



BOARD OF ALDERMEN MEETING AGENDA

JULY 23, 2018

7:00 p.m. at 300 Park Drive, Ballwin, MO 63011

1. *Call to Order*
2. *Roll Call*
3. *Pledge of Allegiance*
4. **Approval of Minutes:** June 25, 2018 Board of Aldermen Meeting Minutes
5. **Presentation:** *None*
6. **Citizen Comments:**
7. **Public Hearing:** *None*
8. **Unfinished Business:**
 - a. Bill No. 3994 Street Lights Ordinance

New Business:

9. **Legislation:** **Next Ordinance # 18-09**
 - a. Bill No. 3995 Amendment to the Eligibility of Applicants for a Liquor License
 - b. Bill No. 3997 SUE for Elco at 112 Old Ballwin Road
10. **Consent Items:**
 - a. Semi-Annual Financial Statement
 - b. Liquor License Application for the Ballwin Craft Beer Festival
 - c. Liquor License Transfer for the Ballwin Recreation Complex
 - d. Stump grinder
11. **Mayor's Report**
12. **City Administrators Report**
13. **Staff Reports:**
 - a. Public Works: New Ballwin Road Wall Repair
 - b. Public Works: Tack Sprayer
 - c. Police Department: Evidence Barcode System
14. **City Attorney's Report**
15. **Aldermanic Comments**
16. *Closed Session*
17. *Information Only*
18. **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 AGENDA

JULY 23, 2018

7:00 p.m. at 300 Park Drive, Ballwin, MO 63011

If you have any questions or concerns about any item on the agenda, please contact me prior to the meeting. If you cannot attend this meeting, please contact Mayor Pogue or me as soon as possible so we can plan accordingly.

Eric Hanson, City Administrator

MINUTES: The June 25, 2018, Board of Aldermen meeting minutes is enclosed for your review and approval.

CITIZEN COMMENTS:

PUBLIC HEARING:

UNFINISHED BUSINESS

LEGISLATION

BILL NO. 3994 STREET LIGHTS ORDINANCE

This Bill had a first reading at the June 25, 2018, Board of Aldermen Meeting. Ballwin spends approximately \$600,000 per year, providing electric to and maintaining street lights throughout the City. Efforts have been made, by the City, to purchase street lights from Ameren Missouri, but all attempts have been unsuccessful, as Ameren has been uncooperative in our efforts. This ordinance will prohibit the acceptance of new street lights by the City of Ballwin.

NEW BUSINESS

LEGISLATION

BILL NO. 3995 ORDINANCE AMENDMENT FOR ELIGIBILITY OF APPLICANTS FOR A LIQUOR LICENSE

This is an ordinance amendment to clean up the language within the liquor license application requirements ordinance identifying the qualifications of who may obtain a liquor license within the City of Ballwin.

BILL NO. 3997 SPECIAL USE EXCEPTION TO ELCO FOR PROPERTY AT 112 OLD BALLWIN ROAD

MSH Elco Chevrolet Cadillac Inc. submitted a Petition for a special use exception to utilize the property at 112 Old Ballwin Road for an automobile service and repair facility. A public hearing was held before the Planning & Zoning Commission on July 2, 2018. Planning & Zoning Commission recommended approval of the Petition submitted by MSH Elco Chevrolet Cadillac Inc.

CONSENT ITEMS

This section includes budgeted items which are low bid and do not exceed expenditure estimates, and/or items which have been previously approved in concept.

ADMINISTRATION SEMI-ANNUAL FINANCIAL STATEMENT

In accordance with RSMo Statute Section 79.160, attached is a report of actual revenues and expenditures received/expensed during the period January 1 – June 30, 2018. This needs to be published in a local newspaper of general circulation after approval by the Board. Staff recommends that the Board approve the semi-annual statement of revenues and expenditures.

LIQUOR LICENSE LIQUOR LICENSE APPLICATION FOR THE BALLWIN CRAFT BEER FESTIVAL

The Ballwin Visual and Performing Arts committee has applied for a liquor license for the craft beer festival, which is to take place on September 8, 2018.

