous materials are found and have to be removed. When looking at a previous asbestos abatement from 2019, the cost at that time was \$5500 on a similarly sized home in the same neighborhood as 977 Morena Ct.

The cost to remove the house at 977 Morena Ct is \$24,450. The cost to remove the house and detached garage at 14640 Clayton Rd is \$32,250. As an alternative, the contractor was also asked to bid on the detached garage only at 14640 Clayton in case the homeowner can find a way to make the home habitable in the very near future. For the detached garage demolition only, the cost would be \$12,450.

Recommendation: Staff recommends that the demolitions be approved for an amount not exceeding the bid prepared by Premier Demolition. As of this time, staff is recommending approval for both the house and garage at 14640 Clayton Rd. Staff will move ahead with the demolition only after the city attorney gives approval to begin work. The home at 977 Morena appears to be beyond salvage without substantial costs that would probably make the project cost prohibitive. The home should be demolished.

Submitted By: Mike Roberts

Date: 6/14/21



Contract Proposal

June 7, 2021

Mr. Mike Roberts, Building Commissioner
City of Ballwin, MO

Re: Demolition of Two Houses
14640 Clayton Rd. and 977 Morena Ct.

Dear Mike:

We propose to furnish all the labor, material and equipment necessary to complete the above referenced project for the lump sum amount of:

14640 Clayton Rd. and detached garage - \$32,250.00
Detached garage only - \$12,450.00

977 Morena Ct. - \$24,450.00

Scope of Work

- Demolish and remove building structures and associated hoarding junk removal. We include backfill with existing onsite clean fill with a 12" dirt cap. No import of dirt included. We include seeding and strawing of disturbed areas.
- This bid price includes 1 water and 1 sewer disconnect for each address. The excavations are to be performed in the grass. We do not include any excavations in the public right of way nor any street or sidewalk restoration.
- All debris considered as normal regulated C&D and concrete/rubble to be "clean fill" type material.
- We do not include handling and disposal of any hazardous or special waste materials, UST's or hidden debris, freon removal, HHW, bulbs and ballasts. **We include the standard asbestos survey only. If asbestos is found that work will be completed as a change order extra.**
- All salvageable materials and equipment to be the property of this contractor and are included in contract amount. No salvage work for or by owner.
- Does not include landscaping, tree removal or protection, site fencing, any SWPP requirements, fine grading or earthwork.
- We do not include any street light removal, pre demo photographs, abandoning, protecting or reworking of utility lines to remain, saw cutting, patching or repairing, or final clean up. City is responsible all layout and for appropriate ingress and egress and for integrity of driveway/parking areas to hold up to equipment traffic.
- No other work is included unless specifically stated herein. Payment in full upon completion.
- We include normal working hours and our standard insurance coverage's.

If you have any questions or need additional information concerning this proposal please call me.

We appreciate the opportunity to be of service and look forward to the possibility of working with you on this project.

Sincerely,

Jonathan Buell
Estimator/Project Manager



5710 Wise Ave, St. Louis, MO 63110
Phone: 314-645-5566
Fax: 314-645-5569



FINDINGS OF FACT WITH REGARD TO 14640 CLAYTON ROAD

A hearing was held pursuant to Section 7-131(4) of the Code of Ordinances of the City of Ballwin with respect to property at 14640 Clayton Road ("the property") on April 14, 2021 at 9:00 a.m. The City was represented by City Attorney Robert E. Jones. The Building Commissioner, Mike Roberts testified on behalf of the City of Ballwin. Notice was provided to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the property, as shown by the land records of the Recorder of Deeds of St. Louis County, but no such party appeared. Pursuant to Section 7-132(3), I hereby find that the house and detached garage are dangerous buildings and a public nuisance within the meaning of Section 7-128 of the Code of Ordinances of the City of Ballwin due to the following conditions:

1. Rear porch support appears to be structurally damaged in violation of **(Sec. 13-61)**
2. Egress door at rear of house is compromised due to rear porch support damage in violation of **(Sec 702.1 of the 2015 IPMC)**
3. Egress door at rear of garage 2nd story is compromised due to no guard being installed protecting against falls in violation of **(Sec 307.1 of the 2015 IPMC)**
4. Deck on garage is damaged and in disrepair in violation of **(Sec 304.1.1 of the 2015 IPMC)**
5. Overgrown vegetation and tree debris in violation of **(Sec. 29-1)**
6. Construction material and nonfunctioning equipment stored around house and garage outbuilding in violation of **(Sec. 29-1)**
7. A valid building permit must be obtained to repair roof structure. Permits must be pulled for all illegal work that has been performed in home without permits. Sealed drawings from a Missouri licensed design professional are required. **(Sec. 7-81)**
8. Multiple building permits have expired without inspections in violation of **(Sec. 7-89)**
9. Garage is full of trash and debris blocking egress and causing a fire hazard in violation of **(Sec. 13-80)**

In addition to violating the housing code, the building meets the definition of a dangerous building in several other instances:

1. Those buildings or structures which have become so dilapidated, decayed, unsafe, or unsanitary so that they are unfit for human habitation, or are likely to cause sickness or disease to the occupants thereof or to any other person. (Code of Ordinances Sec.7-128, Dangerous Building Definition sub-section 3)

