



BOARD OF ALDERMEN

Meeting Agenda

NOVEMBER 9, 2020

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. October 26, 2020 Board of Aldermen Meeting Minutes
 - b. October 26, 2020 Board of Aldermen Closed Meeting Minutes
- 5. Citizen Comments**
- 6. Legislation**
 - a. Bill 4076 – Community Development Block Grant
 - b. Bill 4077 – 14924 Manchester LLC
 - c. Bill 4078 – Dowling Enterprises/Car Wash
 - d. Bill 4079 – Chase ATM
 - e. Bill 4080 – Panera Bread
- 7. Consent Items**
 - a. Parks – Ferris Park Change Orders/Topsoil
- 8. Mayor's Report**
- 9. City Administrator's Report**
- 10. City Attorney's Report**
- 11. Aldermanic Comments**
- 12. Closed Session** – Pursuant to Section 610.022 RSMo, the Board of Aldermen will vote to close the public meeting and move to closed session to discuss real estate matters under Section 610.021(2).
- 13. Adjourn**

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

CLOSED SESSION: Pursuant to Section 610.022 RSMo., The Board of Aldermen could, at any time during the meeting, vote to close the public meeting and move to closed session to discuss 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

OCTOBER 26, 2020

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

This meeting of the Ballwin Board of Aldermen will be conducted live in accordance with the assembly guidelines limiting attendance to 25% of room capacity. The meeting room has been set up to insure social distancing. To ensure compliance, staff and/or members of the general public may be required to wait in the lobby and adjacent spaces.

MINUTES Enclosed, please find the Minutes from the October 26, 2020 Board of Aldermen Meeting and the October 26, 2020 Board of Aldermen Closed Meeting.

LEGISLATION

BILL 4076 - AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BALLWIN, MISSOURI, TO EXECUTE THE MUNICIPAL HOUSING AND COMMUNITY DEVELOPMENT SUPPLEMENTAL COOPERATION AGREEMENT OF 2020; AND SUPPLEMENTAL AGREEMENTS THERETO WITH ST. LOUIS COUNTY WITH REGARD TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1977 AS AMENDED.

This ordinance authorizes the Mayor to execute the Municipal Housing and Community Development Supplemental Cooperation agreement.

BILL 4077 - AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO 14924 MANCHESTER LLC FOR FRONT YARD PARKING AND OPERATION OF A RESTAURANT WITH FRONT YARD PARKING AND A DRIVE-THROUGH SERVICE WINDOW.

A petition has been received from 14924 Manchester LLC, requesting the use of certain property for front yard parking and operation of a restaurant with front-yard parking and a drive-through service window.

BILL 4078 - AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO DOWLING ENTERPRISES, LLC FOR FRONT YARD PARKING AND OPERATION OF A CARWASH.

A petition has been received from Dowling Enterprises, LLC, requesting the use of certain property for front yard parking and operation of a carwash.

BILL 4079 - AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO CHASE FOR OPERATION OF A FINANCIAL INSTITUTION (ATM).

A petition has been received from Chase, requesting the use of certain property for operation of a financial institution (ATM).



BOARD OF ALDERMEN

Meeting Briefs

OCTOBER 26, 2020

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

BILL 4080 - AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO PANERA BREAD FOR FRONT YARD PARKING AND OPERATION OF A RESTAURANT WITH OUTDOOR SEATING AND A DRIVE-THROUGH SERVICE WINDOW.

A petition has been received from Panera Bread, requesting the use of certain property for front yard parking and operation of a restaurant with outdoor seating and a drive-through service window.

CONSENT ITEMS

PARKS – Ferris Park Change Orders

Staff is requesting the Board approve a change order from Ideal Landscape Group in the amount of \$29,300 for additional topsoil and grading for Ferris Park.

MAYOR'S REPORT

CITY ADMINISTRATOR'S REPORT

CITY ATTORNEY'S REPORT

ALDERMANIC COMMENTS

CLOSED SESSION



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

OCTOBER 26, 2020

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

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

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

ROLL CALL

Present

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

Absent

Alderman Jim Leahy

Alderman Ross Bullington
Alderman Raymond Kerlagon
City Administrator Eric Serman
City Attorney Robert Jones

The Pledge of Allegiance was recited.

MINUTES

The Minutes from the October 12, 2020, 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 October 12, 2020 Board of Aldermen meeting. A voice vote was taken with a unanimous affirmative result and the motion passed.



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

OCTOBER 26, 2020

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

CITIZEN COMMENTS

None

LEGISLATION

BILL 4073 - AN ORDINANCE PROVIDING FOR THE ERECTION OF TRAFFIC CONTROL SIGNS AND AMENDING THE ORDINANCES PROVIDING FOR THE LOCATIONS THEREOF

This ordinance is to approve signage prohibiting commercial vehicles on certain streets in Claywood subdivision.

A motion was made by Alderman Fleming and seconded by Alderman Bullington for a first reading of Bill 4073, title only. A voice vote was taken with unanimous affirmative result and Bill 4073 was read for the first time.

Discussion:

Alderman Finley asked about the definition of commercial vehicles and if vehicles making deliveries are excluded. City Attorney Jones stated there is an exception for delivery vehicles such as FedEx, UPS, etc.

A motion was made by Alderman Fleming and seconded by Alderman Bullington for a second reading of Bill 4073, title only. A voice vote was taken with unanimous affirmative result and Bill 4073 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4073 with the following results:

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

Nays -- None.

Bill No. 4073 was approved and became Ordinance No. 20-21

BILL 4074 - AN ORDINANCE REVISING THE REGULATION OF WIRELESS COMMUNICATION FACILITIES AND SUPPORT STRUCTURES

This ordinance will bring the City's Code of Ordinances regarding Special Use Exceptions into conformance with State law.

A motion was made by Alderman Fleming and seconded by Alderman Bullington for a first reading of Bill 4074, title only. A voice vote was taken with unanimous affirmative result and Bill 4074 was read for the first time.



