



## **BOARD OF ALDERMEN**

### **Meeting Agenda**

**FEBRUARY 22, 2021**

**7:00 PM 1 GOVERNMENT CTR/ZOOM BALLWIN, MO 63011**

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes**
  - a. February 8, 2021 Board of Aldermen Meeting Minutes
- 4. Resolution**
  - a. Missouri Highway Safety Program Grant
- 5. Consent Items**
  - a. Administration – Salary Increases
  - b. Administration – Finance Server Replacement
  - c. Public Works – Cold Milling
  - d. Public Works – Crushed Rock
  - e. Public Works – Cement
  - f. Public Works - Striping
- 6. Mayor’s Report**
- 7. City Administrator’s Report**
- 8. City Attorney’s Report**
- 9. Staff Reports**
  - a. Administration – Architect Contract – New Police Building
  - b. Police – Stop Signs – Seawind
  - c. Police – Social Host Ordinance
  - d. Public Works – Asphalt
  - e. Public Works – Street Sweeping
  - f. Public Works – Ready Mix Concrete
  - g. Public Works – Ready Mix Sand
- 10. Aldermanic Comments**
- 11. Closed Session**
- 12. 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

FEBRUARY 22, 2021

7:00 PM 1 GOVERNMENT CTR/ZOOM BALLWIN, MO 63011

This meeting of the Board of Aldermen will be conducted via Zoom.

Please click the link below to join the webinar:

<https://zoom.us/j/91899890303>

Or iPhone one-tap :

US: +13126266799,,91899890303# or +16465588656,,91899890303#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782

Webinar ID: 918 9989 0303

No comments will be taken from the public during the meeting. If you wish to submit comments, please submit them in writing to [esterman@ballwin.mo.us](mailto:esterman@ballwin.mo.us) no later than 5 p.m. on Monday, February 22. Any comments received will be read aloud into the record during the meeting. Comments must not contain vulgar language or exceed three minutes in duration.

**MINUTES** Enclosed, please find the Minutes from the February 8, 2021 Board of Aldermen Meeting.

## RESOLUTION

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### RESOLUTION – MISSOURI HIGHWAY PATROL SAFETY PROGRAM GRANT

The Ballwin Police Department has actively pursued this grant for many years. It is staff's request that the Board support our participation again this year in this grant.

## CONSENT ITEMS

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### **Administration** – Administration – Salary Increases

Staff recommends approval of a salary increase of 3% for all full-time staff. A merit increase of 3% was budgeted for 2021.

### **Administration** – Finance Server Replacement

This HPE Server is a 2021 budgeted Item. Staff is recommending to purchase the new HPE ML350 Gen10 Server from SHI, the Missouri State Contract vendor, in the amount of \$25,910.17.

### **Public Works** – Cold Milling

Staff recommends awarding this Unit Price contract to the low bidder NB West Contracting for the asphalt milling of streets.

### **Public Works** – Crushed Rock

We recommend awarding this unit price contract to Simpson Materials including all the alternate bids.



## BOARD OF ALDERMEN

### Meeting Briefs

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Crushed rock/stone is used in-house as a base for concrete pavement slabs, curbs, gutters, and sidewalk replacements. Commercial stone is used in concrete production.

#### **Public Works – Cement**

We recommend awarding this contract at the bid unit price to the low bidder, Buzzi Unicem Usa. Concrete is one of the materials needed for cement production.

#### **Public Works - Striping**

We recommend awarding the unit price contract to America's Parking Remarketing for restriping yellow center street lines and white lane lines.

## MAYOR'S REPORT

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## CITY ADMINISTRATOR'S REPORT

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## CITY ATTORNEY'S REPORT

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## STAFF REPORTS

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#### **Administration – Architect Contract – New Police Building**

Make a motion to approve the contract with JEMA to provide detailed design services to the City for development of a new City of Ballwin police facility.

#### **Police – Stop Signs – Seawind**

Staff is recommending two new stop signs on Seawind Drive for the purpose of slowing traffic on Seawind between the Old Ballwin Apartments and the Kensington West Apartment complexes.

#### **Police – Social Host Ordinance**

Staff is recommending changes to Ballwin ordinance 17-73, "Failure to Supervise a Minor".

#### **Public Works – Asphalt**

Staff recommends awarding the unit price contract to the second lowest bidder, Fred Weber, and to accept alternate bid #2.



## BOARD OF ALDERMEN

### Meeting Briefs

FEBRUARY 22, 2021

7:00 PM 1 GOVERNMENT CTR/ZOOM BALLWIN, MO 63011

#### **Public Works – Street Sweeping**

Staff recommends awarding the contract to the bidder, Contractors and Municipal Sweeping Inc.

#### **Public Works – Ready Mix Concrete**

Staff recommends awarding this contract at the Unit bid price for the two types of concrete, including the alternate bids, to the low bidder, Valley Material Company.

#### **Public Works – Ready Mix Sand**

Staff recommends awarding this contract at the unit bid price to the bidder, Bussen Quarries. Sand is one of the materials needed for concrete production.

## ALDERMANIC COMMENTS

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**DRAFT MINUTES**  
**BOARD OF ALDERMEN**  
**Meeting Minutes**

February 8, 2021

7:00 PM 1 GOVERNMENT CTR/ZOOM. 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 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 January 25, 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 January 25, 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**

February 8, 2021

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

## **LEGISLATION**

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**BILL 4087 - AN ORDINANCE ACCEPTING WESTRUN DRIVE AND WILHELMINE COURT FOR PUBLIC MAINTENANCE AS PROVIDED FOR IN THE CODE OF ORDINANCES OF THE CITY OF BALLWIN.**

With approval of this bill, the City accepts Westrun Drive and Wilhelmine Court for public maintenance.

A motion was made by Alderman Stallmann and seconded by Alderman Bullington for a first reading of Bill 4087, title only. A voice vote was taken with unanimous affirmative result and Bill 4087 was read for the first time.

Discussion:

None

A motion was made by Alderman Kerlagon and seconded by Alderman Stallmann for a second reading of Bill 4087, title only. A voice vote was taken with unanimous affirmative result and Bill 4087 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4087 with the following results:

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

Nays -- None.

Bill No. 4087 was approved and became Ordinance No. 21-04

**BILL 4088 - AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO VEGGIE COUPLE, LLC, D/B/A THE WOLF CAFÉ FOR MANUFACTURING OF ALCOHOL (BEER) ON SITE AT 15480 CLAYTON RD.**

The Wolf Café would be able to manufacture alcohol (beer) on site with approval of this bill.

A motion was made by Alderman Fleming and seconded by Alderman Utt for a first reading of Bill 4088, title only. A voice vote was taken with unanimous affirmative result and Bill 4088 was read for the first time.

Discussion:

Alderman Finley stated he has talked with Jason Riegelsberger, the property manager and former Board of Adjustment Chairman. Mr. Reigelsberger is very much in favor of this. Mayor Pogue stated the Planning and Zoning Commission gave this a unanimous positive recommendation.

A motion was made by Alderman Fleming and seconded by Alderman Bullington for a second reading of Bill 4088, title only. A voice vote was taken with unanimous affirmative result and Bill 4088 was read for a second time.



**DRAFT MINUTES**  
**BOARD OF ALDERMEN**  
**Meeting Minutes**

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A roll call vote was taken for passage and approval of Bill 4088 with the following results:

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

Nays -- None.

Bill No. 4088 was approved and became Ordinance No. 21-05

**RESOLUTION - A RESOLUTION SUPPORTING AN APPLICATION TO THE LAND AND WATER CONSERVATION FUND FOR A GRANT TO RENOVATE HOLLOWAY PARK.**

This resolution supports the City's application for a grant to renovate Holloway Park.

**Discussion:**

Alderman Fleming asked if the grant would be for approximately half of the amount in the budget. Parks Director Chris Conway stated it would be for about 50% of the total project.

A motion was made by Alderman Fleming and seconded by Alderman Finley to approve the resolution to pursue the grant. A voice vote was taken with unanimous affirmative result and the motion passed.

