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**AMENDED AGENDA
CITY OF CREVE COEUR
CITY COUNCIL MEETING
300 N NEW BALLAS ROAD
Monday, November 28, 2011
7:30 PM**

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

COMMENTS FROM THE GENERAL PUBLIC

(Citizens are asked to limit comments to three minutes and to complete a speaker card)

ACCEPTANCE OF AGENDA

ANNOUNCEMENTS

The City Council meets the 2nd and 4th Monday of each month

6:00 p.m. – 7:00 p.m. – Work Session

7:00 p.m. – Regular Meeting of the City Council

1. CONSENT AGENDA

a. Council Minutes dated November 14, 2011.

b. Acceptance Of Picnic Table Donation From The Creve Coeur Kiwanis for Laverne Collins Park

Summary: The Creve Coeur Kiwanis have approached staff regarding the donation of a concrete picnic table for Laverne Collins Park, valued at \$2,105. If accepted, public works crews will construct a concrete pad in the park to place the table and benches on. Per policy, any donations exceeding \$1,000 must be approved by City Council.

BILLS PAYABLE REPORT

For Information Only

Summary: A report of bills payable dated November 18, 2011 in the amount of \$50,981.93 has been provided for Council review. No vote is required.

UNFINISHED BUSINESS

2. Bill No. 5348 - An Ordinance repealing Ordinance Numbers 1074, 1594, And 1694, and authorizing the issuance of a new conditional use permit for operation Of A Valvoline Instant Oil Change Service



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Station located at 11333 Olive Boulevard. Final Reading and Passage

Summary: Jason Coil, Area Manager for Valvoline Instant Oil Change, submitted a request to amend Ordinance #1694 to allow for hours of operation on Sunday from 9:00 a.m. to 5:00 p.m. P&Z Commission recommended Sunday hours of operation from 10:00 a.m. to 5:00 p.m., among other changes to the Conditional Use Permit. The original conditional use permit ordinance #1074, was approved by the City Council on September 10, 1984, and amended on July 26, 1993 (ordinance #1594) and on March 13, 1995 (ordinance #1694), to allow for an automobile service station.

3. Bill No. 5349 - An Ordinance Amending The Adopted 2011-2012 General Fund And Capital Fund Budgets Of The City Of Creve Coeur By Authorizing Additional Appropriations And Unappropriations From Operating Departments. Final Reading and Passage

Summary: An ordinance to amend the adopted 2011-2012 General and Capital Funds for the City of Creve Coeur.

NEW BUSINESS

4. Bill No. 5350 - A Request To Reconsider And Repeal Ordinance #5228 And Enact A New Ordinance Amending Chapter 405, The Zoning Ordinance, Of The Code Of Ordinances Of The City Of Creve Coeur, Missouri, By Adding Motor Vehicle Dealers, New And Used, And Used Only, As A Conditional Use In "LI" Light Industrial Zoning District, And Establishing Conditions For Such Use. First Reading

Summary: On November 14, 2011, the City Council voted to reconsider Ordinance #5228 that was approved at their prior meeting on October 24, 2011. The ordinance will allow Motor Vehicle Dealers, New And Used, And Used Only, as a Conditional Use in "Li" Light Industrial Zoning District.

5. Bill No. 5351 - An Ordinance Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Extension Of License For Use Of Right-Of-Way By Edward D. Jones & Co., L.P. First Reading

Summary: The Ordinance and agreement on file for use of right of way expires on December 31, 2011. This will extend the agreement for a period of five years expiring on December 31, 2016.



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6. Bill No. 5352 - An Ordinance Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Extension Of License For Use Of Right-Of-Way By Savvis Communications Corporation. First Reading

Summary: The Ordinance and agreement on file for use of right of way expires on March 31, 2012. This will extend the agreement for a period of five years expiring on March 31, 2017.

7. Bill No. 5353 - An Ordinance Amending Chapter 500, Article II And Article VI Of The Creve Coeur City Building Codes Regarding Fire Sprinklers In One And Two Family Dwellings Or Townhouses. First Reading

Summary: On August 28, 2011, a new Missouri state law went into effect that changes the expiration date regarding residential sprinkler installation options, which are stated in City Ordinance No. 5110 from 12/31/2011 to 12/31/2019. The proposed ordinance extends the requirements of the 'mandatory fire sprinkler option' to the new expiration date.

8. Bill No. 5354 - An Ordinance Waiving The Gross Receipts Tax On Ameren's Sale Of "Pure Power" And Any Similar Programs. First Reading

Summary: Residents and businesses that purchase renewable energy credits through Ameren's PurePower program pay a surcharge imposed by Ameren to recover gross receipts utility taxes on such PurePower purchases. This ordinance would exempt the additional cost of PurePower purchases from the tax so that residents and businesses that purchase PurePower certificates would pay the same amount of tax surcharges that they otherwise would if they did not purchase PurePower certificates.

9. Resolution No. 986 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of A Contract With Horner & Shifrin, Inc. For Engineering Design Services Related To The Development Of The Ladue Road Sidewalk Design, Project Manual, And Approvals From MoDOT For \$28,739.00.

Summary: Public Works staff is recommending the approval of a contract with Horner & Shiffrin to provide design services on the Ladue Road Sidewalk Project. The scope of services include survey work, design



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construction plans, drafting a project specification manual, corresponding with MoDOT, revising plans and specs to obtain approvals from MoDOT.

10. Resolution No. 987 - A Resolution Adopting a Fund Balance Policy for the City of Creve Coeur.

Summary: Adoption of a fund balance policy for the City of Creve Coeur in an effort to ensure financial security through the maintenance of a healthy reserve fund.

APPOINTMENTS

11. Citizen(s) of the Year 2011

Summary: Annual selection of the Citizen(s) of the Year

BUSINESS FROM THE MAYOR and CITY COUNCIL

BUSINESS FROM CITY ADMINISTRATOR

12. Sales Tax Sharing in St. Louis County

Summary: Staff will review the current sales tax sharing formula in St. Louis County and proposed changes to the system.

13. Review of Deferred Option Retirement Program (DROP)

Summary: The DROP is offered to members of the defined benefit pension plan upon eligibility for retirement. The program is due to expire December 31, 2011, unless legislation is approved by City Council to further extend.

14. Today In America TV Spotlight

Summary: City staff has been contacted by the Today in America show with Terry Bradshaw. They are considering airing a five (5) minute segment on topics, trends and issues related to "Hidden Gems to Live, Work and Play" in their "Discover America" series. Today in America airs on major cable networks and distributed to national and regional audiences. Total cost of this project would be \$19,800 and could be partially offset with corporate sponsorships.

15. Transportation Development District Update

Summary: Staff will provide an update on the Olive and Olive-Graeser TDDs.

16. Second Council meeting in December.



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Summary: The City Council traditionally cancels the second meeting in December.

Pursuant to Section 610.022 RSMo., the City Council 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.

Posted: _____ posted 11/28/2011 10:00 a.m.
Deborah Ryan, MRCC
City Clerk



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL MEETING
300 N NEW BALLAS ROAD
Monday, November 14, 2011
7:00 PM**

CALL MEETING TO ORDER

A regular meeting of the City Council of the City of Creve Coeur was called to order by Mayor Dielmann at the Creve Coeur Government Center, 300 N New Ballas Road on Monday, November 14, 2011.

PLEDGE OF ALLEGIANCE

Mayor Dielmann led the Pledge of Allegiance.

INVOCATION

Mayor Dielmann said the invocation.

ROLL CALL

The following members were in attendance:

Mr. Kreuter	Council Member Ward I
Mrs. Kistner	Council Member Ward I
Mrs. Nealey	Council Member Ward II
Mr. Wang	Council Member Ward II
Mr. Hoffman	Council Member Ward III
Mrs. D'Alfonso	Council Member Ward III
Mr. Saunders	Council Member Ward IV
Mrs. Rhoades	Council Member Ward IV

COMMENTS FROM THE GENERAL PUBLIC

(Citizens are asked to limit comments to three minutes and to complete a speaker card)

David Caldwell resident of 257 Brook Trail Court stated there is an item on the agenda tonight that was approved by Planning and Zoning with respect to the Valvoline Conditional Use Permit. There was discussion at the Public Hearing during the Planning and Zoning meeting that the bay doors could be left open at all times except on Sundays while impact wrenches were being used. This is a very small limitation with a house located right next door to that operation. The owner of that home was at the meeting and objected to that noise and staff recommended keeping the doors closed whenever vehicles were being serviced. The Commission ignored the staff recommendation and also ignored their own previous ruling with respect to the Light Industrial District where there are no houses. In that case the Commission recommended, and the Council subsequently adopted, that the doors be kept closed at all times. Mr. Caldwell stated he is requesting that the Council either reconsider the previous ordinance regarding the Light Industrial area or to table the Valvoline request until both items can be considered regarding the restriction of the bay doors.



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Lynn Berry resident of 626 Graeser Road stated she was called on Halloween night to participate in the city wide citizen's survey. The question was asked, "are you aware that Creve Coeur residents receive rear yard trash service for free"? Mrs. Berry stated that is kind of a misleading statement and that should not just be ignored. There needs to be a correction in the newsletter or somewhere informing Creve Coeur residents that they do indeed pay for their trash whether it is rear yard or wherever. Maybe we should publish some of the accounts payable reports so that citizens can see exactly how much they are paying for their trash service.

Council Member Rhoades stated to give a little preview to the next edition of the newsletter, the Ward 4 column will be discussing nothing but the trash issue.

Tammy Walsh resident of 460 Twin Creek Road stated she is concerned that there are hunters going door to door requesting permission to hunt on residents' property and that there are no signs when a hunt is taking place on a property. The residents are not being told exactly when and where a hunt is taking place. She feels this is a danger to all of the Creve Coeur citizens and it is unnecessary when notice can be provided.

Council Member Kistner asked if hunters going door to door allowed and do they need a solicitors permit.

Mark Perkins stated going door to door asking if they can hunt would not be considered a solicitor under our ordinance. They would be considered more of a canvasser.

Council Member Kistner stated it is the responsibility of the City that these hunters and citizen be informed.

Mark Perkins stated staff has been trying to get the information out.

Robin Stahl resident of 446 Twin Creek Road stated she has had County Police Officers, in uniform and in a marked car knocking on doors requesting permission.

Tammy Walsh stated the real issue is notice to the citizens and surrounding neighbors that a hunt is taking place or is in progress. There should be visible postings on the street, on the property and at the beginning of the subdivision so that residents are aware.

Council agreed to discuss further later in the meeting.

ACCEPTANCE OF AGENDA

Council Member Kistner moved, seconded by Council Member Hoffman to accept the agenda as presented.

Mark Perkins requested the addition of Item 15, Nominating Committee for TeleCom Matters.



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Council Member Kistner moved, seconded by Council Member Rhoades to approve the agenda with the addition of Item 15 as requested, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D’Alfonso – Aye
Council Member Rhoades – Aye
Council Member Nealey – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Kistner – Aye

The vote on the motion being 8 ayes and 0 nays, motion carried.

ANNOUNCEMENTS

The City Council meets the 2nd and 4th Monday of each month
6:00 p.m. – 7:00 p.m. – Work Session
7:00 p.m. – Regular Meeting of the City Council

1. CONSENT AGENDA

Council Member Kistner moved, seconded by Council Member Rhoades to approve the consent agenda as presented.

a. Council Minutes dated October 24, 2011

b. Amendment on page 5 of the October 10, 2011 Council Minutes

Mayor Dielmann called to question the approved of the consent agenda as presented, with the vote upon such motion being as follows, to-wit:

Council Member Kistner – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Nealey – Aye
Council Member Rhoades – Aye
Council Member D’Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 8 ayes and 0 nays, motion carried.

BILLS PAYABLE REPORT

For Information Only



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Monday, November 14, 2011
7:00 PM

Summary: A report of bills payable dated November 9, 2011 in the amount of \$591,561.91 has been provided for Council review. No vote is required.

UNFINISHED BUSINESS

2. Bill No. 5346 - An Ordinance Amending The Official Zoning Map Of The City Of Creve Coeur To Rezone Land From "C" Single-Family Residential District To "GC" General Commercial, Authorizing The Installation Of One (1) Fire Hydrant, And Approving The Site Development Plan For The Property Addressed As 11122 Olive Boulevard. Final Reading and Passage

City Clerk read Bill No. 5346 for the final time.

Council Member Wang moved, seconded by Council Member Kistner to approve Bill No. 5346.

Henry Klaus resident of 626 Graeser Road stated the property is being changed to a commercial zoning and asked why cross access for this property isn't being required?

Paul Langdon stated staff has discussed this issue with the applicant and the properties at the eastern corner do not have access to the side streets because of the private easement that is on Mary Meadow Lane. So any connection to the side street from the school is not available. Potentially what that does is put more traffic coming out right at the corner of Olive. MoDOT has requested that the City not do that. If access is not available on the side streets then the best way to manage it is one driveway per property. The two vacant lots have more than that and when those two properties come before the City for whatever type of redevelopment that will be addressed and in this case the applicant has gone down to one driveway.

Henry Klaus asked why the property is being rezoned to commercial if it is not going to have cross access.

Paul Langdon stated it is being changed to commercial because the structure isn't being used as residential nor has it been for 30 years. The use that the applicant is proposing could not be allowed as a CUP in a residential district because it is not a large enough lot and staff didn't see any value in holding that property to residential standards when the property hasn't been residential for so many years.

Henry Klaus stated there is nothing in the ordinances that say there will be an exception for an institution for commercial.

Paul Langdon stated it is a child care use so it is regulated as such for a commercial use.

Henry Klaus stated it just seems like you are making an exception to the rule.



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Paul Langdon asked Mr. Klaus what rule he was referring to.

Henry Klaus stated about cross access.

Paul Langdon repeated that allowing cross access on this particular property will not get us anywhere. You cannot get to Mary Meadow Lane. Cross access is used mid block to gain arterial access by a side street where there is a traffic signal. Vehicles would not be able to get to the side street.

Henry Klaus stated what about over on Renee Lane and as all these properties along this stretch of Olive as they get redeveloped, is the staff going to change the rules.

Paul Langdon stated staff is not looking to change any rules. We have to look at what is within the limitations that are established either by MoDOT or the property owners.

Mayor Dielmann called the question to approve Bill No. 5346, with the vote upon such motion being as follows, to-wit:

Council Member Kistner – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Nealey – Aye
Council Member Rhoades - Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 8 ayes and 0 nays, motion carried. Bill No. 5346 becomes Ordinance No. 5230.

3. Bill No. 5347 - An Ordinance For The Holding Of A General Election In The City Of Creve Coeur, Missouri On The 3rd Day Of April, 2012, For The Election Of One Mayor From The City At Large For A Full Three-Year Term, One Council Member From The First Ward For A Full Two-Year Term, One Council Member From The Second Ward For A Full Two-Year Term, One Council Member From The Third Ward For A Full Two-Year Term, And One Council Member From The Fourth Ward For A Full Two-Year Term, For The Conduct Of Said Election By The Board Of Election Commissioners Of St. Louis County, Missouri, And For Other Matters Relating And Pertaining To Such Election. Final Reading and Passage

City Clerk read Bill No. 5347 for the final time.



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Council Member Wang moved, seconded by Council Member Rhoades to approve Bill No. 5347, with the vote upon such motion being as follows, to-wit:

Council Member Kistner – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Nealey – Aye
Council Member Rhoades - Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 8 ayes and 0 nays, motion carried. Bill No. 5347 becomes Ordinance No. 5231.

4. Resolution No. 969 - A Resolution Authorizing The City To Become An Environmental Protection Agency (EPA) Green Power Partner And To Initiate An EPA Green Power Community (GPC) Challenge In The City Of Creve Coeur. Eligible to be removed from table.

City Clerk read Resolution No. 969.

Council Member Nealey moved, seconded by Council Member Hoffman to remove Resolution No. 969 from the table for discussion, with the vote upon such motion being as follows, to-wit:

Council Member Kistner – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Nealey – Aye
Council Member Rhoades - Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 8 ayes and 0 nays, motion carried.

Jaysen Christensen stated Cindy Bambini presented information to the Council previously regarding this information and back in June there was some concern regarding the information and the Resolution was tabled at that time. Ms. Bambini is present today to answer any questions that the Council might have.

Cindy Bambini from Three Degrees stated a Renewable Energy Credit (REC) is a financial resource, similar to a stock or bond, which represents proof that a set amount of green power was generated. When you join Pure Power, Ameren Missouri purchases RECs on



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your behalf – so you can offset up to 100% of your electric usage with renewable power from Missouri wind farms. All Pure Power RECs are Green e-certified. This is an effort to bring a community together and educate the community about different ways to support green power, where green power comes from and how we can support it. Three Degrees in partnership with Ameren and Missouri wind farms will come into the City and run the challenge/program at no cost to the City.

Council Member Kreuter asked what is the financial commitment the City will be required to make.

Cindy Bambini stated the only commitment the City will be required to make is to initiate the Challenge, the City needs to support Green Power at the level required by the EPA to become a Green Power Partner. This requirement is 10% of all electricity consumed by Creve Coeur Municipal facilities. The City can meet this obligation and initiate the Challenge via a REC purchase through the Pure Power program, another REC supplier, or the installation of onsite solar. Practically, it makes the most sense for the City to participate by purchasing RECs because this can be accomplished simply and quickly. Naturally, we'd like the RECs to be purchased via the Pure Power program so there is a guarantee that they are 100% Missouri wind farm RECs, thus supporting new sources of green power in our state. The annual electrical usage for all municipal facilities in Creve Coeur for 2009 was 2,608,110 kWh. The number of RECs and the price for the 10% commitment required by the EPA via the Pure Power program are as follows:

Pure Power Level	% of Annual Demand	Blocks/Month	Cost/Month	Cost/Year
Leader Gold – EPA	10%	22	\$330	\$3,960
Green Power Partner				

This commitment will prevent 417,986 lbs of Carbon Dioxide, a leading greenhouse gas, from entering the atmosphere annually. This is the annual CO2 reduction equivalent of taking 36 cars off the road for a year.

Council Member Hoffman stated at the last presentation it was mentioned that several other local municipalities had joined this program and asked what has Clayton's experience been, in relation to cost, since they joined the program.

Cindy Bambini stated the people that participate in the program pay a City tax on the program and because of the volume that offsets the City's financial contribution.

Council Member Rhoades stated she is more concerned with what the City will profit from this than the cost of the program to the City. A Ward IV resident sent a letter to the City expressing their disappointment that the City chose to tax that specifically.

Cindy Bambini stated that is a choice for the City and the City can choose not to charge the tax.

Council Member Rhoades asked if the City taxes these RECs.

Carl Lumley stated if a resident is buying pure power directly from like a wind farm, then no. But if the money is going through Ameren then they have to pay a fee through a license tax on their



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gross receipts activity in the City, unless we amend the ordinance and make an exception to the revenue stream.

Council Member Kistner stated she is uncomfortable with taxing and benefiting from a commitment that residents are making by choosing to try and make a difference in terms of green energy. Council Member Kistner stated that would be her starting point on this and she would be in favor of amending the ordinance regarding the tax. Council Member Kistner asked if staff has considered what the City would do in lieu of spending \$3,960 per year.

Jaysen Christensen stated the Climate Action Task Force has reviewed this and felt this was a good program that has more bang for the buck and will help educate the public about reducing our carbon footprint.

Council Member Saunders stated he is all in favor of supporting renewable energy but feels it is a bit of an awkward message to be encouraging the public to invest in this program and then turn around and tax the collected money on green power purchases for the City.

Council Member Nealey stated just to clarify, the City of Clayton has come out ahead in this program and asked if Clayton collects the tax.

Cindy Bambini stated yes, Clayton does collect the tax.

Council Member Nealey stated she wholeheartedly endorses the concept of the program but it is true that when the e-mail came through from the Ward IV resident she felt it is like we are penalizing someone for participating in the program.

Cindy Bambini stated it is strictly up to the City to make the choice to tax or not.

Council Member Rhoades asked what action is needed here, a deferral? Council Member Rhoades stated she feels that this is a convoluted means of supporting a green initiative and that there are so many layers of bureaucracy to get to this.

Council Member Hoffman moved, seconded by Council Member Saunders to defer Resolution No. 969 to include an amendment that removes taxation by the City for this program.

Carl Lumley stated he wants to be clear to the Council that because we will have to amend an ordinance regarding the tax it will take two meetings to get through this issue.

Mayor called the question on the deferral of Resolution No. 969, with the vote upon such motion being as follows, to-wit:

Council Member Kistner – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Nealey – Aye
Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye



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The vote on the motion being 8 ayes and 0 nays, motion carried.

NEW BUSINESS

5. Bill No. 5348 - An Ordinance repealing Ordinance Numbers 1074, 1594, And 1694 and authorizing the issuance of a new conditional use permit for operation Of A Valvoline Instant Oil Change Service Station located at 11333 Olive Boulevard. First Reading

City Clerk read Bill No. 5348 for the first time.

Council Member Rhoades stated Mr. Caldwell brought up some really important points regarding the restrictions of the doors being open in this area versus the doors being open during service times in the Light Industrial District.

Whitney Kelly made a presentation regarding this application.

Council Member Rhoades stated she is a little concerned about the doors being open and is more inclined to go with staff's original recommendation to keep the doors closed at all times but would like to know if it is standard for establishments such as Valvoline to not have an air conditioned building.

Jason Coil stated since 1994 the bay doors have always been open when a service is being performed on a vehicle except when the outside temperature has been too cold for the employees and the service area of the building has never had air conditioning.

Council Member Kistner stated she is a little confused on the difference between the lower door and the service doors.

Jason Coil stated the way that the building sits on the property and the way that the area is graded there is a smaller single service door under the building that comes out right at the rear of the residential property line. They often leave the lower door open to allow for a breeze through the building.

Council Member Hoffman stated it is not unreasonable to have the same regulations throughout the City.

Paul Langdon stated there is no performance standard that would apply to all commercial property in the City specific to closing the doors on service bays. When comparing a pre-existing business such as Valvoline and the new auto sales in the LI District, the original thought was that auto sales were conditional use and if we had a concern with noise the doors could be closed. The Commission felt that if the noise was going to be a concern then there would always be a concern and so it should always be required. In this case we are inheriting something that we don't already control the function of the site the same way as if it were brand



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new. The Commission wanted to go down the same path they went down before so they were behaving consistently, ultimately the question they were faced with and uncomfortable with was do we require an air conditioning system when the building has never had it and with the exception of the increased in Sunday hours the building wouldn't need it.

Council Member Hoffman stated it is a bit inconsistent and wouldn't be fair to have the doors closed in one location and not the other.

Council Member Rhoades moved, seconded by Council Member Kreuter to request reconsideration of Ordinance No. 5228 regarding the LI District and then defer until the next meeting with the vote upon such motion being as follows, to-wit:

Council Member Kistner – Nay
Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Nealey – Aye
Council Member Rhoades - Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 7 ayes and 1 nay, motion carried.

Council Member Rhoades moved, seconded by Council Member D'Alfonso to move to defer the reconsideration until the next meeting, with the vote upon such motion being as follows, to-wit:

Council Member Kistner – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Nealey – Aye
Council Member Rhoades - Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 8 ayes and 0 nays, motion carried.

David Caldwell thanked the Council for the attention to this issue and reconsideration.

**6. Bill No. 5349 - An Ordinance Amending The Adopted 2011-2012
General Fund And Capital Fund Budgets Of The City Of Creve Coeur
By Authorizing Additional Appropriations And Unappropriations
From Operating Departments. First Reading**



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City Clerk read Bill No. 5349 for the first time.

7. Resolution No. 984 - A Resolution Authorizing The Execution Of An Agreement Between The City Of Creve Coeur And Delta Dental Of Missouri Renewing The City's Dental Insurance Plan Beginning January 1, 2012 And Ending December 31, 2013.

City Clerk read Resolution No. 984.

Council Member Rhoades moved, seconded by Council Member D'Alfonso to approve Resolution No. 984, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye
Council Member Nealey – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Kistner – Aye

The vote on the motion being 8 ayes and 0 nays, motion carried.

8. Resolution No. 985 - A Resolution Authorizing The Execution Of An Agreement With Lincoln Financial Group To Provide Group Life, Accidental Death And Dismemberment, And Long Term Disability Insurance For City Employees.

City Clerk read Resolution No. 985.