LIQUOR LICENSE TRANSFER OF LICENSE FOR THE BALLWIN RECREATION COMPLEX

Staff is requesting that the Board approve the transfer of the liquor license holder for the Ballwin Recreation Complex to Eric Hanson.

PUBLIC WORKS STUMP GRINDER

\$19,000 was budgeted for the purchase of a stump grinder. For bidding purposes, staff used Sourcewell contract #062117 (formerly National Joint Powers Alliance). Staff is recommending the Board accept the purchase quote from Vermeer Midwest's, who holds the contract. The purchase price for the stump grinder is \$15,595.00 .

MAYOR'S REPORT

CITY ADMINISTRATOR'S REPORT

STAFF REPORTS

PUBLIC WORKS NEW BALLWIN ROAD WALL REPAIR (Discussion & Enclosure)

Due to an accident that occurred on November 20, 2017, the retaining wall along New Ballwin Road has a crack. To determine the cost of repair, bids were solicited. Only two bids were received. Staff submitted the bids to the insurance company of the person at fault and received a check in the amount of the lowest bid, \$16,794.00. The low bidder has done satisfactory work for Ballwin in the past. Staff recommends the Board awards the retaining wall bid to Ideal Landscape Construction, Inc., the lowest bidder, for \$16,794.00.

PUBLIC WORKS TACK SPRAYER

\$14,000.00 was budgeted for the purchase of 250 gallon tack sprayer. After paving several streets this year, staff thought it would be beneficial to purchase a 700 gallon tack sprayer rather than the 250 gallon. Due to favorable purchasing prices that have been made, there is a current balance of \$23,805.00 public works account 01-02-22-222999. For bidding purposes, staff used Sourcewell contract #052417-VTL (formerly National Joint Powers Alliance). Staff is requesting the Board approve the purchase of a 700 gallon tack sprayer in the amount of \$21,768.00, from the contract holder for Sourcewell contract #052417-VTL, Roland's Machinery. The amount is an additional \$7,768.00 from what was originally budgeted.

POLICE DEPARTMENT EVIDENCE BARCODE SYSTEM

The Ballwin Police Department has found that establishing a barcoding system to track evidence is needed. \$15,000.00 was budgeted for this project. Bids were solicited and advertised and only 2 bids were received. Staff is recommending the contract be awarded Progressive Microtechnology Inc. (PMI), the lowest bidder. PMI's bid for the project came in under budget at \$10,533.00.

CITY ATTORNEY'S REPORT

ALDERMANIC COMMENTS



Bill No. 3994

Ordinance No. _____

INTRODUCED BY

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

AN ORDINANCE PROHIBITING THE ACCEPTANCE OF NEW STREET LIGHTS BY THE CITY OF BALLWIN.

WHEREAS, the City of Ballwin spends approximately \$600,000.00 per year, providing electric power and maintaining street lights within the City; and

WHEREAS, efforts to purchase street lights from Ameren Missouri have been unsuccessful; and

WHEREAS, it is the policy of the Board of Aldermen to remain fiscally responsible while adequately providing for public safety.

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

Section 1. Section 25-29 of the Code of Ordinances of the City of Ballwin shall be repealed and replaced with the following:

Sec. 25-29. - Same—Streetlights.

- (a) No plat of any proposed subdivision submitted to the board of aldermen shall be approved unless the subdivider shall have previously installed, or shall have included and provided, adequate security, as provided by section 25-32 or 25-33, for the installation of streetlights, rated at a minimum of 175 watts and 6,800 lumens of output, or equal, mounted on a post a minimum of three inches in diameter and a minimum of 16 feet in height at intervals of not more than 250 lineal feet upon each street or roadway.
- (b) Notwithstanding any other provision of this Code, the City of Ballwin shall not accept responsibility for the maintenance of or provision of electric to any streetlights in an area annexed by the City or in any new subdivision approved by the City after June 25, 2018.

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



Bill No.3994
Ordinance No._____

PASSED this _____ day of _____, 2018.