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

OCTOBER 26, 2020

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

Discussion:

Alderman Finley asked about paragraph two which states "...authority may require an applicant..."; what's the definition for "authority"? City Attorney Jones responded that this paragraph was taken word for word from state statute and this could mean a county, city or other political subdivision. Alderman Fleming asked, for clarification, this is to bring us into compliance with state statute; Mr. Jones replied that is correct and that the second paragraph of Section 7.6-6 was removed and replaced with the paragraph from the state statute. Alderman Roach asked if this alters our process; Mr. Jones replied it does not, but it limits the City to review what is allowed by state statute.

A motion was made by Alderman Fleming and seconded by Alderman Bullington for a second reading of Bill 4074, title only. A voice vote was taken with unanimous affirmative result and Bill 4074 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4074 with the following results:

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

Nays -- None.

Bill No. 4074 was approved and became Ordinance No. 20-22

BILL 4075 - AN ORDINANCE PROVIDING FOR THE ANNEXATION BY THE CITY OF BALLWIN, MISSOURI OF AN AREA OF UNINCORPORATED LAND DESCRIBED HEREIN AND REFERRED TO AS "WATERFORD SUBDIVISION."

With this ordinance, the City accepts the annexation of Waterford Subdivision.

A motion was made by Alderman Stallmann and seconded by Alderman Roach for a first reading of Bill 4075, title only. A voice vote was taken with unanimous affirmative result and Bill 4075 was read for the first time.

Discussion:

Mayor Pogue asked City Attorney Jones if there would be any ordinances to be amended due to this annexation; Mr. Jones replied that likely there would be to add the streets to schedules, speed limits, etc., and he would be reviewing those ordinances. Alderman Stallmann stated that the residents of Waterford came to Ballwin asking to be part of this city because of the great things we have to offer and welcomed them to Ward 2. Alderman Roach also welcomed the Waterford residents to Ward 2. Alderman Finley stated that he remembers several years ago, a letter was prepared for new residents to be signed by their aldermen; he asked if we had discontinued that practice. Mayor Pogue stated that the practice had stopped. Communications Specialist Robinson reported that we are currently updating the new resident handbook.



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

OCTOBER 26, 2020

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

A motion was made by Alderman Roach and seconded by Alderman Stallmann for a second reading of Bill 4075, title only. A voice vote was taken with unanimous affirmative result and Bill 4075 was read for a second time.

A roll call vote was taken for passage and approval of Bill 4075 with the following results:

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

Nays -- None.

Bill No. 4075 was approved and became Ordinance No. 20-23

MAYOR'S REPORT

Mayor Pogue welcomed P'sghetti's to Ballwin; they opened today and we're excited to have them in our City. He encouraged everyone to check them out.

CITY ADMINISTRATOR'S REPORT

Nothing to report

STAFF REPORTS

Finance Officer Keller presented the proposed budgets for the Special Revenue funds for 2021. Revenues for the Special Allocations and Transportation Development District (TDD) funds continue to be negatively impacted by vacancies in the Old Towne Plaza. The Sewer Lateral fund is in a strong financial position, and residents are no longer on a waitlist to receive reimbursement from the program for sewer lateral repairs. Expenditures in the Federal Asset Seizure program include \$38,900 for support of the in-car and body worn camera systems.

CITY ATTORNEY'S REPORT

Nothing to report

ALDERMANIC COMMENTS

None

CLOSED SESSION

A motion was made by Alderman Bullington and seconded by Alderman Stallmann to move to closed session pursuant to Section 610.021(2), real estate matters. A roll call vote was taken and the Board moved into closed session at 7:34 p.m.

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

Nays - None



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

OCTOBER 26, 2020

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

OPEN SESSION

A motion was made by Alderman Fleming and seconded by Alderman Finley to reconvene. The motion was passed by unanimous affirmative vote.

A motion was made by Alderman Fleming and seconded by Alderman Stallmann to adjourn. The motion was passed by unanimous affirmative voice vote and the meeting adjourned at 7:47 p.m.

TIM POGUE, MAYOR

ATTEST:

POLLY MOORE, CITY CLERK

MINUTES OF THE CLOSED SESSION – OCTOBER 26, 2020
BALLWIN BOARD OF ALDERMEN

The Ballwin Board of Aldermen convened in closed session on October 26, 2020 at 7:35 PM at 1 Government Center. Present were Mayor Pogue, Aldermen Finley, Fleming, Stallmann, Utt, Bullington, Roach and Kerlagon, City Administrator Eric Stermann and City Attorney Robert E. Jones.



A motion was made by Alderman Stallmann to approve the Sale Contract and authorize the Mayor to sign the Contract together with all other documents needed for closing. The motion was seconded by Alderman Bullington.

The following vote was recorded:

Alderman Stallmann	aye
Alderman Fleming	aye
Alderman Finley	aye
Alderman Roach	aye
Alderman Bullington	aye
Alderman Utt	aye
Alderman Kerlagon	aye

A motion was made by Alderman Roach to adjourn the closed session. The motion was seconded by Alderman Bullington.

The following vote was recorded:

Alderman Stallmann	aye
Alderman Fleming	aye
Alderman Finley	aye
Alderman Roach	aye
Alderman Bullington	aye
Alderman Utt	aye
Alderman Kerlagon	aye

The closed session adjourned at 7:46 PM.

/s/ Robert E. Jones

Robert E. Jones
Acting Secretary



Bill No. 4076
Ordinance No. _____

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

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BALLWIN, MISSOURI, TO EXECUTE THE MUNICIPAL HOUSING AND COMMUNITY DEVELOPMENT SUPPLEMENTAL COOPERATION AGREEMENT OF 2020; AND SUPPLEMENTAL AGREEMENTS THERETO WITH ST. LOUIS COUNTY WITH REGARD TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1977 AS AMENDED.

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

Section 1. The Mayor of the City of Ballwin, Missouri, is hereby authorized to execute for and on behalf of the City of Ballwin, the Municipal Housing and Community Development Supplemental Cooperation Agreement of 2020 (attached hereto as Exhibit A) and Supplemental Agreements thereto as may be required by law with regard to the Housing and Community Development Act of 1977 as amended.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED this _____ day of _____, 2020.

TIM POGUE, MAYOR

APPROVED this _____ day of _____, 2020.

