



BOARD OF ALDERMEN

Meeting Agenda

SEPTEMBER 14, 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. August 24, 2020 Board of Aldermen Meeting Minutes
 - b. August 24, 2020 Board of Aldermen Closed Meeting Minutes
- 5. Presentation – Public Works – Silver Shovel Award**
- 6. Citizen Comments**
- 7. Old Business (Next Ordinance #20-19)**
 - a. Bill 4067 – Cell Tower
- 8. Consent Items**
 - a. Parks – Utility Vehicle
- 9. Mayor’s Report**
- 10. City Administrator’s Report**
- 11. Staff Reports**
 - a. Administration – Employee Compensation
 - b. Parks – Amending Park Hours
- 12. City Attorney’s Report**
- 13. Aldermanic Comments**
- 14. 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).**
- 15. Adjourn**

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

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

SEPTEMBER 14, 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 August 24, 2020 Board of Aldermen Meeting and the Closed Meeting Minutes from the August 24, 2020 Board of Aldermen Meeting.

PRESENTATION

Spire is awarding their Silver Shovel award to Public Works in recognition of their safe excavation and careful work around gas facilities.

OLD BUSINESS

Bill 4067 - AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO NETWORK REAL ESTATE ON BEHALF OF AT&T MOBILITY FOR A COMMUNICATIONS TOWER AT 15407 CLAYTON ROAD.

CONSENT ITEMS

PARKS – Utility Vehicle

Staff recommends declaring a Chevrolet Cargo Van as surplus. The vehicle was purchased in 2007 for \$12,882 and was replaced this summer.

MAYOR'S REPORT

CITY ADMINISTRATOR'S REPORT



BOARD OF ALDERMEN

Meeting Briefs

SEPTEMBER 14, 2020

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

STAFF REPORTS

ADMINISTRATION – Employee Compensation

Projections for personnel expenses will be presented for the 2021 budget.

PARKS – Amending Park Hours

Staff is recommending amending Ordinance 18-1 to change City parks hours.

CITY ATTORNEY’S REPORT

ALDERMANIC COMMENTS

CLOSED SESSION



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

AUGUST 24, 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
Alderman Jim Leahy
Alderman Ross Bullington

Absent

Alderman Raymond Kerlagon (family obligation)

City Administrator Eric Sterman
City Attorney Robert Jones

MINUTES

The Minutes from the July 27, 2020, Board of Aldermen meeting were submitted for approval. **A motion was made** by Alderman Fleming and seconded by Alderman Stallmann to approve the minutes from the July 27, 2020 Board of Aldermen meeting. A voice vote was taken with a unanimous affirmative result and the motion passed.

The minutes from the July 27, 2020, Board of Aldermen closed meeting were submitted for approval. A motion was made by Alderman Fleming and seconded by Alderman Finley to approve the minutes from the July 27, 2020 Board of Aldermen closed meeting. A voice vote was taken with a unanimous affirmative result and the motion passed.



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

AUGUST 24, 2020

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

CITIZEN COMMENTS

Charles Anderson, 7 Meadowbrook Country Club Estates, addressed the Board, stating he has lived in the area for 30+ years. He also stated this has been a pleasant experience and complimented the Mayor and Aldermen for what they do. He asked the Board to do whatever they can to stop the new cell tower.

Bob Skebo, representing Claymont Co. which owns Claymont Center, addressed the Board. He stated there is a reciprocal agreement with the neighboring property, where the tower is proposed to be installed. This request was denied on August 7, 2020 per the agreement. The request was to install the tower in the back of property and it was felt it was still intrusive so they feel it was reasonable to deny the request per the agreement. He stated he brought copies of emails/agreement; these were given to the City Clerk and then, the City Attorney.

Bob Biribin, 249 Geremma, addressed the Board, stating he has been a Ballwin resident for over 20 years and a Ballwin business owner (the Wolf Café) for over nine years. He thanked the Board for the support they have always given. His business has always focused on clean food, drink, water, etc. He stated customers have expressed concerns over the cell tower and, not only will it be a terrible sight, it's not healthy. He also feels the cell tower will impact his business.