TIM POGUE, MAYOR

APPROVED this _____ day of _____, 2018.

TIM POGUE, MAYOR

ATTEST: _____
ERIC HANSON, CITY ADMINISTRATOR



INTRODUCED BY

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

AN ORDINANCE DEFINING THE ELIGIBILITY OF APPLICANTS FOR A LIQUOR LICENSE IN THE CITY OF BALLWIN.

WHEREAS, the Board of Aldermen is empowered by state statute to make and enforce ordinances for the regulation and control of the sale of all intoxicating liquor that are not inconsistent with the provisions of state law; and

WHEREAS, the Board of Aldermen deems it prudent to condition the eligibility for a liquor license upon an absence of a revocation or a conviction of liquor laws within three years of submission.

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

Section 1. Section 3-43 of the Code of Ordinances of the City of Ballwin shall be repealed and replaced with the following:

Sec. 3-43. - Persons ineligible generally.

No natural person shall be granted a liquor license unless such person is of good moral character and a qualified legal voter and taxpaying citizen of a county, town, city or village of the state; no corporation shall be granted a liquor license unless the managing officer of the corporation is of good moral character and a qualified legal voter and taxpaying citizen of a county, town, city or village of the state. No person shall be granted a liquor license whose license as a liquor dealer 2 or more times within 12 months before applying:

- a. has been revoked;
- b. has been convicted of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor; or
- c. employs in his business, as a liquor dealer or licensee, any person whose license within 2 or more times within 12 months before applying has been revoked or who has been convicted of violating the provision of any such law.

However, nothing in this section contained shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this state.



Bill No. 3995
Ordinance No. 18-

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

PASSED this _____ day of _____, 2018.

TIM POGUE, MAYOR

APPROVED this _____ day of _____, 2018.

TIM POGUE, MAYOR

ATTEST: _____
ERIC HANSON, CITY ADMINISTRATOR



Bill No.3997

Ordinance No.18-_____

INTRODUCED BY

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

AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO MSH ELCO CHEVROLET CADILLAC INC. FOR PROPERTY AT 112 OLD BALLWIN ROAD.

WHEREAS, MSH Elco Chevrolet Cadillac Inc. submitted a Petition for a special use exception to utilize the property at 112 Old Ballwin Road for an automobile service and repair facility; and

WHEREAS, a public hearing was duly noticed and held before the Planning & Zoning Commission on July 2, 2018; and

WHEREAS, the Planning & Zoning Commission recommended approval of the Petition submitted by MSH Elco Chevrolet Cadillac Inc.; 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 overtax 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 Ordinance No. 557, "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 MSH Elco Chevrolet Cadillac Inc. to utilize the property at 112 Old Ballwin Road for an automobile service and repair facility:

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 made a part hereof, are observed by permittee.



Bill No. 3997
Ordinance No. 18-_____

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

PASSED this _____ day of _____, 2018.

TIM POGUE, MAYOR

APPROVED this _____ day of _____, 2018.

TIM POGUE, MAYOR

ATTEST: _____
ERIC HANSON, CITY ADMINISTRATOR

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. 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.

7. 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.



8. Permittee shall provide for a 25 foot wide landscape area on the West side of the property, adjacent to Old Ballwin Road. The landscaped area shall be entirely upon permittee's property.

9. A sidewalk shall be installed along Old Ballwin Road, with a parkway between the curb and the sidewalk which shall be landscaped.

10. All landscaped areas on the subject property shall be irrigated.

11. Permittee shall operate the service center which is subject to this Special Use Exception only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday.