**CONSENT ITEMS**

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**Administration – Liquor License – Wolf Café**

Staff recommends approval of the liquor manufacturing license for the Wolf Café. Their petition was presented and approved by the Planning and Zoning Commission on February 1, 2021.

**Discussion:**

Alderman Roach asked for this item to be pulled.

**Parks – Ellipticals**

Staff recommends the purchase of five Precor ellipticals from Push, Pedal, Pull for \$38,650 utilizing the Sourcewell Cooperative Purchasing Contract.

**Discussion:**

None

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

**Police – Radar Trailers**

Staff recommends disposing of two radar trailers: Asset ID 0129 and Asset ID 0275.



**DRAFT MINUTES**  
**BOARD OF ALDERMEN**  
**Meeting Minutes**

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Discussion:

None

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

**Public Works – Loader**

Staff recommends accepting Fabick Cat's proposal through Sourcewell ID# 103894 (formerly NJPA {National Joint Powers Alliance}) for \$175,315.76. This includes the trade in of the 2010 John Deere 544K.

Discussion:

None

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

**MAYOR'S REPORT**

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Mayor Pogue asked the Board for clarification on the motion made at the last meeting regarding waiving fees for liquor licenses as to whether this was for restaurants or are places selling package liquor to be included as well. His thought was that this was to aid restaurants that have had to close at times during the pandemic. Alderman Utt stated it was his intention that it be for restaurants. Alderman Roach stated his reasoning for pulling Consent Item A was for discussion regarding waiving 2021 fees to help struggling businesses. Mayor Pogue asked City Attorney Jones if the Board would need to make a motion again, clarifying the fees be waived for by the drink, on the premises businesses and manufacturing. City Attorney Jones responded there would need to be a motion, but it will need to be more precise as a full liquor license that allows by the drink on the premises also allows packaged sales. There was discussion and clarification of different types of liquor licenses. City Attorney Jones stated a motion needs to be made with clarification that it's the intent to exclude retailers who sell package liquor or other than a restaurant setting. Mayor Pogue asked if waiving the fees for manufacturing should be included; City Attorney Jones stated yes and that it is a separate license. A motion was made by Alderman Stallmann and seconded by Alderman Roach to exclude liquor by the drink and manufacturing of liquor to exempt them from 2021 license fees. A voice vote was taken with unanimous affirmative result and the motion passed. Mayor Pogue stated this evening's motion overrides the motion from the previous meeting.

A motion was made by Alderman Roach and seconded by Alderman Bullington to approve Consent Item A, The Wolf Café's liquor manufacturing license. A voice vote was taken with unanimous affirmative result and the motion passed.





**DRAFT MINUTES**  
**BOARD OF ALDERMEN**  
**Meeting Minutes**

February 8, 2021

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### **CITY ADMINISTRATOR'S REPORT**

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City Administrator Sterman asked for clarification on the motion made regarding liquor license fees. Is it the Board's intention to not exempt package only and if the business has a full license, do we review to determine if the business is primarily package sales? Alderman Utt stated when he brought this to the Board's attention, it was mainly for restaurants as package sales venues were probably up during the pandemic. Mayor Pogue stated the spirit of this motion was to aid restaurants which had to shut down. Mr. Sterman stated we will carry out the motion as the Board intended.

Mr. Sterman shared that, per Alderman Roach's request regarding reports to the Board on regular department operations, he has started sending those out. He asked the Board to please provide feedback as reports are received so we may better provide information they are looking for.

### **CITY ATTORNEY'S REPORT**

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Nothing to report

### **STAFF REPORTS**

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#### **Administration – Owner's Representative Services for New Police Station**

Staff recommends making a motion to approve the contract with Navigate Building Solutions to provide Owner's Representative services to the City for development of a new City of Ballwin police facility.

#### **Discussion:**

City Administrator Sterman stated seven submittals were received from the RFQ. The committee brought in three firms to interview. It was decided to recommend awarding to Navigate; this will be a \$365,000 contract, payable in monthly installments, effective now through the second quarter of 2023. It is hoped the Board will approve the contract with Navigate this evening as interviews with the architects will be starting soon and we would like to have their assistance. Alderman Finley asked if a general timeline could be provided; City Administrator Sterman provided a preliminary timeline and will be giving regular updates. Navigate will also provide updates on the project. Alderman Roach stated he remembers Navigate from a previous project and feels they are very competent and professional and is pleased they are being recommended by the committee.

A motion was made by Alderman Utt and seconded by Alderman Finley to accept staff's recommendation to authorize the Mayor to execute the contract with Navigate. A voice vote was taken with unanimous affirmative result and the motion passed.



**DRAFT MINUTES**  
**BOARD OF ALDERMEN**  
**Meeting Minutes**

February 8, 2021

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

**ALDERMANIC COMMENTS**

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Alderman Stallmann read an email he and Alderman Roach had received regarding Public Works and their efforts to keep the City's streets clear during the recent snowfall. The email stated that Public Works should be commended for taking care of the streets before, during and after the snow and the resident wished this information be passed on.

Alderman Fleming reported he has sent out the updated poverty letter for everyone. This should be the final, so it can be signed by everyone at the next meeting if it is in person or it will be available at the government center if an in-person meeting is not possible.

Alderman Roach thanked City Administrator Sterman and department directors for the reports already received. He is looking forward to more updates.

Alderman Utt also thanked City Administrator Sterman and appreciates his quick response in getting information to the Board.

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 7:25 p.m.

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

ATTEST:

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



## Ballwin Police Department

February 4, 2021

Sir,

The Ballwin Police Department has actively pursued grant funding through MoDot on an annual basis for many years running. Traditionally the department has obtained grant funding for four highway safety projects, which are listed as follows:

### Grant Funding 2021

1. DWI Saturation Enforcement - \$4,500.00
2. Youth Alcohol (Minor in Possession) - \$3000.00
3. Occupant Protection (Seatbelt) - \$3,500.00
4. Hazardous Moving Violation Enforcement - \$7,000.00

Total \$17,750.00

The State of Missouri completely reimburses participating law enforcement agencies for officer salaries through a vouchering process, at the respective overtime rate of each individual officer working a grant. Court cases associated with any violations written on a grant are processed through the Ballwin Municipal Court. Thus, traffic safety within the City of Ballwin is enhanced at no cost to the city itself.

I will again seek grant funding through MoDot for the fiscal year 2022 regarding the above mentioned projects. As part of this process each member of the Ballwin Board of Aldermen, as well as the Mayor, must sign the attached MoDot City Council Authorization. This authorization will be submitted along with the grant applications themselves for project approval.

Respectfully,

Sgt. Robert Wetzel  
Supervisor Division of Patrol Support



Highway Safety and Traffic Division  
P.O. Box 270  
Jefferson City, MO 65102  
1-800-800-2358 or 573-751-4161

## CITY COUNCIL AUTHORIZATION

On February 22, 2021 the City of Ballwin Board of Alderman held a meeting and discussed the City's participation in Missouri's Highway Safety Program.

It is agreed by the Board that the City of Ballwin, Missouri, will participate in Missouri's Highway Safety Program.

It is further agreed by the Board that the Chief of Police will investigate the financial assistance available under the Missouri Highway Safety Program for Traffic Enforcement and report back to the Board his recommendations. When funding through the Highway Safety Division is no longer available, the local government entity agrees to make a dedicated attempt to continue support for this traffic safety effort.

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Alderman Michael Finley-Board Member

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Alderman Mike Utt-Board Member

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Alderman Mark Stallman-Board Member

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Alderman Kevin Roach-Board Member

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Alderman Frank Fleming- Board Member

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Alderman Jim Leahy-Board Member

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Alderman Ross Bullington-Board Member

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Alderman Ray Kerlagon-Board Member

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Mayor Tim Pogue



## **Consent Item**

**RE:** 2021 Merit Increases

**Department/Program:** Administration/Finance

**Recommendation:** A merit increase of 3% was budgeted for 2021. Staff recommends that the Board approve a salary increase of 3% for all full-time staff effective April 1, 2021.