TIM POGUE, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR

**ST. LOUIS COUNTY DEPARTMENT OF HUMAN SERVICES
OFFICE OF COMMUNITY DEVELOPMENT**

**MUNICIPAL HOUSING AND COMMUNITY DEVELOPMENT
SUPPLEMENTAL COOPERATION AGREEMENT**

NO. 2020

This Supplemental Cooperation Agreement (hereinafter referred to as the Supplemental Cooperation Agreement) made and entered into this _____ day of _____ by and between ST. LOUIS COUNTY, MISSOURI (hereinafter referred to as "County"), and the City of Ballwin, Missouri (hereinafter referred to as "Municipality").

Witnesseth:

Whereas, the United States Congress enacted the Housing and Community Development Act of 1977 (hereinafter referred to as the "Act") providing federal funds to local units of government for the purposes of developing urban communities and improving housing conditions and community services; and

Whereas, the Act allocates funds to County for the purpose of undertaking Community Development Program activities authorized in Section 105 thereof; and

Whereas, the Act recognizes that Municipality may enter into cooperation agreements with County in order to undertake community development activities with Municipality as authorized by Section 105 of the Act; and

Whereas, County and Municipality have enacted ordinances authorizing their chief executive officers to execute a Municipal Housing and Community Development Cooperation Agreement dated the ____ day of _____, (hereinafter referred to as the "Cooperation Agreement") and Supplemental Cooperation Agreements; and

Whereas, the provisions of Section 70.210 to Section 70.320 R.S.Mo. inclusive empower municipalities or political subdivisions to contract with each other for a common service and Section 2.180 of the 1968 County Charter provides that the County Council may, by ordinance, authorize contracts between County and an incorporated area for a common service; and

Whereas, certain provisions of this Supplemental Cooperation Agreement are intended to amend the Municipal Housing and Community Development Cooperation Agreement previously entered into for the purpose of conforming with HUD requirements; and

Whereas, County and Municipality desire to undertake a cooperative Community Development Program in accordance with the Act;

Now, Therefore, County and Municipality mutually agree as follows:

I. County and Municipality hereby agree to cooperate in the undertaking or assist in the undertaking of essential community development and housing assistance activities, specifically urban renewal and publicly assisted housing as set forth in Exhibit A, "Budget and Scope of Program," attached hereto and made a part hereof. Such activities are to be carried out by Municipality in accordance with County's Community Development Plan and Housing Assistance Plan as submitted to HUD in County's Annual Consolidated Plan for Community Development Block Grant (CDBG), HOME, and Emergency Shelter Grant Programs. The community development activities authorized by the Act and outlined in County's Consolidated Plan will be carried out through funds received as a result of the Act and made available to Municipality by County for the purpose of undertaking community development programs. The community development activities to be undertaken by Municipality as set forth in Exhibit A will be performed in accordance with the terms and conditions of the Cooperation Agreement, the Supplemental Cooperation Agreement, and the Subrecipient Policies and Procedures Manual, and may be governed by additional amendments, if any, executed by County and Municipality. This Agreement shall remain in effect without terminating during any time Municipality has CDBG Funds under Contract, including Program Income, as defined by 24 CFR 570 et seq.

II. Changes in the subprograms and activities as described in Exhibit A may be requested from time to time by either County or Municipality and if mutually agreed upon by and between County and Municipality shall be incorporated by written amendment(s) to the Supplemental Cooperation Agreement. County and Municipality acknowledge and agree that the budget line item "accounts" described in Exhibit A of this Agreement are estimates only and, therefore, the County shall, when necessary, transfer funds between "accounts" without the execution of an amendment to the Supplemental Cooperation Agreement in order to process municipal payment requests.

III. Municipality agrees that it will contractually obligate funds within twelve months of the executed date of this Supplemental Cooperation Agreement. Funds not contractually obligated as stipulated may be recaptured by County, unless an extension of time has been specifically requested in writing by Municipality and approved in writing by County.

IV. Municipality further agrees to abide by the provisions of Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards to wit:

A. Municipality agrees to abide by the provisions of 2 CFR 200.100 through 200.345 and 2 CFR 200.400 through 200.415, if applicable.

B. Municipality agrees to have an audit made in accordance with 2 CFR 200.500 through 2 CFR 200.520 if total federal grants spent during the fiscal year exceed \$750,000. If total federal grants spent during the fiscal year are less than \$750,000, Municipality shall be exempt from compliance with 2 CFR 200.500 through 2 CFR 200.520 and other federal audit requirements prescribed by state and local law or regulation. Nothing above exempts the Municipality from maintaining records of federal grant expenditures or from providing access to such records to federal agencies.

C. Municipality shall provide a copy of the audit report to the County within 30 days of the completion date of the audit.

V. Municipality agrees to comply with the following provisions as required by 24 CFR 570.503(b), to wit:

A. Municipality agrees to maintain and submit to County such records and reports as requested and specified by County in order to assist County in meeting its record keeping and reporting requirements.

B. Municipality shall inform County of any and all income generated as the result of a CDBG funded activity. All such program income shall be returned to County. Program income generated by all Rehabilitation of Private Properties Activities will be used by County for grants and/or expenses related to CDBG Rehabilitation of Private Properties Activities administered or undertaken by County. Municipalities that have County-approved revolving loan funds for Rehabilitation of Private Properties Activities will automatically have program income funds reallocated to aforesaid loan programs. All program income that is generated by non-Rehabilitation of Private Properties Activities will be reallocated by Supplemental Agreement Amendments to Municipality for eligible CDBG activities in accordance with all CDBG requirements as may then apply, and any requirements of the Cooperation Agreement as are applicable.

C. Municipality shall comply with applicable administrative requirements as described in 570.502.

D. Municipality shall comply with Subpart K of 24 CFR 570 et seq., specifically Sections 570.600 through 570.612, except for the exceptions noted in the regulations, being the Municipality does not assume County's environmental responsibilities under 570.604 and Municipality does not assume County's responsibility for initiating the review process under Executive Order 12372.