Ken Dubinsky, 3 Meadowbrook Country Club Estates, addressed the Board and stated he was appreciative for the opportunity to speak. He is a nine-year resident of the City, but if the cell tower goes in, he and his family will move. He cited several reasons for denying the tower. Some of those are that the tower will be a huge eyesore, it will adversely affect the community, negatively affect health and lower property values.

Amy Weinstein, 3 Meadowbrook Country Club Estates, addressed the Board. She is Ken Dubinsky's wife. She created visuals of how the tower might look and shared those with the Board. She stated neighbors and businesses were not aware of the tower until the previous week and no one wants it. She asked the Board that, if they could not deny this permit tonight, could they please table it so more research can be done and possibly a more suitable location could be found.

Dawne Luleff, 5 Meadowbrook Country Club Estates, addressed the Board, stating this cell tower would obstruct the view of what is currently a clean landscape and be a hindrance. She stated she has a child with health concerns and is not willing to risk her child's health further for better cell service. She stated that approving this permit makes Ballwin not for the people, but for profit and will move if the tower goes up.

Steve Weinstein, attorney and brother of previous speaker, Amy Weinstein, addressed the board and stated he has read the Uniform Wireless Communications Infrastructure Deployment Act and does not believe it has taken away the City's power to regulate cell companies.



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

AUGUST 24, 2020

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

Michael Jones, 828 Woodruff, addressed the Board from a health standpoint. He is concerned with how this tower will affect people medically.

Allen Rutledge, Meadowbrook Country Club Estates, asked the Board to look at the tower that is now in Vlasia Park and then imagine this in their backyards.

LEGISLATION

Bill 4067 - AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO NETWORK REAL ESTATE ON BEHALF OF AT&T MOBILITY FOR A COMMUNICATIONS TOWER AT 15407 CLAYTON ROAD.

Alderman Utt and Alderman Leahy will be abstaining from any voting on this Bill. Alderman Bullington asked Mayor Pogue if, in the absence of Alderman Kerlagon, this should be held over for the next meeting. Mayor Pogue stated the Board will still hold discussion of the Bill.

In discussion of Bill 4067:

Mayor Pogue stated the Uniform Wireless Communications Infrastructure Deployment Act was passed in 2014. While the Board is sympathetic to concerns, there are certain items the Board has no power to control or regulate due to this law. Mayor Pogue then referred to State Statute 67.5094, specifically items 2, 3, 5, 6, 7, 8 and 16. He also explained further that, under these items, we cannot deny a permit if the petitioner doesn't agree to collocate or look for a different location; we have no authority to ask them to put up a small cell deployment system instead of a large tower and we cannot deny a permit based on health concerns. He also stated that when this bill was passed, it took away local control to work with cell companies. The Lafayette Area Mayors Group held a meeting with state representatives and senators and asked why certain sections of local control were stripped. When shown a copy of the bill, one representative stated she did not know some of the sections were in the bill. Lobbyists have stripped local control. Mayor Pogue also shared that, under State Statute 67.5096, Section 5, we have 120 days from submission to approve or deny the permit. No action means this is automatically approved.

Mayor Pogue stated that during his time as an Alderman and as Mayor, whenever there's been a petition, the Board has done everything to make things as acceptable as possible to the community. They recognize there are health concerns, but their hands are tied. Mayor Pogue asked City Attorney Bob Jones if the statutes are still in effect; City Attorney Jones stated they are and further explained that these have only been interpreted once and this was via a court case involving University City. There are significant limitations on what a city can do; when a city makes a mistake and applies a wrong standard, it is a violation of the Missouri Citing Act. Also, there are Federal regulations to meet in addition to state laws. Alderman Roach had a question regarding Bill 4067 and which part of 67.5094 prohibits someone from finding that the petition doesn't meet standards. City Attorney



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

AUGUST 24, 2020

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

Jones responded that special use exception conditions need to be harmonized with both state and federal laws. Alderman Roach stated then that he is not considering based on those conditions, but only considering the petition based on conditions stated in the Special Use Exception bill.