**Explanation:** The percentage to be awarded for merit increases for full-time staff is brought before the Board in February after final sales taxes are received. This is done as a check on current economic conditions since salary increases for the budget had been presented to the Board five months earlier.

Sales tax revenues for 2020 total \$9,350,311, which is \$78,311 higher than the amended budget. Collections are \$220,689 or 2.3% lower though than the original budget for 2020. The amount is \$497,065 or 5% lower than sales tax receipts in 2019. Drilling down into the variance from 2019, capital improvement and parks sales taxes decreased by 3%, the public safety tax decreased by 7.5% and the county sales tax decreased by 5%. TIF taxes decreased by 7%.

The decline is attributed to the pandemic, and economic forecasts predict a strong recovery in 2021. Furthermore, step increases of 3% for collective bargaining members in the police department are a contractual obligation. These could only be suspended if sales tax receipts had declined by 10% or more compared with 2019 collections.

**Submitted By:** Denise Keller, Finance Officer

**Date:** February 17, 2021





## **Consent Item**

**RE:** Replacement HPE Server for the Financial Services Applications from New World (Tyler Technology)

**Department/Program:** Admin / Finance

**Recommendation:** This HPE Server is a 2021 budgeted Item. It is recommended to purchase the new HPE ML350 Gen10 Server from SHI, the Missouri State Contract vendor, in the amount of **\$25,910.17**.

**Explanation:** The existing HPE server was purchased in 2016. The new server will run the latest Microsoft Windows Server Operating System and Microsoft SQL Server. The server is anticipated to perform for a period of 4 to 5 years.

**Submitted By:** Paula Reeds

**Date:** 2-17-2021

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Pricing Proposal  
Quotation #: 20077960  
Created On: 2/17/2021  
Valid Until: 3/19/2021

## City of Ballwin

### Paula Reeds

14811 Manchester Road  
Ballwin, MO 63011  
United States  
Phone: (636) 227-8580  
Fax:  
Email: preeds@ballwin.mo.us

## Inside Account Manager

### Gabriella Jimenez

290 Davidson Ave  
Somerset, NJ, 08873  
Phone: 800-527-6389 EXT 6520247  
Fax:  
Email: gabriella\_jimenez@shi.com

All Prices are in US Dollar (USD)

| Product                                                                                                                                           | Qty | Your Price | Total      |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----|------------|------------|
| 1 HPE ML350 GEN10 SFF CTO SERVER<br>Hewlett Packard Enterprise - Part#: 877626-B21<br>Contract Name: Open Market<br>Contract #: Open Market       | 1   | \$1,253.06 | \$1,253.06 |
| 2 U.S. - ENGLISH LOCALIZATION<br>Hewlett Packard Enterprise - Part#: 877626-B21 ABA<br>Contract Name: Open Market<br>Contract #: Open Market      | 1   | \$0.00     | \$0.00     |
| 3 INTEL XEON-G 6226R FIO KIT FOR ML350 G10<br>HPE - Part#: P24170-L21<br>Contract Name: Open Market<br>Contract #: Open Market                    | 1   | \$2,320.88 | \$2,320.88 |
| 4 INTEL XEON-G 6226R KIT FOR ML350 G10<br>Hewlett Packard Enterprise - Part#: P24170-B21<br>Contract Name: Open Market<br>Contract #: Open Market | 1   | \$2,320.88 | \$2,320.88 |
| 5 FACTORY INTEGRATED<br>HPE - Part#: P24170-B21 0D1<br>Contract Name: Open Market<br>Contract #: Open Market                                      | 1   | \$0.00     | \$0.00     |
| 6 HPE 32GB 2RX4 PC4-2933Y-R SMART KIT<br>HPE - Part#: P00924-B21<br>Contract Name: Open Market<br>Contract #: Open Market                         | 8   | \$728.72   | \$5,829.76 |
| 7 FACTORY INTEGRATED<br>Hewlett Packard Enterprise - Part#: P00924-B21 0D1<br>Contract Name: Open Market<br>Contract #: Open Market               | 8   | \$0.00     | \$0.00     |
| 8 HPE ML350 GEN10 8SFF HDD CAGE KIT<br>HPE - Part#: 874568-B21                                                                                    | 1   | \$121.23   | \$121.23   |

Contract Name: Open Market  
Contract #: Open Market

|    |                                                                                                                                                    |    |            |            |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------|----|------------|------------|
| 9  | FACTORY INTEGRATED<br>Hewlett Packard Enterprise - Part#: 874568-B21 0D1<br>Contract Name: Open Market<br>Contract #: Open Market                  | 1  | \$0.00     | \$0.00     |
| 10 | HPE 960GB SATA MU SFF SC S4610 SSD<br>Hewlett Packard Enterprise - Part#: P05980-B21<br>Contract Name: Open Market<br>Contract #: Open Market      | 8  | \$885.45   | \$7,083.60 |
| 11 | FACTORY INTEGRATED<br>Hewlett Packard Enterprise - Part#: P05980-B21 0D1<br>Contract Name: Open Market<br>Contract #: Open Market                  | 14 | \$0.00     | \$0.00     |
| 12 | HPE ML350 GEN10 MEDIA DRIVE SUPPORT KIT<br>Hewlett Packard Enterprise - Part#: 874570-B21<br>Contract Name: Open Market<br>Contract #: Open Market | 1  | \$52.61    | \$52.61    |
| 13 | FACTORY INTEGRATED<br>HPE - Part#: 874570-B21 0D1<br>Contract Name: Open Market<br>Contract #: Open Market                                         | 1  | \$0.00     | \$0.00     |
| 14 | HPE LTO5 ULTRIUM 3000 SAS INT TAPE DRIVE<br>Hewlett Packard Enterprise - Part#: EH957B<br>Contract Name: Open Market<br>Contract #: Open Market    | 1  | \$2,317.07 | \$2,317.07 |
| 15 | FACTORY INTEGRATED<br>HPE - Part#: EH957B 0D1<br>Contract Name: Open Market<br>Contract #: Open Market                                             | 1  | \$0.00     | \$0.00     |
| 16 | HPE 96W SMART STORAGE BATTERY 260MM CBL<br>Hewlett Packard Enterprise - Part#: P01367-B21<br>Contract Name: Open Market<br>Contract #: Open Market | 1  | \$96.16    | \$96.16    |
| 17 | FACTORY INTEGRATED<br>Hewlett Packard Enterprise - Part#: P01367-B21 0D1<br>Contract Name: Open Market<br>Contract #: Open Market                  | 1  | \$0.00     | \$0.00     |
| 18 | HPE SMART ARRAY P408I-A SR GEN10 CTRLR<br>Hewlett Packard Enterprise - Part#: 804331-B21<br>Contract Name: Open Market<br>Contract #: Open Market  | 1  | \$405.27   | \$405.27   |
| 19 | FACTORY INTEGRATED<br>Hewlett Packard Enterprise - Part#: 804331-B21 0D1<br>Contract Name: Open Market<br>Contract #: Open Market                  | 1  | \$0.00     | \$0.00     |
| 20 | HPE SMART ARRAY E208I-P SR GEN10 CTRLR<br>Hewlett Packard Enterprise - Part#: 804394-B21                                                           | 1  | \$236.66   | \$236.66   |