E. Municipality agrees that any real property under Municipality's control that was acquired or improved in whole or in part with CDBG funds (1) is used to meet one of the national objectives in 570.208 until five years after expiration of this Agreement, or such longer period of time as determined appropriate by County, or (2) is disposed of in a manner which results in the County being reimbursed in the amount of the current fair market value of the property less any portion thereof attributable to expenditures of non-CDBG funds for acquisition of, or improvement to, the property.

- VI.** Municipality shall comply with Subpart B of 24 CFR part 135 and shall comply with all applicable goals for the utilization of small and disadvantaged businesses in contracting activities of Section 3-covered projects as described in the aforementioned Subpart B.
- VII.** In accordance with 24 CFR 85.43, suspension or termination of this Agreement may occur if Municipality materially fails to comply with any term of this Agreement of the award of CDBG funds. The Agreement may also be terminated for convenience in accordance with 24 CFR 85.44.
- VIII.** Municipality certifies that the Community Development Block Grant Program stipulated in Exhibit A gives maximum feasible priority to activities which benefit low or moderate income families, aid in the prevention or elimination of slums or blight, or are an urgent community development need, but that not less than seventy (70%) of funds received shall be used for activities that benefit low- and moderate-income persons.
- IX.** Municipality certifies that it affirmatively furthers fair housing by having enacted a municipal fair housing ordinance and that this fair housing ordinance has a mechanism for enforcement such as a Human Relations Commission.
- X.** County hereby certifies that it has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
- XI.** County certifies that it has a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within its jurisdiction;
- XII.** County certifies that to the best of its knowledge and belief:
- A.** No federally appropriated funds have been paid or will be paid by or on behalf of it to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;
- B.** If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
- C.** It will require that the language of paragraph XI of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly;
- XIII.** County certifies that it will or will continue to provide a drug-free workplace by:
- A.** Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- B.** Establishing an ongoing drug-free awareness program to inform employees about:
1. The dangers of drug abuse in the workplace;
 2. The grantee's policy of maintaining a drug-free workplace;
 3. Any available drug counseling, rehabilitation, and employee assistance programs; and
 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

- C. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph A;
- D. Notifying the employee in the statement required by paragraph A that, as a condition of employment under the grant, the employee will:
1. Abide by the terms of the statement; and
 2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- E. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph D(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- F. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph D(2), with respect to any employee who is so convicted:
1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
- G. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs A through F.
- XIV. County certifies that it is following:
- A. A current Consolidated Plan which has been approved by HUD in accordance with Section 105 of the Cranston-Gonzales National Housing Affordability Act; or
 - B. A housing assistance plan which was approved by HUD during the 180-day period beginning November 28, 1990, or during such longer period as may be prescribed by the Secretary of HUD in any case for good cause.

**MUNICIPAL HOUSING AND COMMUNITY DEVELOPMENT
SUPPLEMENTAL COOPERATION AGREEMENT**

NO. 2020

In Witness Whereof, the parties have signed this Agreement on the day and year first above written.

CITY OF BALLWIN

By: _____

Title: _____

Attest:

By: _____

Title: _____

Approved as to Legal Form:

ST. LOUIS COUNTY, MISSOURI

By: _____

Title: Director, Department of Human Services

Approved:

By: _____

Title: Director, Community Development

Municipal Attorney

Affix Municipal Seal Here

I hereby certify that balances sufficient to pay the contract sum remain in the appropriation accounts against which this obligation is to be charged, to the extent County continues to receive federal funds sufficient to pay contract sum, in accordance with the applicable Municipal Housing and Community Development Cooperation Agreement, between Municipality and St. Louis County.

By: _____

Title: Community Development Accounting Supervisor

Approve: _____

Title: Community Development Manager

MUNICIPAL HOUSING AND COMMUNITY DEVELOPMENT
SUPPLEMENTAL COOPERATION AGREEMENT

NO. 2020

BUDGET AND SCOPE OF PROGRAM

Municipality: City of Ballwin Total Allocation: \$40,400.00

HUD Activity Title: Rehabilitation of Private Properties HUD Matrix Code: 14A

Fund:	Department:	Division:	Section:	Object:
4590	5000	5350	5033	657110

Grant:	Program:	Activity:	Location:	Project:
GB200	GR25	GHP25	0000	GB200

Description:

The primary objective of this activity is to provide assistance to low and moderate-income residents who are below 80% of the median area income. Assistance will be provided in the form of forgivable loans, which will be used to abate residential housing deficiencies.

Amount: \$40,400.00

HUD Activity Title: _____ HUD Matrix Code: _____

Fund: _____ Department: _____ Division: _____ Section: _____ Object: _____

Grant: _____ Program: _____ Activity: _____ Location: _____ Project: _____

Description:

Amount: \$ _____



Bill No. 4077

Ordinance No. _____

INTRODUCED BY

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

AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO 14924 MANCHESTER LLC FOR FRONT YARD PARKING AND OPERATION OF A RESTAURANT WITH FRONT YARD PARKING AND A DRIVE-THROUGH SERVICE WINDOW.

WHEREAS, a petition has been received from 14924 Manchester LLC, requesting the use of certain property for front yard parking and operation of a restaurant with front-yard parking and a drive-through service window; and

WHEREAS, said petition was duly referred to the Planning and Zoning Commission for its investigation and report; and

WHEREAS, due notice of a public hearing before the Planning and Zoning Commission upon said petition was published and posted according to law and ordinance; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on November 2, 2020, upon said petition; and

WHEREAS, the Planning and Zoning Commission has submitted its report recommending approval to the Board of Aldermen; and

WHEREAS, the Board of Aldermen has determined that an establishment for the purposes disclosed above, under certain conditions, would not substantially increase traffic hazards or congestion; would not adversely affect the character of the neighborhood; would not adversely affect the general welfare of the community; would not over-tax public utilities; would not adversely affect public safety and health; is consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the District; and can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and

WHEREAS, all applicable matters in Section 2 of Article XIV of Appendix A, "The Zoning Ordinance," have been adequately provided for:

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

Section 1. A special use exception, subject to the conditions hereinafter specifically set forth, is hereby granted to 14924 Manchester LLC, to use the premises in the City of Ballwin, Missouri, known as 14924 Manchester Road for front yard parking and operation of a restaurant with a drive-through service window in a commercial district, as is made and provided for in Article XIV of Appendix A.