Council Member Kistner moved, seconded by Council Member Saunders to approve Resolution No. 985, with the vote upon such motion being as follows, to-wit:

Council Member Kistner – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Nealey – Aye
Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 8 ayes and 0 nays, motion carried.

BUSINESS FROM THE MAYOR and CITY COUNCIL



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9. Trustee Communications

Council Member D'Alfonso stated people who serve as trustees understand their role one way and the City's role as another and those are completely different from what they actually are. As a City we need to do something for our trustees to help identify their roles and the role of the City so that we can help one another in getting things accomplished.

Council Member Hoffman stated another piece of information that we need to get across is indentures and how enforceable they are and if the City ordinances supersede them. It would also show the trustees that they are important to us.

Council Member Kistner stated she doesn't disagree with the intention but doesn't know that we as a City should assume a role for legal purposes.

Council Member D'Alfonso stated we don't want to begin with that presumption but we need to help clarify their role as a trustee because they do have assumptions on what the City is responsible for. At the very least we should clarify what is not the City's role. There needs to be a clearer picture.

Council Member Rhoades stated there is an opportunity, as a minimum, to provide a letter of information to trustees defining what we don't do. Possibly we could hold a forum and find out what trustees' perceptions are.

Mark Perkins stated there is not enough to talk about regarding this issue to hold a forum. The City can certainly communicate to the trustees about what the City will do or won't do. We often ask trustees to further distribute information which is helpful to us.

Council Member Hoffman stated there is a character of each subdivision in this city and it is difficult to find out how involved every subdivision is. One of the things we are hearing tonight is there is not enough notification by the City on various issues.

Council Member Nealey stated this is information that might be best conveyed in a positive view and not make it a negative. Present the information on what the City's role is and not what the trustee's role is not.

Mel Klearman resident of 739 Bergerac Drive and subdivision trustee suggested putting space on the City's website for every subdivision in the City. However, there are a lot of elderly folks who don't use the computer. It costs a lot of money for trustees to get the information out as the City is often asking the trustees to get information out to their neighbors and suggested the City help out in the cost of postage to get the message out.

Council Member Wang asked isn't it a requirement that Council Members, as part of their role, attend trustee meetings.

Council Member Kistner stated only if they are invited.



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Council Member Rhoades stated St. Louis County has a FAQ sheet on their website for trustees.

Council Member Hoffman stated he will continue to work with Council Member D'Alfonso to get something together and bring back to Council for review.

BUSINESS FROM CITY ADMINISTRATOR

10. First Quarter FY 2012 Financial Analyses

Dan Smith stated the revenues for 2012 are increased over those for the same time period in 2011. The increases are primarily in the area of Intergovernmental. These revenues are up by 29% primarily due to increased sales tax collections. This increase results primarily from the additional .25% sales tax approved in November 2010. Although it is impossible to separate the additional tax receipts from the total it appears an increase in the basic sales tax is also occurring. The utility gross receipt revenues are slightly lower for 2012. Electric gross receipts are increased while water, telephone and gas revenues are down. In addition building permits are higher than in FY 2011. They have increased by almost 100% for the first quarter. Expenditures are currently anticipated to be at or below the original FY 2012 budgeted amounts. The only departments substantially outside of the prorated amounts for the first quarter are the Municipal Court, Health & Welfare and Interdepartmental. Some of these variances result from encumbrances of large contracts. The court is for American Traffic Solutions (ATS) photo enforcement, and Health & Welfare is for trash and recycling services. In Interdepartmental over 50% of insurance premiums were paid the first quarter. Revenues for FY 2012 Enterprise Fund are higher than 2011. This increase is both the golf course and the ice arena. At the golf course green fees and cart rental are up. At the ice arena figure skating revenues are up. Overall revenues are anticipated to be at budgeted levels or slightly higher. Expenses for the Enterprise Fund in the 1st quarter are lower than in FY 2011. The primary decrease is in expenses at the golf course. This reduction resulted primarily from savings by reducing one full-time position and certain one-time payments due to a retirement occurring in FY 2011. Overall, staff projects expenditures to be within FY 2012 budgeted amounts. At this time staff anticipates revenues for the Capital Fund will be close to FY 2012 budget amounts. Expenditures needed to be increased for two projects: the Spoede Road Project and Ladue Road Sidewalk Design. The Ladue Sidewalk Project will cost an additional \$29,000. The Spoede Road Project will cost \$50,800 and was originally budgeted in 2011 but will not be completed until 2012. It is hoped that savings in other projects will at least partially offset this additional expense. If not there is sufficient balance in the Capital Fund to absorb these projects. At this time it is projected interest revenues will be at or slightly higher than budgeted. The Fiscal Year 2011 was a good year. With the approval of the .25% sales tax, staff anticipates a healthy financial picture for the General Fund for at least a few years. As always due to the subsidy of the City's Enterprise Fund a close watch needs to be kept on the need for an annual transfer.

11. WCDC First Quarterly Financials

Dan Smith stated he has reviewed the year-to-date report for the WCDC for the period ending September 30, 2011. Based upon the first quarter results it appears the WCDC expenditures will be less than anticipated. Salaries, health insurance and pension expenses should be less than projected. Overtime appears high for the first quarter but the Director indicates that it will



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be substantially reduced in future quarters. With this reduction the annual overtime is projected to be only slightly higher than budgeted. In addition, due to a future change in operations it is projected that staff can be reduced. This change will also result in reduced revenues. However, it is anticipated that due to personnel cost savings there will be a net cost savings of \$10,000. Therefore, it appears that the WCDC will perform financially better than originally anticipated for the fiscal year 2012.

12. Government Center Sidewalk Improvements

Mark Perkins stated the Creve Coeur Government Center currently has no outdoor, handicapped-accessible route between its northern parking lot and the building's public or employee entrances. This project proposes to create such a path with a new concrete sidewalk and to replace sections of outdated and deteriorated sidewalk adjacent to the new sidewalk. A concept drawing that illustrates the proposed improvements was presented in the packet. City staff proposes to seek funding for this project through the Community Development Block Grant (CDBG) program. The CDBG program helps finance projects to provide or improve accessibility for public facilities, and staff feels that the current proposal falls within the breadth of the CDBG program. The City currently has funding available through this program, and staff anticipates that the improvements could be implemented before the end of the year. This project is identified in the FY2012 capital improvement fund under the account "ADA Improvements," which is in place for projects performed through the CDBG program. The City advertised the Request for Proposals on the City's website and sent this RFP to those contractors who bid on the City's 2011 Concrete Pavement Replacement Program. A total of four (4) bids were received for the project. Staff recommendation is to award the subject project to M&H Concrete Contractors, Inc. due to their low bid for the work and their past and current performance with similar work in Creve

The Mayor recognized Boy Scout Greg Shank in the audience, from troop 496.

13. Domestic Chickens

Jaysen Christensen stated at its August 8, 2011 meeting, the City Council discussed whether or not residents should be allowed to keep chickens. It was requested that research be done including gathering input from residents on the issue. Staff has conducted a survey of residents on the City's website and has further researched what is being done in other cities. A survey was conducted on the City's website from late August to early October to solicit feedback from residents on whether or not domestic chickens should be allowed within City limits. Following is a summary of the 122 resident responses that were received: "How supportive are you of the City allowing chickens (hens only, not roosters) in residential areas in Creve Coeur?", Very Opposed 37 (30%), Opposed 9 (7%), Neutral 9 (7%), Supportive 7 (6%), Very Supportive 60 (49%), Total 122 (100%). Reasons citizens that participated in the survey indicated for being opposed:

- Odors
- Disease
- Noise
- May attract predators
- Not in harmony with Creve Coeur's character

Reasons indicated for being supportive:



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- Healthier eggs
- Better tasting eggs
- Good for environment
- Enjoyable family activity

Neighboring cities that currently allow chickens include Clayton, Crestwood, Kirkwood, Maplewood, University City, and Webster Groves. The staff who were contacted in these cities could not recall any significant problems or complaints related to allowing residents to keep chickens in their cities. The City of Richmond Heights is currently considering whether or not to allow its residents to keep chickens. Prior to October 2009, the Creve Coeur Municipal Code did not prohibit backyard chickens; however, chickens and other fowl were added to the list of prohibited animals as part of the general revision to the Code in 2009. Section 205.020 of the new Code expressly states that it is unlawful to own, harbor, shelter, or possess chickens within the City limits. SECTION 205.020: RESTRICTIONS ON GOATS, HOGS, SHEEP, HORSES, MULES AND CATTLE A. It shall be unlawful to own, harbor, shelter, keep, control, manage or possess *any fowl* [SECTION 205.010 defines Fowl as “chickens, ducks, geese, peacocks, and pigeons”], goat(s), hog(s) of any description, sheep, cattle or mules within the City limits. It does not appear that adding chickens to the list of prohibited animals was the result of any problem or complaint that the City had experienced, and the City’s code enforcement division and Police Department do not recall any significant issues related to chickens. Likewise, City staff has contacted neighboring cities that permit backyard chickens and found those cities to report no significant issues or concerns. Should the City decide to allow chickens, it is recommended that the Council amend Section 205.020 (A) to allow “chicken hens” and that a new paragraph be added to Section 205.020 as follows:

C. Chicken hens may be kept for private, non-commercial, and non-breeding use and must be adequately confined within a yard or other place surrounded by a wire netting or other fence sufficient to prevent their escape there from. The pen shall be maintained in a clean and wholesome manner. Any manure or other discharges from the birds shall be collected so as to prevent the spread of offensive smells or disease. Hens are limited to parcels zoned “HE” (higher education) or “A, B, C, or D” (single family residential). Hens for lots less than 7,500 square feet or with less than 5,500 square feet of unimproved land area are prohibited. Eight (8) hens are allowed for lots 7,500 square feet or greater. An additional hen is allowed for each 2,500 additional lot square footage to a maximum number of twelve (12) hens. Areas containing any shelter, chicken coop, aviary or other outbuilding, and any appurtenances thereto must either be of level grade or graded in a direction away from the property line preventing run off to adjacent property.

Council Member D’Alfonso stated we should put in a regulation that coops could not be on the fence line and asked how would placement of a coop be enforced. Council Member D’Alfonso also suggested putting this issue on the ballot for citizens to vote on.

Jaysen Christensen stated staff is not anticipating a requirement for a permit. The City will only enforce on an as needed basis or when a complaint is received. Coops are needed to keep out predators.

At Council member Kistner’s invitation Scout Shank expressed his support.

Veterinarian Finkel was in the audience and indicated he has chickens and disease is not an issue with such small numbers.



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Council Member D'Alfonso stated prior to 2009 the City allowed hens, were there any issues then.

Jaysen Christensen stated there are no known or recorded complaints.

Council Member Rhoades stated it is very expensive to put an issue on the County ballot so it is not practical to put out for a vote to the public. Council Member Rhoades stated she personally does not want chickens in her backyard but isn't opposed to having the City allow them.

14. Deer Ordinance Update

Chief Eidman stated to date there have been nine requests for hunts and the Police Department has denied two because of their proximity to schools and there have been two successful kills so far. Some of the hunters are indicating that they are having difficulty obtaining the \$2 million in insurance and finding a place to hunt.

Council Member Hoffman stated he doesn't feel that it is unreasonable to have hunters or the property owners put out flags or signs indicating that a hunt is or will be in progress. Council Member Hoffman asked who has the authority to authorize hunting on common ground in a subdivision and who is responsible to notify those adjacent to common ground?

Mark Perkins stated the trustees of the subdivision have the authority to authorize.

Carl Lumley stated for clarification it would be on the title but the City is not going to go obtain a copy of the indentures. Staff would review the plat to see if there is common ground and the City will accept if someone like a trustee would sign as the representative of the property. Trustees need to understand that if their indentures prohibit hunting then they would need to respect what the people that voted for them are saying.

Council Member Hoffman asked if we could put something in the ordinance about a requirement to notify contiguous neighbors of common ground if a hunt is granted on common ground of a subdivision.

Carl Lumley stated if the trustees are authorizing something on common ground they would have to notify the adjacent property owners.

Council Member Kistner stated we, as the city, are failing to get the information out to the citizens regarding hunting and suggested a possible moratorium until we can educate the citizens and hunters more on procedures. It is clear that people are becoming irritated that they are being solicited by hunters. At a minimum we should require a sign, flag or some universal sign that everyone understands that a hunt is taking place. Council Member Kistner stated the whole idea of hunting taking place in a populated urban environment is disturbing.



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Carl Lumley stated rather than get into proper notification and signalization we could require signature of receipt that adjacent property owners have been made aware of a hunt and received a copy of the ordinance.

Mark Perkins stated we already have a notice of intent to hunt and it already has all of that information included.

Council Member Nealey asked who is getting the notice.

Mark Perkins stated the notification of intent to hunt is signed by the property owner. The property owner must submit this and acknowledge they provide the certificate of insurance. They are also acknowledging that they have read and understood the regulations contained in Ord # 5226.

Carl Lumley stated they are speaking to the notice to the neighbors.

Chief Eidman stated the Police Department gives a complete package of information for anyone that comes in requesting or inquiring about a hunt as well as a map. Police Department employees review all of the information with the interested parties to make sure they have all of the information and that they understand the procedure.

Council member Saunders asked if there is a packet of information that they are required to supply the adjacent property owners.

Chief Eidman stated if they come to the City prior to solicitation the information we give them will supply specific instructions and give the direction on what to ask homeowners and how to approach them. Chief Eidman stated the complaints he heard tonight, which is the first time, that there are County Police Officers in uniforms, in official cars, knocking on doors soliciting and doesn't feel that is right. Chief Eidman stated he will be contacting County tomorrow to discuss the issue with them.

Council Member Nealey stated when we developed this process we were somewhat unaware that such aggressive solicitation would take place. That should somehow be addressed that residents should not be approached cold.

Council Member Hoffman stated it would be beneficial to republish the ordinance and put the information on the city's website for constant viewing. Council Member Hoffman stated he agrees that somehow the front of the house of the property where a hunt is taking place should be marked so that neighbors know that a hunt is in progress.

Council Member Kistner stated not everyone knows what a flag means if a flag is used and if a sign is put in the front yard and someone walks through the backyard, what good is that sign.



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Council Member D'Alfonso stated she was uncomfortable when she heard that people were being solicited and wouldn't be opposed if we required hunters to mail letters.

Mark Perkins stated the end of the season is January 15, 2012 and suggested reviewing how the season went with the Council once all the information is in before making changes to the ordinance.

15. Nominating Committee – Telecom Matters

Mark Perkins stated he would like to request the Council establish a nominating committee for Special Counsel to help staff review a couple of its telecommunications and fiber optic agreements. We want to make sure that the City is getting the revenues that we should be. The City Attorney does work in that industry and isn't able to represent the City in regards to the two companies.

* - Council Members Rhoades and Hoffman left Council Chambers at 9:16 p.m.

Council Member Kreuter moved, seconded by Council Member Nealey to appoint Council Member Kistner as the third member of the Nominating Committee for Telecomm, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Nealey – Aye
Council Member Saunders – Aye
Council Member Kistner – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

* - Council Members Rhoades and Hoffman returned Council Chambers at 9:17 p.m.

Council Member Kistner moved, seconded by Council Member Nealey to go into Executive Session at 9:18 p.m., pursuant to Section 610.021, to discuss contract negotiation, litigation, personnel and attorney-client matters, with the vote upon such motion being as follows, to-wit:

Council Member Kistner - Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Nealey – Aye
Council Member Rhoades – Aye
Council Member D'Alfonso - Aye
Council Member Wang – Aye
Council Member Kreuter – Aye



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The vote on the motion being 8 ayes and 0 nays, motion carried.

Council Member Hoffman moved, seconded by Council Members Kistner to adjourn Executive Session and return to regular session at 9:56 p.m., with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye
Council Member Nealey – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Kistner – Aye

The vote on the motion being 8 ayes and 0 nays, motion carried.

Council Member D'Alfonso moved, seconded by Council Member Nealey to adjourn at 9:58 p.m., with the vote upon such motion being as follows, to-wit:

Council Member Kistner – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Nealey – Aye
Council Member Rhoades - Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 8 ayes and 0 nays, motion carried.

Deborah Ryan
City Clerk

Harold Dielmann
Mayor

October 11, 2011.

James Heines

Director of Public Works

City of Creve Coeur

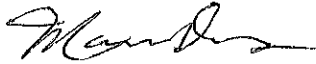
Dear Jim,

Attached is a copy of the Creve Coeur Kiwanis Club's proposal for installation of a picnic table and benches in Laverne Collins Park. Please review with all required committees and let us know if changes are required or we can proceed with the purchase.

Notice that Name/Address, Customer Phone and Ship to address will need to be changed as possibly other items.

Please contact me with results after reviewing with committees.

Regards,



Marvin Davis, Vice President Creve Coeur Kiwanis

652 Rivers Edge Dr.

St. Charles, Mo. 63303

636-754-2652

cc. Gary Young, President Creve Coeur Kiwanis

Ted Gimenez

Doty & Sons
Concrete Products, Inc.[HOME](#)[PRODUCTS](#)[GENERAL INFORMATION](#)[CATALOG](#)[FINISHES](#)[CONTACT](#)**48" DIAMETER TABLE SET****ITEM NUMBER**

T6000

DETAIL

48" diameter table top 2 1/2" Thick x 29 1/2" H

Three concrete benches 58 1/2" L x 14" W x 16 1/2" H

WEIGHT

1680 lbs.

FINISH SHOWN

EX2 (Exposed Aggregate Light Gray Limestone) legs and base

SB7 (Sandblast Light Gray Limestone Natural Color) on seats and table top

FINISHES AVAILABLE

EX Finishes (Exposed Aggregate)

SB Finishes (Sandblast)

[RETURN TO PRODUCTS PAGE](#)

FOR MORE INFORMATION PLEASE CALL US TOLL FREE AT 800.233.3907

DONATED BY CREVE COEUR KIWANIS 2011

Please double check spelling and punctuation

☐

OK

☐

Make Corrections Noted

Signature _____

Doty & Sons Concrete Products, Inc.
1275 E. State St., Sycamore, IL 60178
Toll Free: 800-233-3907 Fax: 815-895-8035



DEPARTMENT OF PUBLIC WORKS OFFICE MEMO

DATE: November 18, 2011

TO: Mark Perkins, City Administrator

FROM: Jim Heines, Director of Public Works

SUBJECT: Kiwanis Donation of a Concrete Picnic Table to Laverne Collins Park

Public Works staff has been approached by representatives of the Creve Coeur Kiwanis regarding the donation of a picnic table to be placed in Laverne Collins Park. The attached packet includes a donation letter, product specification sheet with photo, and draft of the brass plaque to be embedded into the table top.

If the donation of a concrete picnic table and benches is accepted by the Council, it is anticipated that city staff will receive the delivery at our Maintenance Facility, construct a concrete pad to place the park furniture on, and place the items on the pad for use by the public. Although the delivery and placement of these items will be relatively inexpensive involving a little staff and equipment time (approximately 6 manhours), the city will recognize approximately \$1,000-\$1,500 out of pocket cost to construct the concrete pad to place the table and benches on.

City staff presented the donation package to the Parks Committee at their meeting on Wednesday November 9. The committee discussed the donation as well as the lack of picnic tables in Laverne Collins Park then recommended that Council accepts the donation.

Doty & Sons Concrete

1275 E. State Street

Sycamore, IL 60178

Phone: 800-233-3907

Fax: 815-895-8035

Quotation

Date	Quotation Number
10/5/2011	210166

Name / Address
CITY OF CREVE COEUR MARVIN DAVIS 300 N. NEW BALLAS ROAD CREVE COEUR, MO 63141
Customer Phone
636-754-2652

Ship To
CITY OF CREVE COEUR CREVE COEUR, MO 63141
Customer Fax

Project/Job		Terms	FOB	Rep	Ship Via
			63141	SD	MOTOR FREIGHT
Item	Description	Qty	Price Each	Total	
T6000	ROUND TABLE SET WITH THREE BENCHES. 48" ROUND TABLE TOP X 2-1/2" THICK X 29" HIGH. TABLE BASE IS 28" DIA. BENCHES FORM A 90 DEGREE CURVE. OUTSIDE DIAMETER OF SET WHEN ASSEMBLED IS 84". STAINLESS STEEL BOLTS & WASHERS ARE USED. TABLE TOP AND BENCH SEAT SURFACES ARE DIAMOND GROUND. TOTAL WT. OF TABLE SET IS 1,680 LBS. (Note: it is highly recommended that this table be anchored down) SHIPPED UNASSEMBLED.	1	1,350.00	1,350.00	
CUSTOM	CUSTOM - NO COUPLER AS REQUESTED	1	0.00	0.00	
PLAQUE	ENGRAVED BRONZE PLAQUE - 12" X 6" INSET AND INSTALLED INTO TABLE TOP	1	480.00	480.00	
EX1	EXPOSED AGGREGATE TAN BLEND PEA GRAVEL TABLE BASE AND BENCH LEGS	1	0.00	0.00	
SB6	SANDBLAST NATURAL GRAY COLOR TABLE TOP AND SEATS	1	0.00	0.00	
ACR3	TWO COATS OF SEMI-GLOSS SEALER APPLIED	1	99.00	99.00	
Total					

IF YOU WISH TO PLACE AN ORDER, PLEASE SIGN AND DATE WHERE INDICATED AND RETURN BY FAX. THANK YOU FOR THE OPPORTUNITY TO SUBMIT THE ABOVE QUOTATION. THE INDICATED PRICE IS VALID FOR 30 DAYS. NOTE: ANY CHANGE IN ITEM OR QUANTITY WILL REQUIRE A REBID.

Quoted by:	
Signature:	Date:

Doty & Sons Concrete

1275 E. State Street

Sycamore, IL 60178

Phone: 800-233-3907

Fax: 815-895-8035

Quotation

Date	Quotation Number
10/5/2011	210166

Name / Address
CITY OF CREVE COEUR MARVIN DAVIS 300 N. NEW BALLAS ROAD CREVE COEUR, MO 63141
Customer Phone
636-754-2652

Ship To
CITY OF CREVE COEUR CREVE COEUR, MO 63141
Customer Fax

Project/Job		Terms	FOB	Rep	Ship Via	
			63141	SD	MOTOR FREIGHT	
Item	Description	Qty	Price Each	Total		
AK1065	TABLE ANCHOR KIT - 6"L X 4" WIDE X 1/4" STEEL PLATE. 1/2" - 13 X 8-1/2" WEDGE ANCHOR.	1	12.50	12.50		
AK1010	STAINLESS STEEL ANCHOR KIT	6	12.50	75.00		
DISC.	LESS DISCOUNT OFFERED OFF ITEM AND SEALER TO CREVE COEUR KIWANIS	1	-173.88	-173.88		
SH2	PACKING AND SHIPPING WITH LIFTGATE SERVICE - SEE COMPLETE DESCRIPTION BELOW.	1	263.34	263.34		
ACRD	SEALERS: RESIST SOILING, DUST, ICE REMOVERS AND GRAFFITI CLEANUP IS MADE EASIER. ACR3 - SEMI-GLOSS WATER BASE SEALER USED ON EX AND SB FINISHES TO DEEPEN THE COLOR OF THE FINISH.		0.00	0.00		
			Total			

IF YOU WISH TO PLACE AN ORDER, PLEASE SIGN AND DATE WHERE INDICATED AND RETURN BY FAX. THANK YOU FOR THE OPPORTUNITY TO SUBMIT THE ABOVE QUOTATION. THE INDICATED PRICE IS VALID FOR 30 DAYS.
NOTE: ANY CHANGE IN ITEM OR QUANTITY WILL REQUIRE A REBID.