Architects of the Possible®
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St. Louis, Missouri 63119

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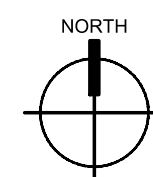
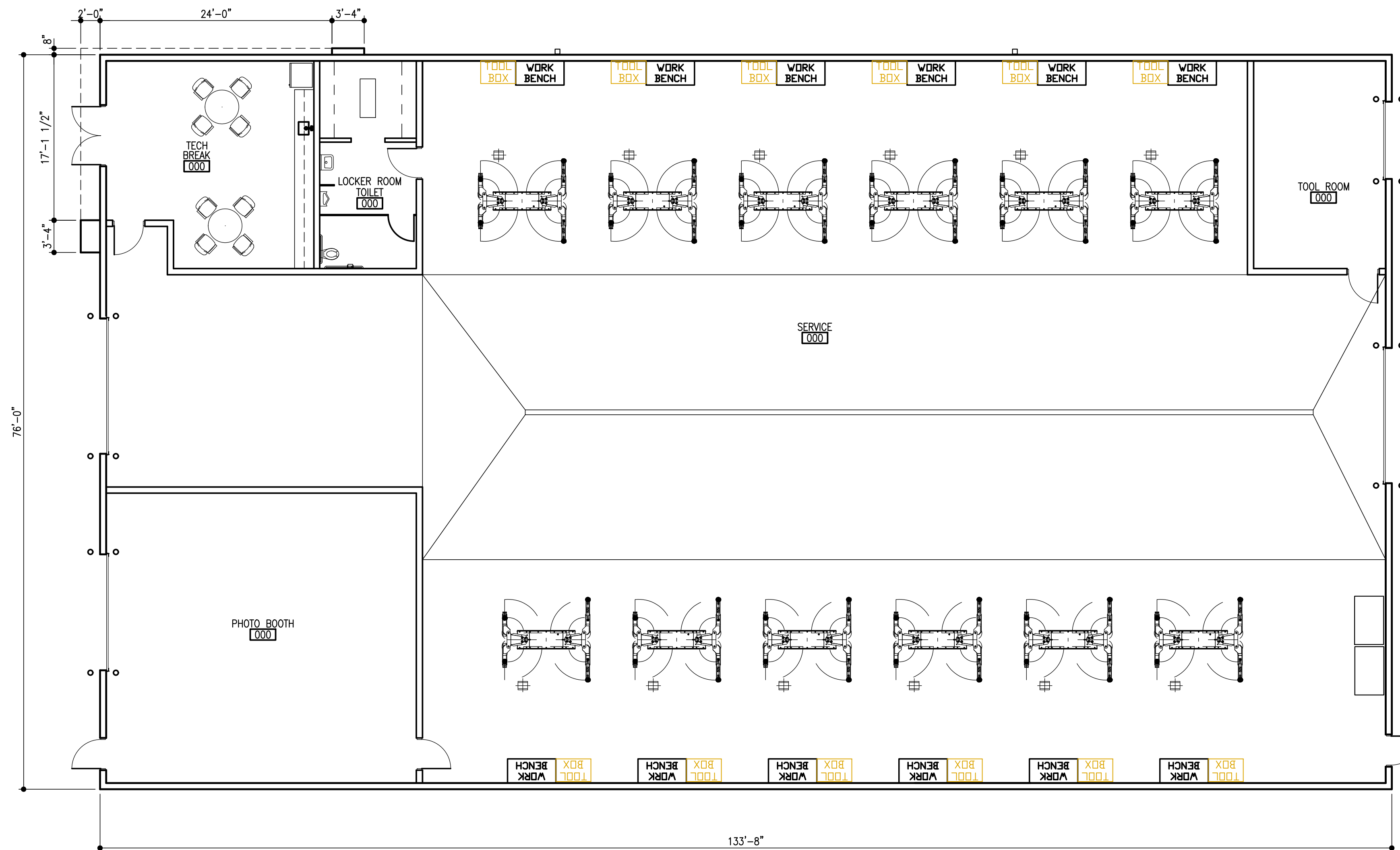
2018

ELCO CHEVROLET SERVICE

BALLWIN,
16-044

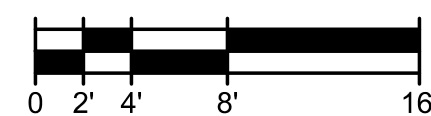
MISSOURI
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FLOOR PLAN

SCALE: 1/8" = 1'-0"



ELCO SERVICE CENTER