2. Those buildings or structures, whether occupied or unoccupied, having inadequate facilities for egress in case of fire, or other catastrophe, or those buildings with structures having insufficient stairways, elevators, fire escapes to allow adequate egress therefrom (Code of Ordinances Sec.7-128, Dangerous Building Definition sub-section 6)
3. Those buildings or structures which, because of their condition, are unsafe, unsanitary or dangerous to the health, morals, safety or welfare of any person. (Code of Ordinances Sec.7-128, Dangerous Building Definition sub-section 7)
4. Those which have improperly distributed loads upon the floors or roofs or in which the floors or roofs are overloaded, or those having floors or roofs of insufficient strength to be reasonably safe for the purpose for which they are being used or intended to be used. (Code of Ordinances Sec. 7-128, Dangerous Building Definition sub-section 10)
5. Those buildings or structures which, because of their condition, become harboring places for rats, stray animals, vermin or other disease bearing creatures, and which are unsafe, unsanitary or dangerous to the health, safety or general welfare of any person
6. Those buildings or structures, whether occupied or unoccupied, having inadequate facilities for egress in case of fire, or other catastrophe, or those buildings with structures having insufficient stairways, elevators, fire escapes to allow adequate egress therefrom.
7. Partially-constructed buildings upon which no substantial work shall have been performed for 90 days.

Based upon the record as a whole, I hereby order that the house and detached garage be vacated and repaired or demolished within thirty (30) days. Pursuant to Section 7-132(4) of the Code of Ordinances of the City of Ballwin, if the house and detached garage are not repaired or demolished as ordered, the Building Commissioner shall cause the property to be repaired or demolished and shall with the assistance of the City Attorney cause the costs of repair or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax records as an assessment, or to be levied as a special tax upon land upon which the buildings stand or did stand, or to be recovered in a suit at law against the owner.



ERIC STERMAN
City Administrator

FINDINGS OF FACT WITH REGARD TO 977 MORENA COURT

A hearing was held pursuant to Section 7-131(4) of the Code of Ordinances of the City of Ballwin with respect to property at 977 Morena Court ("the property") on April 14, 2021 at 10:00 a.m. The City was represented by City Attorney Robert E. Jones. The Building Commissioner, Mike Roberts testified on behalf of the City of Ballwin. Notice was provided to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the property, as shown by the land records of the Recorder of Deeds of St. Louis County, but no such party appeared. Pursuant to Section 7-132(3), I hereby find that the property is a dangerous building and a public nuisance within the meaning of Section 7-128 of the Code of Ordinances of the City of Ballwin due to the following conditions:

1. Trash, construction materials, broken tile/glass and tree debris strewn about property in violation of **(Sec. 29-1)**
2. Home and exterior property are full of trash and debris blocking egress and causing a fire hazard in violation of **(Sec. 7-1 and SEC. 305.3 of the 2015 IPMC)**
3. Basement foundation wall damaged in violation of **(Sec. 13-58 and Sec. 305.1 of the 2015 IPMC)**
4. Paint exterior where peeling or wore down to exposed wood in violation of **(Sec. 13-58)**

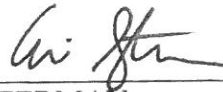
In addition to violating the housing code, the building meets the definition of a dangerous building in several other instances:

1. Those buildings or structures which have become so dilapidated, decayed, unsafe, or unsanitary so that they are unfit for human habitation, or are likely to cause sickness or disease to the occupants thereof or to any other person. (Code of Ordinances Sec.7-128, Dangerous Building Definition sub-section 3)
2. Those buildings or structures, whether occupied or unoccupied, having inadequate facilities for egress in case of fire, or other catastrophe, or those buildings with structures having insufficient stairways, elevators, fire escapes to allow adequate egress therefrom (Code of Ordinances Sec.7-128, Dangerous Building Definition sub-section 6)
3. Those buildings or structures which, because of their condition, are unsafe, unsanitary or dangerous to the health, morals, safety or welfare of any person. (Code of Ordinances Sec.7-128, Dangerous Building Definition sub-section 7)
4. Those which have improperly distributed loads upon the floors or roofs or in which the floors or roofs are overloaded, or those having floors or roofs of insufficient strength to be reasonably safe for the purpose for which they are

being used or intended to be used. (Code of Ordinances Sec. 7-128, Dangerous Building Definition sub-section 10)

5. Those buildings or structures which, because of their condition, become harboring places for rats, stray animals, vermin or other disease bearing creatures, and which are unsafe, unsanitary or dangerous to the health, safety or general welfare of any person

Based upon the record as a whole, I hereby order that the property be vacated and repaired or demolished within thirty (30) days. Pursuant to Section 7-132(4) of the Code of Ordinances of the City of Ballwin, if the property is not repaired or demolished as ordered, the Building Commissioner shall cause the property to be repaired or demolished and shall with the assistance of the City Attorney cause the costs of repair or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax records as an assessment, or to be levied as a special tax upon land upon which the building stands or did stand, or to be recovered in a suit at law against the owner.



ERIC STERMAN
City Administrator