Contract Name: Open Market  
Contract #: Open Market

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|----|----------------------------------------------------------------------------------------------------------------------------------------------------|---|----------|----------|
| 21 | FACTORY INTEGRATED<br>HPE - Part#: 804394-B21 0D1<br>Contract Name: Open Market<br>Contract #: Open Market                                         | 1 | \$0.00   | \$0.00   |
| 22 | HPE ML350 GEN10 12GB SAS EXPANDER KIT<br>HPE - Part#: 874576-B21<br>Contract Name: Open Market<br>Contract #: Open Market                          | 1 | \$494.82 | \$494.82 |
| 23 | FACTORY INTEGRATED<br>Hewlett Packard Enterprise - Part#: 874576-B21 0D1<br>Contract Name: Open Market<br>Contract #: Open Market                  | 1 | \$0.00   | \$0.00   |
| 24 | HPE 1GBE 4P BASE-T I350 ADPTR<br>Hewlett Packard Enterprise - Part#: 811546-B21<br>Contract Name: Open Market<br>Contract #: Open Market           | 1 | \$296.62 | \$296.62 |
| 25 | FACTORY INTEGRATED<br>Hewlett Packard Enterprise - Part#: 811546-B21 0D1<br>Contract Name: Open Market<br>Contract #: Open Market                  | 1 | \$0.00   | \$0.00   |
| 26 | HPE 800W FS PLAT HT PLG LH PWR SPLY KIT<br>Hewlett Packard Enterprise - Part#: 865414-B21<br>Contract Name: Open Market<br>Contract #: Open Market | 2 | \$236.67 | \$473.34 |
| 27 | FACTORY INTEGRATED<br>Hewlett Packard Enterprise - Part#: 865414-B21 0D1<br>Contract Name: Open Market<br>Contract #: Open Market                  | 2 | \$0.00   | \$0.00   |
| 28 | HPE ML350 GEN10 SFF SA/HBA CABLE KIT<br>Hewlett Packard Enterprise - Part#: 874575-B21<br>Contract Name: Open Market<br>Contract #: Open Market    | 1 | \$44.99  | \$44.99  |
| 29 | FACTORY INTEGRATED<br>Hewlett Packard Enterprise - Part#: 874575-B21 0D1<br>Contract Name: Open Market<br>Contract #: Open Market                  | 1 | \$0.00   | \$0.00   |
| 30 | HPE ML350 GEN10 SFF AROC CABLE KIT<br>Hewlett Packard Enterprise - Part#: 877575-B21<br>Contract Name: Open Market<br>Contract #: Open Market      | 1 | \$75.49  | \$75.49  |
| 31 | FACTORY INTEGRATED<br>Hewlett Packard Enterprise - Part#: 877575-B21 0D1<br>Contract Name: Open Market<br>Contract #: Open Market                  | 1 | \$0.00   | \$0.00   |
| 32 | HPE ML350 GEN10 REDUNDANT FAN CAGE KIT                                                                                                             | 1 | \$136.48 | \$136.48 |

Hewlett Packard Enterprise - Part#: 874572-B21  
Contract Name: Open Market  
Contract #: Open Market

|    |                                                                                                                                                  |   |          |             |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------|---|----------|-------------|
| 33 | FACTORY INTEGRATED<br>Hewlett Packard Enterprise - Part#: 874572-B21 0D1<br>Contract Name: Open Market<br>Contract #: Open Market                | 1 | \$0.00   | \$0.00      |
| 34 | HPE ILO ADV ELEC LIC 3YR SUPPORT<br>Hewlett Packard Enterprise - Part#: E6U64ABE<br>Contract Name: Open Market<br>Contract #: Open Market        | 1 | \$292.87 | \$292.87    |
| 35 | HPE 1.83M 10A C13-UL DOM PWR CORD<br>HPE - Part#: AF556A<br>Contract Name: Open Market<br>Contract #: Open Market                                | 2 | \$5.84   | \$11.68     |
| 36 | HPE 3Y FOUNDATION CARE NBD SERVICE<br>Hewlett Packard Enterprise - Part#: H7J32A3<br>Contract Name: Open Market<br>Contract #: Open Market       | 1 | \$0.00   | \$0.00      |
| 37 | HPE PROLIANT ML350 GEN10 SUPPORT<br>HPE - Part#: H7J32A3 ZBN<br>Contract Name: Open Market<br>Contract #: Open Market                            | 1 | \$442.06 | \$442.06    |
| 38 | HPE TRAINING CREDIT SERVERS/HYBRIDIT SVC<br>Hewlett Packard Enterprise - Part#: HF385A1<br>Contract Name: Open Market<br>Contract #: Open Market | 2 | \$802.32 | \$1,604.64  |
|    |                                                                                                                                                  |   | Total    | \$25,910.17 |

#### Additional Comments

Please Note: Hewlett Packard Enterprise has a zero returns policy on custom build machines.

Hardware items on this quote may be updated to reflect changes due to industry wide constraints and fluctuations.

*The products offered under this proposal are Open Market and resold in accordance with the terms and conditions at [SHI Online Customer Resale Terms and Conditions](#).*



## **Consent Item**

RE: Asphalt Milling

Department/Program: Public Works- Streets and Sidewalks

**RECOMMENDATION:** We recommend awarding this Unit Price contract to the low bidder NB West Contracting.

**EXPLANATION:** Ballwin continues to contract for the asphalt milling of streets. With the purchase of an asphalt paver in 2017, Public Works has continued to pave and or overlay streets within the department. The asphalt paving budget in 2021 is scheduled to be completed in-house.

Request for bid notices were sent to several contractors and advertised in the St. Louis Business Journal, Construction Market Data, Dodge Data & Analytics, and on the City's website.

The table below summarizes the bids received on February 12<sup>th</sup>, 2021.

| ASPHALT MILLING            | TOTAL BID          |
|----------------------------|--------------------|
| NB. West Contracting       | \$52,151.95        |
| Pace Construction          | \$56,262.50        |
| GS Grinding Services       | \$61,566.95        |
| Byrne & Jones Construction | \$106,953.65       |
| <b>BUDGET</b>              | <b>\$80,000.00</b> |

NB West Contracting has successfully completed similar work for other cities in the area.

Submitted By: Jim Link

Date: 2/12/2021



## Consent Item

Subject: Crushed Rock/Stone

Department/Program: Public Works- Pavement-Slabs-Sidewalks

**RECOMMENDATION:** We recommend awarding this unit price contract to Simpson Materials including all the alternate bids.

**EXPLANATION:** Crushed rock/stone is used in-house as a base for concrete pavement slabs, curbs, gutters, and sidewalk replacements. Commercial stone is used in concrete production.

We advertised in the St. Louis Business Journal, and solicited bids from several suppliers, and posted on the City's website. Bid specifications are on file at the Public Works Department. On February 12th, 2021, three (3) bids were received and opened. The summary of bids received is as follows.

| Bidder                                                                  | Type 5 Rock | Commercial Stone | State Concrete Stone | Alt. Bid #1 | Alt. Bid #2 | Alt. Bid #3  | Alt. Bid #4 |
|-------------------------------------------------------------------------|-------------|------------------|----------------------|-------------|-------------|--------------|-------------|
| Simpson Materials                                                       | \$3.70/ton  | \$8.35 /ton      | \$8.35/ton           | \$1.25 /ton | No Charge   | \$5.25 /ton  | \$5.00 /ton |
| Bussen Quarries                                                         | \$6.60/ton  | \$10.30/ton      | \$12.50/ton          | No Bid      | No Bid      | \$4.20       | No Bid      |
| Fred Weber, Inc.                                                        | \$6.05/ton  | No Bid           | \$15.00/ton          | No Bid      | No Charge   | \$11.00 /ton | No Bid      |
| <b>Budget \$10,000 for crushed rock and \$20,000 for concrete stone</b> |             |                  |                      |             |             |              |             |

Base bid - Type 5 Aggregate material only  
Commercial Stone- Rock used in the production of concrete  
State Concrete Stone-Rock used in the production of concrete.  
Alternate bid item #1 – Non-Reinforced Concrete Debris Disposal  
Alternate bid item #2 – Asphalt Debris Disposal  
Alternate bid item #3 – Aggregate Delivery Cost  
Alternate bid item #4 –Recycled Type 5 Aggregate

Submitted By: Jim Link

Date: 2/12/2021



## Consent Item

Subject: Portland Cement

Department/Program: Public Works- Slab & Sidewalk Replacement

**RECOMMENDATION:** We recommend awarding this contract at the bid unit price to the low bidder, Buzzi Unicem Usa.

**EXPLANATION:** Cement is one of the materials needed for concrete production. For the past few years we have received favorable bids for the contractual slab replacements, but have seen the cost rise for sidewalk replacements due to ADA requirements. We plan to focus on sidewalk work orders and ADA ramps as we are required to replace ADA ramps on any street we do construction on in the 2021 budget year.