Quoted by:	
Signature:	Date:

Doty & Sons Concrete

1275 E. State Street

Sycamore, IL 60178

Phone: 800-233-3907

Fax: 815-895-8035

Quotation

Date	Quotation Number
10/5/2011	210166

Name / Address
CITY OF CREVE COEUR MARVIN DAVIS 300 N. NEW BALLAS ROAD CREVE COEUR, MO 63141
Customer Phone
636-754-2652

Ship To
CITY OF CREVE COEUR CREVE COEUR, MO 63141
Customer Fax

Project/Job		Terms	FOB	Rep	Ship Via	
			63141	SD	MOTOR FREIGHT	
Item	Description			Qty	Price Each	Total
SH2D	SH2 DESCRIPTION - ALL SHIPPING CHARGES SHOWN ABOVE. SHIPPED BY MOTOR FREIGHT CARRIER WITH LIFTGATE GROUND SERVICE (ON PALLETS). SHIPPED TO ONE BUSINESS ADDRESS AND LOWERED TO THE GROUND AT ONE LOCATION ONLY. YOUR PERSONNEL MUST MEET DRIVER WITHOUT DELAY FOR INSPECTION OF SHIPMENT. CUSTOMER TO UNPACK ITEMS AND SET AT SPECIFIC SITES. DELIVERY FEES ARE BASED ON FUEL PRICES TODAY. BECAUSE OF UNCERTAIN FUEL COSTS IN THE FUTURE, WE RESERVE THE RIGHT TO ADD OR SUBTRACT ANY CHANGE IN FUEL COSTS IN EFFECT ON THE DAY OF DELIVERY. ADDITIONAL FREIGHT COMPANY SERVICES, IF NEEDED, MUST BE SPECIFIED ON PURCHASE ORDER AND CHARGES WILL BE ADDED ONTO FINAL BILLING.				0.00	0.00
	Out-of-state sale, exempt from sales tax				0.00%	0.00
				Total	\$2,105.96	

IF YOU WISH TO PLACE AN ORDER, PLEASE SIGN AND DATE WHERE INDICATED AND RETURN BY FAX. THANK YOU FOR THE OPPORTUNITY TO SUBMIT THE ABOVE QUOTATION. THE INDICATED PRICE IS VALID FOR 30 DAYS.
NOTE: ANY CHANGE IN ITEM OR QUANTITY WILL REQUIRE A REBID.

Quoted by:	
Signature:	Date:



City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, Missouri 63141
(314) 432-6000
www.creve-coeur.org

DATE: November 18, 2011

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance

SUBJECT: Bills Payable

For your information and transmittal to the City Council, is a list of bills payable dated November 18, 2011 in the amount of \$50,981.93.



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

NO DEPT - NO DIV

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00188	192		110811	08-Nov-11	FERRIS, CHARLES	SEWER LATERAL REPAIR REIMB	02-00-00-1901	4,580.00
00117	0		3402923	08-Nov-11	HOME DEPOT	MATERIALS COUNTRTOP IN INVEST	01-00-00-2410	111.85
<i>Sum of Invoices</i>								<u>4,691.85</u>



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

LEGISLATIVE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00114	11		832132988	11/11 G	01-Nov-11	AT&T	CELL PHONES-OCTOBER 2011	01-11-12-6253	190.82
Sum of Invoices								190.82	



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

Administration

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00114	11		832132988	11/11 G	01-Nov-11	AT&T	CELL PHONES-OCTOBER 2011	01-12-11-6253	86.88
						BERRY ORGANIZATIONAL AND LEADERSHIP			
01578	0		11-01	10-Nov-11		DEVELOPMENT (BOLD)	CONSULTING FEE	01-12-11-6203	425.00
00092	4		32742	07-Nov-11		ST LOUIS COUNTY TREASURER	RESEARCH FEE	01-12-11-6203	30.00
Sum of Invoices									541.88



**CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING**

11/18/2011

IT

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01169	0		111107076	08-Nov-11	STAPLES ADVANTAGE	IMAGING DRUM-DETECTIVES	01-12-51-6213	146.16
Sum of Invoices								146.16



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

Finance

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00041	0	P001245	111711	17-Nov-11	ALANIZ, RONNA	SVCS 9/28/11 TO 10/1/11	01-13-11-6202	1,657.50
00114	11		832132988	11/11 G	01-Nov-11 AT&T	CELL PHONES-OCTOBER 2011	01-13-11-6253	68.28
00191	1		2090760	09-Nov-11	BUCK CONSULTANTS LLC	ACTUARIAL SVCS-OCT 2011	01-13-11-6202	165.00
00145	0	P001247	45585	31-Oct-11	HOCHSCHILD, BLOOM & COMPANY LLP	AUDIT SERVICES	01-13-11-6209	4,800.00
00140	6		31053	03-Nov-11	MISSOURI DEPARTMENT OF REVENUE	SALES TAX REPORT-OCT 2011	01-13-11-6202	35.00
Sum of Invoices								6,725.78



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

INTERDEPARTMENTAL

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00014	1	P001272	5132	06-Nov-11	CHARTER COMMUNICATIONS	CABLE SERVICE-CITY HALL	01-13-15-6255	76.68
01365	0		09611	10-Nov-11	DIRECT EXPRESS OFFICE SUPPLIES	TONER CARTRIDGE-BLDG DEPT	01-13-15-7312	232.58
00077	0		7815193	03-Nov-11	QUILL	CALENDARS	01-13-15-7312	194.13
00077	0		625497	03-Nov-11	QUILL	CREDIT MEMO-MDSE NOT RECEIVED	01-13-15-7312	(7.19)
00077	0		625509	03-Nov-11	QUILL	CREDIT MEMO-MDSE NOT RECEIVED	01-13-15-7312	(186.94)
00077	0		7626623	25-Oct-11	QUILL	2012 CALENDARS	01-13-15-7312	194.13
01169	0		111092595	08-Nov-11	STAPLES ADVANTAGE	ENVELOPES, CALCULATOR	01-13-15-7312	42.86
01169	0		111044682	03-Nov-11	STAPLES ADVANTAGE	MECHANICAL PENCILS	01-13-15-7312	12.90
01169	0		111004283	02-Nov-11	STAPLES ADVANTAGE	VARIOUS OFFICE SUPPLIES	01-13-15-7312	339.71
Sum of Invoices								898.86



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

COMMUNITY SERVICES

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00116	0		14656474	08-Nov-11	SAM'S CLUB	PROGRAM SUPPLIES	01-14-11-7304	53.44
Sum of Invoices								53.44



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

ICE ARENA

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00195	0		46378	02-Nov-11	ALARM 24, INC.	ALARM MONITORING SERVICE	06-14-31-6212	90.00
01550	0		452-3989342	08-Nov-11	ARAMARK UNIFORM SERVICES	CLEANING SUPPLIES (110811)	06-14-31-7301	0.80
01550	0		452-4015511	15-Nov-11	ARAMARK UNIFORM SERVICES	CLEANING SUPPLIES (111511)	06-14-31-7301	0.80
01550	0		452-3989342	08-Nov-11	ARAMARK UNIFORM SERVICES	UNIFORMS (110811)	06-14-31-7308	3.60
01550	0		452-4015511	15-Nov-11	ARAMARK UNIFORM SERVICES	UNIFORMS (111511)	06-14-31-7308	3.60
00088	0		108196	09-Nov-11	ARCHWAY LIGHTING SUPPLY, INC.	RINK & BUILDING LIGHTING	06-14-31-6212	373.27
00114	11		11/11	01-Nov-11	AT&T	CELL PHONE-OCT 2011	06-14-31-6253	71.88
00948	0		111860	01-Nov-11	C&R MECHANICAL	MAINTENANCE AGREEMENT ICE	06-14-31-6211	1,096.50
00080	0		8735-181-5	05-Nov-11	DIERBERGS	BIRTHDAY CAKES	06-14-31-7304	43.98
00080	0		4411-110-5	12-Nov-11	DIERBERGS	BIRTHDAY CAKES	06-14-31-7304	35.99
00081	1		9675645965	02-Nov-11	GRAINGER	LIGHT SWITCH KEYS & AUGER BIT	06-14-31-6211	39.86
00082	0		0503210	08-Nov-11	METROLIFT PROPANE	PROPANE FOR OLYMPIA	06-14-31-7307	334.22
00048	0		190713	31-Oct-11	PAVYER	OLYMPIA BLADE SHARPENING	06-14-31-6211	56.51
00711	1		309267403	12-Oct-11	TERMINIX	PEST CONTROL ICE ARENA	06-14-31-6212	33.00
Sum of Invoices								2,184.01



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

GOLF MAINTENANCE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00023	1		219905	20-Oct-11	FRED WEBER, INC	STONE FOR GOLF COURSE	06-14-32-6212	63.14
00081	1		9674837506	01-Nov-11	GRAINGER	RESTROOM VALVE	06-14-32-6212	10.62
00970	0		1388-389007	08-Nov-11	O'REILLY AUTO PARTS	SUPPLIES VEHICLE MAINTENANCE	06-14-32-6210	57.29
00116	0		14656474006	08-Nov-11	SAM'S CLUB	CLEANING SUPPLIES	06-14-32-7301	49.58
00173	0		IN098804	17-Oct-11	SUPREME TURF PRODUCTS	FERTILIZER & WETTING AGENT	06-14-32-7303	690.00
Sum of Invoices								870.63



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

PRO SHOP

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00948	0		111860	01-Nov-11	C&R MECHANICAL	MAINTENANCE AGREEMENT GOLF	06-14-33-6211	1,096.50
00195	0		46378	02-Nov-11	ALARM 24, INC.	ALARM MONITORING SERVICE	06-14-33-6212	90.00
00711	1		309267403	12-Oct-11	TERMINIX	PEST CONTROL GOLF PRO SHOP	06-14-33-6212	33.00
Sum of Invoices								1,219.50



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

SNACK BAR

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550	0		452-3989342	08-Nov-11	ARAMARK UNIFORM SERVICES	WIPING TOWELS (110811)	06-14-34-7301	2.80
01550	0		452-4015511	15-Nov-11	ARAMARK UNIFORM SERVICES	WIPING TOWELS (111511)	06-14-34-7301	3.25
01304	0	P001229	0365659	04-Nov-11	LANDSHIRE, INC.	FOOD FOR RESALE (8315)	06-14-34-8315	57.99
00116	0	P001226	1465	08-Nov-11	SAM'S CLUB	SNACKS FOR RESALE (8319)	06-14-34-8319	8.42
00116	0	P001226	1465	08-Nov-11	SAM'S CLUB	SNACKS FOR RESALE (8319)	06-14-34-8319	129.18
Sum of Invoices								201.64



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

BUILDING MAINTENANCE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00114	11		832132988	11/11 G	01-Nov-11	AT&T	CELL PHONES-OCTOBER 2011	01-16-11-6253 31.78
Sum of Invoices								31.78



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

POLICE-ADMIN

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01341	0		110811	08-Nov-11	ANTHONY, DAMON	REIMB TUITION/BOOK COST	01-21-11-6261	1,396.01
00114	11		826147039x	31-Oct-11	AT&T	WIRLESS PHONES FOR ADMIN	01-21-11-6253	185.08
00007	0		379-602292	11-Nov-11	BATTERIES PLUS - 270	CELL PHONE BATTERY/AC ADAPTER	01-21-11-6253	47.98
01520	0		12433	07-Nov-11	SECURE DOCUMENT DESTRUCTION	SHRED 20 BOXES OF DOCUMENTS	01-21-11-6202	89.00
00092	4	P001257	32661	03-Nov-11	ST LOUIS COUNTY TREASURER	C.A.R.E. SERVICES CONTRACT-NOV	01-21-11-6202	23.91
Sum of Invoices								1,741.98



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

POLICE-INVESTIGATIONS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00114	11		826147039x	31-Oct-11	AT&T	WIRELESS PHONES FOR INVEST	01-21-21-6253	187.21
01228	0		1432814-20111031	31-Oct-11	LEXISNEXIS	OCTOBER USER FEES	01-21-21-6202	180.25
01567	0	P001328	IN11675	14-Nov-11	PRIMARY MARKING SYSTEMS, INC.	MAINTENANCE AGREEMENT 1 YEAR	01-21-21-9503	1,704.00
01567	0	P001328	IN11675	14-Nov-11	PRIMARY MARKING SYSTEMS, INC.	1 FIELD KIT P/N007-EFK-75 HA	01-21-21-9503	5,400.00
01567	0	P001328	IN11675	14-Nov-11	PRIMARY MARKING SYSTEMS, INC.	ETWIST STATION P/N 007-ECK-75	01-21-21-9503	6,400.00
01567	0	P001328	IN11675	14-Nov-11	PRIMARY MARKING SYSTEMS, INC.	SOFTWARE	01-21-21-9503	7,000.00
00273	1		T1210015	03-Nov-11	ST LOUIS UNIVERSITY	TOXICOLOGY LABORATORY SERVICES	01-21-22-6202	150.00
Sum of Invoices								21,021.46



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

POLICE-PATROL

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00891	0		1030	02-Nov-11	ANDY'S MOTORCYCLE REPAIR	FRONT BRAKES FOR MOTOR 2420	01-21-22-6210	138.48
00114	11		826147039x	31-Oct-11	AT&T	WIRLESS PHONES FOR PATROL	01-21-22-6253	303.65
00007	0		379-602298	11-Nov-11	BATTERIES PLUS - 270	36 AA/24 AAA BATTERIES	01-21-22-7302	24.15
00007	0		379-600110-01	07-Nov-11	BATTERIES PLUS - 270	12 90-WATT HALOGEN BULBS/RANGE	01-21-22-7313	66.08
00234	1		356833	03-Nov-11	ED ROEHR SAFETY PRODUCTS	CHARGE GUARD FOR CAR 2417	01-21-22-6210	90.00
00096	0		115039	06-Nov-11	EVS	REPLACE BULB IN LIGHTBAR/CAR 8	01-21-22-6210	21.00
00096	0		115038	06-Nov-11	EVS	INSTALL NEW RADAR UNIT IN CAR4	01-21-22-6210	45.00
00096	0		115040	06-Nov-11	EVS	INSTALL CHARGE GUARD IN 2417	01-21-22-6211	30.00
00096	0		115037	06-Nov-11	EVS	INSTALL DELAY SWITCH IN CAR 11	01-21-22-9503	29.95
00094	1		143618	07-Nov-11	FIRESTONE	CAR 2417 NEW BATTERY	01-21-22-6210	125.99
00094	1		143447	03-Nov-11	FIRESTONE	TIRE FOR CAR 2405	01-21-22-6210	105.99
00451	0		34787	01-Oct-11	INTERNATIONAL CONFERENCE OF POLICE CHAPLAINS	ANNUAL MEMBER FOR CHAPLAIN	01-21-22-6262	125.00
00347	1		452315	03-Nov-11	KUSTOM SIGNALS, INC.	CONTROL HEAD CABLE FOR CAR 17	01-21-22-6211	249.76
00970	0		1852-282250	04-Nov-11	O'REILLY AUTO PARTS	WIPER BLADES FOR TAHOE/EXPLORE	01-21-22-6210	14.97
00970	0		1852-283018	10-Nov-11	O'REILLY AUTO PARTS	1 CAN OF TAR REMOVER	01-21-22-6210	4.99
Sum of Invoices								1,375.01



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

PUBLIC WORKS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00114	11		832132988 11/11 G	01-Nov-11	AT&T	CELL PHONES-OCTOBER 2011	01-31-11-6253	261.31
Sum of Invoices								261.31



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

STREETS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00114	11		832132988 11/11 G	01-Nov-11	AT&T	CELL PHONES-OCTOBER 2011	01-31-41-6253	134.94
Sum of Invoices								134.94



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

HEALTH & WELFARE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00114	11		832132988	11/11 G	01-Nov-11	AT&T	CELL PHONES-OCTOBER 2011	01-31-42-6253 31.78
Sum of Invoices								31.78



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

PARKS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00114	11		832132988 11/11 G	01-Nov-11	AT&T	CELL PHONES-OCTOBER 2011	01-31-43-6253	36.77
Sum of Invoices								36.77



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

COMMUNITY DEVELOPMENT - PLANNING

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00114	11		832132988 11/11 G	01-Nov-11	AT&T	CELL PHONES-OCTOBER 2011	01-32-11-6253	168.31
00022	1		18521/18777/19330	01-Nov-11	FEDEX KINKO'S	CREVE COEUR CITY WALL MAP	01-32-11-7304	70.00
00213	0		110911-1	09-Nov-11	SERVICES, INC	CRT REPORTER PUB HRG FOR P&Z	01-32-11-6202	219.00
Sum of Invoices								457.31



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

COMMUNITY DEVELOPMENT - BUILDING

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00044	1		265992316-119	09-Nov-11	NEXTEL	CELL PHONES 10/6-11/5/11	01-32-61-6253	350.05
Sum of Invoices								350.05



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/18/2011

CAPITAL IMPROVEMENTS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00606	0	P001296	PAY #3	31-Oct-11	HORNER & SHIFRIN INC	STORM WATER MASTER PLAN PAY #3	02-61-71-9509-12521	7,868.41
Sum of Invoices								7,868.41
GRAND TOTAL OF ALL INVOICES								50,981.93

**AN ORDINANCE REPEALING ORDINANCE NUMBERS 1074, 1594, AND 1694,
AND AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE PERMIT FOR
OPERATION OF A VALVOLINE INSTANT OIL CHANGE SERVICE STATION
LOCATED AT 11333 OLIVE BOULEVARD**

WHEREAS, under Section 405.360(C), Gasoline Service Stations in the “CB”, Commercial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, conditional use permit ordinance #1074, was approved by the City Council on September 10, 1984, and amended on July 26, 1993 (ordinance #1594) and on March 13, 1995 (ordinance #1694), to allow for an automobile service station; and

WHEREAS, a minor site development plan was approved on February 16, 2010 for façade and signage improvements by the Planning and Zoning Commission; and

WHEREAS, an application was submitted by Jason Coil, on behalf of Valvoline Instant Oil Change, to amend Ordinance #1694 to allow for hours of operation on Sunday from 9:00 a.m. to 5:00 p.m.; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, November 7, 2011, beginning at 7:00 p.m. or immediately following the close of the previous public hearing, on said application for the conditional use permit as provided by Section 405.1070(D)(2); and

WHEREAS, notice of said public hearing had been previously published at least 15 days prior to the hearing, in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur and otherwise posted and published in accordance with the Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a 5 to 1 vote, recommended approval of the application, subject to the conditions contained herein, at its meeting on November 7, 2011; and

WHEREAS, all parties desiring to be heard, either for or against said application, were given an opportunity to be heard, and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the Council; and this Bill having been read by title in open meeting two times before final passage by the City Council, and

WHEREAS, the City Council finds that the application and evidence presented clearly indicate that the proposed conditional use, when subject to certain conditions set forth herein:

1. Complies with all other applicable provisions of this Chapter including environmental performance standards presented in Section 405.550, the criteria in Section 405.470 and the standards of this Chapter in regard to yard and setback, parking and loading areas, screening and buffering, refuse, storage and service areas and signs.
2. Will contribute to and promote the community welfare and convenience at the specific location.
3. Will not cause substantial injury to the value of neighboring property.

4. Meets the applicable provisions of the City's Comprehensive Plan and any applicable neighborhood or sector plans and complies with other applicable zoning district regulations and provisions of this Chapter, unless good cause exists for deviation there from.
5. Will provide, if applicable, erosion control and on-site stormwater detention in accordance with the standards contained in this Chapter.
6. Will be compatible with the surrounding area and thus will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent users or on community facilities or services.

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, St. Louis County, Missouri, as follows:

Section 1: Ordinance #1074, Ordinance #1594, and Ordinance #1694 are hereby repealed.

Section 2: A Conditional Use Permit is authorized to be issued pursuant to Section 4 hereof for the operation of a automobile service station located at 11333 Olive Boulevard, in the "CB" Core Business zoning district, whose legal description is as follows:

Part of Lot 1 of the Subdivision in partition of the farm of S.S. Matson in U.S. Survey 1962, Township 45 North, Range 5 East, A diagram of which is attached to deed recorded in Book 448 Page 306 of the records of the City (former County) of St. Louis and described as:

Beginning at a point in the north line of Olive Street Road, 60 feet wide, at its intersection with west line of said Lot 1; thence along the west line of said lot 1, north 29 degrees 26 minutes west 171.83 feet to a point in the south line of lot "F" of Park West Plat No. 2, a plat of which is recorded in Plat Book 85 Page 46 of the St. Louis County records; thence along the south line of lots "F" and "E" north 89 degrees 45 minutes 40 seconds East 321.38 feet to a point; thence continuing along the south line of lot "E" and the south line of lot "D" of said subdivision, north 87 degrees 08 minutes and 40 seconds East 150.63 feet to a point in the west line of Park West Drive, 50 feet wide, a private street, shown on said plat of Park West, Plat No. 2; thence along the west line of said drive, south 2 degrees 31 minutes 20 seconds East 125 feet to a point of curve; thence southwestwardly along a curve to the right, having a radius of 25 feet, a distance of 39.27 feet to a point in the north line of Olive Street Road; thence along the north line of said road, South 87 degrees 08 minutes 40 seconds West 129.06 feet to a point and south 89 degrees 45 minutes 40 seconds West 241.00 feet to the point of beginning, excepting therefrom that part taken by the State of Missouri for road widening in cause No. 265592 of the St. Louis County records.

Section 3: The Conditional Use Permit granted shall be subject to all applicable statutes, ordinances, rules and regulations, and the following conditions:

1. This Conditional Use Permit shall be for the operation of an automobile service station located at 11333 Olive Boulevard.
2. The hours of operation shall be: 8:00 a.m. to 7:00 p.m. Monday through Friday; 8:00 a.m. to 6:00 p.m. Saturday; and 10:00 a.m. to 5:00 p.m. Sunday.
3. Additional business hours are permitted with the Zoning Administrator's approval.

4. The applicant shall submit a landscape plan for approval by the Director of Community Development that shall consist of no less than the same number of plantings as the prior Site Development Plan dated December 20, 1993, approved by Ordinance #1594.
5. Approval of the Landscape Plan shall be based on the conformance with the goals and objectives of the Comprehensive Plan and Design Guidelines.
6. The site shall be maintained in accordance with the final approved Site Development Plan, and revised landscape plan required by this ordinance.
7. An underground irrigation system shall be installed and maintained to serve new landscaped areas identified on the landscape plan.
8. Vegetation that is totally or predominantly dead and/or disfigured due to disease or injury shall be replaced as needed and in a prompt and workmanlike manner as dictated by accepted horticultural standards.
9. All signs and banners shall be in conformance with Article VII, Sign Regulations, of the Zoning Code.
10. No pennants, fringes, lights, pinwheels, or other similar devices for attracting attention may be displayed at any time in connection with the operation of the service station.
11. No additional curbcuts shall be granted in connection with the operation of said service station, other than those shown on the site plan.
12. Refuse, such as rags or other items incidental to the use of the service stations, shall be stored indoors or shall be enclosed in a sight-proof area or container, which container shall be screened from public view.
13. No auto, trailer, tool or equipment rental shall be permitted on the site.
14. Automobile servicing on the premises shall be limited to oil changes, transmission fluid changes, differential fluid changes and minor parts replacement, such as air filter, PCV valves, transmission filters, etc., and tire rotations.
15. Sales shall be limited to automobile fluids, minor automobile parts, small automotive accessories, individual prepackages snack food and soft drinks.
16. To mitigate noise levels, a six feet high solid vinyl fence shall be installed along the rear edge of the paved areas, from the building to the dumpster corral on the west and from the building to the edge of the pavement on the east. Further, service bay doors shall be closed while impact wrenches are being used on Sundays, the lower level door shall remain closed at all times, and employee outdoor breaks on the premises shall be taken individually on the west side of the building.
17. A copy of all herein attached conditions shall be furnished by the owner or petitioner to the operator(s) or manager(s), including successive operator(s), owner(s), or manager(s), who shall forward to the Zoning Administrator an acknowledgement that he or she has read and understood each of these conditions and agrees to comply therewith.
18. Any mechanical equipment installed for the site shall be properly screened with approved materials.
19. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
20. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
21. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved

BILL NO. 5348

ORDINANCE NO. _____

Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

Section 4: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 2 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

Section 5: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2011.

TARA NEALEY
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2011.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

MEMO TO CITY ADMINISTRATOR

Meeting Date: November 14, 2011

Subject: Valvoline Instant Oil Change Conditional Use Permit

Memo Prepared by: Whitney Kelly, AICP
City Planner

The Planning and Zoning Commission voted to recommended approval of a new conditional use permit for Sunday hours of operation for the Valvoline Instant Oil Change at 11333 Olive Boulevard, with several revised and new conditions to the original draft Ordinance presented to the Commission to decrease noise levels based on discussions with the resident to the north. The conditions include:

- Sunday hours are 10:00 a.m. to 5:00 p.m., instead of the requested 9:00 a.m. to 5:00 p.m.
- A six feet high solid vinyl fence shall be installed along the rear edge of the paved areas, from the building to the dumpster corral on the west and from the building to the edge of the pavement on the east.
- Service bay doors shall be closed while impact wrenches are being used on Sundays.
- The lower level door shall remain closed at all times.
- Employee outdoor breaks on the premises shall be taken individually on the west side of the building.