Alderman Fleming asked Bob Skebo about Claymont Co. denying another location. Mr. Skebo stated they denied their request for a location close to Claymont Center. There was also discussion of the reciprocity agreement; Alderman Fleming stated our City Attorney has not had the opportunity to review this at this time.

Mayor Pogue asked the petitioner to come forward. Matt Schlichter addressed the Board, stating they understand resident concerns, but also stated this is not a new tower that is being proposed. It is replacing a site that has been there for over 25 years. It will be moved a couple hundred feet, but is a replacement. The pole will have space for an additional carrier as well. They are taking something that is temporary and making it permanent. Alderman Stallmann asked if the current site is 5G; Mr. Schlichter replied it is not yet, but they are trying to build for the future. Alderman Fleming stated that the reciprocity agreement was not discussed at the Planning and Zoning meeting that he is aware of; Mayor Pogue confirmed this is the first they have been made aware. City Attorney Jones stated he reviewed the agreement and said it was really an architectural review provision. Alderman Fleming summarized that we are still within the 120 day threshold (October 3), five votes are needed to pass, one alderman is absent and two are abstaining; the City Attorney needs to review the agreement as well.

A motion was made by Alderman Fleming and seconded by Alderman Stallman to table Bill 4067 until the next meeting. A roll call vote was taken with the following results:

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

Nays -- None.

Abstain – Aldermen Leahy, Utt

Bill No. 4067 was tabled to the September 14, 2020 Board meeting.

Bill 4068 - AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF BALLWIN, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PROVIDING FOR ROADWAY IMPROVEMENTS ON NEW BALLWIN ROAD FROM MANCHESTER ROAD TO TWIGWOOD DRIVE.

This ordinance will authorize the Mayor to execute a contract with Missouri Highways and Transportation Commission for road improvements.

A motion was made by Alderman Fleming and seconded by Alderman Bullington for a first reading of Bill 4068, title only. A voice vote was taken with unanimous affirmative result and Bill 4068 was read for the first time.



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

AUGUST 24, 2020

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

In discussion of Bill 4068:

None

A motion was made by Alderman Roach and seconded by Alderman Bullington for a second reading of Bill 4068. A voice vote was taken with unanimous affirmative result and Bill 4068 was read for a second time.

A roll call vote was taken for passage and approval of Bill No. 4068 with the following results:

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

Nays -- None.

Bill No. 4068 was approved and became Ordinance No. 20-15

Bill 4069 - AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION FOR AN AMENDED SITE DEVELOPMENT PLAN TO MSH ELCO CHEVROLET CADILLAC INC. FOR PROPERTY AT 15110 MANCHESTER ROAD.

MSH Elco Chevrolet Cadillac Inc. submitted a Petition for a special use exception for an amended site development plan to change the showroom footprint for the property at 15110 Manchester Rd.

A motion was made by Alderman Finley and seconded by Alderman Utt for a first reading of Bill 4069, title only. A voice vote was taken with unanimous affirmative result and Bill 4069 was read for the first time.

In discussion of Bill 4069:

Alderman Roach stated he has reviewed the petition and believes it meets all the elements for a special use exception. Architect Jeff Kiser addressed the Board and presented the showroom renovation plans. Alderman Roach asked when construction would start; it is anticipated it will start around the first of January.

A motion was made by Alderman Finley and seconded by Alderman Utt for a second reading of Bill 4069. A voice vote was taken with unanimous affirmative result and Bill 4069 was read for a second time.

Before conducting the roll call vote, Mayor Pogue read the statement regarding Special Use Exception standards.

A roll call vote was taken for passage and approval of Bill No. 4069 with the following results:

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

Nays -- None.