Requests for bids were sent to three suppliers. Also, we advertised in the St. Louis Business Journal and on the City's website. Bid specifications are on file at the Public Works Department. On Feb 12<sup>th</sup>, 2021 three bids were opened. The summary of bids received is as follows.

| Bidder                 | Price/Ton          |
|------------------------|--------------------|
| Buzzi Unicem Usa       | \$151.00 /Ton      |
| Holcim Inc.            | \$151.50/Ton       |
| Continental Cement Co. | \$153.00 /Ton      |
| <b>Budget</b>          | <b>\$85,000.00</b> |

The concrete budget is \$85,000, but we only plan to use around \$30,000 for the cement.

Submitted By: Jim Link

Date: 2/12/2021



## Consent Item

RE: Striping

Department/Program: Public Works / Pavement

Recommendation: We recommend awarding the unit price contract to America's Parking Remarketing.

Explanation: We have solicited bids for re-striping yellow street centerlines and white lane lines. Request for bids were sent to several contractors, advertised in the St. Louis Business Journal, City's website, ePlan, Construction Data, and Dodge Data & Analytics. On February 12<sup>th</sup>, 2021, three bids were received and opened. A summary of the bids are as follows.

| 2021 Bids                     | Total Cost         |
|-------------------------------|--------------------|
| America's Parking Remarketing | \$26,981.37        |
| TraMar Contracting, Inc.      | \$28,872.48        |
| Traffic Control               | \$30,584.20        |
| <b>BUDGET</b>                 | <b>\$30,000.00</b> |

America's Parking Remarketing has no OSHA or prevailing wages violations in the past five years.

Submitted By: Jim Link

Date: 2/12/2021



## **Staff Report**

**Subject:** Professional Design Services for New Police Station

**Department/Program:** Administration/Police

**Explanation:**

In early 2020, the City issued a Request for Qualifications (RFQ) for professional design services for the proposed new police station facility at a site adjacent to Vlasik Park. The City received 10 responses to the RFQ. However, prior to moving forward with a recommendation for the Board to award a contract, the COVID-19 pandemic hit and the project was put on hold for 2020. The design work for the police station was again budgeted in 2021, with an eye towards moving forward with the project now that the City's finances have stabilized following the uncertainty of 2020.

The design work includes detailed architectural and engineering work and drawings, with the ultimate goal of creating a set of documents to be used to bid out the construction of the facility. Rather than re-bid the design work, staff decided to use the submittals received in the 2020 RFQ. The City received a number of well qualified submittals so there did not seem to be any need to issue a new RFQ. The following firms responded to the RFQ:

Archimages  
Bond Architects  
Chiodini Architects  
Christner Architects  
FGM Architects  
Ittner Architects  
Jema  
M+H Architects  
Powers Bowersox Associates  
Ross & Barruzzini, Inc.

Similar to the recent RFQ for an owner's representative for the project, the same committee was used to help review and evaluate the RFQ responses with the ultimate objective of providing a recommendation to the Board. The committee consisted of myself, Chief Schaeffler, Captain Bergfeld, Finance Officer Keller, and Mayor Pogue. Each member of the committee had the opportunity to review the submittals by the firms. After that review period it was determined to bring in three firms for an interview that the committee felt were the most qualified for this project based upon their qualifications and experience. The three firms brought in for an interview were Jema, Archimages, and FGM Architects.



The interviews took place on January 28<sup>th</sup> and 29<sup>th</sup> at City Hall. All three firms had a wealth of experience with comparable police facilities and excellent qualifications. After the interviews, staff reached out to references for each of the finalists to review their experience and opinion of each firm. Upon completion of review of references, it was determined that the committee would recommend the selection of Jema. Jema has considerable experience both locally and with municipal and police facilities. In addition, having performed the needs assessment and preliminary design work for the proposed facility, they have a thorough knowledge of the project already. References that we spoke to about their work all spoke highly of them. We also contacted references on some of their subcontractors (i.e. CEDC for civil engineering and CTS for mechanical and electrical) and their references spoke highly of them as well.

Upon selecting Jema as the recommended firm, we had our owner's representative, Navigate, negotiate a contract. The proposed contract with Jema is a fixed fee for a total of \$794,784 which covers the entire lifecycle of the project from now until occupancy. That number was calculated as 7.85% of the anticipated construction budget of \$9,742,470, plus an additional \$30,000 for work on A/V, security, furniture, and fixtures. Navigate believes this to be a fair contract based on their work on other similar facilities.

**Recommendation:**

Make a motion to approve the contract with JEMA to provide detailed design services to the City for development of a new City of Ballwin police facility.

**Submitted By:**            **Eric Sterman**

**Date:**                      **2/17/21**



## **Staff Report**

**Subject:** Stop Signs on Seawind

**Department/Program:** Police Department

**Explanation:**

I am recommending two new stop signs on Seawind Drive for the purpose of slowing traffic on Seawind between the Old Ballwin Apartments and the Kensington West Apartment complexes.

This recommendation follows a safety concern surfaced by a resident who lives in the Old Ballwin Apartment Complex. The complaint indicated that a blind corner exists wherein vehicles traveling on Seawind between Ramsey Lane and Old Ballwin Road are unable to see pedestrian traffic or vehicular traffic entering or leaving the Old Ballwin Apartment parking lots, north and south of Seawind Drive. A Rockwood School District bus stop also exists at this location and residents must cross the roadway with their children in the area in question.

Seawind Drive is commonly used as a cut through between Ramsey and Old Ballwin. This area is densely populated as two apartment complexes are present and pedestrian traffic is higher than normal due to condensed residential population. Kensington West currently has 274 single family apartments and the Old Ballwin complex has 48 single family apartments.

I have viewed the intersection and the residents' concerns are valid. Installation of stop signs at the proposed locations would improve safety by causing vehicles traveling between Ramsey and Old Ballwin to stop prior to navigating the corner in question.

A search for crash reports on Seawind Drive during the past two years revealed only two reports. One accident in 2020 was documented as property damage only and a 2019 crash documented one party injured with vehicle rollover involved.

Additionally a traffic study was recently conducted by Officer Reim. The average speed for Northbound Seawind Drive is 4.4 MPH under the speed limit, and Southbound is 3.8 MPH under the posted speed limit. Traffic volume in this area is below average to average for a residential street, with approximately 168 vehicles a day per direction. The data showed the average speed was slightly higher for Southbound vehicles approaching the corner in question. The highest speed recorded during the study was 51 MPH on 01-09-2021 at 5:40 pm.

We have contacted Shaunna Wildhaber, General manager of the Kensington West Apartment Complex. We asked if the complex had an opinion regarding this issue and she stated she has recognized the same concerns and fully supports installation of stop signs in the area in an effort to increase pedestrian and vehicular safety.

Due to the small amount of vehicles utilizing Seawind, impact on vehicular traffic resulting from stop sign installation would be minimal. We have consulted with Street Director, Jim Link, and he has no objections.

**Recommendation:**

I am seeking Board approval to draft an ordinance for the two stop signs.

**Submitted By:** Chief Douglas W. Schaeffler

**Date:** February 22, 2021



## **Staff Report**

**Subject:** Social Host Ordinance

**Department/Program:** Police Department

**Explanation:**

One of the goals of the Rockwood School District's Community Partners in Prevention program is to have all of the municipalities serving Rockwood students adopt a Social Host ordinance. After reading legislation passed by the City of Wildwood, Chapter 215. Nuisances, Article VI. Social Host Ordinance, and speaking with members of the Community Partners in Prevention program, I believe with a couple of minor changes Ballwin Ordinance 17-73 "Failure to Supervise Minor" will meet the goals of the proposed legislation without having to draft an entirely new ordinance.