It should be noted that staff has some concern regarding the enforceability of the location of employee breaks and the irregular closure of the bay doors. The Commission was aware of the difficulty to enforce such conditions, but wanted to work with both parties to come to an agreement for Sunday hours of operation.



city of CREVE COEUR

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**APPLICATION TO PLANNING AND ZONING COMMISSION
#11-028 TO REPEAL ORDINANCE NUMBERS 1074, 1594, AND 1694 AND
REPLACE WITH A NEW CONDITIONAL USE PERMIT FOR VALVOLINE
INSTANT OIL CHANGE SERVICE STATION LOCATED
AT 11333 OLIVE BOULEVARD**

FOR THE MEETING OF: November 7, 2011

LOCATION: 11333 Olive Boulevard

REQUEST:

Jason Coil, Area Manager for Valvoline Instant Oil Change, has submitted a request to amend the conditional use permit to include Sunday hours of operation from 9 AM to 5 PM. The property is located at 11333 Olive Boulevard, on the northside of Olive Boulevard, east of Craig Road and west of Park West Drive, and is currently zoned "CB" Core Business District. Current hours of operation are limited to 8:00 AM to 7:00 PM, Monday through Friday, and 8:00 AM to 6:00 PM, Saturday.

ADDITIONAL INFORMATION:

Gasoline Service Stations, which include automobile service stations, are a Conditional Use in the "CB" Core Business District. Valvoline's original Conditional Use Permit was issued in 1984 (Ordinance # 1074), amended in 1993 (Ordinance # 1594), and in 1995 (Ordinance # 1694). Staff recommends repealing all of the previous ordinances and replacing with a new ordinance.

Key Issues:

- Does the request integrate with the existing permitted use?
- Does the request further the goals and/or implement the Comprehensive Plan?

Comp. Plan References

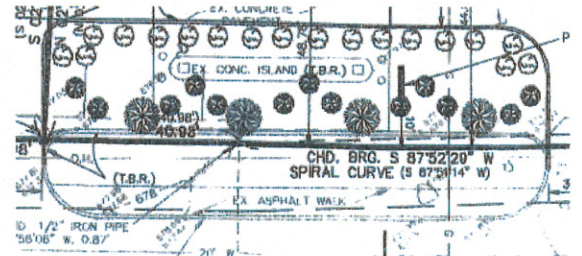
- Central Business District
- Design Guidelines: Landscaping

Zoning Code References

- Section 405.120 Definition of Terms
- Section 405.370 "CB" Core Business District
- Section 405.470 Conditional Uses

APPLICANTS: Jason Coil
Area Manager
Valvoline Instant Oil Change
3499 Blaser Parkway
Lexington, KY 40509

OWNER: Noles Peoperties
Dorsett 270, LLC
11361 Olive Blvd
Creve Coeur, MO 63141



REPORT PREPARED BY:

Whitney Kelly
Whitney Kelly, AICP, City Planner

11/4/2011

Date

ATTACHMENTS: Draft Ordinance
Ordinance Nos. 1074, 1594, and 1694

In 1995, Valvoline amended the CUP (Ordinance # 1694) for additional operating hours limited to 8:00 AM to 7:00 PM Monday through Friday, and 8:00 AM to 6:00 PM Saturday. Sunday hours were requested, but not approved. Ordinance #1694 also required that a complete review of the detailed landscape plan shall be made and the landscaping shall be brought into conformance with the approved landscape plan. The approved plan was the same plan approved by Ordinance #1594.

In 2003, Valvoline Instant Oil Change, requested Sunday hours of operation from 10:00 AM to 5:00 PM, and again the site was deemed out of compliance with the approved site development plan regarding the landscaping. The request was denied at the Planning and Zoning Commission and the applicant withdrew prior to City Council review.

In February 2010, Valvoline received Planning and Zoning Commission approval for a minor Site Development for façade improvements and new signage to the building. This did not require a new ordinance and the landscape was not discussed

Given the number of ordinances that govern the site, and the potential confusion for the operator, the owner, and the City, Staff is recommending that the prior three ordinances be repealed and replaced with a new ordinance.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Residences	St. Louis Co. R-3 Residential	N/A
South	Office buildings	"CB Core Business	Olive Boulevard
East	Office buildings	"CB" Core Business	Park West Drive
West	Retail	"CB" Core Business	N/A

COMPREHENSIVE PLAN REVIEW

The subject property is located within the Central Business District that encourages a mix of uses, including retail, residential, government, and park uses. The applicant is not proposing any changes to the use or development of the site and building, and as a retail service, the use is in keeping with the Comprehensive Plan.

Design Guidelines

The landscaping was recently removed and the site is no longer in compliance with the previous approved site development plan from 1993. Further, the previous plan no longer meets with the recommendations of the Design Guidelines. As shown above, the proposed landscaping in 1993 was very linear with straight rows of hedges. Chapter 4/Landscape Design states that The City of Creve Coeur strongly encourages high quality landscaping that accentuates the building and site, softens the effects of parking area and enhances the quality of life of the City. All landscape plans should exhibit a clear design concept. The building should be incorporated into the landscape design. Further, it is recommended that landscaped areas are to be maximized and balanced throughout the site. Tree and shrub plantings should be grouped together to create strong accent points with the site plan (page 16). Therefore Staff recommends that a condition of

approval include that the applicants submit a new landscape plan that meets or exceeds the recommendations of the Design Guidelines and the Comprehensive Plan.

ZONING REVIEW

Section 405.1070 Conditional Use Permits provides the Standards for approving Conditional Use Permits which are:

- E. Standards. The City Council shall not approve a conditional use unless it finds that the application and evidence presented clearly indicate that the proposed conditional use:
 - 1. Complies with all other applicable provisions of this Chapter including environmental performance standards presented in Section 405.550, the criteria in Section 405.470 and the standards of this Chapter in regard to yard and setback, parking and loading areas, screening and buffering, refuse, storage and service areas and signs.
 - 2. Will contribute to and promote the community welfare and convenience at the specific location.
 - 3. Will not cause substantial injury to the value of neighboring property.
 - 4. Meets the applicable provisions of the City's Comprehensive Plan and any applicable neighborhood or sector plans and complies with other applicable zoning district regulations and provisions of this Chapter, unless good cause exists for deviation there from.
 - 5. Will provide, if applicable, erosion control and on-site stormwater detention in accordance with the standards contained in this Chapter.
 - 6. Will be compatible with the surrounding area and thus will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent users or on community facilities or services.

The applicant is not proposing any changes to the building or site, and is generally in conformance with requirements for a gasoline service station, except for the landscaping. Included in the condition for the hours of operation, Staff is recommending that the Zoning Administrator shall have authority to approve additional business hours without having to amend the Conditional Use Permit, similar to other businesses within the "CB" Core Business District.

Landscaping

As discussed earlier, Valvoline has removed the landscaping along Olive Boulevard as well as along the northside of the building, and thus, the site is out of compliance with the approved landscape plan from 1993, and with the goals and recommendations of the Comprehensive Plan. Due to the utility poles along Olive Boulevard, replacing the landscape to the prior approved plan would not be an option. Also, the 1993 Landscape Plan no longer represents the design aesthetic that the City would now expect.

Section 405.540(F) Design Standards for Landscape Plan states:

- 10. All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping as initially approved. In order to present a healthy, neat and orderly appearance, all landscaped areas including interior parking lot islands and grass areas shall be provided with adequate irrigation for the maintenance of grass, shrubs, ground covering and other landscaping. An underground irrigation system shall be installed, operated and maintained to meet the intent of this Section. Such

systems shall be required for all new developments and redevelopments projects. For sites proposing additions and/or expansions, an underground irrigation system shall be installed, operated and maintained to meet the intent of this Section, where physically practical and reasonable, as determined by the Planning and Zoning Commission.

Therefore, Staff recommends that a conditional of approval include that the applicant submit a new landscape plan be submitted for Staff approval with substantially the same number of plantings as the prior approved plan, however the type and design of the materials may be altered, in order to meet or exceed the goals and objectives of the Comprehensive Plan and Design Guidelines. Also included is the requirement that an underground irrigation system be installed and maintained to serve new landscaped areas identified on the final approved landscape plan.

Noise

Section 405.550 (2) Noise of Environmental Performance Standards requirements that sound levels and impulsive type noises shall comply with the St. Louis County noise standards as established and enforced by the St. Louis County Noise Abatement Office of the Department of Community Health and Medical Care. Therefore, the draft ordinance includes a condition for approval that the service bay doors remain closed while service is underway to protect the residents to the north in the same manner as the recent requirements for similar uses in the "LI" Light Industrial District.

FORM OF THE DRAFT ORDINANCE

The draft ordinance is generally in keeping with the original ordinances with the added condition that the applicant submits a revised Landscape Plan for Staff approval. This and other conditions discussed within the staff report which are included in the draft ordinance include:

- This Conditional Use Permit shall be for the operation of an automobile service station located at 11333 Olive Boulevard.
- The hours of operation shall be: 8:00 a.m. to 7:00 p.m. Monday through Friday; 8:00 a.m. to 6:00 p.m. Saturday; and 9:00 a.m. to 5:00 p.m. Sunday.
- Additional business hours are permitted with the Zoning Administrator's approval.
- The applicant shall submit a landscape plan for approval by the Director of Community Development that shall consist of no less than the same number of plantings as the prior Site Development Plan dated December 20, 1993, approved by Ordinance #1594.
- Approval of the Landscape Plan shall be based on the conformance with the goals and objectives of the Comprehensive Plan and Design Guidelines.
- The site shall be maintained in accordance with the final approved Site Development Plan, and revised landscape plan required by this ordinance.
- An underground irrigation system shall be installed and maintained to serve new landscaped areas identified on the landscape plan.
- Service bay doors shall remain closed while service is underway.

ACTION

If the Planning and Zoning Commission finds the attached draft conditional use permit ordinance to be in conformance with the purposes and regulations of the Comprehensive Plan and Zoning

Code, it may vote on a recommendation to the City Council. Any changes to the draft ordinance should be discussed and made by separate actions.

MOTION

The following is an example of an appropriate motion for this application:

“I move to recommend approval of the Conditional Use Permit for Valvoline Instant Oil Change submitted with Application #11-028, subject to the conditions contained in the draft ordinance attached to the staff report dated November 4, 2011” (conditions may be added, eliminated, or modified by preceding motion).

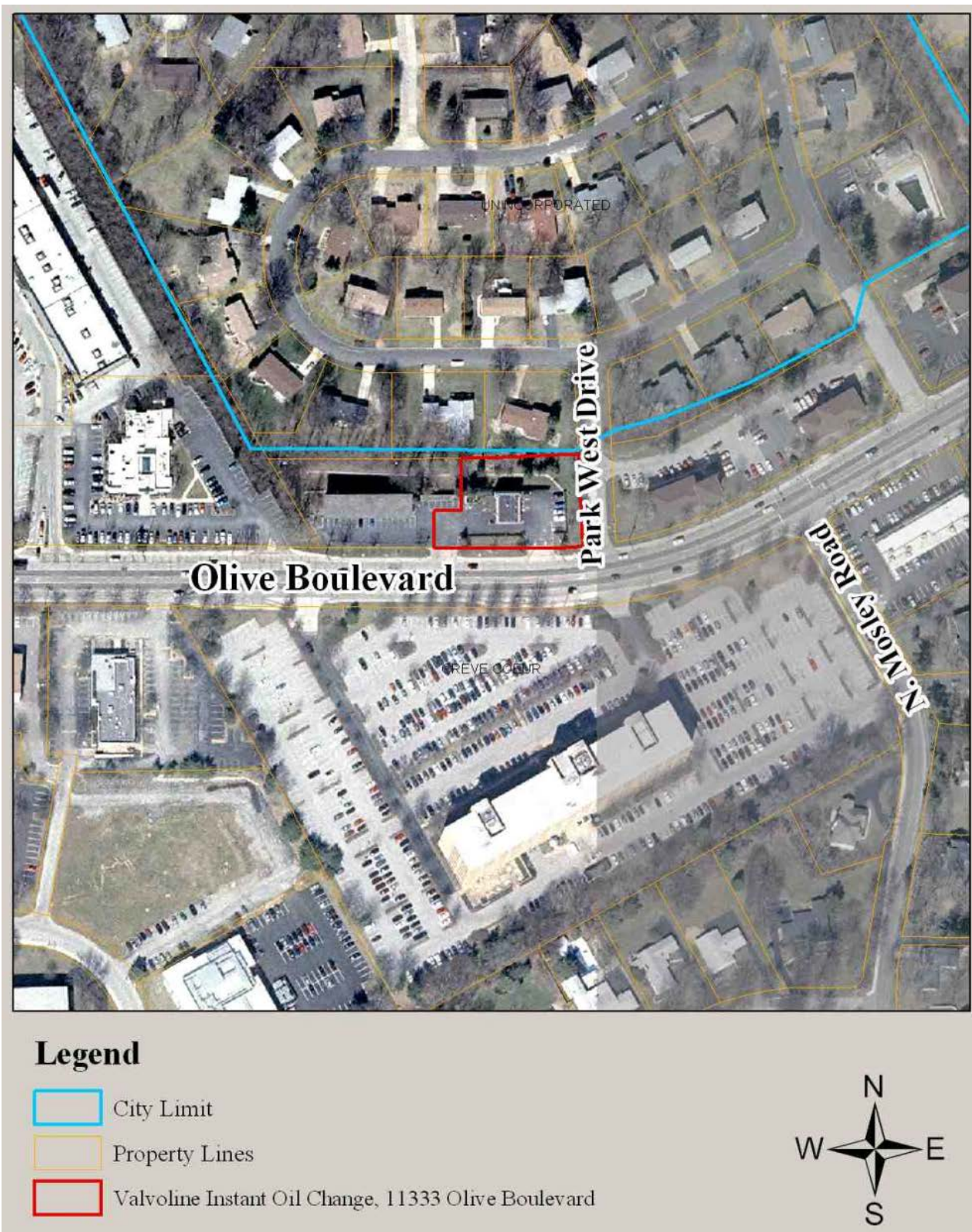
APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 3: AERIAL MAP



APPENDIX 4: SITE PHOTOGRAPHS

Photo Date: 10/28/2011 & 11/2/2011



Description: View of the property from the west entrance looking east. Notice the lack of landscaping.



Description: View of property looking west from the sidewalk.



Description: Another view of the middle island looking east from further out at the west entrance.



Description: View of the north side of the building from the northeast corner of the property. Notice the absence of the landscaping along the building and retaining wall required by the 1993 landscape plan.

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE REPEALING ORDINANCE NUMBERS 1074, 1594, AND 1694,
AND AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE PERMIT FOR
OPERATION OF A VALVOLINE INSTANT OIL CHANGE SERVICE STATION
LOCATED AT 11333 OLIVE BOULEVARD**

WHEREAS, under Section 405.360(C), Gasoline Service Stations in the "CB", Commercial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, conditional use permit ordinance #1074, was approved by the City Council on September 10, 1984, and amended on July 26, 1993 (ordinance #1594) and on March 13, 1995 (ordinance #1694), to allow for an automobile service station; and

WHEREAS, an application was submitted by Jason Coil, on behalf of Valvoline Instant Oil Change, to amend Ordinance #1694 to allow for hours of operation on Sunday from 9:00 a.m. to 5:00 p.m.; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, November 7, 2011, beginning at 7:00 p.m. or immediately following the close of the previous public hearing, on said application for the conditional use permit as provided by Section 405.1070(D)(2); and

WHEREAS, notice of said public hearing had been previously published at least 15 days prior to the hearing, in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur and otherwise posted and published in accordance with the Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a _____ vote, recommended approval of the improvements, subject to the conditions contained herein, at its meeting on November 7, 2011; and

WHEREAS, all parties desiring to be heard, either for or against said application, were given an opportunity to be heard, and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the Council; and this Bill having been read by title in open meeting two times before final passage by the City Council, and

WHEREAS, the City Council finds that the application and evidence presented clearly indicate that the proposed conditional use, when subject to certain conditions set forth herein:

1. Will contribute to and promote the community welfare and convenience at the specific location.
2. Will not cause substantial injury to the value of neighboring property.
3. Meets the applicable provisions of the City's Comprehensive Plan and any applicable neighborhood or sector plans and complies with other applicable zoning district regulations and provisions of this Chapter, unless good cause exists for deviation therefrom.
4. Will be compatible with the surrounding area and thus will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent users or on community facilities or services.

BILL NO. _____

ORDINANCE NO. _____

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, St. Louis County, Missouri, as follows:

Section 1: Ordinance #1074, Ordinance #1594, and Ordinance #1694 is hereby repealed.

Section 2: A Conditional Use Permit is authorized to be issued pursuant to Section 4 hereof for the operation of a automobile service station located at 11333 Olive Boulevard, in the "CB" Core Business zoning district, whose legal description is as follows:

Part of Lot 1 of the Subdivision in partition of the farm of S.S. Matson in U.S. Survey 1962, Township 45 North, Range 5 East, A diagram of which is attached to deed recorded in Book 448 Page 306 of the records of the City (former County) of St. Louis and described as:

Beginning at a point in the north line of Olive Street Road, 60 feet wide, at its intersection with west line of said Lot 1; thence along the west line of said lot 1, north 29 degrees 26 minutes west 171.83 feet to a point in the south line of lot "F" of Park West Plat No. 2, a plat of which is recorded in Plat Book 85 Page 46 of the St. Louis County records; thence along the south line of lots "F" and "E" north 89 degrees 45 minutes 40 seconds East 321.38 feet to a point; thence continuing along the south line of lot "E" and the south line of lot "D" of said subdivision, north 87 degrees 08 minutes and 40 seconds East 150.63 feet to a point in the west line of Park West Drive, 50 feet wide, a private street, shown on said plat of Park West, Plat No. 2; thence along the west line of said drive, south 2 degrees 31 minutes 20 seconds East 125 feet to a point of curve; thence southwestwardly along a curve to the right, having a radius of 25 feet, a distance of 39.27 feet to a point in the north line of Olive Street Road; thence along the north line of said road, South 87 degrees 08 minutes 40 seconds West 129.06 feet to a point and south 89 degrees 45 minutes 40 seconds West 241.00 feet to the point of beginning, excepting therefrom that part taken by the State of Missouri for road widening in cause No. 265592 of the St. Louis County records.

Section 3: The Conditional Use Permit granted shall be subject to all applicable statutes, ordinances, rules and regulations, and the following conditions:

1. This Conditional Use Permit shall be for the operation of an automobile service station located at 11333 Olive Boulevard.
2. The hours of operation shall be: 8:00 a.m. to 7:00 p.m. Monday through Friday; 8:00 a.m. to 6:00 p.m. Saturday; and 9:00 a.m. to 5:00 p.m. Sunday.
3. Additional business hours are permitted with the Zoning Administrator's approval.
4. The applicant shall submit a landscape plan for approval by the Director of Community Development that shall consist of no less than the same number of plantings as the prior Site Development Plan dated December 20, 1993, approved by Ordinance #1594.
5. Approval of the Landscape Plan shall be based on the conformance with the goals and objectives of the Comprehensive Plan and Design Guidelines.
6. The site shall be maintained in accordance with the final approved Site Development Plan, and revised landscape plan required by this ordinance.
7. An underground irrigation system shall be installed and maintained to serve new landscaped areas identified on the landscape plan.

8. Vegetation that is totally or predominantly dead and/or disfigured due to disease or injury shall be replaced as needed and in a prompt and workmanlike manner as dictated by accepted horticultural standards.
9. All signs and banners shall be in conformance with Article VII, Sign Regulations, of the Zoning Code.
10. No pennants, fringes, lights, pinwheels, or other similar devices for attracting attention may be displayed at any time in connection with the operation of the service station.
11. No additional curbcuts shall be granted in connection with the operation of said service station, other than those shown on the site plan.
12. Refuse, such as rags or other items incidental to the use of the service stations, shall be stored indoors or shall be enclosed in a sight-proof area or container, which container shall be screened from public view.
13. No auto, trailer, tool or equipment rental shall be permitted on the site.
14. Automobile servicing on the premises shall be limited to oil changes, transmission fluid changes, differential fluid changes and minor parts replacement, such as air filter, PCV valves, transmission filters, etc.
15. Sales shall be limited to automobile fluids, minor automobile parts, small automotive accessories, individual prepackages snack food and soft drinks.
16. Service bay doors shall remain closed while service is underway.
17. A copy of all herein attached conditions shall be furnished by the owner or petitioner to the operator(s) or manager(s), including successive operator(s), owner(s), or manager(s), who shall forward to the Zoning Administrator an acknowledgement that he or she has read and understood each of these conditions and agrees to comply therewith.
18. Any mechanical equipment installed for the site shall be properly screened with approved materials.
19. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
20. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
21. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

Section 4: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 2 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

BILL NO. _____

ORDINANCE NO. _____

Section 5: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2011.

TARA NEALEY
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2011.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK

BILL NUMBER 1097

ORDINANCE NUMBER 1074

AN ORDINANCE REPEALING ORDINANCE NO. 760 AND GRANTING A NEW CONDITIONAL USE PERMIT TO A SERVICE STATION AT THE NORTHWEST CORNER OF PARK WEST DRIVE AND OLIVE BOULEVARD, 11345 OLIVE BOULEVARD, IN A "CB" CORE BUSINESS DISTRICT, SUBJECT TO CONDITIONS HEREIN.

WHEREAS, APPLICATION WAS MADE FOR A GENERAL CONDITIONAL USE PERMIT FOR A SERVICE STATION LOCATED AT PARK WEST DRIVE AND OLIVE BOULEVARD IN THE "CB" CORE BUSINESS DISTRICT, AND

WHEREAS, THE PLANNING AND ZONING COMMISSION RECOMMENDED APPROVAL OF SAID APPLICATION, AND

WHEREAS, A PUBLIC HEARING WAS HELD BY THE BOARD OF ALDERMEN ON MONDAY, APRIL 9, 1984, AT 8:30 P.M. ON SAID APPLICATION FOR THE CONDITIONAL USE PERMIT AS PROVIDED BY ARTICLE VIII, SECTION 26-114 OF ORDINANCE NO. 1044 OF THE CITY OF CREVE COEUR, AND

WHEREAS, NOTICE OF PUBLICATION FOR SAID PUBLIC HEARING HAD BEEN PREVIOUSLY PUBLISHED IN THE ST. LOUIS COUNTIAN ON THE 21 AND 28 DAY OF MARCH AND APRIL 4, 1984, AND

WHEREAS, ALL PARTIES DESIRING TO BE HEARD, EITHER FOR OR AGAINST SAID APPLICATION, WERE GIVEN AN OPPORTUNITY TO BE HEARD; AND

WHEREAS, THE BOARD OF ALDERMEN BEING FULLY INFORMED FINDS THAT THE GRANTING OF THE APPLICATION WOULD BE IN HARMONY WITH THE PUBLIC HEALTH, SAFETY, COMFORT AND CONVENIENCE OF THE CITIZENS OF THE CITY OF CREVE COEUR AND IN CONFORMACE WITH GOOD ZONING PRACTICE:

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

SECTION 1: ORDINANCE NO. 760 IS HEREBY REPEALED.