Section 2. The special use exception hereby issued, and referred to in Section 1, is issued to the named permittee only and shall not be assigned or transferred, without the permission of the Board of Aldermen of the City of Ballwin.



Bill No. ~~4077~~

Section 3. The special use exception hereby issued and referred to in Section 1, shall be valid only if the conditions set forth in the Addendum, attached hereto as Exhibit 1 and made a part hereof, are observed by permittee.

Section 4. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this ____ day of _____, 2020.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2020.

TIM POGUE, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR



BILL NO. _____

ORDINANCE NO. _____

EXHIBIT ONE

The permittee granted a Special Use Exception per the ordinance hereby appended to, their assignees and successors, as authorized and approved by the Board of Aldermen of the City of Ballwin, agree to abide by the following provisions, the provisions of all ordinances of the City of Ballwin, and all applicable laws of St. Louis County, the State of Missouri and of the United States of America and to require all licensees, franchisees, and lessees to similarly abide by said ordinances, laws and provisions, as appropriate to such special use exception. In addition, the following provisions, as appropriate, shall apply:

1. There is no outdoor storage, display or sale of any merchandise, equipment, vehicle, supplies or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin.

2. There is no servicing, repair, cleaning, maintenance or other work on any merchandise, equipment, vehicle, materials, supplies, or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin, except within a fully enclosed building which shall not include carports, porte-cocheres, accessory structures or temporary coverings and/or enclosures such as tents, tarpaulins, flies, or other similar structures.

3. No food or beverage of any kind is delivered outside of a building shown on the accompanying site plan by the permittee, its agents, servants or employees except for purposes of off-site delivery or as otherwise provided in this Special Use Exception.

4. No food or beverage of any kind is served or dispensed to persons inside of automobiles or other vehicles by the permittee, its agents, servants or employees except from a drive-through window and/or designated waiting spaces specified on the accompanying site plan. Under no circumstances is drive-in curb service permitted.

5. Any violation of the laws, statutes, ordinances, codes, policies and regulations of the City of Ballwin, St. Louis County, the State of Missouri, or the United States of America by the permittee, its agents, servants or employees shall be cause for the revocation of the Special Use Exception hereby granted.

6. That a detailed final development plan, meeting the requirements of the Board of Aldermen and The Zoning Commission as outlined in the final staff report and public meeting minutes, shall be submitted to the Building Commissioner within thirty (30) days of passage and approval of this ordinance by the Board of Aldermen.

7. That the site, premises and/or land use described by the permittee in the application and subsequently approved by this ordinance is developed and operated in accordance with the final approved development plan and the provisions of this ordinance, and any failure to do so shall be cause for the revocation of the Special Use Exception hereby granted.

8. All new utility and other service laterals and connections on the site and/or premises, and all connections to site improvements and fixtures installed outside of a fully enclosed building shall be installed underground.

9. All sign illumination and other lighting is selected and arranged so as not to cast light upon, and/or be a nuisance, to any right-of-way or any other property.

10. The permittee and their approved assignees or successors, if any, shall preserve, maintain and care for all plantings, and landscaped and planted areas on the site and/or premises, in accordance with the landscape and site plans of this ordinance. Such maintenance, preservation and care shall include all planted and landscaped rights-of-way adjacent to the site and/or premises addressed and approved by the Special Use Exception hereby granted.

11. Trash and debris shall not be allowed to accumulate and the site/premises shall at all times be kept clean and free of all refuse, debris, leakage and recyclable material accumulation.

12. All trash dumpsters and recyclable material storage areas shall be screened with a 100% opaque screen which shall totally obscure any visibility of the dumpster and recyclables container. Such screening shall be permanent in nature and architecturally compatible with the associated development. Said enclosure and screening may not be located within any front yard and shall not interfere with driver visibility or any loading, parking or vehicular circulation.

13. Unless otherwise provided by this Special Use Exception or other ordinances of the City of Ballwin, no vehicles, equipment or property may be parked or stored on the premises for which this permit is issued except non-commercial vehicles as defined by the Ballwin Ordinances and one fully operational and licensed delivery/service vehicle per business or tenant or use operated on the premises.

14. No changes or departures from the approved final development plan may be made without the approval of the Board of Aldermen in accordance with the provisions of Article XIV, Section 3, of the Ballwin Zoning Ordinance.

15. This Special Use Exception shall terminate three months following the non-renewal of the business license for the business associated with the location for which the Exception is granted.

16. The permittee shall grant a cross-access easement to the City of Ballwin for interconnection with the property at 14932 Manchester Road.



Bill No. 4078

Ordinance No. _____

INTRODUCED BY

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

AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO DOWLING ENTERPRISES, LLC FOR FRONT YARD PARKING AND OPERATION OF A CARWASH.

WHEREAS, a petition has been received from Dowling Enterprises, LLC, requesting the use of certain property for front yard parking and operation of a carwash; and

WHEREAS, said petition was duly referred to the Planning and Zoning Commission for its investigation and report; and

WHEREAS, due notice of a public hearing before the Planning and Zoning Commission upon said petition was published and posted according to law and ordinance; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on November 2, 2020, upon said petition; and

WHEREAS, the Planning and Zoning Commission has submitted its report recommending approval to the Board of Aldermen; and

WHEREAS, the Board of Aldermen has determined that an establishment for the purposes disclosed above, under certain conditions, would not substantially increase traffic hazards or congestion; would not adversely affect the character of the neighborhood; would not adversely affect the general welfare of the community; would not over-tax public utilities; would not adversely affect public safety and health; is consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the District; and can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and

WHEREAS, all applicable matters in Section 2 of Article XIV of Appendix A, "The Zoning Ordinance," have been adequately provided for:

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

Section 1. A special use exception, subject to the conditions hereinafter specifically set forth, is hereby granted to Dowling Enterprises, LLC, to use the premises in the City of Ballwin, Missouri, known as 14918 Manchester Road for front yard parking and operation of a car wash in a commercial district, as is made and provided for in Article XIV of Appendix A.