Two changes to Ballwin Ordinance 17-73 would allow for it to mirror similar legislation proposed in the area. The first proposed change would be changing the title from Failure to Supervise Minor to Social Host Ordinance. This title change would allow for students, guardians of students, and school staff to easily direct individuals to an ordinance regulating social hosting throughout the region. This title change also updates dated verbiage to a more modern and currently understandable language.

The second proposed change would be to add a warning period of twelve months to the ordinance. This addition clearly outlines the parameters of the warning period and mirrors similar legislation proposed by the Community Partners in Prevention and passed by the City of Wildwood.

I have attached a copy of our ordinance, with the revisions, and a copy of the Wildwood ordinance should you deem adopting that verbiage entirely versus these proposed changes.

**Recommendation:**

I am seeking Board approval to draft an ordinance in accordance with the changes above.

**Submitted By:** Chief Douglas W. Schaeffler

**Date:** February 22, 2021

Sec. 17-73. - ~~Failure to supervise minor.~~ **Social Host Ordinance**

(a) *Definitions.* For the purpose of this section, the following definitions shall apply:

*Alcoholic beverages.* Any beverage constituting intoxicating liquor, light wines, malt liquor or non-intoxicating beer, as those terms are defined in chapter 3 of this Code.

*Controlled substance.* Any drug, substance or immediate precursor defined or described as such in Section 195.010, RSMo. (2000) as may be amended or revised from time to time.

*Delivery of alcoholic beverages or controlled substances.* The gift or exchange of an alcoholic beverage or controlled substance from one person to another.

*Minor.* Any person under the age of 21 years.

*Parent.* A natural or adoptive parent, or a guardian, or the adult designee of either of them.

*Party, gathering or event.* An assemblage or a group of persons for a social occasion or for a social activity.

*Person in control of the premises.* An adult who owns, leases, rents or is otherwise the lawful occupant of any premises or the adult designee thereof.

*Practitioner.* Any medical professional or other person as defined or described in Section 195.010, RSMo. (2000) as may be amended or revised from time to time.

(b) *Use of premises for consumption of alcoholic beverages or controlled substances.* It shall be unlawful for any person to knowingly or negligently permit, allow or host, on or in a premises under his or her control, the consumption of alcoholic beverages or controlled substances by a minor; except that this section shall not apply to the following:

- (1) The delivery of alcoholic beverages to a minor or the consumption of alcoholic beverages by a minor in connection with the performance of any bona fide religious service under the supervision of an adult, with the consent of the person in control of the premises.
- (2) The delivery of an alcoholic beverage to a minor by that minor's parent and under the direct supervision of the parent.
- (3) The possession or consumption of or the delivery to a minor of a controlled substance prescribed for that minor by a practitioner when such delivery by that minor's parent or by the person in control of the premises, provided that he or she has obtained the prior consent of that minor's parent.

(c) *Rental of a premises.* It shall be unlawful for any owner, agent, employee or contractor thereof to rent any room, rooms, apartment or any building or portion of a building to a minor or to any adult when it is reasonably foreseeable that said adult, or his or her adult designee, will leave the said premises or reasonably foreseeable that said premises may be used for a gathering at which alcoholic beverages or controlled substances may be in possession of or consumed by minors except as otherwise provided in this chapter.

(d) *Duty to disperse—Police services, fees for police services.*

- (1) Any person in control of a premises at which alcoholic beverages or controlled substances are in the possession of or are being consumed by minors, or his or her adult designee, shall cause all persons in or on said premises who are not lawful residents thereof to disperse not more than 15 minutes after personally receiving an order to do so issued by a peace officer.
- (2) When a party, gathering or event occurs on private property and a police officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, the person or persons responsible for the party, gathering or event will be held liable for the cost of providing police services during a second or follow-up response by the police after a first warning to the person or persons responsible for the party, gathering or event **within a twelve (12) month period of a warning given to a responsible person for the premises.** The second or

follow-up response may also result in the arrest and/or citation of violators pursuant to state law or other provisions of this Code.

- (3) The police services fee shall include the cost of personnel and equipment but shall not exceed \$500.00 for a single incident provided, however, that the city does not waive its right to seek reimbursement for actual costs exceeding \$500.00 through other legal remedies. The amount of such fees shall be deemed a debt owed to the city by the person responsible for the party, gathering or event. If such persons are minors, their parents or guardians shall be responsible for such debt. Any person owing such fees to the city shall be liable in an action brought in the name of the city for recovery of such fees, including reasonable attorney's fees.
- (e) *Penalty.* Any person or persons convicted of violating the provisions of this section shall be fined an amount not to exceed \$500.00 for each offense; except that for third and subsequent violations by the same person or persons, the fine shall not be less than \$1,000.00 for each offense.

(Ord. No. 17-03, § 1, 2-13-17)

## **City of Wildwood-**

Chapter 215. Nuisances, Article VI. Social Host Ordinance

Section 215.350.

Legislative Findings.

[R.O. 1997 § 215.350; Ord. No. 1510 § 1, 5-12-2008]

A. The City Council finds as follows:

1. The City of Wildwood, pursuant to the Police powers delegated to it by the Missouri Constitution, has the authority to enact laws which promote the public health, safety and general welfare of its residents.
2. The occurrence of loud or unruly gatherings on private property where alcoholic beverages or controlled substances are served to or consumed by underage persons is harmful to the underage persons themselves and a threat to public health, safety, quiet enjoyment of residential property and general welfare.
3. Underage persons often obtain alcoholic beverages and controlled substances at gatherings held at private residences or at rented residential premises that are under the control of a person who knows or should know of the underage service and/or consumption. Persons responsible for the occurrence of loud or unruly gatherings on private property over which they have possession or control have failed to ensure that alcoholic beverages or controlled substances are neither served to nor consumed by underage persons at these parties.
4. Problems associated with loud or unruly gatherings at which alcoholic beverages and controlled substances are served to or consumed by underage persons are difficult to prevent and deter unless the Police Department has the legal authority to abate the party or gathering by directing or ordering the host or other responsible person to disperse the party or gathering.
5. Control of loud or unruly gatherings on private property where alcoholic beverages and controlled substances are served to or consumed by underage persons is necessary when such activity is determined to be a threat to the peace, health, safety or general welfare of the public.
6. Persons held responsible for abetting or tolerating loud or unruly gatherings will be more likely to properly supervise or stop such conduct at gatherings held on property under their possession or control.
7. In the past and present, law enforcement, fire and other emergency response services personnel have and are required to respond, sometimes on multiple occasions, to loud or unruly gatherings on private property at which alcoholic beverages and controlled substances are served to or possessed or consumed by underage persons, and responses to such gatherings result in a disproportionate expenditure of public safety resources of the City of Wildwood, which are underwritten by municipal taxes paid by its taxpayers and residents and delaying Police responses to regular and emergency calls to the rest of the City.

Section 215.360. Purposes.

[R.O. 1997 § 215.360; Ord. No. 1510 § 1, 5-12-2008]

A. The purposes of this Article are:

1. To protect public health, safety and general welfare;
2. To enforce laws prohibiting the service to and consumption and use of alcoholic beverages and controlled substances by underage persons; and

3. To reduce the costs of providing Police, fire and other emergency response services to loud or unruly gatherings by imposing a civil fee against social hosts and landowners for the recovery of costs associated with providing law enforcement, fire and other emergency response services to loud or unruly gatherings, including those where alcoholic beverages and controlled substances are served to or consumed by underage persons.

Section 215.370. Definitions.

[R.O. 1997 § 215.370; Ord. No. 1510 § 1, 5-12-2008]

For the purposes of this Article, the following terms shall have the following meanings:

ADULT

Any person twenty-one (21) years of age or older.

ALCOHOL

Any substance containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol and isopropanol.

ALCOHOLIC BEVERAGE

The same meaning as "intoxicating liquor" as that term is defined in Chapter 600 of the City of Wildwood Code.