SECTION 2: A NEW CONDITIONAL USE PERMIT IS HEREBY GRANTED FOR AN AUTOMOBILE SERVICE STATION ON THE NORTHWEST COERNER OF PARK WEST DIRVE AND OLIVE BOULEVARD IN A "CB" CORE BUSINESS DISTRICT SUBJECT TO THE HEREINAFTER STATED CONDITIONS ON THE FOLLOWING DESCRIBED PROPERTY:

PART OF LOT 1 OF THE SUBDIVISION IN PARTITION OF THE FARM OF S.S. MATSON IN U.S. SURVEY 1962, TOWNSHIP 45 NORTH, RANGE 5 EAST, A DIAGRAM OF WHICH IS ATTACHED TO DEED RECORDED IN BOOK 448 PAGE 306 OF THE RECORDS OF THE CITY (FORMER COUNTY) OF ST. LOUIS AND DESCRIBED AS:

BEGINNING AT A POINT IN THE NORTH LINE OF OLIVE STREET ROAD, 60 FEET WIDE, AT ITS INTERSECTION WITH WEST LINE OF SAID LOT 1; THENCE ALONG THE WEST LINE OF SAID LOT 1, NORTH 29 DEGREES 26 MINUTES WEST 171.83 FEET TO A POINT IN THE SOUTH LINE OF LOT "F" OF PARK WEST PLAT NO. 2, A PLAT OF WHICH IS RECORDED IN PLAT BOOK 86 PAGE 46 OF THE ST. LOUIS COUNTY RECORDS; THENCE ALONG THE SOUTH LINE OF LOTS "F" AND "E" NORTH 89 DEGREES 45 MINUTES 40 SECONDS EAST 321.38 FEET TO A POINT; THENCE CONTINUING ALONG THE SOUTH LINE OF LOT "E" AND THE SOUTH LINE OF LOT "D" OF SAID SUBDIVISION, NORTH 87 DEGREES 08 MINUTES 40 SECONDS EAST 150.63 FEET TO A POINT IN THE WEST LINE OF PARK WEST DRIVE, 50 FEET WIDE, A PRIVATE STREET SHOWN ON SAID PLAT OF PARK WEST, PLAT NO. 2; THENCE ALONG THE WEST LINE OF SAID DRIVE, SOUTH 2 DEGREES 31 MINUTES 20 SECONDS EAST 125 FEET TO A POINT OF CURVE; THENCE SOUTHWESTWARDLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 25 FEET, A DISTANCE OF 39.27 FEET TO A POINT IN THE NORTH LINE OF OLIVE STREET ROAD; THENCE ALONG THE NORTH LINE OF SAID ROAD, SOUTH 87 DEGREES 08 MINUTES 40 SECONDS WEST 129.06 FEET TO A POINT AND SOUTH 89 DEGREES 45 MINUTES 40 SECONDS WEST 241.00 FEET TO THE BEGINNING, EXCEPTING THEREFROM THAT PART TAKEN BY THE STATE OF MISSOURI FOR ROAD WIDENING IN CAUSE NO. 265592 OF THE ST. LOUIS COUNTY RECORDS.

SECTION 3: THE CONDITIONAL USE PERMIT GRANTED SHALL BE SUBJECT TO ALL ORDINANCES, RULES AND REGULATIONS, AND THE FOLLOWING CONDITIONS:

1. A COMPLETE REVIEW OF THE SITE PLAN SHALL BE MADE TO ASSURE THAT PRESENT CONDITIONS ARE IN CONFORMANCE THEREWITH.
2. A COMPLETE REVIEW OF THE DETAILED LANDSCAPE PLAN SHALL BE MADE AND THE LANDSCAPING SHALL BE BROUGHT INTO CONFORMANCE THEREWITH.
3. THERE SHALL BE NO ADDITIONAL SIGNS, UNLESS PRESENTLY ALLOWED UNDER THE CITY'S SIGN ORDINANCE.
4. NO PENNANTS, FRINGE, LIGHTS, PINWHEELS, OR OTHER SIMILAR DEVICES FOR ATTRACTING ATTENTION MAY BE DISPLAYED AT ANY TIME IN CONNECTION WITH THE OPERATION OF THE SERVICE STATION.

5. NO ADDITIONAL CURB CUTS SHALL BE GRANTED IN CONNECTION WITH THE OPERATION OF SAID SERVICE STATION, OTHER THAN THOSE SHOWN ON THE SITE PLAN.

6. REFUSE, SUCH AS RAGS, OR OTHER ITEMS INCIDENTAL TO THE USE OF THE SERVICE STATIONS SHALL BE STORED INDOORS OR SHALL BE ENCLOSED IN A SIGHT-PROOF AREA OR CONTAINER, WHICH CONTAINER SHALL BE SCREENED FROM PUBLIC VIEW.

7. NO AUTO, TRAILER, TOOL OR EQUIPMENT RENTAL SHALL BE PERMITTED ON THE SITE.

8. THERE SHALL BE NO AUTOMOBILE REPAIRS ON THE PREMISES.

9. SALES ARE TO BE LIMITED TO GASOLINE, OIL, SMALL AUTOMOTIVE ACCESSORIES, INDIVIDUAL PRE-PACKAGED SNACK FOODS, SMALL PERSONAL CARE ITEMS, CIGARETTES AND TOBACCO PRODUCTS, SMALL CONVENIENCE ITEMS AND NON-ALCOHOLIC BEVERAGES, EXCLUDING MILK AND LARGE CONTAINERS OF JUICE. SALES OF ITEMS EXPRESSLY PROHIBITED ARE BEER, WINE, BREAD, EGGS, MILK, FRESH MEATS, CHEESES, BUTTER, PREPARED FOODS, ICE CREAM, TV DINNERS, FROZEN PIZZAS, CANNED GOODS, LAUNDRY DETERGENT, SPICES AND CEREALS.

10. HOURS OF OPERATION SHALL BE LIMITED TO 6:00 A.M. TO MIDNIGHT SEVEN DAYS PER WEEK.

11. A COPY OF ALL HEREIN ATTACHED CONDITIONS SHALL BE FURNISHED BY THE OWNER OR PETITIONER TO THE OPERATOR(S) OR MANAGER(S), INCLUDING SUCCESSIVE OPERATOR(S), OWNER(S), OR MANAGER(S), WHO SHALL FORWARD TO THE ZONING ENFORCEMENT OFFICER AN ACKNOWLEDGEMENT THAT HE OR SHE HAS READ AND UNDERSTOOD EACH OF THESE CONDITIONS AND AGREES TO COMPLY THEREWITH.

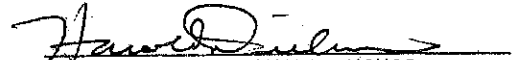
12. ANY TRANSFER OR OWNERSHIP OR LEASE OF THE PROPERTY SHALL INCLUDE IN THE TRANSFER OR LEASE AGREEMENT A PROVISION THAT THE PURCHASER LESSEE AGREES TO BE BOUND BY THE CONDITIONS HEREIN SET FORTH AND APPROVED DEVELOPMENT PLAN FOR THE PROPERTY.

13. ALL CONDITIONS CONTAINED WITHIN THIS PERMIT SHALL BE POSTED UPON THE PROPERTY IN SUCH A MANNER THAT IT IS VISIBLE TO THE PUBLIC AND TO THE OPERATOR OF SAID FACILITY.

14. FAILURE TO COMPLY WITH ANY ONE OR ALL OF THE
CONDITIONS OF THIS PERMIT SHALL BE ADEQUATE CAUSE FOR THE REVOCATION
OF SAID PERMIT BY THE BOARD OF ALDERMEN, PROVIDED, HOWEVER, NO
PERMIT SHALL BE REVOKED WITHOUT REASONABLE NOTICE TO THE OWNER OF THE
INTENTION OF THE BOARD OF ALDERMEN TO REVOKE AND REASONABLE TIME
GRANTED TO THE OWNER TO CORRECT ANY SUCH BREACH OF CONDITION.

SECTION 4: THIS ORDINANCE SHALL BECOME EFFECTIVE UPON THE
EXPIRATION OF FIFTEEN (15) DAYS AFTER ADOPTION BY THE BOARD OF ALDER-
MEN AND THE SIGNING THEREOF BY THE MAYOR.

PASSED THIS 10TH DAY OF SEPTEMBER 1984.


HAROLD L. DIELMANN, MAYOR

APPROVED THIS 10TH DAY OF SEPTEMBER 1984.


HAROLD L. DIELMANN, MAYOR

ATTEST:


LAVERNE COLLINS, CMC
CITY CLERK

BILL NUMBER 1630

ORDINANCE NUMBER 1594

AN ORDINANCE AMENDING ORDINANCE NUMBER 1074 WHICH AUTHORIZED THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE OPERATION OF A SERVICE STATION LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF OLIVE BOULEVARD AND PARK WEST DRIVE, IN THE "CB" CORE BUSINESS DISTRICT BY DELETING CONDITIONS 8, 9, 10 AND 14 AND ENACTING IN LIEU THEREOF NEW CONDITIONS NUMBERED 8, 9, 10 AND 14 AND BY THE ADDITION OF NEW CONDITIONS NUMBERED 15 AND 16.

WHEREAS, APPLICATION WAS MADE FOR AN AMENDMENT TO THE CONDITIONAL USE PERMIT AUTHORIZED BY ORDINANCE 1074 FOR THE OPERATION OF A SERVICE STATION TO ALLOW THE PERFORMANCE OF MINOR AUTOMOBILE SERVICING ON SITE TO INCLUDE OIL CHANGES, TRANSMISSION FLUID CHANGES AND MINOR PARTS REPLACEMENT. ALSO, TO ALLOW THE DEMOLITION OF EXISTING FACILITIES ON SITE AND TO CONSTRUCT A NEW TWO BAY OIL CHANGE FACILITY. THE USE IS LOCATED ON THE NORTHWEST CORNER OF OLIVE BOULEVARD AND PARK WEST DRIVE, IN THE "CB" CORE BUSINESS DISTRICT, AND

WHEREAS, THE CREVE COEUR PLANNING AND ZONING COMMISSION RECOMMENDED APPROVAL OF SAID APPLICATION, AND

WHEREAS, A PUBLIC HEARING WAS HELD BY THE CREVE COEUR CITY COUNCIL ON MONDAY, JUNE 28, 1993 AT 6:30 P.M. OR IMMEDIATELY FOLLOWING THE CLOSE OF THE PREVIOUS PUBLIC HEARING, ON SAID APPLICATION FOR THE CONDITIONAL USE PERMIT AS PROVIDED BY ARTICLE VIII, SECTION 26-114 OF ORDINANCE NUMBER 1044 OF THE CITY OF CREVE COEUR, AND

WHEREAS, NOTICE OF PUBLICATION FOR SAID PUBLIC HEARING HAD BEEN PREVIOUSLY PUBLISHED ON JUNE 9, 16, AND 23, 1993 IN THE ST. LOUIS COUNTIAN, A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF CREVE COEUR, AND

WHEREAS, ALL PARTIES DESIRING TO BE HEARD, EITHER FOR OR AGAINST SAID APPLICATION, WERE GIVEN AN OPPORTUNITY TO BE HEARD AT SAID PUBLIC HEARING, AND

WHEREAS, THE CITY COUNCIL BEING FULLY INFORMED FINDS THAT THE GRANTING OF THE APPLICATION WOULD BE IN HARMONY WITH AND BEAR A SUBSTANTIAL RELATION TO THE PUBLIC WELFARE, HEALTH, SAFETY, COMFORT AND CONVENIENCE OF

THE CITIZENS OF THE CITY OF CREVE COEUR AND IN CONFORMANCE WITH GOOD ZONING PRACTICE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI, THAT ORDINANCE NUMBER 1074, SECTION 2 OF THE CITY OF CREVE COEUR SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:

SECTION 1: ORDINANCE NUMBER 1074, SECTION 2 CONDITIONS 8, 9, 10 AND 14 ARE HEREBY REPEALED AND ENACTING IN LIEU THEREOF NEW CONDITIONS 8, 9, 10 AND 14 AND THE ADDITION OF CONDITIONS 15 AND 16 ALL TO READ AS FOLLOWS:

8. AUTOMOBILE SERVICING ON THE PREMISES SHALL BE LIMITED TO OIL CHANGES, TRANSMISSION FLUID CHANGES, DIFFERENTIAL FLUID CHANGES AND MINOR PARTS REPLACEMENT, SUCH AS AIR FILTERS, PCV VALVES, TRANSMISSION FILTERS, ETC.
9. SALES SHALL BE LIMITED TO AUTOMOBILE FLUIDS, MINOR AUTOMOBILE PARTS, SMALL AUTOMOTIVE ACCESSORIES, INDIVIDUAL PREPACKAGED SNACK FOODS AND SOFT DRINKS.
10. HOURS OF OPERATION SHALL BE LIMITED TO 8:00 A.M. TO 6:00 P.M. MONDAY THROUGH SATURDAY.
14. FAILURE TO COMPLY WITH ANY ONE OR ALL OF THE CONDITIONS OF THIS PERMIT SHALL BE ADEQUATE CAUSE FOR THE REVOCATION OF SAID PERMIT BY THE CITY COUNCIL PROVIDED, HOWEVER, NO PERMIT SHALL BE REVOKED WITHOUT PRIOR NOTICE TO THE OWNER OF THE INTENTION OF THE CITY COUNCIL TO REVOKE THIS PERMIT AND REASONABLE TIME GRANTED TO THE OWNER TO CORRECT OR REMEDY ANY SUCH BREACH OF CONDITION, EXCEPT FOR REPEATED BREACHES OR VIOLATIONS.
15. THE FINAL BUILDING PLANS FOR THE FACILITY MUST BE REVIEWED AND APPROVED BY THE CREVE COEUR PLANNING AND ZONING COMMISSION.
16. THE FINAL DETAILED LANDSCAPE PLAN MUST BE REVIEWED AND APPROVED BY THE CREVE COEUR PLANNING AND ZONING COMMISSION AND MUST INDICATE PROPOSED SCREENING AND BUFFERING OF THE ADJACENT RESIDENTIAL AREA.

SECTION 2. THE CITY ADMINISTRATOR OF THE CITY OF CREVE COEUR IS HEREBY AUTHORIZED AND DIRECTED TO ISSUE A CONDITIONAL USE PERMIT IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE, SAID PERMIT TO EXPRESSLY PROVIDE FOR THE CONDITIONS AND STIPULATIONS HEREINABOVE SET OUT IN SECTION 1 OF THIS ORDINANCE.

SECTION 3. THIS ORDINANCE SHALL BECOME EFFECTIVE AT THE EXPIRATION OF FIFTEEN (15) DAYS AFTER ADOPTION BY THE CITY COUNCIL AND THE SIGNING THEREOF BY THE MAYOR.

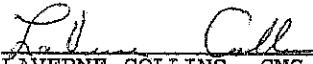
PASSED THIS 26th DAY OF July, 1993


SUE BAUM, MAYOR

APPROVED THIS 26th DAY OF July, 1993


SUE BAUM, MAYOR

ATTEST:


LAVERNE COLLINS, CMC
CITY CLERK

830/36

BILL NUMBER 1736

ORDINANCE NUMBER 1694

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 1074 AS AMENDED BY ORDINANCE NUMBER 1594 WHICH AUTHORIZED THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE OPERATION OF A SERVICE STATION LOCATED AT 11333 OLIVE BOULEVARD, IN THE "CB" CORE BUSINESS DISTRICT, BY DELETING SECTION 2 OF ORDINANCE NUMBER 1074 AS AMENDED IN ITS ENTIRETY AND ENACTING IN LIEU THEREOF A NEW SECTION 2 AS CONTAINED HEREIN.

WHEREAS, THE CITY OF CREVE COEUR RECOGNIZED THE NEED TO CONSIDER AN AMENDMENT TO THE CONDITIONAL USE PERMIT AUTHORIZED BY ORDINANCE NUMBER 1074 AND AMENDED BY ORDINANCE NUMBER 1594 TO ADDRESS THE ISSUE OF EXTENDED OPERATING HOURS, AS REQUESTED BY VALVOLINE INSTANT OIL CHANGE, MR. GEORGE STOCK, JR., REPRESENTATIVE, FOR THE FACILITY LOCATED AT 11333 OLIVE BOULEVARD, IN THE "CB" CORE BUSINESS DISTRICT, AND

WHEREAS, THE CREVE COEUR PLANNING AND ZONING COMMISSION HAS RECOMMENDED APPROVAL OF SUCH AMENDMENT, AND

WHEREAS, A PUBLIC HEARING WAS HELD BY THE CREVE COEUR CITY COUNCIL ON MONDAY, JANUARY 23, 1995 AT 7:30 P.M. ON SAID AMENDMENT FOR THE CONDITIONAL USE PERMIT AS PROVIDED BY ARTICLE VIII, SECTION 26-114 OF ORDINANCE NUMBER 1044 OF THE CITY OF CREVE COEUR, AND

WHEREAS, NOTICE OF PUBLICATION FOR SAID PUBLIC HEARING HAD BEEN PREVIOUSLY PUBLISHED ON JANUARY 3, 10 AND 17, 1995 IN THE ST. LOUIS COUNTIAN, A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF CREVE COEUR, AND

WHEREAS, ALL PARTIES DESIRING TO BE HEARD, EITHER FOR OR AGAINST SAID AMENDMENTS, WERE GIVEN AN OPPORTUNITY TO BE HEARD, AND

WHEREAS, THE CREVE COEUR CITY COUNCIL BEING FULLY INFORMED FINDS THAT THE PROPOSED AMENDMENTS WOULD BE IN HARMONY WITH HEALTH, SAFETY, COMFORT, CONVENIENCE AND GENERAL WELFARE OF THE CITIZENS OF THE CITY OF CREVE COEUR AND IN CONFORMANCE WITH GOOD ZONING PRACTICE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI, THAT ORDINANCE NUMBER 1074 AS AMENDED BY ORDINANCE NUMBER 1594, SECTION 2 OF THE CITY OF CREVE COEUR SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:

SECTION 1: ORDINANCE NUMBER 1074, SECTION 2, AS AMENDED BY ORDINANCE NUMBER 1594 IS HEREBY REPEALED IN ITS ENTIRETY AND ENACTING IN LIEU THEREOF A NEW SECTION 2 TO READ AS FOLLOWS:

1. A COMPLETE REVIEW OF THE SITE PLAN SHALL BE MADE TO ASSURE THAT PRESENT CONDITIONS ARE IN CONFORMANCE THEREWITH.
2. A COMPLETE REVIEW OF THE DETAILED LANDSCAPE PLAN SHALL BE MADE AND THE LANDSCAPING SHALL BE BROUGHT INTO CONFORMANCE THEREWITH.
3. THERE SHALL BE NO ADDITIONAL SIGNS, UNLESS PRESENTLY ALLOWED UNDER THE CITY'S SIGN ORDINANCE.
4. NO PENNANTS, FRINGES, LIGHTS, PINWHEELS, OR OTHER SIMILAR DEVICES FOR ATTRACTING ATTENTION MAY BE DISPLAYED AT ANY TIME IN CONNECTION WITH THE OPERATION OF THE SERVICE STATION.
5. NO ADDITIONAL CURB CUTS SHALL BE GRANTED IN CONNECTION WITH THE OPERATION OF SAID SERVICE STATION, OTHER THAN THOSE SHOWN ON THE SITE PLAN.
6. REFUSE, SUCH AS RAGS OR OTHER ITEMS INCIDENTAL TO THE USE OF THE SERVICE STATIONS, SHALL BE STORED INDOORS OR SHALL BE ENCLOSED IN A SIGHT-PROOF AREA OR CONTAINER, WHICH CONTAINER SHALL BE SCREENED FROM PUBLIC VIEW.
7. NO AUTO, TRAILER, TOOL OR EQUIPMENT RENTAL SHALL BE PERMITTED ON THE SITE.
8. AUTOMOBILE SERVICING ON THE PREMISES SHALL BE LIMITED TO OIL CHANGES, TRANSMISSION FLUID CHANGES, DIFFERENTIAL FLUID CHANGES AND MINOR PARTS REPLACEMENT, SUCH AS AIR FILTER, PCV VALVES, TRANSMISSION FILTERS, ETC.
9. SALES SHALL BE LIMITED TO AUTOMOBILE FLUIDS, MINOR AUTOMOBILE PARTS, SMALL AUTOMOTIVE ACCESSORIES, INDIVIDUAL PREPACKAGED SNACK FOODS AND SOFT DRINKS.
10. HOURS OF OPERATION SHALL BE LIMITED TO 8:00 A.M. TO 7:00 P.M. MONDAY THROUGH FRIDAY, AND 8:00 A.M. TO 6:00 P.M. SATURDAY.

11. A COPY OF ALL HEREIN ATTACHED CONDITIONS SHALL BE FURNISHED BY THE OWNER OR PETITIONER TO THE OPERATOR(S) OR MANAGER(S), INCLUDING SUCCESSIVE OPERATOR(S), OWNER(S), OR MANAGER(S), WHO SHALL FORWARD TO THE ZONING ENFORCEMENT OFFICER AN ACKNOWLEDGEMENT THAT HE OR SHE HAS READ AND UNDERSTOOD EACH OF THESE CONDITIONS AND AGREES TO COMPLY THEREWITH.

12. ANY TRANSFER OR OWNERSHIP OR LEASE OF THE PROPERTY SHALL INCLUDE IN THE TRANSFER OR LEASE AGREEMENT A PROVISION THAT THE PURCHASER OR LESSEE AGREES TO BE BOUND BY THE CONDITIONS HEREIN SET FORTH AND THE APPROVED DEVELOPMENT PLAN FOR THE PROPERTY.

13. ALL CONDITIONS CONTAINED WITHIN THIS PERMIT SHALL BE POSTED UPON THE PROPERTY IN SUCH A MANNER THAT IT IS VISIBLE TO THE PUBLIC AND TO THE OPERATOR OF SAID FACILITY.

14. FAILURE TO COMPLY WITH ANY ONE OR ALL OF THE CONDITIONS OF THIS PERMIT SHALL BE ADEQUATE CAUSE FOR THE REVOCATION AND/OR MODIFICATION OF SAID PERMIT BY THE CITY COUNCIL PROVIDED, HOWEVER, NO PERMIT SHALL BE REVOKED OR MODIFIED WITHOUT PRIOR NOTICE TO THE OWNER OF THE INTENTION OF THE CITY COUNCIL TO REVOKE OR MODIFY THIS PERMIT AND REASONABLE TIME GRANTED TO THE OWNER TO CORRECT OR REMEDY ANY SUCH BREACH OF CONDITION, EXCEPT FOR REPEATED BREACHES OR VIOLATIONS.

15. THE FINAL BUILDING PLANS FOR THE FACILITY MUST BE REVIEWED AND APPROVED BY THE CREVE COEUR PLANNING AND ZONING COMMISSION.

16. THE FINAL DETAILED LANDSCAPE PLAN MUST BE REVIEWED AND APPROVED BY THE CREVE COEUR PLANNING AND ZONING COMMISSION AND MUST INDICATE PROPOSED SCREENING AND BUFFERING OF THE ADJACENT RESIDENTIAL AREA.

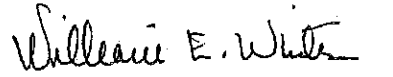
SECTION 2: THE CITY ADMINISTRATOR OF THE CITY OF CREVE COEUR IS HEREBY AUTHORIZED AND DIRECTED TO ISSUE AN AMENDED CONDITIONAL USE PERMIT IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE, SAID PERMIT TO EXPRESSLY PROVIDE FOR THE CONDITIONS AND STIPULATIONS HEREINABOVE SET OUT IN SECTION 1 OF THIS ORDINANCE.

SECTION 3: THIS ORDINANCE SHALL BECOME EFFECTIVE AT THE EXPIRATION OF FIFTEEN (15) DAYS AFTER ADOPTION BY THE CITY COUNCIL AND THE SIGNING THEREOF BY THE MAYOR.

ADOPTED BY CITY COUNCIL THIS 13 DAY OF March, 1995.


ROBERT PENNELL
PRESIDENT OF CITY COUNCIL

APPROVED THIS 13 DAY OF March, 1995.


WILLIAM E. WINTER
MAYOR

ATTEST:


LAVERNE COLLINS, CMC
CITY CLERK

112/202



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, NOVEMBER 7, 2011
7:00 P.M.**

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, November 7, 2011, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: *Mr. Timothy Madden, Chair*
 Mr. Gary Eberhardt
 Mr. James Faron
 Mr. Jim Schnarr
 Mr. Ken Howard
 Ms. Cynthia Kramer

OTHERS PRESENT: *Mr. Carl Lumley, City Attorney*
 Mr. Paul Langdon, Director of Community Development
 Ms. Whitney Kelly, City Planner
 Ms. Julie Lowery, Recording Secretary

2. NEW BUSINESS

- A. Application #11-028: Request to amend a conditional use permit to allow for Sunday hours of operation for the Valvoline Instant Oil Change at 11333 Olive Boulevard. Staff recommends repealing Ordinances numbers 1074, 1594, and 1694 and replace with a new conditional permit.**

Applicant/Agent: Jason Coil
 Area Manager
 Valvoline Instant Oil Change
 3499 Blaser Parkway
 Lexington, KY 40509

Start of Public Hearing

Applicant's Presentation:

Ms. Kelly, City Planner, presented on behalf of Mr. Coil's request to amend the conditional use permit to include Sunday hours of operation from 9am to 5pm. Staff is asking Valvoline for new/additional landscaping for landscaping that has been removed, which can be approved at staff level if the commission agrees. Staff has also suggested the bay doors be closed to eliminate noise for the residential neighbors.