Bill No. 4069 was approved and became Ordinance No. 20-16



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

AUGUST 24, 2020

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

Bill 4070 - 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.

Panera Bread requested the use of certain property for front yard parking and operation of a restaurant with outdoor seating and a drive-through window.

A motion was made by Alderman Finley and seconded by Alderman Utt for a first reading of Bill 4070, title only. A voice vote was taken with unanimous affirmative result and Bill 4070 was read for the first time.

In discussion of Bill 4070:

Alderman Roach discussed the lighting issues, which have been addressed. Alderman Stallmann asked about start of construction; it will be starting next year. It was also pointed out that this is the site of the old Steak N Shake and the Winchester Panera will be relocating here.

A motion was made by Alderman Finley and seconded by Alderman Utt for a second reading of Bill 4070. A voice vote was taken with unanimous affirmative result and Bill 4070 was read for a second time.

Before conducting the roll call vote, Mayor Pogue read the statement regarding Special Use Exception standards.

A roll call vote was taken for passage and approval of Bill No. 4070 with the following results:

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

Nays -- None.

Bill No. 4070 was approved and became Ordinance No. 20-17

Bill 4071 - AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO BEER SAUCE SHOP FOR FRONT YARD PARKING AND OPERATION OF A RESTAURANT WITH PACKAGE LIQUOR AND BY THE DRINK.

BeerSauce Shop has requested the use of certain property for front yard parking and operation of a restaurant with package liquor and liquor by the drink.

A motion was made by Alderman Finley and seconded by Alderman Utt for a first reading of Bill 4071, title only. A voice vote was taken with unanimous affirmative result and Bill 4071 was read for the first time.

In discussion of Bill 4071:

Alderman Stallmann asked about the background on the shop, but no representatives from BeerSauce Shop attended the meeting.



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

AUGUST 24, 2020

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

A motion was made by Alderman Finley and seconded by Alderman Utt for a second reading of Bill 4071. A voice vote was taken with unanimous affirmative result and Bill 4071 was read for a second time.

Before conducting the roll call vote, Mayor Pogue read the statement regarding Special Use Exception standards.

A roll call vote was taken for passage and approval of Bill No. 4071 with the following results:

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

Nays -- None.

Bill No. 4071 was approved and became Ordinance No. 20-18

CONSENT ITEMS

ADMINISTRATION – Liquor License Renewals

Liquor license renewals for the Craft Beer Festival and St. Louis Taco and Pita Grill are presented for the Board's approval.

Discussion:

None

A motion was made by Alderman Fleming and seconded by Alderman Bullington to approve the liquor licenses. A voice vote was taken with unanimous affirmative result and the motion passed.

PUBLIC WORKS– Salt Recommendation

Staff recommendations for salt purchases are presented for the Board's approval.

Discussion:

None

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

MAYOR'S REPORT

Mayor Pogue thanked the Parks and Recreation staff for getting the playgrounds open quickly and safely.

Mayor Pogue also welcomed new City Administrator Eric Sterman to the Ballwin family.



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

AUGUST 24, 2020

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

CITY ADMINISTRATOR'S REPORT

City Administrator Sterman expressed his appreciation for being given the opportunity to serve the City of Ballwin. He also stated he is looking forward to working with everyone.

STAFF REPORTS

ADMINISTRATION – Budget Calendar for Fiscal Year 2021

The budget calendar for fiscal year 2021 is presented for the Board's approval.

Discussion:

Finance Officer Denise Keller presented the plan for the order of the presentation of various budget components. Employee compensation will be discussed at the September 14, 2020 Board meeting. She stated there will be a work session prior to the October 12, 2020 Board meeting; this work session will start at 6 p.m. The public hearing and proposing the budget for adoption will be at the first Board meeting in December. Alderman Roach asked if they should email their budget priorities to her; Ms. Keller stated they should. Alderman Fleming asked if there was only one early start; Ms. Keller stated there was only one.