CONTROLLED SUBSTANCE

The same meaning as that term is defined in Chapter 210 of the City of Wildwood Code.

JUVENILE

Any person under seventeen (17) years of age.

LOUD OR UNRULY GATHERING

1. A party or gathering of two (2) or more underage persons at or on a residence or other private property upon which loud or unruly conduct occurs. Such loud or unruly conduct includes, but is not limited to:

- a. Excessive noise;
- b. Excessive traffic;
- c. Obstruction of public streets or crowds that have spilled into public streets;
- d. Public drunkenness, unlawful public consumption or possession of alcohol or alcoholic beverages by underage persons;
- e. Service to or consumption of alcohol or alcoholic beverages by any underage person, except as permitted by City Code, State law or Missouri Constitution;
- f. Assaults, batteries, fights, domestic violence or other disturbances of the peace;
- g. Vandalism;
- h. Litter; and
- i. Any other conduct which constitutes a threat to public health, safety, quiet enjoyment of residential property or general welfare.

2. A loud or unruly gathering shall constitute a public nuisance and may be abated by an order of a Police Officer directing the host or other responsible person to cause all persons in or on said premises who are not lawful residents thereof to disperse not more than fifteen (15) minutes after the host or other responsible person receives an order to do so issued by a Police Officer.

RESIDENCE or OTHER PRIVATE PROPERTY



A home, yard, open field, vacant lot, apartment, condominium or other dwelling unit or a hall or meeting room, whether occupied as a dwelling, party or other social function and whether owned, leased, rented or used with or without compensation.

#### RESPONSE COSTS

The costs associated with responses by law enforcement, fire and other emergency response providers to loud or unruly gatherings including, but not limited to:

1. Salaries and benefits of law enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at or otherwise dealing with loud or unruly gatherings and the administrative costs attributable to such response(s).
2. The cost of any medical treatment to or for any law enforcement, fire or other emergency response personnel injured responding to, remaining at or leaving the scene of a loud or unruly gathering.
3. The cost of repairing any City or emergency services equipment or property damaged and the cost of the use of any such equipment in responding to, remaining at or leaving the scene of a loud or unruly gathering.

#### RESPONSIBLE PERSON

1. A person or persons with a right of possession in the residence or other private property on which a loud or unruly gathering is conducted including, but not limited to:
  - a. An owner of the residence or other private property;
  - b. A tenant or lessee of the residence or other private property;
  - c. The person(s) in charge of the residence or other private property; and
  - d. The person(s) who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering.
2. If a responsible person for the gathering is a juvenile, then the parents or guardians of that juvenile and the juvenile will be jointly and severally liable for the response costs incurred pursuant to this Article. To incur liability for response costs imposed by this Article, the responsible person for the loud or unruly gathering need not be present at such gathering resulting in the response giving rise to the imposition of response costs. This Article therefore imposes vicarious as well as direct liability upon a responsible person.

#### UNDERAGE PERSON

Any person under twenty-one (21) years of age.

Section 215.380. Responsibility For Proper Management Of Property.

[R.O. 1997 § 215.380; Ord. No. 1510 § 1, 5-12-2008]

Every owner, occupant, lessee or holder of any possessory interest of a residence or other private property within the City of Wildwood is required to maintain, manage and supervise the property and all persons thereon in a manner so as not to violate the provisions of this Article.

Section 215.390. Violations And Penalties.

[R.O. 1997 § 215.390; Ord. No. 1510 § 1, 5-12-2008]

A.

Prohibited Acts.

1. It shall be unlawful for any responsible person to allow, permit or host a loud or unruly gathering at a residence or other private property. Whenever an adult having control of the residence or premises is present at that residence or premises at the time an underage person obtains, possesses, or consumes any alcoholic beverage or controlled substance, it shall be

prima facie evidence that such an adult had the knowledge or should have had the knowledge that the underage person obtained, possessed or consumed an alcoholic beverage or controlled substance at the gathering.

2. No responsible person shall allow a loud or unruly gathering to take place or continue at said residence or premises if an underage person at the party obtains, possesses or consumes any alcoholic beverages or controlled substances and the responsible person knows or reasonably should know that the underage person has obtained, possesses or is consuming alcoholic beverages or controlled substances at the gathering.

3. This Article shall not apply to family gatherings at which underage persons are present and supervised by their parents and/or legal guardians.

B. Fines. A fine may be imposed up to the maximum amount provided for in Section 100.140 of the Code for any violation of this Article.

C. The fines imposed pursuant to Subsection (B) are in addition to any response costs that may be assessed pursuant to this Article.

Section 215.400. Appeals.

[R.O. 1997 § 215.400; Ord. No. 1510 § 1, 5-12-2008]

Any person upon whom a fine is imposed pursuant to Section 215.390 shall have the right to appeal the imposition of such fine in the manner as provided for in Sections 135.200 and 135.210 of the Wildwood City Code.

Section 215.410. Recovery Of Response Costs.

[R.O. 1997 § 215.410; Ord. No. 1510 § 1, 5-12-2008]

A. When law enforcement, fire or other emergency response provider responds to a loud or unruly gathering at a residence or other private property within the City of Wildwood within a twelve (12) month period of a warning given to a responsible person for a loud or unruly gathering, all responsible persons shall be jointly and severally liable for the response costs for that response and all subsequent responses during the warning period.

B. When a law enforcement, fire or other emergency response provider official makes an initial response to a loud or unruly gathering at a residence or other private property within the City of Wildwood, the official shall inform any responsible person(s) for the gathering at the scene that:

1. The official has determined that a loud or unruly gathering exists; and
2. Responsible person(s) will be charged for any response costs required for subsequent responses to the scene for a loud or unruly gathering within a twelve (12) month period involving the same responsible person(s).

C. Only one (1) warning will be given to a responsible person(s) pursuant to this Article before the City of Wildwood assesses response costs pursuant to Section 215.410. If a responsible person cannot be identified at the scene, the official may issue a warning to one (1) or more persons identified in Section 215.370 under the definition of "responsible person" and/or subsequently return to the residence or other private property and issue the warning to a then-present responsible person. Warnings given to responsible persons who do not reside at the residence or other private property in question shall be delivered by first class and/or certified mail.

Section 215.420. Billing And Collection.

[R.O. 1997 § 215.420; Ord. No. 1510 § 1, 5-12-2008]

A. The amount of response costs shall be deemed a debt owed to the City of Wildwood by the responsible person held liable in Section 215.410 for the loud or unruly gathering and, if a juvenile, by the juvenile's parents or guardians.

B. Notice of the costs for which the responsible person is liable shall be mailed via first class and/or certified mail within fourteen (14) days of the response giving rise to such costs. The notice shall contain the following information:

1. The name of the person(s) being held liable for the payment of such costs;
2. The address of the residence or other private property where the loud or unruly gathering occurred;
3. The date and time of the response;
4. The law enforcement, fire or emergency service provider who responded;
5. The date and time of any previous warning given pursuant to Section 215.410 and/or previous responses to loud or unruly gatherings at the residence or other private property in question within the previous twelve (12) months; and
6. An itemized list of the response costs for which the person(s) is being held liable.

C. The responsible person must remit payment of the noticed response costs to the City Clerk within thirty (30) days of the date of the notice. Any action to recover such costs will be brought in the name of the City of Wildwood in the Circuit Court for the County of St. Louis, Missouri.

D. In addition to all other remedies provided for in this Section, if a responsible person(s) fails to remit the costs assessed hereunder, said costs shall be certified to the City Clerk who shall cause the costs to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property, and the certified costs shall be collected by the City Collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified costs are not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

Section 215.430. Reservation Of Legal Options.

[R.O. 1997 § 215.430; Ord. No. 1510 § 1, 5-12-2008]

Nothing in this Article shall be construed as a waiver by the City of Wildwood of any right to seek reimbursement for actual costs of response services through other legal remedies or procedures. The procedure provided for in this Article is in addition to any other Statute, ordinance or law, civil or criminal. This Article in no way limits the authority of Peace Officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this Article.