Mr. Jason Coil, Area Manager, Valvoline Instant Oil Change, 1510 Chambers Road, Dellwood, MO 63136 approached the podium to take questions from the Commission.

Comments or questions from Commission members:

Mr. Eberhardt would like to know why staff recommends closing of the bay doors when service is being provided, especially in the summer with the building not being air conditioned. Ms. Kelly replied that Valvoline also performs tire rotations with drills and guns and trying to stay compliant with other recent requests, like the Light Industrial District (“LI” District).

Mr. Schnarr stated that Valvoline, by the city’s definition, is a service station and he believes it to not be a service station. Ms. Kelly replied they do not just change oil and fluid out of vehicles, they do perform tire rotations and changes.

Mr. Faron asked if Mr. Coil had an idea for the new landscaping plans and Mr. Coil stated that he did not, but they would meet any terms the Commission and Council set for Valvoline. Mr. Faron asked if he was aware of what the 1993 plan looked like and Mr. Coil replied he had seen that plan. Mr. Coil reiterated that if the plan was to go back to the 1993 plan, they would, they are more than willing to meet the standard the Commission and Council set forth. Ms. Kelly stated the 1993 plan is not what they are requesting due to the utility line, but what staff is asking for is a similar number of plantings that can be dispersed throughout the area and would like it to match the neighbors. Mr. Coil would like to ask the plantings not interfere with the low laying sign, to make sure the sign is still visible from the road. Mr. Coil also mentioned that the building was un-air conditioned and having the bay doors closed could be a hazard to the employees in the summer.

Comments and questions from the audience:

Ms. Suzanne Harris, 143 Nassau Circle, spoke in opposition of this request. Ms. Harris lives directly behind the Valvoline. Ms. Harris does not think the noise from the tools and the noise of the employees/customers talking is not conducive to family life. Ms. Harris did not believe the bay doors being closed was an option though, because of the extreme temperatures this area can face during spring/summer/fall months. However there is a back door that remains open and noise comes from there as well. Ms. Harris stated she has always thought the City of Creve Coeur has been receptive to the neighbor’s plight of those neighbors who back up to the city, with the “good neighbor” policy. Ms. Harris also stated the noise travels straight down the hill with nothing there to block it. Ms. Harris also said she can understand working hours on Saturday as it is a “working” day, but that she did not feel like it was appropriate noise to be hearing on a Sunday.

Mr. Coil addressed Valvoline’s reasons for wanting to have Sunday hours. Mr. Coil said, the economy is tough and it is hard on business’s and hard on employment by increasing the Sunday hours more employees can work and the revenue will be increased per month, which is taxable to the city. Addressing the noise reduction, Mr. Coil said the door downstairs can be closed at all times, as a mandatory condition. Also, on the sides of the building there are two (2) 4 foot fences that go down, if needed or requested, Valvoline would increase the fences to 8 foot privacy fences. Chairman Madden stated he would be in favor of increasing the height of the fencing.

Mr. Eberhardt asked if city staff would consider a higher fencing and some plantings next to the fence to help absorb the sound. Mr. Coil stated that at the back of the property where the building ends, there is a 20-30 foot clearance of grass and a row of trees. Mr. Eberhardt said he does not think that trees are going to stop noise, maybe a hedge or some kind of buffer would be better. Mr. Coil understands what Mr. Eberhardt is saying, but that the Valvoline building sits much higher than the level of the residential neighbors.

Mr. Langdon shared a couple of observations on trying to mitigate sound, stating vegetation does a poor job of mitigating sound. While vegetation gives the impression of absorbing sound, it does not, and wood fences also have limited effect to absorb sounds. Mr. Langdon stated a solid barrier with a dead space in it to effectively attenuate noise. Mr. Langdon said while increasing the fence and planting might help a little, it is not going to help that much. Mr. Schnarr asked if cedar wouldn't absorb sound, and Mr. Langdon replied it would not. Mr. Eberhardt asked if the primary problem was the noise coming from the lower door or the bay doors. Ms. Harris said the bay doors were giving out more noise than the lower back door. Mr. Faron asked if a sound wall was an option and Mr. Coil said it would be something he would have to look into because it would be a large expense.

Mr. Madden then questioned the hours proposed, which are 9am-5pm, and suggested a later opening time of 10am-5pm, for the sake of the neighbors. Ms. Harris replied anything would make it better. Mr. Faron asked if the space could be conditioned, and Mr. Coil said he can set rules to dictate how much time can be spent on that end of the building and regulate when employees take breaks, so there are not more than one person on a break at a time. Ms. Harris stated that an 8 foot fence would help. Mr. Schnarr asked if a fence made of PVC would be better than wood and Mr. Coil responded that they would rather use vinyl than wood.

Chairman Madden stated the conditions discussed which would be to open at 10am, put in 8 foot vinyl fence, landscape work with staff and tell employees to take breaks over by dumpster.

Mr. Coil brought up his concern about being made to keep the bay doors closed because in the summertime the heat is too unbearable to do that. Ms. Harris and Chairman Madden both agreed that is not feasible.

Mr. Langdon pointed out to the commission that they have the ability to approve fences over 6 feet in height and wanted to make sure the commission was clear about the extent of the fence, because an 8 foot fence is a big fence and how far it should run in terms of length of the property. Chairman Madden clarified that the fence would run from the dumpster to the building and on the other end of the building to the end of the parking lot. Discussion on the height of the fence continued, finally settling on 6 feet for the height.

Chairman Madden, once again stated the conditions discussed, which would be to open at 10am, put up a 6 foot vinyl fence from the door all the way to the end of the property, employees will take their breaks by the dumpster corral, the landscaping plan to be worked with the City of Creve Coeur staff, keep the bottom downstairs back door closed, and no requirement on the bay doors staying closed.

Mr. David Caldwell, 257 Brooktrail Court, thinks it is a double standard to allow Valvoline to keep their bay doors open, when in the “LI” District the conditions were the bay doors had to remain closed. Ms. Kramer replied she recalls the issue with the bay doors in the “LI” District being different than the applicant’s request. Mr. Langdon spoke up as the City Council liaison, stating at the council meeting when the used car sales discussion took place that questions were raised asking specifically what level of service could be done. Mr. Langdon stated Mr. Caldwell is correct that in the Council’s mind where ultimately the ordinance will be accepted or declined, it was the kind of service should be screened with closed doors. Mr. Langdon also pointed out in the draft ordinance it states the bay doors remain closed to try and be consistent with previous requests, i.e. “LI” District, but if the Commission wants to back away from that condition, it is the commission’s right to do so.

Mr. Eberhardt suggested that the doors remain closed unless it reaches a certain temperature, and Mr. Coil responded he would rather alter his business and not do tire rotations/changes on Sunday than have to have an employee outside with a temperature gauge to see if the doors are required to be opened or closed.

There being no further comments, the City Attorney, Mr. Lumley, presented the exhibits for the record and the public hearing was closed.

(This ends the Public Hearing; see verbatim transcript for further information)

Mr. Howard pointed out that this applicant has had many landscaping violations, and he would like to table this application to have a clearer understanding, due to the substantial changes to the draft ordinance.

No further comments and questions from the audience or the Commission.

There being no further comments, the motion was made by Mr. Eberhardt to recommend approval of the Conditional Use Permit for Valvoline Instant Oil Change submitted with Application #11-028, subject to the conditions contained in the draft ordinance attached to the staff report dated November 4, 2011.

Chairman Madden made a motion to amend the motion with Sunday hours are 10:00 am to 5 pm, a six-foot high solid vinyl fence shall be installed along the rear edge of the paved areas, from the building to the dumpster corral on the west and from the building to the edge of the pavement on the east, service bay doors shall be closed while impact wrenches are being used on Sundays, the lower level door shall remain closed at all times, and employee outdoor breaks on the premises shall be taken individually on the west side of the building. Ms. Kramer seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Mr. Schnarr – aye

Mr. Eberhardt – aye
Ms. Kramer – aye

Chair – aye
Mr. Howard – aye

Then the motion was made to approve the Conditional Use Permit for Valvoline Instant Oil Change submitted with Application #11-028, subject to the conditions as amended, with the resultant vote as follows:

Mr. Faron – aye
Mr. Schnarr – aye

Mr. Eberhardt – aye
Ms. Kramer – aye

Chair – aye
Mr. Howard – nay

3. **ADJOURNMENT**

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 8:15 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary



city
of

CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

November 9, 2011

Mr. Jason Coil
Valvoline Instant Oil Change
1510 Chambers Road
Dellwood, MO 63136

Re: Conditional Use Permit #11-028 – Sunday hours of operation for Valvoline Instant Oil Change
11333 Olive Boulevard

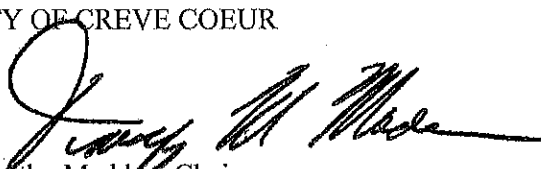
Mr. Coil:

The Planning and Zoning Commission, at its meeting of November 7, 2011, reviewed your request on behalf of Valvoline Instant Oil Change, for approval of the conditional use permit to allow for Sunday hours of operation for the Valvoline Instant Oil Change at 11333 Olive Boulevard.

By majority vote (5 ayes and 1 nay), the P&Z Commission recommends approval of your request subject to the conditions in the attached draft ordinance.

Sincerely,

CITY OF CREVE COEUR


Timothy Madden, Chairman
Planning & Zoning Commission

TM:jl

Cc: M.C. Perkins, City Administrator
J. Heines, Director of Public Works
G. Eidman, Chief of Police
S. Unser, Chief Building Official

PZ 110711.txt
1 PLANNING AND ZONING COMMISSION PUBLIC HEARING
2 CITY OF CREVE COEUR, MISSOURI
3 300 NORTH NEW BALLAS ROAD
4 MONDAY, NOVEMBER 7, 2011
5 7:00 P.M.
6
7 THOSE IN ATTENDANCE:
8 Mr. Tim Madden, Chair
Mr. Gary Eberhardt, Vice Chair
9 Mr. James Faron
Mr. Ken Howard
10 Mr. Jim Schnarr
Mr. Carl Lumley, City Attorney
11 Mr. Paul Langdon, AICP, Director of Community Development
Ms. Whitney Kelly, AICP, City Planner
12 Ms. Julie Lowery, Recording Secretary

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21
22

23 McLaughlin Court Reporting Services, Inc.
24 Deborah K. McLaughlin, RPR, MO-CCR #314, IL-CSR, KS-CCR
4772 Gatesbury Drive
25 St. Louis, MO 63128
(314)487-2259

1 CHAIRMAN MADDEN: Like to call to order the 1
2 Planning Zoning Commission meeting for the City of Creve
3 Coeur, Missouri for Monday November 7th, 2011.
4 We'll start with roll call.
5 Dr. Barton won't be here tonight.
6 Mr. Eberhardt?

Page 1

7 MR. EBERHARDT: Present.
8 CHAIRMAN MADDEN: Mr. Faron?
9 MR. FARON: Present.
10 CHAIRMAN MADDEN: Mr. Howard?
11 MR. HOWARD: Present.
12 CHAIRMAN MADDEN: Ms. Kramer?
13 MS. KRAMER: Present.
14 CHAIRMAN MADDEN: Mr. Schnarr?
15 MR. SCHNARR: Present.
16 CHAIRMAN MADDEN: Mr. Lumley, our City Attorney?
17 MR. LUMLEY: Present.
18 CHAIRMAN MADDEN: Mr. Langdon, our Director of
19 Community Development?
20 MR. LANGDON: Present.
21 CHAIRMAN MADDEN: Ms. Kelly, our City Planner?
22 MS. KELLY: Present.
23 CHAIRMAN MADDEN: Ms. Lowery, our Recording
24 Secretary?
25 MS. LOWERY: Present.

1 So we'll move to new business, which will be a²
2 Public Hearing, Application No. 11-028, request to amend a
3 conditional use permit to allow for Sunday hours of
4 operation for the Valvoline Instant Oil Change at 11333
5 Olive Boulevard.

6 And would you please state your -- sorry. Yeah,
7 if anybody else is going to talk on this, if they'd come
8 up and get sworn in now, it'd be great.

9 (Speakers were sworn by the court reporter.)

10 MS. KELLY: Good evening. Whitney Kelly, City
11 Planner for the City of Creve Coeur.

12 Jason Coil, Area Manager for Valvoline Instant
13 Oil Change, has submitted a request to amend their
14 conditional use permit to allow for Sunday business hours.

15 The site is generally in conformance with the
16 existing CUP, however, since there are a number of
17 amendments to those, we are recommending that we repeal
18 and replace it with a new CUP with the hours -- with the
19 changes indicated.

20 We are asking for additional landscaping. A new
21 landscape plan for the area for those landscaping that has
22 been removed, and that can be approved internally at staff
23 level, if you're in agreement with that.

24 And we've also suggested that we include that
25 the bay doors be closed to eliminate any noise for the

1 residents behind them. 3

2 Other than that, there are no other issues and
3 the Applicant is here for any questions.

4 CHAIRMAN MADDEN: Would you please state your
5 name and address.

6 MR. COIL: My name is Jason Coil. I'm the area
7 manager for Valvoline Instant Oil Change.

8 CHAIRMAN MADDEN: And your address, please.

9 MR. COIL: My office address is 1510 Chambers
10 Road, Dellwood, Missouri, 63136.

11 CHAIRMAN MADDEN: Thank you. Is there any
12 questions?

13 Mr. Eberhardt.

14 MR. EBERHARDT: Yeah, I have a question as to
15 why the staff report requires the bay doors to be closed
16 when service is being provided.

17 My question is this. I have my oil changed at
Page 3

18 Valvoline fairly frequently. And during the summer, I
19 don't think your place is air-conditioned on the inside,
20 is it?

21 MR. COIL: No, sir.

22 MR. EBERHARDT: And -- and I know it gets
23 extremely hot in there. And I guess I'm not quite clear
24 what kind of noise emanates from this kind of a business.

25 It's -- I hear the guys yelling at each other

1 about sending a filter down in the pit, but by itself, oil⁴
2 change and fluid changes aren't very noisy, so I was just
3 curious as to why that requirement popped up.

4 MS. KELLY: Well, they also do tire rotation and
5 the guns from the -- to remove the bolts can be very loud,
6 and it's just to be in compliance with the discussions
7 that we recently had -- had with the LI District when auto
8 servicing was being proposed along with the used auto
9 sales, in that when you're abutting a residential district
10 you should, to eliminate any noise beyond the property
11 line, to keep those service bay doors closed. And they
12 are -- have residents right behind there.

13 MR. SCHNARR: But the definition of Valvoline as
14 a service station, according to the City's definition of a
15 service station, it's not a service station.

16 You look at all the things that you say a
17 service station does, all he does is change oil and put in
18 a battery.

19 MS. KELLY: They also do tire rotation.

20 MR. SCHNARR: I'm sorry?

21 MS. KELLY: They also do tire rotation.

22 MR. SCHNARR: Do you do tires?

23 MR. COIL: Yes, sir, we do tire rotation and
24 fluid exchanges on your --
25 MR. SCHNARR: Okay.

5

1 MR. COIL: -- maintenance.
2 CHAIRMAN MADDEN: Any other questions up here?
3 MR. FARON: Your new landscape, do you have a
4 idea for what the new landscaping might be; any proposals
5 for that?
6 MR. COIL: Right now, no, we don't. When this
7 was brought to my attention -- I just took over this
8 location within the last five months. When I took the
9 location over, the landscaping, as it is -- the way it is
10 right now. When it was brought to my attention, I told
11 Ms. Kelly that we could come to whatever terms needed by
12 the Council to make it right.
13 MR. LANGDON: Sir -- sir, I'm sorry, before you
14 proceed any further, would you step to the microphone --
15 MR. COIL: I'm sorry.
16 MR. LANGDON: -- so we can record your comments.
17 MR. FARON: Have you seen the 1993 plan?
18 MR. COIL: Yes. Where it had the bushes and --
19 MR. FARON: Uh-huh.
20 MR. COIL: -- all along the front, yes.
21 And as I stated before, was that if -- if the
22 requirement was to go back to this specific illustration,
23 we will do so if needed.
24 CHAIRMAN MADDEN: Are you okay with that,
25 Whitney?

6

1 MS. KELLY: Well, we aren't asking for this
2 specific illustration simply because the utilities line

3 here won't allow the trees along -- these trees, but what
4 we are asking is just a similar number of plantings that
5 could be dispersed throughout this area.

6 We kind of want it to match the neighbors. They
7 have lovely grasses and a variety of hard scape and soft
8 scape, so we would just ask for a similar number of
9 plantings, and for it to be internally approved per your
10 direction.

11 MR. COIL: And then one more thing. The only
12 thing that we would ask is, obviously, to make it fit, but
13 because of the new building signage we have up, we have a
14 very low sign on the front corner, so if we put too much
15 landscaping on the front corner, you won't see the signage
16 at all, so we'd have to be careful in the placement of the
17 plants, but other than that --

18 MR. FARON: You talking about this sign to the
19 east there?

20 MR. COIL: Yes. Right here.

21 MR. FARON: So you wouldn't possibly move that;
22 you'd just leave that there? You have some --

23 MR. COIL: Well, right now there are no bushes
24 right there at all. According to the plan, there should
25 be, but they -- those were removed to put the new signage

7
1 in that was approved last year.

2 MR. FARON: And I saw some signage on the
3 building. I assume you wouldn't want any tall landscaping
4 there, you'd keep it --

5 MR. COIL: Correct.

6 MR. FARON: -- low, but pull it back --

7 MR. COIL: But actually those have been

8 replaced. The new ones. The old ones all died, so those
9 have been replaced as it is.

10 MS. KELLY: This in the island up next to the
11 building, those have been replaced.

12 What we're really focusing on is this area right
13 here. There's a tree in this corner and one in this
14 corner, and we could certainly work on the level, moving
15 it to either side.

16 MR. FARON: Yeah, looks like it's been taken
17 out.

18 MS. KELLY: Creating a nice landscape for that
19 area.

20 CHAIRMAN MADDEN: And you'll work with them,
21 right --

22 MS. KELLY: Right.

23 CHAIRMAN MADDEN: -- as long as we approve it?
24 Okay.

25 I think we're all okay with that.

8

1 Anything else?

2 Okay. Is there anybody in the audience?

3 Ms. Susan Harris.

4 Ms. Harris, would you please state your name and
5 address, please.

6 MS. HARRIS: Yeah, Susanne Harris, 143 Nassau
7 Circle, which is directly behind Valvoline.

8 CHAIRMAN MADDEN: Okay.

9 MS. HARRIS: And I am in opposition of the
10 Sunday hours, basically, due to the noise. And it's not
11 just from the operational noise, although that is
12 significant.

13 Anybody standing outside of the building, you
Page 7

14 can hear every conversation that goes on, be it customers
15 or workers on break or workers on lunch hour; every word
16 is audible from my backyard. And sometimes the
17 conversation is rather interesting, it includes Friday
18 night stories and proposed Saturday night stories, and the
19 language is sorted, and not all the time, but -- but it
20 is, it does happen. And it's not conducive to family
21 life.

22 I don't believe that the bay doors, if the
23 building is not air-conditioned, that they could
24 conceivably keep the bay doors closed.

25 And it's not only the bay doors. There's a back

1 door down at the under -- the lower level that is also 9
2 open that you can -- can hear them yelling from the lower
3 level to the upper level during their operational hours
4 so.

5 I do know that the City of Creve Coeur has
6 always had been receptive to our plight, those of us who
7 back up to -- to the city, and with their good neighbor
8 policy, and, hopefully, that you'll consider that again
9 this evening with these operational hours.

10 The -- the noise flows right down the hill. So,
11 and there's nothing there to block it so --

12 CHAIRMAN MADDEN: Okay.

13 MS. HARRIS: -- it's -- the noise is
14 significant. And Saturdays is, you know, acceptable, it's
15 kind of a workday, it's, you know, but Sunday is a family
16 day, and I don't want to listen to that. And I don't want
17 anybody else to have to listen to it, especially the
18 children.

19 CHAIRMAN MADDEN: Thank you very much.

20 MS. HARRIS: Thank you.

21 MR. COIL: Can I add something?

22 CHAIRMAN MADDEN: Yes.

23 MR. COIL: As far as the Sunday goes, I just
24 want to kind of, in line, what we're doing is we know the
25 economy is tough right now. And it's hard on businesses;

10
1 it's hard on employment.

2 By increasing the Sunday hours, not only will we
3 be increasing hours that we can perform as far as having
4 more employees work, we're going to increase the revenue
5 per month, which is also taxable to the City, so that's
6 going to help as far as the City goes.

7 As far as the needs to help reduce the sound,
8 the door that's downstairs can be something that's
9 mandatory to keep closed. It's not something that has to
10 be open, they were just doing it to get an extra breeze,
11 which we can accommodate that.

12 Also on the side of the building, on both sides,
13 there's two 4-foot fences that go down, if needed or
14 requested, if we have to increase it to 8-foot privacy
15 fences to help with the sound, we can do that also.

16 Thank you.

17 CHAIRMAN MADDEN: Well, I would be all for you
18 increasing it to 8 feet.

19 I think that would help your problem a whole lot
20 too.

21 MS. HARRIS: Yeah, I mean I'm five four, so, you
22 know, my voice is going to go over 4-foot fence.

23 CHAIRMAN MADDEN: Mr. Eberhardt.

24 MR. EBERHARDT: I wonder if the staff, City
Page 9

25 staff would consider not only maybe higher fencing back

11
1 there, as was recommended or was suggested by the
2 Applicant, but perhaps some sort of planting next to the
3 fence to help absorb the noise as well.

4 MR. COIL: Actually, right now at the back of
5 the property from where our building is, there's about a
6 20 to 30-foot clearance of grass now. Then there's a row
7 of trees as it is now. So there's already 20, 25-foot
8 trees that are between our property and where the
9 residential starts.

10 MR. EBERHARDT: I don't think the trees are
11 going to stop the noise. I'm wondering whether a hedge or
12 some kind of a buffered --

13 MR. COIL: Sure, I understand. The problem is
14 where our property sits, we sit much higher than the
15 level -- the lower level, so those 20, 30-foot trees, at
16 ground level, is more like 10-foot when you're at the
17 property level, if that makes sense. So those trees --
18 you would -- you would have to have a 40-foot fence to be
19 at ground level from where the business is.

20 MR. EBERHARDT: Thank you.

21 MR. FARON: Can I ask --

22 MR. COIL: Sure.

23 MR. FARON: -- your fence sits right up there on
24 the --

25 MR. COIL: I'm sorry?

12
1 MR. FARON: Your fence sits right up on the
2 drive --

3 MR. COIL: Correct.

4 MR. FARON: -- and then there's a considerable
5 dropoff. The doors that grade back to those trees, and
6 then her backyard is sitting back beyond that?

7 MR. COIL: Correct.

8 MR. FARON: Is there any planting up where the
9 fence is or there's no room, correct?

10 MR. COIL: There's just a little shrubbery right
11 out -- you'd have the parking lot, which is on either
12 side, and then there's some landscaping that goes right
13 across, and then there's the 4-foot fence, and there's
14 just little shrubbery right now.

15 MR. FARON: So that 4-foot, you're agreeable to
16 go even higher, yeah.

17 MR. COIL: If need be, we can take that
18 4-foot -- see, there's the 4-foot fence right now.

19 MS. KELLY: And then the dropoff here.

20 MR. COIL: And then these trees and the
21 residential is on this side.

22 MR. FARON: What about further down east or
23 west? I know the other side of the building is a little
24 different, but if you come further this way, would that --

25 MR. COIL: Those trees go from all the way past

1 our business this way and all the way up to the street¹³
2 this way.

3 MR. FARON: But something maybe up on the -- up
4 on the drive closer to the parking, you know, a little bit
5 to the east of that fence, yes.

6 MR. COIL: Oh, you mean this path this way?

7 MR. FARON: Sure, something --

8 MR. COIL: If possible, yeah, we could add more
9 shrubbery or pines, if needed.

10 CHAIRMAN MADDEN: Anything else?

11 MR. LANGDON: Mr. Chair?

12 CHAIRMAN MADDEN: Yes, sir.

13 MR. LANGDON: Couple of observations on trying
14 to mitigate sound.

15 Vegetation actually does a very poor job of
16 mitigating sound. It gives the impression of it. People
17 talk about being quieter when they're behind a line of
18 trees, but if you actually measure the sound level, it's
19 almost exactly the same.