Section 2. The special use exception hereby issued, and referred to in Section 1, is issued to the named permittee only and shall not be assigned or transferred, without the permission of the Board of Aldermen of the City of Ballwin.

Section 3. The special use exception hereby issued and referred to in Section 1, shall be valid only if the conditions set forth in the Addendum, attached hereto as Exhibit 1 and made a part hereof, are observed by permittee.



Bill No. 4078

Section 4. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this ____ day of _____, 2020.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2020.

TIM POGUE, MAYOR

ATTEST: _____

ERIC STERMAN, CITY ADMINISTRATOR



BILL NO. _____

ORDINANCE NO. _____

EXHIBIT ONE

The permittee granted a Special Use Exception per the ordinance hereby appended to, their assignees and successors, as authorized and approved by the Board of Aldermen of the City of Ballwin, agree to abide by the following provisions, the provisions of all ordinances of the City of Ballwin, and all applicable laws of St. Louis County, the State of Missouri and of the United States of America and to require all licensees, franchisees, and lessees to similarly abide by said ordinances, laws and provisions, as appropriate to such special use exception. In addition, the following provisions, as appropriate, shall apply:

1. There is no outdoor storage, display or sale of any merchandise, equipment, vehicle, supplies or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin.

2. There is no servicing, repair, cleaning, maintenance or other work on any merchandise, equipment, vehicle, materials, supplies, or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin, except within a fully enclosed building which shall not include carports, porte-cocheres, accessory structures or temporary coverings and/or enclosures such as tents, tarpaulins, flies, or other similar structures.

3. No food or beverage of any kind is delivered outside of a building shown on the accompanying site plan by the permittee, its agents, servants or employees except for purposes of off-site delivery or as otherwise provided in this Special Use Exception.

4. No food or beverage of any kind is served or dispensed to persons inside of automobiles or other vehicles by the permittee, its agents, servants or employees except from a drive-through window and/or designated waiting spaces specified on the accompanying site plan. Under no circumstances is drive-in curb service permitted.

5. Any violation of the laws, statutes, ordinances, codes, policies and regulations of the City of Ballwin, St. Louis County, the State of Missouri, or the United States of America by the permittee, its agents, servants or employees shall be cause for the revocation of the Special Use Exception hereby granted.

6. That a detailed final development plan, meeting the requirements of the Board of Aldermen and The Zoning Commission as outlined in the final staff report and public meeting minutes, shall be submitted to the Building Commissioner within thirty (30) days of passage and approval of this ordinance by the Board of Aldermen.

7. That the site, premises and/or land use described by the permittee in the application and subsequently approved by this ordinance is developed and operated in accordance with the final approved development plan and the provisions of this ordinance, and any failure to do so shall be cause for the revocation of the Special Use Exception hereby granted.

8. All new utility and other service laterals and connections on the site and/or premises, and all connections to site improvements and fixtures installed outside of a fully enclosed building shall be installed underground.

9. All sign illumination and other lighting is selected and arranged so as not to cast light upon, and/or be a nuisance, to any right-of-way or any other property.

10. The permittee and their approved assignees or successors, if any, shall preserve, maintain and care for all plantings, and landscaped and planted areas on the site and/or premises, in accordance with the landscape and site plans of this ordinance. Such maintenance, preservation and care shall include all planted and landscaped rights-of-way adjacent to the site and/or premises addressed and approved by the Special Use Exception hereby granted.

11. Trash and debris shall not be allowed to accumulate and the site/premises shall at all times be kept clean and free of all refuse, debris, leakage and recyclable material accumulation.

12. All trash dumpsters and recyclable material storage areas shall be screened with a 100% opaque screen which shall totally obscure any visibility of the dumpster and recyclables container. Such screening shall be permanent in nature and architecturally compatible with the associated development. Said enclosure and screening may not be located within any front yard and shall not interfere with driver visibility or any loading, parking or vehicular circulation.

13. Unless otherwise provided by this Special Use Exception or other ordinances of the City of Ballwin, no vehicles, equipment or property may be parked or stored on the premises for which this permit is issued except non-commercial vehicles as defined by the Ballwin Ordinances and one fully operational and licensed delivery/service vehicle per business or tenant or use operated on the premises.

14. No changes or departures from the approved final development plan may be made without the approval of the Board of Aldermen in accordance with the provisions of Article XIV, Section 3, of the Ballwin Zoning Ordinance.

15. This Special Use Exception shall terminate three months following the non-renewal of the business license for the business associated with the location for which the Exception is granted.



Bill No. 4079

Ordinance No. _____

INTRODUCED BY

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

AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO CHASE FOR OPERATION OF A FINANCIAL INSTITUTION (ATM).

WHEREAS, a petition has been received from Chase, requesting the use of certain property for operation of a financial institution (ATM); and

WHEREAS, said petition was duly referred to the Planning and Zoning Commission for its investigation and report; and

WHEREAS, due notice of a public hearing before the Planning and Zoning Commission upon said petition was published and posted according to law and ordinance; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on November 2, 2020, upon said petition; and

WHEREAS, the Planning and Zoning Commission has submitted its report recommending approval to the Board of Aldermen; and

WHEREAS, the Board of Aldermen has determined that an establishment for the purposes disclosed above, under certain conditions, would not substantially increase traffic hazards or congestion; would not adversely affect the character of the neighborhood; would not adversely affect the general welfare of the community; would not over-tax public utilities; would not adversely affect public safety and health; is consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the District; and can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and

WHEREAS, all applicable matters in Section 2 of Article XIV of Appendix A, "The Zoning Ordinance," have been adequately provided for:

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

Section 1. A special use exception, subject to the conditions hereinafter specifically set forth, is hereby granted to Chase, to use the premises in the City of Ballwin, Missouri, known as 14660 Manchester Road for operation of a financial institution (ATM) in a commercial district, as is made and provided for in Article XIV of Appendix A.

Section 2. The special use exception hereby issued, and referred to in Section 1, is issued to the named permittee only and shall not be assigned or transferred, without the permission of the Board of Aldermen of the City of Ballwin.