CITY ATTORNEY'S REPORT

Nothing to report

ALDERMANIC COMMENTS

Aldermen Roach and Stallmann also welcomed City Administrator Sterman to Ballwin.

CLOSED SESSION

A motion was made by Alderman Fleming and seconded by Alderman Finley to move to closed session pursuant to Section 610.021(1), legal matters and Section 610.021(2), real estate matters. A roll call vote was taken to move into closed session at 8:18 p.m.

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

Nays - None



DRAFT MINUTES
BOARD OF ALDERMEN
Meeting Minutes

AUGUST 24, 2020

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

OPEN SESSION

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

A motion was made by Alderman Fleming and seconded by Alderman Finley to adjourn. The motion was passed by unanimous affirmative voice vote and the meeting adjourned at 8:45 p.m.

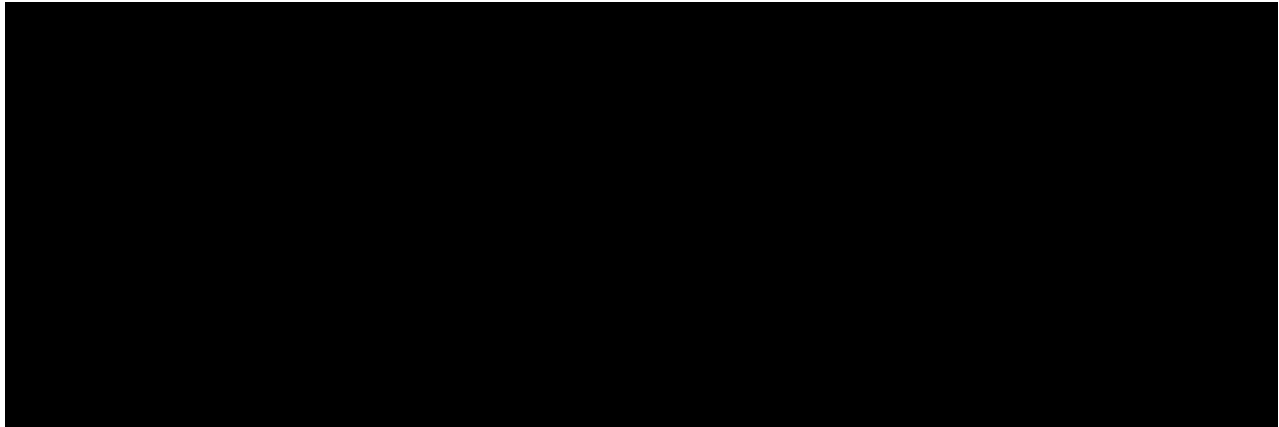
TIM POGUE, MAYOR

ATTEST:

POLLY MOORE, CITY CLERK

MINUTES OF THE CLOSED SESSION – AUGUST 24, 2020
BALLWIN BOARD OF ALDERMEN

The Ballwin Board of Aldermen convened in closed session on August 24, 2020 at 8:21 PM at 1 Government Center. Present were Mayor Pogue, Aldermen Finley, Fleming, Stallmann, Utt, Bullington, Leahy, Roach, City Administrator Eric Sterman and City Attorney Robert E. Jones.



A motion was made by Alderman Fleming to adjourn the closed session. The motion was seconded by Alderman Stallmann.

The following vote was recorded:

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

The closed session adjourned at 8:44 PM.

/s/ Robert E. Jones

Robert E. Jones

Acting Secretary



Jim Link, Public Works Director
City of Ballwin
200 Park Drive
Ballwin, MO 63011

Congratulations, Jim! The City of Ballwin has earned a Silver Shovel award! We are pleased to celebrate your commitment to natural gas pipeline awareness and safe digging!

At Spire, we believe energy exists to make people's lives better. We help more than 1.2 million families and business owners in Missouri fuel their daily lives through our natural gas. To fulfill our mission to "answer every challenge, advance every community and enrich every life through the strength of our energy," we need strong partnerships with the municipalities we serve.