20 It's just the sense that somehow I'm protected
21 by them, so it's quieter, when, in fact, it's not.

22 Fences, wood fences, also have a limited ability
23 to block sound, essentially, because the material's so
24 thin, the fence acts as a resonator and it just propagates
25 the sound out the other side.

1 This is an issue we dealt with with the 14
2 Walgreens down at -- at Graeser and Olive.

3 You really need a solid or a -- a -- a barrier
4 with a dead space within it to really effectively
5 attenuate noise, so while some fencing increase, some
6 planting increase might help a little, it's not going to
7 help a lot.

8 I think the -- the -- in 2003, when this same
9 request was made, this same issue came up then, and really
10 that was what it came down to.

11 You can't really block it unless you're going to
12 require a masonry wall or a berm. Something that's solid
13 like that. A berm, obviously, can't be done. Masonry
14 wall, I think, would be disproportionate to the request.

15 So then it's just, well, you either allow it or
16 you don't.

17 You can take what steps you think are necessary.
18 If you think that a fence is at least a positive step and
19 that's one you're willing to make, then you can certainly,
20 you know, make that part of your -- your recommendation
21 tonight.

22 But I just want it to be clear that you know
23 what I know, which is that simple fences and planting
24 really don't help that much.

25 MR. SCHNARR: A senior privacy fence with

1 alternating pickets in the front and the back does not ¹⁵
2 really help that much with sound?

3 MR. LANGDON: Not in reality, no.

4 Again, it has that feeling of it's on the other
5 side, so it helps. You feel quieter, but, in fact, the
6 loud noise still transmits through that fairly easily.

7 Something soft, you know -- you know, the
8 intensity of human voice, it will do a better job, but if
9 you've got a radio or if you've got people yelling or you
10 got an impact wrench running, it's not going to do much.
11 It helps, but not a lot.

12 CHAIRMAN MADDEN: Mr Eberhardt.

13 MR. EBERHARDT: Is the primary problem the noise
14 coming from the lower door or from the big bay doors? I
15 don't understand.

16 MR. LANGDON: The resident can probably speak to
17 that better than we can.

18 MS. HARRIS: It's both. Probably the least is
19 probably the door underneath. I mean that's --

20 MR. EBERHARDT: The least or the more, I'm

21 sorry?

22 MR. LANGDON: The least.

23 MS. HARRIS: The least. It's like a regular
24 door, whereas, the bay doors are huge.

25 CHAIRMAN MADDEN: Isn't it one of your

16
1 conditions that they keep the bay door shut?

2 MR. LANGDON: Right, but then that raises -- if
3 it's not an air-conditioned building, I would agree it
4 would be, you know, intolerably hot inside if it's not
5 air-conditioned and have the doors closed.

6 So to have to close the doors and they have to
7 install air-conditioning and -- that adds substantial
8 expense.

9 CHAIRMAN MADDEN: Yeah. Okay.

10 MR. FARON: How feasible is a sound wall for
11 your business?

12 MR. COIL: It's something I have to look into.
13 That's going to be a pretty large expense. Like I said,
14 as far as the landscaping, obviously, that's something we
15 planned on having to do regardless.

16 But replacing a fence out would be irrelevant,
17 but adding a barrier, as he speaks, that's -- that's major
18 construction. So that you're talking about a whole other
19 meeting with you all now to get the new permits and get
20 that kind of work going.

21 And like I said, once again, I understand when
22 it was denied before because of the sound on Sundays, but
23 we're looking at the fact that just increasing the
24 business, helping the community.

25 And our policy is we have to have so many people

17
1 on staff, so right we're -- right off the bat, you're
2 increasing anywhere 24 to 30 hours of employment just one
3 day a week, which revenue wise we're looking at anywhere
4 between 3 to \$10,000 a month, based upon that business we
5 pick up on Sundays, just being able to keep up with our
6 competitor down the street.

7 Also the convenience factor of there's a lot of
8 individuals that just can't get to us during the week
9 cause they're single parents or they got two jobs, and
10 being open on Sundays gives those individuals an
11 opportunity to get their oil changed without putting it
12 off.

13 MR. SCHNARR: Also gives the residents of Creve
14 Coeur an additional opportunity to get their oil changed.

15 MR. COIL: Absolutely.

16 CHAIRMAN MADDEN: What -- what hours are you
17 going to be open on Sunday?

18 MR. COIL: Nine to five.

19 CHAIRMAN MADDEN: And what are your normal hours
20 during the week?

21 MR. COIL: It's eight to seven.

22 CHAIRMAN MADDEN: Would it -- would it kill you
23 to open at 10 a.m. on Sunday?

24 MR. COIL: No. And to be all honest, the reason
25 why we suggested nine to five is because our most busiest

18
1 store use nine to five hours. We have stores that go from
2 nine to five, as little as ten to two, but it's based upon
3 flow of traffic and business.

4 This particular location, we've been there on
5 Sundays and do like extra painting or training where we

6 use the inside of the store, and we've had anywhere
7 between two to ten cars pull up because they assume we're
8 open just because we seen cars on the lot, so we figure
9 between the hours of ten to five give us the most
10 flexibility.

11 CHAIRMAN MADDEN: Ms. Harris, would that help
12 you somewhat if we -- if he changed it to opening at
13 10 a.m., so they aren't there so early?

14 MS. HARRIS: Yeah, it'll be an hour less --

15 CHAIRMAN MADDEN: Okay.

16 MS. HARRIS: -- noise.

17 CHAIRMAN MADDEN: Okay.

18 MS. HARRIS: I mean it's still, if you want to
19 be outside and you're listening to it all the time, you
20 know --

21 CHAIRMAN MADDEN: Understand.

22 MS. HARRIS: -- you're going to do it, you're
23 going to do it, but I would at least, even Mr. Langdon,
24 you know, said the fence doesn't help, it can't hurt.

25 MR. LANGDON: Absolutely.

1 MS. HARRIS: So I mean anything is going to make¹⁹
2 it slightly better.

3 MR. COIL: Is it all right if I ask her a
4 question?

5 MS. HARRIS: I mean part of it is people
6 standing out on the driveway there.

7 MR. LANGDON: Ma'am. Ma'am. We really --

8 CHAIRMAN MADDEN: Why don't you come up.

9 MS. HARRIS: Sorry. Yeah, I'm, you know, it's
10 an hour less, so rather than, you know, nine to five, it's

11 ten to five, you know, so the noise is still going to be
12 there. The conversation is still going to be there.

13 Hopefully, the conversation won't be assorted as
14 I've heard in the past. But I mean it's -- it's true. I
15 mean the guys are standing up there, they're telling
16 stories and I get to listen to it and --

17 MR. FARON: Is your primary concern is the
18 conversation, it seems like, beyond anything else?

19 MS. HARRIS: Well, the impact from the tire
20 changes, you know, and -- it's -- it's all of it.

21 MR. FARON: If they were to condition the space,
22 and I guess you could speak with your staff. I mean I
23 have seen people standing out there --

24 MR. COIL: That's what I was just going to ask.

25 MR. FARON: -- and they -- they -- they talk

1 over where the cars are parked, where there's no fence,²⁰
2 and no anything there, I mean it's where that open area
3 is. That's why I asked about the landscaping cause they
4 seem to loiter over there. I live --

5 MS. HARRIS: Uh-huh.

6 MR. FARON: -- fairly close, and I see them
7 there at times, and I'm sure that sound travels a bit,
8 but --

9 MR. COIL: Can I -- am I allowed to ask?

10 CHAIRMAN MADDEN: Sure.

11 MR. COIL: So I can't dictate, obviously, I
12 can't be there every single Sunday to say you guys cannot
13 stand here.

14 But if it's a matter of the conversation of
15 sound, I mean I can go in and, you know, set certain rules
16 to where they're only -- now, granted, we can't not allow

17 them because labor laws, certain breaks, smoke breaks,
18 stuff like that, so we have to let them out at some point,
19 but I can dictate how much they can be out there.

20 At the same time, we have the other end of the
21 property where there's a dumpster area, so if it means
22 putting them on the back -- front side of the store, I can
23 do that also. So I have that opportunity to move them
24 around.

25 MS. HARRIS: Yeah, cause that's where you have

1 your car washes and, you know, those are limited, so, you²¹
2 know, that's not so bad cause you know those are going to
3 end.

4 But I mean once this happens, it's forever, and
5 I've been here each time they've come and asked for Sunday
6 hours, so I've been --

7 MR. SCHNARR: Would an 8-foot privacy fence
8 help?

9 MS. HARRIS: Well, I'm not an engineer. Um, it
10 can't hurt.

11 MR. SCHNARR: Right.

12 MS. HARRIS: But I also know that once Sunday
13 hours start, you're not going to, you know, if it's still
14 just as noisy, it's not going to be repealed, so.

15 MR. SCHNARR: Right.

16 MS. HARRIS: So, um, yeah, it can't hurt.
17 Maybe, you know, if there's some sort of, you know, a more
18 solid fence, the 8 feet would definitely help just the
19 conversational. Cause some of it is you can -- I think
20 it's voice, you know, that the person, they're standing
21 higher than the fences, so that comes down. But the high

22 impact wrenches and the yelling from, you know, bay one
23 clear; bay two clear, you know, if you've been there, you
24 know.

25 CHAIRMAN MADDEN: Yeah, got a reality check.

1 MR. SCHNARR: What about solid PVC?

22

2 MR. LANGDON: It probably would work better,
3 certainly --

4 MR. SCHNARR: That's as -- that's as cheap as a
5 cedar fence, I can tell you that.

6 MR. LANGDON: Sure. And it lasts longer.

7 MR. SCHNARR: And you never have to worry about
8 maintaining it.

9 MR. COIL: Well, we were -- if we did it, we
10 were going to put a vinyl -- wouldn't be wood. We would
11 want to put vinyl fence up.

12 MR. SCHNARR: Very good.

13 MR. COIL: An 8-foot vinyl because the wood --
14 just maintenance-free, just --

15 MR. SCHNARR: Yeah, I wouldn't -- maintenance
16 headache.

17 MR. COIL: And I think it would also -- she was
18 talking about the sound is, yes, the employees, and
19 they're 4 foot, but because of our laws, we have to be so
20 far away from the building to smoke, so where they would
21 be at where these conversations are probably being heard,
22 they're not even in front of this fence in the first
23 place, so that's where I can dictate --

24 MS. HARRIS: Yes, there is no fence.

25 MR. COIL: Exactly.

1 MR. FARON: That was my concern.

23

2 MR. COIL: I can dictate where they can and
3 can't go, you know, I can limit it to where one person at
4 a time go smokes a cigarette, therefore, unless they're
5 talking to themselves, so we can dictate that.

6 CHAIRMAN MADDEN: Okay. So it seems like to me,
7 we'll have you open at 10; you'll put in the 8-foot PVC
8 fence. Is that the right way to phrase that? The 8-foot
9 fence; you going to do the -- work the landscaping out
10 with staff, and you're going to tell the guys to stay out
11 front.

12 MR. COIL: Yes, I can dictate that, yes,
13 absolutely.

14 CHAIRMAN MADDEN: Okay.

15 MR. COIL: Now, then like I said, the
16 only concern that I would have is like where you guys
17 brought the address up is, when it gets to the summertime,
18 it's going to get hot with -- I mean it's already 100, 110
19 in that building now, so keeping those doors down to the
20 concern of the impact, we're only averaging about
21 5 percent, so if you're talking ten cars on a Sunday,
22 that's not even a entire rotation a day.

23 CHAIRMAN MADDEN: Yeah, that's what I figured.

24 MS. HARRIS: You can't keep the -- you can't
25 keep the doors closed.

1 CHAIRMAN MADDEN: No.

2 MS. HARRIS: I treat workers' comp injuries, you
3 can't afford that.

4 CHAIRMAN MADDEN: Okay. Thank you, Ms. Harris.
5 Paul.

6 MR. LANGDON: As I'm sure you know, the Planning

7 Commission can approve fences over 6 feet in height, but
8 it is a -- it's only the Planning Commission that can,
9 obviously, that's what you're talking about.

10 Since it is a special approval, if you could all
11 be very clear about the extent of that fence, cause an
12 8-foot fence is a big fence, so do you want it to run the
13 full width of the parking area, just where the fence runs
14 now, full width of the lot?

15 CHAIRMAN MADDEN: Okay.

16 MR. FARON: At times it'd be -- well, I've seen
17 people standing way beyond that fence, and that's probably
18 where a lot of that sound comes from when they --

19 MR. COIL: Sure.

20 MR. FARON: -- are over in those parking spaces.

21 MR. COIL: I believe the fence stops close to,
22 I'm guessing, before -- what's your average parking space,
23 8 feet? That fence, I'm almost sure, stops before the
24 parking lot even -- where you park starts.

25 MR. FARON: Right.

1 MR. COIL: So it, in theory, could be extended²⁵
2 another 8 feet past where you would park.

3 MR. FARON: Yeah, it sits on that concrete wall
4 there, right?

5 MR. COIL: Yeah, it's attached to the concrete
6 wall, and then there's drainage that go from the parking
7 lot down there, so we would have to -- it would be
8 interesting, but we can make it work.

9 MR. FARON: I had a question.

10 Ms. Wilson [sic], is your house to the east of
11 that? Would that fence be helpful on that end of the
12 property, or are you to the west of the -- the station?

13 I'm sorry, Ms. Harris.
14 CHAIRMAN MADDEN: Would you please come up.
15 MS. HARRIS: We're straight behind.
16 MR. FARON: Straight behind.
17 That's -- tend to see where people loiter and
18 that sound is coming from over in that --
19 MS. HARRIS: Well, we're on the corner of Park
20 West, which is the side street and --
21 MR. FARON: To the east, yeah.
22 MS. HARRIS: So yes to all of it.
23 MR. FARON: Yeah, to the end of the property.
24 MS. HARRIS: We're east; we're west; we're
25 behind; we are north.

26

1 MR. FARON: I see, yeah.
2 MS. HARRIS: Yeah, that's us.
3 MR. FARON: I think if you don't continue the
4 fence, the sound is just going to -- just -- you could put
5 a tall fence there, but if people walk beyond that to the
6 edge of the property over there, what's going to --
7 MR. LANGDON: You want it to continue --
8 MR. FARON: -- mitigate more.
9 MR. LANGDON: -- to the eastern extent of the
10 parking area?
11 CHAIRMAN MADDEN: Yeah, let's decide where we
12 want to put this.
13 MR. FARON: I mean I don't know how much
14 additional feet. That's probably a couple more parking
15 spaces, so we're talking about 40 feet more.
16 MR. COIL: Now, are we talking about putting the
17 fence on the property line where the trees are or where

18 the existing fence is to the building? Cause if we're
19 talking about the property line, we're talking about
20 increasing the fence the entire list -- the entire length
21 of the property, where right now there's a 4-foot fence to
22 the building, to the parking and from the building to the
23 dumpster.

24 MR. FARON: Right, in the photo there, I was
25 thinking that they would be continuing that -- or where

1 that 8-foot increase would be where the existing fence is²⁷
2 on the east side of the building.

3 MR. COIL: I was suggesting take down the --
4 it's more like three and a half feet, cause it's the
5 old-style picket --

6 MR. FARON: Uh-huh.

7 MR. COIL: -- graveyard-looking fence, if you
8 increase from the building to the dumpster to a 6 -- I
9 guess it's a 6-foot standard with -- okay. So you're
10 talking about 6-foot, and then from here to that parking,
11 where you could extend it from here where it stops to the
12 edge of the parking lot.

13 We couldn't go any further than that because
14 there's already landscaping there, and some point you're
15 going to impede from people driving up and being able to
16 see, you know, other traffic though.

17 MR. FARON: Yeah, I would think if you just
18 increase what you have there now, how do you mitigate
19 sound going around that and where people stand and --

20 MR. COIL: Well, I think that's where, if we
21 increase the fence length here, and then just dictate the
22 fact of who can and can't be out, I mean if it's a matter
23 of the sound, it's just -- I just have to dictate on how

24 many people out at one time. Send one person out at a
25 time. They have one person at the corner. You're talking

1 couple times a day. And at the same time, if it becomes a²⁸
2 issue, I have the contacts, I can get involved, you know,
3 to take care of it.

4 CHAIRMAN MADDEN: Okay. Getting back to Paul's
5 question, so we want --

6 MR. COIL: Oh, I'm sorry.

7 CHAIRMAN MADDEN: Can you leave that up there.

8 So we're going to run the fence from the
9 dumpster to the building, and then on the other end from
10 the building to the end of the parking lot, isn't that
11 what you suggested?

12 MR. COIL: If that's what you're asking, yes.

13 Right now it's going to stop right here where
14 the parking starts.

15 To go past it, I could -- here's where it starts
16 and here's where they park.

17 MS. KELLY: So they propose going -- taking this
18 fence up to 8 feet --

19 MR. HOWARD: Can you move that little bit?

20 MS. KELLY: Oh, sorry.

21 MR. SCHNARR: There we go.

22 MR. FARON: Yeah, I was to continue that past
23 that point, definitely.

24 MR. COIL: All the way down this way past where
25 they park.

1 MR. FARON: Sure, I mean if you just increase²⁹
2 that fence, I don't, you know, with people standing out

3 there, as I've seen before, that conversation that she's
4 concerned about is generally on the edge of that parking
5 and straight down that hill, maybe those trees are doing
6 little, but if you have that opportunity to continue that
7 fence to the end of the -- the parking there.

8 CHAIRMAN MADDEN: So -- Paul.

9 MR. LANGDON: Just so you know, that door,
10 that's a standard commercial door, that's seven and a half
11 feet high, so the fence will actually be 6 inches higher
12 than door, extend from about that point where I'm
13 pointing --

14 MR. SCHNARR: I thought you were going to stop
15 at 6 feet. What happened to that?

16 MR. LANGDON: Well, 6 feet or 8 feet. I mean
17 you can approve 8 feet, but it's up to you all.

18 MR. FARON: The standard, yeah, standard, he was
19 saying 8 at one time, yeah.

20 MR. LANGDON: Right. So whichever. But still
21 you're also talking about a fence that's going to -- if it
22 goes all the way to the eastern limits of the parking,
23 that's into the front yard setback area, which, again,
24 requires you all to make a specific finding that that's
25 what you want.

1 MR. COIL: Where if we just replaced the wooden³⁰
2 fence with the standard 6-foot fence, that's something
3 that can be done at any time.

4 MR. LANGDON: Frankly, replacing that wood fence
5 with another piece of fence won't accomplish anything.

6 You can see the line of sight straight into the
7 bay. I mean you either, in my mind, from my site planning
8 perspective, you either run a tall fence, whether it's 6

9 or 8 feet, from the edge of the building to the eastern
10 limits of the parking, or don't bother because a partial
11 fence simply won't do anything, and then you're just
12 wasting your money.

13 CHAIRMAN MADDEN: Isn't that what he just --
14 isn't that what we were talking about? He was going to
15 take it all the way to the end of the parking lot.

16 MR. LANGDON: Right, I just want to make sure
17 we're clear that --

18 CHAIRMAN MADDEN: That's what we're doing.

19 MR. LANGDON: That's what we're talking about.

20 CHAIRMAN MADDEN: We're going from the door,
21 essentially, to the end of the parking lot.

22 MR. LANGDON: Right.

23 CHAIRMAN MADDEN: And which is better 6 or 8, in
24 your mind?

25 MR. LANGDON: The --

1 MS. HARRIS: I would request 8 feet.

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2 MR. LANGDON: I think the larger it is, the
3 better chance it has of accomplishing anything.

4 MS. HARRIS: Right, especially if we have, you
5 know, an expert saying that it's marginal anyway, I mean
6 we're hoping for the best here, so let's not make it
7 6 feet. We've lived 4 feet for I don't know how many
8 years and it hasn't worked so --

9 CHAIRMAN MADDEN: Okay.

10 MS. HARRIS: -- 6 feet could conceivably not do
11 anything either, so let's not mess it up.

12 MR. HOWARD: Mr. Coil, could you explain where
13 the employees congregate.

14 MR. COIL: Would be right down in this corner
15 right down here. Because of the smoking laws that we
16 have, they have to be at least so far from the building
17 so --

18 MR. HOWARD: And is that the only spot on the
19 property where they can congregate? In other words, if
20 there's not enough space on the other side, on the west
21 side of the building?

22 MR. COIL: That's what I'm saying, on the other
23 side of the building where Lenny's is, the other business
24 there --

25 MR. HOWARD: Uh-huh.

1 MR. COIL: -- we have another probably a 12-foot³²
2 run of fence, same fence, and then there's a cemented
3 dumpster corral where I could have them take their breaks
4 and stand on the side of the dumpster corral, so that
5 could eliminate anything over here, period.

6 CHAIRMAN MADDEN: So that's better for you,
7 right, Mrs. Harris? Okay.

8 MR. COIL: Then that would also eliminate having
9 to have a custom made fence at 8 feet, which --

10 MR. HOWARD: Right.

11 MR. COIL: -- I mean you would have to have that
12 custom made, you just can't get an 8-foot fence.

13 MR. HOWARD: Well, an 8-foot fence running all
14 the way down to the end of the parking lot would -- would
15 look massive.

16 MR. COIL: I -- it would.

17 MR. HOWARD: That would -- that would be very
18 unappealing, I would think.

19 MR. COIL: I mean think about it, I'm six four,
Page 27

20 so you're talking about a fence that's a foot and a half
21 taller than me, on top of the foot and a half concrete
22 wall that's already above the driveway.

23 MR. SCHNARR: Just limit your employees to five
24 eight.

25 MR. COIL: Yeah.

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1 CHAIRMAN MADDEN: Okay.

2 MR. COIL: It would be the white monster, yeah.

3 CHAIRMAN MADDEN: Okay. Let me try to get
4 everything together here now.

5 So now we're looking at a 6-foot fence, vinyl
6 fence, from the door all the way to the end of the
7 property. You're going to do it on the other side from
8 the -- from the edge of your building to the dumpster,
9 right?

10 MR. COIL: It's a -- yes, it's a concrete
11 dumpster corral.

12 CHAIRMAN MADDEN: And you will have your people,
13 from now on when they take their breaks, they will be
14 going out by the dumpster, so they're not near as close to
15 a home as there was before.

16 MR. COIL: Yes.

17 CHAIRMAN MADDEN: You'll also do the
18 landscaping. Get together with the City and do that.

19 MR. COIL: Yes.

20 CHAIRMAN MADDEN: Okay. What else was it?

21 And we'll change the hours from nine to five to
22 ten to five.

23 MR. COIL: Ten to five, okay.

24 MR. LUMLEY: You want the back door closed?

25 MR. COIL: The bottom downstairs, the back door,

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1 will stay shut.

2 CHAIRMAN MADDEN: Okay.

3 MR. LUMLEY: And you're going not require the
4 bays to be closed?

5 MS. KELLY: No.

6 CHAIRMAN MADDEN: No.

7 MS. KRAMER: Not going to require.

8 CHAIRMAN MADDEN: I don't want to be -- I mean
9 that -- people will be getting sick. That -- or worse so.
10 Does everybody agree with those?

11 MR. SCHNARR: Yep.

12 CHAIRMAN MADDEN: Okay.

13 Okay. Is there anybody --

14 MS. HARRIS: Supply earplugs.

15 CHAIRMAN MADDEN: You need to -- is there
16 anybody else who wants to speak on this?

17 Okay. Mr. Caldwell.

18 MR. CALDWELL: Well, I wasn't going to speak,
19 but you just have -- now you -- I said this would happen,
20 and so it's happened.

21 You have a double standard. You're all worried
22 about somebody getting sick in this building, but you put
23 the door closed requirement on the Light Industrial
24 District.

25 So this makes -- it's -- it's an unfair thing.

35

1 And I think if you're going to not have the doors closed
2 here, you need to go back and repeal that requirement on
3 the Light Industrial District.

4 I mean it's ridiculous to say you got to do it

5 in the Light Industrial District where there are no
6 houses, but you don't have to do it here where there is a
7 lady who's concerned about the noise.