Section 3. The special use exception hereby issued and referred to in Section 1, shall be valid only if the conditions set forth in the Addendum, attached hereto as Exhibit 1 and made a part hereof, are observed by permittee.



Bill No. 4079

Section 4. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this ____ day of _____, 2020.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2020.

TIM POGUE, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR



BILL NO. _____

ORDINANCE NO. _____

EXHIBIT ONE

The permittee granted a Special Use Exception per the ordinance hereby appended to, their assignees and successors, as authorized and approved by the Board of Aldermen of the City of Ballwin, agree to abide by the following provisions, the provisions of all ordinances of the City of Ballwin, and all applicable laws of St. Louis County, the State of Missouri and of the United States of America and to require all licensees, franchisees, and lessees to similarly abide by said ordinances, laws and provisions, as appropriate to such special use exception. In addition, the following provisions, as appropriate, shall apply:

1. There is no outdoor storage, display or sale of any merchandise, equipment, vehicle, supplies or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin.

2. There is no servicing, repair, cleaning, maintenance or other work on any merchandise, equipment, vehicle, materials, supplies, or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin, except within a fully enclosed building which shall not include carports, porte-cocheres, accessory structures or temporary coverings and/or enclosures such as tents, tarpaulins, flies, or other similar structures.

3. No food or beverage of any kind is delivered outside of a building shown on the accompanying site plan by the permittee, its agents, servants or employees except for purposes of off-site delivery or as otherwise provided in this Special Use Exception.

4. No food or beverage of any kind is served or dispensed to persons inside of automobiles or other vehicles by the permittee, its agents, servants or employees except from a drive-through window and/or designated waiting spaces specified on the accompanying site plan. Under no circumstances is drive-in curbside service permitted.

5. Any violation of the laws, statutes, ordinances, codes, policies and regulations of the City of Ballwin, St. Louis County, the State of Missouri, or the United States of America by the permittee, its agents, servants or employees shall be cause for the revocation of the Special Use Exception hereby granted.

6. That a detailed final development plan, meeting the requirements of the Board of Aldermen and The Zoning Commission as outlined in the final staff report and public meeting minutes, shall be submitted to the Building Commissioner within thirty (30) days of passage and approval of this ordinance by the Board of Aldermen.

7. That the site, premises and/or land use described by the permittee in the application and subsequently approved by this ordinance is developed and operated in accordance with the final approved development plan and the provisions of this ordinance, and any failure to do so shall be cause for the revocation of the Special Use Exception hereby granted.

8. All new utility and other service laterals and connections on the site and/or premises, and all connections to site improvements and fixtures installed outside of a fully enclosed building shall be installed underground.

9. All sign illumination and other lighting is selected and arranged so as not to cast light upon, and/or be a nuisance, to any right-of-way or any other property.

10. The permittee and their approved assignees or successors, if any, shall preserve, maintain and care for all plantings, and landscaped and planted areas on the site and/or premises, in accordance with the landscape and site plans of this ordinance. Such maintenance, preservation and care shall include all planted and landscaped rights-of-way adjacent to the site and/or premises addressed and approved by the Special Use Exception hereby granted.

11. Trash and debris shall not be allowed to accumulate and the site/premises shall at all times be kept clean and free of all refuse, debris, leakage and recyclable material accumulation.

12. All trash dumpsters and recyclable material storage areas shall be screened with a 100% opaque screen which shall totally obscure any visibility of the dumpster and recyclables container. Such screening shall be permanent in nature and architecturally compatible with the associated development. Said enclosure and screening may not be located within any front yard and shall not interfere with driver visibility or any loading, parking or vehicular circulation.

13. Unless otherwise provided by this Special Use Exception or other ordinances of the City of Ballwin, no vehicles, equipment or property may be parked or stored on the premises for which this permit is issued except non-commercial vehicles as defined by the Ballwin Ordinances and one fully operational and licensed delivery/service vehicle per business or tenant or use operated on the premises.

14. No changes or departures from the approved final development plan may be made without the approval of the Board of Aldermen in accordance with the provisions of Article XIV, Section 3, of the Ballwin Zoning Ordinance.

15. This Special Use Exception shall terminate three months following the non-renewal of the business license for the business associated with the location for which the Exception is granted.



Bill No. 4080

Ordinance No. _____

INTRODUCED BY

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

AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO PANERA BREAD FOR FRONT YARD PARKING AND OPERATION OF A RESTAURANT WITH OUTDOOR SEATING AND A DRIVE-THROUGH SERVICE WINDOW.

WHEREAS, a petition has been received from Panera Bread, requesting the use of certain property for front yard parking and operation of a restaurant with outdoor seating and a drive-through service window;

WHEREAS, the Board of Aldermen previously passed Ordinance No. 20-03, granting a Special Use Exception, but the Petitioner proposes changes in the approved Site Development Plan; and

WHEREAS, said petition was duly referred to the Planning and Zoning Commission for its investigation and report; and

WHEREAS, due notice of a public hearing before the Planning and Zoning Commission upon said petition was published and posted according to law and ordinance; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on November 2, 2020, upon said petition; and

WHEREAS, the Planning and Zoning Commission has submitted its report recommending approval to the Board of Aldermen; and

WHEREAS, the Board of Aldermen has determined that an establishment for the purposes disclosed above, under certain conditions, would not substantially increase traffic hazards or congestion; would not adversely affect the character of the neighborhood; would not adversely affect the general welfare of the community; would not over-tax public utilities; would not adversely affect public safety and health; is consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the District; and can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and

WHEREAS, all applicable matters in Section 2 of Article XIV of Appendix A, "The Zoning Ordinance," have been adequately provided for:

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

Section 1. A special use exception, subject to the conditions hereinafter specifically set forth, is hereby granted to Panera Bread, to use the premises in the City of Ballwin, Missouri, known as 14646 Manchester Road for front yard parking and operation of a restaurant with outdoor seating and a drive-through service window in a commercial district, as is made and provided for in Article XIV of Appendix A.



Bill No. 4080

Section 2. The special use exception hereby issued, and referred to in Section 1, is issued to the named permittee only and shall not be assigned or transferred, without the permission of the Board of Aldermen of the City of Ballwin.