And since safety is one of our core values, we created the Silver Shovel award to recognize municipal public works departments that safely excavate and work carefully around our gas facilities.

To be awarded, a municipality is required to:

1. be located within Spire's service territory,
2. utilize the Missouri One Call System, and adhere to its statutes, and
3. have no "at fault" damages on a gas facility in the calendar year of 2019.

We are happy to share that The City of Ballwin has reported more than 227 jobs in 2019 without any "at fault" damages.

A Spire representative would like to present this award to you and your team at an upcoming council meeting. Please contact me at Tod.Fagan@Spireenergy.com by August 3, 2020, to confirm a date and time for the presentation.

We are excited to celebrate your commitment to natural gas pipeline awareness and safe digging! The dedication and coordination of your public works team helps our communities thrive.

We hope this Silver Shovel acknowledgment will shine a light on your work and inspire other municipalities to continue their commitment to safe excavation!

Congratulations Again,

A handwritten signature in black ink, appearing to read "Tod Fagan".

Tod Fagan
Manager, Right of Way

A handwritten signature in black ink, appearing to read "Alan Meyer".

Alan Meyer
Manager, Damage Prevention

CC: Mayor Tim Pogue; Bob Kuntz, City Administrator



Bill No. 4067

Ordinance No. _____

INTRODUCED BY

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

AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO NETWORK REAL ESTATE ON BEHALF OF AT&T MOBILITY FOR A COMMUNICATIONS TOWER AT 15407 CLAYTON ROAD.

WHEREAS, Network Real Estate on behalf of AT&T Mobility submitted a Petition for a special use exception to erect a communications tower at 15407 Clayton Road in the City of Ballwin; and

WHEREAS, a public hearing was duly noticed and held before the Planning & Zoning Commission on July 6, 2020; and

WHEREAS, the Planning & Zoning Commission recommended approval of the Petition submitted by Network Mobility on behalf of AT&T Mobility; and

WHEREAS, the Board of Aldermen has determined that the special use exception, 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, in determining the location for the proposed structure, and in keeping with RSMO. Section 67.5094 with regard to new wireless infrastructure deployment, AT&T Mobility conducted an analysis of available collocation opportunities on existing wireless towers inside their search areas but did not find any suitable opportunities to meet their needs.

WHEREAS, all applicable matters in 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, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. A special use exception, subject to the conditions hereinafter specifically set forth in the addendum attached hereto and incorporated herewith as Exhibit One, is hereby granted to Network Real Estate on behalf of AT&T Mobility to use the premises in the City of Ballwin, Missouri known as 15407 Clayton Road for erection of a communications tower.

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



Bill No. 4067

valid only if the conditions set forth in the Addendum, attached hereto as Exhibit 1 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

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. 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.

4. 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.

5. 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.

6. 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.

7. The permittee and their approved assignees or successors, if any, shall install plantings native to the State of Missouri, subject to review and approval by City staff and 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. The final site development plan shall comply with all recommendations of the Petition Review Report for Petition No. SUE 20-04.

13. The Simtek wall shall be constructed to a height of 8 feet, and any equipment buildings will be lower than the 8 foot height of the wall.



Consent Item

RE: Utility Vehicle - Surplus

Department/Program: Parks and Recreation/Building Systems

Recommendation: Utility Vehicle - Surplus

Explanation:

This vehicle is a 2007 Chevrolet Express 1500 Cargo Van with 55,424 miles; it was purchased in 2007 for \$12882.00. This vehicle was replaced this summer

Submitted By: Chris Conway

Date: August 24, 2020



Staff Report

Subject: Employee Compensation – Budget Assumptions

Explanation:

Personnel expenses make up the largest portion of the City’s operating expenses – 65%. The annual budget process for the City therefore begins by establishing the assumptions on which personnel expenses are projected.