Section 215.440. Severability.

[R.O. 1997 § 215.440; Ord. No. 1510 § 1, 5-12-2008]

If any provisions of this Article or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Article that can be given effect without the invalid provision or application and, to this end, the provisions of this Article are severable.



## **Staff Report**

**Subject:** Hot Mix Asphalt

**Department/Program:** Public Works-Pavement

**Recommendation:** We recommend awarding the unit price contract to the second lowest bidder, Fred Weber, and to accept alternate bid #2.

**Explanation:** Bids were requested from four asphalt suppliers to furnish hot mix asphalt. Delivery is not included in the base bid amount as we purchase small quantities at a time so the asphalt will retain its heat when placed. We advertised in the St. Louis Business Journal, and on the City's website. Bid specifications are on file at the Public Works Department. On February 12<sup>th</sup>, 2021, three (3) bids were received and opened. Below is the summary of the bids received.

| Bidder            | Base Bid (material) | Alt. Bid #1<br>(concrete debris) | Alt. Bid #2<br>(asphalt debris) | Alt. Bid #3<br>(Hauling) |
|-------------------|---------------------|----------------------------------|---------------------------------|--------------------------|
| Byrne & Jones     | \$60.00/ Ton        | No Bid                           | \$10.00/ Ton                    | \$14.49/ Ton             |
| Fred Weber        | \$47.00/ Ton        | No Bid                           | No Charge                       | No Bid                   |
| Simpson Materials | \$46.50/ Ton        | \$1.25/Ton                       | No Charge                       | No Bid                   |
| <b>Budget</b>     |                     | <b>\$250,000.00</b>              |                                 |                          |

Type 'C' asphalt is primarily used for resurfacing projects.

Type 'D' asphalt is used for potholes and milling/filling concrete joints.

Type 'X' asphalt is used for a base mix on resurfacing projects.

Type 'Commercial' is used for curbs or driveways aprons on resurfacing projects.

Alternate bid #1 is for the disposal of concrete slabs and sidewalks debris.

Alternate bid #2 is for disposal of asphalt debris.

Alternate bid #3 is for hauling asphalt to the jobsite during paving operations.

Simpson Materials does not guarantee that they will mix daily in the winter months. An example is Simpson only operated 36 days out of 82 days possible from December 1<sup>st</sup>, 2019 to March 31<sup>st</sup>, 2020. This poses a problem getting asphalt for potholes or emergency repairs and when temperatures are suitable for small projects during the winter. Due to availability issues we recommend using the second low bidder.

Submitted By: Jim Link

Date: 2/12/2021



## Staff Report

Subject: Street Sweeping

Department/Program: Public Works/ Pavement

**Recommendation:** We recommend awarding the contract to the bidder, Contractors and Municipal Sweeping, Inc.

**Explanation:** Since 2006 we have contracted for street sweeping. As in the past, the 2021 budget includes funds for quarterly contractual sweeping in compliance with our State Storm water Permit.

Invitations to bid were sent to several contractors. We advertised in the St. Louis Business Journal, ePlan, Dodge Data & Analytics and on the City's website. The bid specifications are on file in the Public Works Department. On February 12<sup>th</sup>, 2021, one bid was received and opened. The results are as follows:

| Bidders                                        | 4 times/year       | Additional Sweepings/hour |
|------------------------------------------------|--------------------|---------------------------|
| Contractors & Municipal Sweeping Service, Inc. | \$28,500.00        | \$105.00                  |
| Crowns & Curbs, Inc.                           | No Bid             | No Bid                    |
| <b>Budget</b>                                  | <b>\$35,000.00</b> |                           |

The bid specifications include sweepings in March, May, July, and September, but does not include disposal of the sweeper debris. Republic Waste will dispose of the sweeping debris at no cost to the City.

The additional sweeping hourly rate is for special sweeping such as cleanup after a major storm or before special events.

Contractors & Municipal Sweeping Service has no known OSHA violations during the past three years. They swept Ballwin streets last year.

Submitted By: Jim Link

Date: 2/12/2021



## Staff Report

**RE:** Concrete Ready Mix

**Department/Program:** Public Works/ Pavement

**Recommendation:** We recommend awarding this contract at the Unit bid price for the two types of concrete, including the alternate bids, to the low bidder, Valley Material Company.

**Explanation:** Requests for bids were sent to several suppliers. Also, we advertised in the St. Louis Business Journal and on the City's website. Bid specifications are on file at the Public Works Department. On February 12<sup>th</sup>, 2021, two bids were received and opened. The summary of bids received is as follows.

| Bidder                     | High Early Strength Concrete (Slabs)<br>Bid Quantity: 1,000 cy | Class B Concrete (Sidewalks)<br>Bid Quantity: 600 cy |
|----------------------------|----------------------------------------------------------------|------------------------------------------------------|
| Landvatter Ready Mix, Inc. | \$109.30 /cy                                                   | \$109.00 /cy                                         |
| Valley Material Company    | \$106.00 /cy                                                   | \$100.00 /cy                                         |
| <b>Budget</b>              | <b>\$85,000</b>                                                |                                                      |

In addition to the cubic yard unit price, the following alternate bid prices were received.

| Item No. | Description                                                | Unit       | Landvatter Ready Mix                                                                                       | Valley Material                                                                        |
|----------|------------------------------------------------------------|------------|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| A        | Demurrage (in excess of 5 minutes per cy) (unloading time) | Per Minute | \$1.50/min                                                                                                 | \$2.00/min                                                                             |
| B        | 1% Calcium Chloride (cold weather)                         | Per CY     | \$2.25/cy                                                                                                  | \$2.94/cy                                                                              |
| C        | Retarder (3 oz/cwt) (hot weather)                          | Per CY     | \$2.75/cy                                                                                                  | \$5.00/cy                                                                              |
| D        | Winter Service (hot water)                                 | Per CY     | \$5.00/cy                                                                                                  | \$5.00/cy                                                                              |
| E        | Short Haul Charge (delivery of less than 5 cy per load)*   | Per CY     | \$140.00: 1 – 1.75 yards<br>\$120.00: 2 – 2.75 yards<br>\$75.00: 3 – 3.75 yards<br>\$45.00: 4 – 4.75 yards | \$150.00: 1-175 cy<br>\$120.00: 2-2.75 cy<br>\$100.00: 3-3.75 cy<br>\$80.00: 4-4.75 cy |

The concrete budget is \$85,000, but we only plan to use around \$15,000 as a backup to our own production.

Submitted By: Jim Link

Date: 2/12/2021



## Staff Report

Subject: Ready Mix Sand

Department/Program: Public Works- Slab and Sidewalk Replacement

**Recommendation:** We recommend awarding this contract at the unit bid price to the bidder, Bussen Quarries.

**Explanation:** Sand is one of the materials needed for concrete production. For the past few years we have received favorable bids for the contractual slab replacements, but have seen the cost rise for sidewalk replacements due to ADA requirements. We plan to focus on sidewalks work orders and ADA ramps in house as we are required to replace any ADA ramps on any street we do construction on.

Requests for bids were sent to three suppliers. Also, we advertised in the St. Louis Business Journal and on the City's website. Bid specifications are on file at the Public Works Department. On February 12th, 2021, one bid was received and opened. The summary of bids received is as follows.

| Bidder                                                        | Mississippi River Sand | Low Lignite River Sand | Delivery charge |
|---------------------------------------------------------------|------------------------|------------------------|-----------------|
| Bussen Quarries                                               | \$7.50 /ton            | \$8.80/ton             | \$5.25 /ton     |
| Simpson Materials                                             | No Bid                 | No Bid                 | No Bid          |
| Winter Brothers                                               | No Bid                 | No Bid                 | No Bid          |
| <b>Budget</b> (1600 lbs. of Sand in 1 cubic yard of concrete) |                        | \$85,000               |                 |

The concrete budget is \$85,000, but we only plan to use around \$20,000 for the Sand.

Submitted By: Jim Link

Date: 2/12/2021