Section 3. The special use exception hereby issued and referred to in Section 1, shall be valid only if the conditions set forth in the Addendum, attached hereto as Exhibit 1 and made a part hereof, are observed by permittee.

Section 4. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this ____ day of _____, 2020.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2020.

TIM POGUE, MAYOR

ATTEST: _____
ERIC STERMAN, CITY ADMINISTRATOR



BILL NO. _____

ORDINANCE NO. _____

EXHIBIT ONE

The permittee granted a Special Use Exception per the ordinance hereby appended to, their assignees and successors, as authorized and approved by the Board of Aldermen of the City of Ballwin, agree to abide by the following provisions, the provisions of all ordinances of the City of Ballwin, and all applicable laws of St. Louis County, the State of Missouri and of the United States of America and to require all licensees, franchisees, and lessees to similarly abide by said ordinances, laws and provisions, as appropriate to such special use exception. In addition, the following provisions, as appropriate, shall apply:

1. There is no outdoor storage, display or sale of any merchandise, equipment, vehicle, supplies or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin.

2. There is no servicing, repair, cleaning, maintenance or other work on any merchandise, equipment, vehicle, materials, supplies, or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin, except within a fully enclosed building which shall not include carports, porte-cocheres, accessory structures or temporary coverings and/or enclosures such as tents, tarpaulins, flies, or other similar structures.

3. No food or beverage of any kind is delivered outside of a building shown on the accompanying site plan by the permittee, its agents, servants or employees except for purposes of off-site delivery or as otherwise provided in this Special Use Exception.

4. No food or beverage of any kind is served or dispensed to persons inside of automobiles or other vehicles by the permittee, its agents, servants or employees except from a drive-through window and/or designated waiting spaces specified on the accompanying site plan. Under no circumstances is drive-in curb service permitted.

5. Any violation of the laws, statutes, ordinances, codes, policies and regulations of the City of Ballwin, St. Louis County, the State of Missouri, or the United States of America by the permittee, its agents, servants or employees shall be cause for the revocation of the Special Use Exception hereby granted.

6. That a detailed final development plan, meeting the requirements of the Board of Aldermen and The Zoning Commission as outlined in the final staff report and public meeting minutes, shall be submitted to the Building Commissioner within thirty (30) days of passage and approval of this ordinance by the Board of Aldermen.

7. That the site, premises and/or land use described by the permittee in the application and subsequently approved by this ordinance is developed and operated in accordance with the final approved development plan and the provisions of this ordinance, and any failure to do so shall be cause for the revocation of the Special Use Exception hereby granted.

8. All new utility and other service laterals and connections on the site and/or premises, and all connections to site improvements and fixtures installed outside of a fully enclosed building shall be installed underground.

9. All sign illumination and other lighting is selected and arranged so as not to cast light upon, and/or be a nuisance, to any right-of-way or any other property.

10. The permittee and their approved assignees or successors, if any, shall preserve, maintain and care for all plantings, and landscaped and planted areas on the site and/or premises, in accordance with the landscape and site plans of this ordinance. Such maintenance, preservation and care shall include all planted and landscaped rights-of-way adjacent to the site and/or premises addressed and approved by the Special Use Exception hereby granted.

11. Trash and debris shall not be allowed to accumulate and the site/premises shall at all times be kept clean and free of all refuse, debris, leakage and recyclable material accumulation.

12. All trash dumpsters and recyclable material storage areas shall be screened with a 100% opaque screen which shall totally obscure any visibility of the dumpster and recyclables container. Such screening shall be permanent in nature and architecturally compatible with the associated development. Said enclosure and screening may not be located within any front yard and shall not interfere with driver visibility or any loading, parking or vehicular circulation.

13. Unless otherwise provided by this Special Use Exception or other ordinances of the City of Ballwin, no vehicles, equipment or property may be parked or stored on the premises for which this permit is issued except non-commercial vehicles as defined by the Ballwin Ordinances and one fully operational and licensed delivery/service vehicle per business or tenant or use operated on the premises.

14. No changes or departures from the approved final development plan may be made without the approval of the Board of Aldermen in accordance with the provisions of Article XIV, Section 3, of the Ballwin Zoning Ordinance.

15. This Special Use Exception shall terminate three months following the non-renewal of the business license for the business associated with the location for which the Exception is granted.

16. The permittee shall provide an illumination study and shall place adequate shields on all lights to prevent light pollution.

17. Outdoor seating shall only be allowed on the north side of the building.

18. No live music shall be allowed.



Consent Item

RE: Ferris Park Phase II Development Change Order 1

Department/Program: Parks and Recreation

Recommendation:

Approve Change order from Ideal Landscape Group in the amount of \$29,300 for additional topsoil and grading for Ferris Park.

Explanation:

This is one of two anticipated change orders. The additional topsoil and grading was intentionally withheld until both staff and the architect were comfortable with the amount of the base bid. The idea was to ensure that base bids come in at or below the \$750,000 budget. Please note that the grant will cover 70% and the City will cover the remaining 30% which is within the City's budgeted match of \$225,000.

Submitted By: Chris Conway

Date: November 4, 2020



Proposed Change Order

NO. 002- Topsoil

6252 Olsen Road
St. Louis, Mo. 63129
314-892-9500_

Date: 11/5/2020

To: John Hoffman
ICO: Ferris Park
500 New Ballwin Road
Ballwin Mo. 63021

TITLE: Topsoil Placement at new field area.

Ideal Landscape Group will install 960 cy of new topsoil from St Louis composting 6" deep over the new field area totaling approximately 70,000 sf , this includes a 10' band on the outside of the sidewalk as well. Note this proposal is based on 6" deep if you want more or less thickness, we can adjust at the unit cost.

Cost:

ITEMS	COST
Material	\$ 21,666.00
Equipment	\$ 1,100.00
Labor	\$ 6,514.00
Subcontractor	\$ 0.00
UNIT COST \$ 30.50 CY installed	
Total	\$ 29,280.00

Proposed Change Order: Ideal Landscape Group Date:

Signed _____

Answer: Approved please proceed

Answered By

Signed: _____ Date: _____