Merit Increases: The City will budget for a 3% merit increase in 2021. A step increase of 3% is required under the police officer’s collective bargaining agreement, unless the City’s sales tax revenue would fall below 90% of the amount budgeted in calendar year 2019. Administration will formally request an amount for merit increases in February after receipt of final 2020 sales taxes. The cost to implement a 3% merit increase in 2021 will be \$269,377, including FICA and LAGERS.

Merit checks: These are checks given to employees whose salaries are at the maximum for their ranges. They do not increase the employee’s base salaries. There are currently ten people who are eligible for these checks. With a 3% merit increase they total \$12,528.

Range adjustments: The annual employee compensation survey has been updated to reflect salary minimums and maximums paid by our ten peer cities. The results of that survey are attached. Nine ranges were affected by the “spike rule” whereby the highest salary is thrown out if it exceeds the second highest salary by 10% or more. Of the salaries thrown out, seven were from Clayton. Below is a table which shows which cities had either the highest minimum or maximum salary for each of the ranges.

Peer City	# of Highest Salaries		Peer City	# of Highest Salaries
Bridgeton	4		Kirkwood	11
Chesterfield	4		Maryland Heights	16
Clayton	12		O’Fallon	3
Creve Coeur	2		University City	13
Hazelwood	2		Webster Groves	1

With a 3% merit increase all full time employees will be at or above the minimum for their range except for two. \$6,917 will be needed to bring these employees to their minimums.

Part time pay:

With the passage of Proposition B in 2018, the minimum wage rate in Missouri began a five year schedule of 85 cent annual increases which caps out at \$12.00 per hour in 2023. In the first two years this only impacted entry level part time employees such as lifeguards and camp counselors. With year three, however, wage compression must be addressed. While the entry level employees will receive the statutory 9% increase, more experienced employees will receive a 2% increase. The overall average increase will be 5%.

Missouri minimum wage rate

Year	Rate
2019	\$8.60
2020	\$9.45
2021	\$10.30
2022	\$11.15
2023	\$12.00

LAGERS: The contribution rate for LAGERS for general employees in 2021 will increase by .9%, just below the 1% maximum allowed annually. For police employees the increase is .4%.

LAGERS Contribution Rates L-12

Year	General Employees	Police Employees
2018	7.2	11.4
2019	6.7	11.5
2020	7.7	12.1
2021	8.6	12.5

Health / Dental insurance: For the upcoming year we will budget a 5.0% increase for health insurance premiums and a 2% increase for dental insurance. We have not received a dental increase since 2016. The renewals for our plans occur mid-year so the increases in premiums are budgeted for one half of the year.

Life insurance: 2021 is the second year of a three year term where rates are locked for life insurance. No additional funds will need to be budgeted for this benefit.

Employee retirement: In September of 2017, the Board adopted a new employee retirement health plan. This enables employees who retire early with 15 years of service to maintain single health and dental coverage at the same cost as active employees. In 2021, seventeen employees will meet the age and service requirements to participate in the plan. The expected cost to the City in 2021 for the current participants is \$37,631. To keep this program affordable we recommend increasing the age requirement from 60 years to 62 years, effective January 1, 2021.

Submitted By: Denise Keller

Date: September 3, 2020



Staff Report

Subject: Amending Ordinance 18-1 “When Parks Open”

Department/Program: Parks and Recreation

Explanation: Make changes to park hours to add some parks and adjust current hours of listed parks in the ordinance.

Recommendation:

Amend ordinance 18-1 to add Ferris Park and Greenfield Commons (The Pointe at Ballwin Commons) Playground and Pavilion. Recommendation is as follows:

George Vlasis Park	6:00 a.m. – 11:00 p.m.
New Ballwin Park	6:00 a.m. – 9:00 p.m.
Holloway Park	6:00 a.m. – 11:00 p.m.
Golf Course	6:00 a.m. – Dusk
Ferris Park	6:00 a.m. – 9:00 p.m.
Greenfield Commons/The Pointe at Ballwin Commons (Playground and Pavilion)	6:00 a.m. – 11:00 p.m.

Submitted By: Chris Conway

Date: September 3, 2020