8 CHAIRMAN MADDEN: Was that on the --

9 MR. SCHNARR: That's not even part of this, is
10 it?

11 CHAIRMAN MADDEN: Huh?

12 MR. SCHNARR: That's not even part of this.

13 CHAIRMAN MADDEN: Well, wasn't that -- wasn't
14 that air-conditioning?

15 MS. KRAMER: That requirement was different
16 than -- bay doors had more to do with --

17 MR. LUMLEY: We need to speak --

18 CHAIRMAN MADDEN: Yeah, speak in the --

19 MS. KRAMER: If I remember correctly, and I
20 appreciate what you're saying, so I do appreciate it.

21 My recollection was that that issue with the bay
22 door was different, and that it had to do with should
23 there be any work because that actually wasn't even for
24 auto repair.

25 MR. HOWARD: Internet sales. Is that the

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1 internet sales, the cars --

2 MS. KRAMER: That was the cars, right.

3 MR. HOWARD: Car dealership that was --

4 MS. KRAMER: Right.

5 MR. HOWARD: -- internet only or --

6 MS. KRAMER: So -- so I just -- it seemed that
7 there was a very --

8 MR. HOWARD: By appointment.

9 MS. KRAMER: -- different discussion, but I,

10 again, appreciate what you're saying, and I think it's
11 important to be vigilant about double standards, so I
12 respectfully say that.

13 I would also like to make one other statement.

14 I just wanted to thank both Mrs. Harris and
15 Mr. Coil. I think that, you know, it is true in a
16 challenging economy, and I think that someone who, you
17 know, we find that more and more people do access things
18 over weekends, and so I really appreciate the spirit that
19 you both come in to try to work this out. And so I hope
20 that that continues past this meeting as well.

21 MR. CALDWELL: I don't see the difference that
22 you're talking about. They're working on cars, right?

23 And you're talking about, well, that they might
24 be using impact wrenches and working on these cars in the
25 Light Industrial District. Might be noise from the

1 employees yelling or -- it's the same darn thing.

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2 MS. KRAMER: No, actually that particular
3 discussion was there was not to be bodywork done in that
4 area.

5 There was a difference.

6 MR. CALDWELL: But -- but bodywork is an
7 approved use in the Light Industrial District.

8 MS. KRAMER: Okay.

9 MR. CALDWELL: And you set up a rule that you
10 can't have the doors open in the Light Industrial
11 District.

12 MR. LANGDON: Mr. Chair?

13 CHAIRMAN MADDEN: Yeah. Mr. Langdon.

14 MR. LANGDON: As liaison to the Council, let me
15 share with you the discussion that took place at the first

16 meeting on the used car sales at the Council.

17 Questions were raised specifically about what
18 level of service might be done, the same as you all
19 discussed.

20 Specific examples were cited as to, well, what
21 noise would we be trying to screen by closing the doors,
22 and impact wrenches were specifically mentioned.

23 So Mr. Caldwell is correct that in the Councils'
24 mind were ultimately the ordinance will ultimately be
25 accepted or declined, it was the same kind of service

1 that -- that they agreed with you all, should be screened³⁸
2 with closed doors.

3 The extent, we don't know. Depends on each
4 business, and whether or not a building is air-conditioned
5 or not, we don't know.

6 The particular applicant that was before you in
7 that case does have an air-conditioned building, but
8 that's not to say that they all will.

9 MR. SCHNARR: But Item No. 16 in your draft
10 ordinance says "Service bay doors shall remain closed
11 while service is underway."

12 MR. LANGDON: Correct. As Ms. Whitney said --

13 MR. SCHNARR: So this is a moot point. I don't
14 understand what we're arguing about.

15 MR. LANGDON: Well, as Ms. Whitney said, we are
16 trying to be consistent with the discussion the last time,
17 which the draft ordinance is.

18 The Applicant has said, and even the homeowner
19 beside, has said they don't believe the doors can be left
20 closed.

21 If you all want to back away from that
22 requirement, you can make that change to the draft
23 ordinance, but as Mr. Caldwell has pointed out, that would
24 be inconsistent with the discussion on the used car sales.

25 CHAIRMAN MADDEN: Mr. Coil.

1 I've been to yours, and I've been to your 39
2 competitor, and when -- and maybe it's the time of the
3 year I go, cause I don't go there all the time, they close
4 the doors when I bring my car in, both the front and the
5 back. You don't do that at all or --

6 MR. COIL: If it's below 45 degrees we will,
7 just because we do have gas heaters, but if it's not cold
8 enough to turn the heat on, we keep the doors open.

9 CHAIRMAN MADDEN: So 45 degrees the magical
10 number? Okay. Thank you.

11 MR. COIL: Give or take, yeah.

12 CHAIRMAN MADDEN: Yeah.

13 MR. EBERHARDT: I have a question.

14 CHAIRMAN MADDEN: Mr. Eberhardt.

15 MR. EBERHARDT: At the risk of making this much
16 more difficult and maybe hard to enforce, it seems to me
17 that the doors being open in that facility have to do with
18 the heat, how hot it is outside, as opposed to anything
19 else.

20 And is it possible that we could say that the
21 doors could remain open except when there's a tire change
22 going on if the temperature is exceed -- on the exterior
23 temperature exceeds -- pick a number -- 80 degrees, 90
24 degrees, something, so that it's only permitted to be open
25 when it's so hot that it would be dangerous for the people

1 inside, and perhaps it had to be closed when the noise was
2 going on with regard to tire rotation?

3 MR. COIL: Sure. I think the challenge that I
4 have is you're going to have employees stopping what
5 they're doing and helping the customers; open telecast to
6 see what the temperature is outside.

7 If it comes down to the issue, I would rather
8 have to go to my president and say, I won't do tire
9 rotation on Sunday to open up Sunday. I would alter my
10 business, if I had to, to avoid all this because that's
11 going to be -- that's going to be a big impact on the
12 store to have to stop helping the customer.

13 Well, the other issue is someone comes in and
14 specifically asks for that, I can't do that today because
15 I got to shut my doors. Kind of goes away from why we're
16 there in the first place.

17 But I mean if that's the requirement to where
18 shutting the doors, keeping the doors open, sound, fencing
19 all because of an impact gun, like I said I'm the AM I
20 can, you know, Sundays, I shouldn't have to, but if that's
21 what's going to be required to avoid this.

22 CHAIRMAN MADDEN: And you said you probably
23 don't do many tire rotations.

24 MR. COIL: The highest volume store out of 286
25 stores averages 8 percent, and that's on 1,000 -- that's

1 1,000, 1200 cars a month, so you're talking in a week, 20,
2 22 rotations between Monday and Saturday, so at best on a
3 good Sunday you're going to do two.

4 CHAIRMAN MADDEN: That would be a good Sunday.

5 MR. COIL: That's a very good Sunday.

6 CHAIRMAN MADDEN: Okay. Ms. Harris.

7 MS. HARRIS: Well, I'd had also like to mention
8 that, you know, when you're out in the yard, you're not
9 generally out in the yard listening to all this if the
10 temperature -- during the winter months. It's during the
11 spring, summer and fall that you're out in the yard. And
12 that's, obviously, when they're going to have the doors
13 open, and so, yeah, if you want to limit and -- and, you
14 know, you've already taken my fence from 8 feet to 6 feet,
15 so I don't see a problem with limiting to the no tire
16 rotations or changes on Sunday.

17 That sounds like a pretty decent compromise.

18 CHAIRMAN MADDEN: Thank you.

19 MS. HARRIS: Thank you.

20 MR. COIL: I guess the last thing I would add to
21 that, is, and like I said if it requires the fact of not
22 doing tire rotation, if that's what we got to do, that's
23 what we got to do. But at the same time, we're doing tire
24 rotation at seven o'clock on a school night, Monday
25 through Friday, so it kind of goes both ways.

1 MR. CALDWELL: It's a public meeting, you're ⁴²
2 supposed to speak into the microphone.

3 CHAIRMAN MADDEN: He was asking me what -- he
4 was asking me what -- about the doors, and I said I think
5 they're east and west, the doors that they're going to --
6 right, that go up and down that the cars come into.
7 That's what he was asking me, so --

8 MR. CALDWELL: Okay.

9 CHAIRMAN MADDEN: Well, does anybody have any
10 ideas here what we --

11 We better enter the --

12 MR. LUMLEY: I offer the following exhibits into
13 this public hearing record: Documentation in possession
14 of the City Clerk reflecting the notice that was provided
15 to the public regarding the hearing; of the staff's report
16 that's been presented this evening; the City's Code of
17 Ordinances and Charter; the City Comprehensive Plan and
18 public file regarding this application.

19 CHAIRMAN MADDEN: Okay. The meeting -- or the
20 public hearing is officially closed.

21 (The public hearing ended.)

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1 STATE OF MISSOURI)
2) SS
3 COUNTY OF ST. LOUIS)
4

5 I, Deborah K. McLaughlin, Registered Professional
6 Reporter, Missouri Certified Court Reporter, Illinois
7 Certified Shorthand Reporter and Kansas Certified Court
8 Reporter, do hereby certify that I reported the Planning
9 and Zoning Public Hearing stenographically and later
10 reduced to typewriting; and that this is a true and
11 accurate transcript of the public hearing.

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_____, RPR, MO-CCR, IL-CSR, KS-CCR
Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR

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BILL NO. 5349

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ADOPTED 2011-2012 GENERAL FUND AND CAPITAL FUND
BUDGETS OF THE CITY OF CREVE COEUR BY AUTHORIZING ADDITIONAL APPROPRIATIONS
AND UNAPPROPRIATIONS FROM OPERATING DEPARTMENTS

WHEREAS, REVENUES WERE ESTIMATED AND APPROPRIATIONS WERE AUTHORIZED IN THE ANNUAL CITY BUDGET ADOPTED ON JUNE 27, 2011 BY ORDINANCE NO. 5199.

WHEREAS, IT IS IN THE INTEREST OF THE CITY OF CREVE COEUR TO AUTHORIZE ADDITIONAL APPROPRIATIONS TO PAY FOR UNBUDGETED AND UNANTICIPATED EXPENDITURES AND TO UNAPPROPRIATE ITEMS BUDGETED BUT NOT COMPLETED IN VARIOUS CATEGORIES AS PROVIDED IN THE CITY CHARTER AND THE CITY CODE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR AS FOLLOWS:

SECTION 1. THAT THE ANNUAL OPERATING BUDGET FOR THE GENERAL AND CAPITAL FUNDS FOR THE 2011-2012 FISCAL YEARS AS ADOPTED, IS HEREBY AMENDED BY AUTHORIZING ADDITIONAL APPROPRIATIONS IN THE AMOUNT OF \$100,500 IN THE FOLLOWING DEPARTMENTS:

GENERAL FUND

INTERDEPARTMENTAL	\$	10,000
POLICE - PATROL		8,500
PUBLIC WORKS - ADMIN		1,000
COMMUNITY DEVELOPMENT-PLANNING DIVISION		1,200
TOTAL ADDITIONAL APPROPRIATIONS-GENERAL FUND	\$	<u>20,700</u>

CAPITAL FUND

LADUE SIDEWALK DESIGN	\$	29,000
SPOEDE ROAD PROJECT		50,800
TOTAL ADDITIONAL APPROPRIATIONS-CAPITAL FUND	\$	<u>79,800</u>

TOTAL ALL ADDITIONAL APPROPRIATIONS	\$	<u><u>100,500</u></u>
-------------------------------------	----	-----------------------

SECTION 2. THAT THE ANNUAL OPERATING BUDGET FOR THE GENERAL FUND FOR THE 2011-2012 FISCAL YEARS AS ADOPTED, IS HEREBY AMENDED BY AUTHORIZING ADDITIONAL UNAPPROPRIATIONS IN THE AMOUNT OF \$21,500 IN THE FOLLOWING DEPARTMENT:

GENERAL FUND

POLICE INVESTIGATIONS	\$	21,500
TOTAL ADDITIONAL UNAPPROPRIATIONS-GENERAL FUND	\$	<u>21,500</u>

BILL NO. 5349

ORDINANCE NO. _____

SECTION 3. THIS ORDINANCE SHALL BECOME EFFECTIVE PURSUANT TO PROVISIONS OF SECTION 3.11(G) OF THE CHARTER.

ADOPTED THIS _____ DAY OF _____ 2011.

TARA NEELEY
PRESIDENT OF CITY COUNCIL

APPROVED THIS _____ DAY OF _____ 2011.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



Memorandum

DATE: November 8, 2011

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance

SUBJECT: Fiscal Year 2012 Budget Amendments

During the fiscal year it becomes necessary to adjust the adopted budget. Since July 1st a number of events have occurred that will require an adjustment to the fiscal year 2012 budget adopted on June 27, 2011. Some of the more significant adjustments are as follows:

1. Interdepartmental
Additional funds in the amount of \$10,000 need to be appropriated for unemployment compensation.
2. Police – Patrol
More officers participated in the vacation buyout than budgeted. Therefore an additional \$8,500 in appropriations is required.
3. Ladue Sidewalk Project Design
This project was not budgeted for 2012 however it needs to be done this year. Therefore an additional \$29,000 needs to be appropriated.
4. Spoele Road Project
Project was to be completed in 2011. However due to some construction issues it was not finished until 2012. Therefore an additional \$50,800 needs to be budgeted.
5. Police – Investigations
Personnel vacancies and new assignments to the investigative unit have reduced costs. Therefore a \$21,500 unappropriation is requested.

Throughout the year it is anticipated other budget amendments will be necessary. If you have any questions I would be pleased to answer them.

AN ORDINANCE TO RECONSIDER AND REPEAL ORDINANCE #5228 AND ENACT A NEW ORDINANCE AMENDING CHAPTER 405, THE ZONING ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI, BY ADDING MOTOR VEHICLE DEALERS, NEW AND USED, AND USED ONLY, AS A CONDITIONAL USE IN "LI" LIGHT INDUSTRIAL ZONING DISTRICT, AND ESTABLISHING CONDITIONS FOR SUCH USE.

WHEREAS, Chapter 405 does not currently permit used only motor vehicle dealers within any zoning district; and,

WHEREAS, Powell Kalish, of the Hilliker Corporation, representing Mach Distributors owner of 10665 Baur Blvd, has submitted a request to consider certain amendments to Section 405.380(C) Conditional Uses to allow Used Only Motor Vehicle Dealers in the "LI" Light Industrial District.; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for an addition to the provisions of the City Code of Ordinances and related amendments to other sections as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, October 3, 2011, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of 5-0 recommended approval of the subject amendments at its meeting on Monday, October 3, 2011; and,

WHEREAS, notice of said public hearing had previously been published at least 15 days prior to the hearing in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur and otherwise posted and published in accordance with the Zoning Ordinance; and,

WHEREAS, all persons who presented themselves at said meeting and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the City Council; and the Bill was read by title in open meeting two times before final passage by the City Council; and,

WHEREAS, the City Council approved Ordinance #5228 on October 24, 2011, to allow Motor Vehicle Dealers, New and Used, and Used Only, as a conditional use in the "LI" Light Industrial zoning district, subject to certain requirements; and,

WHEREAS, Mr. David Caldwell, the owner of property in the "LI" Light Industrial district at 1248 Andes Boulevard, requested reconsideration of Ordinance #5228 at the City Council's subsequent meeting on November 14, 2011; and,

WHEREAS, the City Council voted on November 14, 2011, to reconsider Ordinance #5228 and then voted to continue the discussion on November 28, 2011; and,

WHEREAS, the City Council has decided to repeal Ordinance #5228 and enact a new ordinance in lieu thereof; and,

WHEREAS, the City Council being fully informed finds that amending the City Code of Ordinances would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest.

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri as follows:

SECTION 1: Ordinance #5228 is hereby repealed and all amendments included therein shall be replaced by the amendments contained in this ordinance.

SECTION 2: Section 405.380 (C)(2) shall be amended to include Motor Vehicle Dealers, Used Only, to the Conditional Uses within the "LI" Light Industrial District, as follows:

Section 405.380 "LI" Light Industrial District

C. Conditional Uses.

2. Automotive dealers including only the following: Motor Vehicle, New and Used, and Used Only, and Motorcycle Dealers (all uses within SIC Codes 551, 552, and 557), subject to provision of Section 405.470

SECTION 3: Section 405.470, *Conditional Uses* of Chapter 405, The Zoning Ordinance, of the City of Creve Coeur's Code of Ordinances shall be amended by deleting paragraph 12, Motor Vehicle Dealers, New and Used, Used Only, and Motorcycle Dealers, and adopting a new paragraph 12, Motor Vehicle Dealers, New and Used, Used Only, and Motorcycle Dealers in the "LI" Light Industrial District, in lieu thereof, as follows:

Section 405.470 Conditional Uses

12. Motor Vehicle, New and Used, Used Only, and Motorcycle Dealers --SIC Codes 551, 552, and 557 (conditional use in the "LI" District).
 - a. *Indoor operations only.* All business operations (including but not limited to vehicle service, cleaning and storage) will take place indoors, and at no time will any vehicle that is on the premises for sale or service be

parked or displayed outdoors. This shall not be interpreted to require service bay doors to be closed except as may be required by an approved conditional use permit.

b. *Site Size*. Shall be located on lots of not less than one (1) acre.

~~c. *Service bays*. Service bay doors shall not face residentially zoned property and shall not remain open while service, repair or restoration work is underway.~~

c. *Trash disposal and storage*. All used tires and parts, trash and similar objects shall be stored and fully screened from view of the public right-of-way.

SECTION 4: All ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 5: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2011.

TARA NEALEY
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2011.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK

AN ORDINANCE TO AMEND CHAPTER 405, THE ZONING ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI, BY ADDING MOTOR VEHICLE DEALERS, NEW AND USED, AND USED ONLY, AS A CONDITIONAL USE IN "LI" LIGHT INDUSTRIAL ZONING DISTRICT, AND ESTABLISHING CONDITIONS FOR SUCH USE.

WHEREAS, Chapter 405 does not currently permit used only motor vehicle dealers within any zoning district; and,

WHEREAS, Powell Kalish, of the Hilliker Corporation, representing Mach Distributors owner of 10665 Baur Blvd, has submitted a request to consider certain amendments to Section 405.380(C) Conditional Uses to allow Used Only Motor Vehicle Dealers in the "LI" Light Industrial District.; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for an addition to the provisions of the City Code of Ordinances and related amendments to other sections as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, October 3, 2011, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of 5-0 recommended approval of the subject amendments at its meeting on Monday, October 3, 2011; and,

WHEREAS, notice of said public hearing had previously been published at least 15 days prior to the hearing in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur and otherwise posted and published in accordance with the Zoning Ordinance; and,

WHEREAS, all persons who presented themselves at said meeting and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the City Council; and this Bill having been read by title in open meeting two times before final passage by the City Council; and,

WHEREAS, the City Council being fully informed finds that amending the City Code of Ordinances would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest.

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri as follows:

SECTION 1: Section 405.380 (C)(2) shall be amended to include Motor Vehicle Dealers, Used Only, to the Conditional Uses within the "LI" Light Industrial District, as follows:

Section 405.380 "LI" Light Industrial District

- C. Conditional Uses.
2. Automotive dealers including only the following: Motor Vehicle, New and Used, and Used Only, and Motorcycle Dealers (all uses within SIC Codes 551, 552, and 557), subject to provision of Section 405.470

SECTION 2: Section 405.470, *Conditional Uses* of Chapter 405, The Zoning Ordinance, of the City of Creve Coeur's Code of Ordinances shall be amended to include new paragraph 12, Motor Vehicle Dealers, New and Used, Used Only, and Motorcycle Dealers in the "LI" Light Industrial District, as follows, and all subsequent sections renumbered accordingly:

Section 405.470 Conditional Uses

12. Motor Vehicle, New and Used, Used Only, and Motorcycle Dealers --SIC Codes 551, 552, and 557 (conditional use in the "LI" District).
a. Indoor operations only. All business operations (including but not limited to vehicle service, cleaning and storage) will take place indoors, and at no time will any vehicle that is on the premises for sale or service be parked or displayed outdoors.
b. Site Size. Shall be located on lots of not less than one (1) acre.
c. Service bays. Service bay doors shall not face residentially zoned property and shall not remain open while service, repair or restoration work is underway.
d. Trash disposal and storage. All used tires and parts, trash and similar objects shall be stored and fully screened from view of the public right of way.

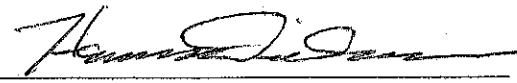
SECTION 3: All ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 4: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS 24 DAY OF October, 2011.


TARA NEALEY
PRESIDENT OF CITY COUNCIL

APPROVED THIS 24 DAY OF October, 2011.


HAROLD DIELMANN
MAYOR

ATTEST:


DEBORAH RYAN
CITY CLERK



city of **CREVE COEUR**

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MEMORANDUM

To: Honorable Mayor and City Council
City Administrator

From: Paul Langdon, Director of Community Development

Subject: Reconsideration of Ordinance #5228 for New and Used Vehicle Dealers in "LI"
Light Industrial Zoning District

Meeting Date: November 28, 2011

Powell Kalish, of the Hilliker Corporation, representing Mach Distributors owner of 10665 Baur Blvd, submitted a request to consider certain amendments to Section 405.380(C) Conditional Uses to allow Used Only Motor Vehicle Dealers in the "LI" Light Industrial District, with no outdoor storage or display of vehicles. On October 24, 2011, the City Council approved Ordinance #5228, authorizing the sale of new and/or used vehicles in the "LI" district as conditional uses. Along with allowing the conditional uses, the City Council accepted several recommended criteria from the Planning and Zoning Commission, including the following requirement:

- c. *Service bays.* Service bay doors shall not face residentially zoned property and shall not remain open while service, repair or restoration work is underway.

Prior to approval, a property owner in the "LI" district expressed his opinion that there was no need to require service bay doors to be kept closed and that if the requirement stood, it could become the precedent for similar requirements on other uses in the "LI" district; a situation he believed to be unacceptable. He further stated that other uses in the district were already generating as much or more noise without such restriction.

The original staff report did not suggest this requirement in recognition of the conditional nature of the uses wherein a site specific concern could be addressed through the conditional use permit. The majority of the Planning Commission, however, believed that the noise concern would always be present and, as such, the control should always be in place. Upon the question by the Council, the staff clarified that if a problem has been identified, it seemed appropriate to take measures to address it, even if a perfect solution was not at hand. Ultimately, it was the Council's final decision to adopt the requirement.

At the subsequent meeting of the Planning and Zoning Commission, an amendment to the conditional use permit (CUP) for the existing Valvoline Instant Oil Change on Olive Boulevard was heard to allow Sunday business hours. During the public hearing, a nearby resident expressed a concern about the noise from the business, including the use of pneumatic tools in the service bays. This prompted the Commission to once again consider the need to close service bay doors when work is underway. In the particular case of the Valvoline, the building

does not have air conditioning in the service area and closing the doors in the summer would be unacceptable from a workplace safety perspective. Given the small size of the business, the fact that it pre-exists, and the limited use of the pneumatic tools, the Planning Commission recommended that the bay doors only be closed when the tools are in use on Sunday. The same owner of property in the "LI" district who spoke on the used vehicle sales issue, voice his concerns again and added his belief that a variety of properties in the "LI" district were also without air conditioning in their work areas and so would face the same difficulty as the Valvoline store. He then indicated his intention to request a reconsideration of Ordinance #5228. On November 14th, the City Council voted to support the request for reconsideration.

The meeting on November 28th will provide the City Council with the opportunity to consider both requests (used vehicle sales in the "LI" district and the Valvoline amendment). If the Council believes that Ordinance #5228 is closely tailored to a concern that open vehicle service bays cause noise impacts, then it is certainly reasonable to adopt a means of addressing that concern. Doing so may lead to future vehicle dealers in the "LI" district needing to install air conditioning systems where none exist today. However, and as just illustrated by the Valvoline discussion, the use can only be approved with a CUP and, as such, the Commission and Council will always have the opportunity to address noise concerns in concert with the circumstances specific to the application at hand.

It should be pointed out that the Council's final decision on Ordinance #5228 does not necessarily obligate a particular outcome in the Valvoline application since the Valvoline store is already governed by a CUP and it is the very nature of these permits to establish conditions that are tailored to the issues and concerns of the particular location. If the two decisions are ultimately different in nature, staff does recommend that the Council members clearly articulate why they believe the conditions need to be handled differently.

To assist in the discussion, staff have provided a draft ordinance that could replace Ordinance #5228 and does not contain the requirement cited above. Staff will be available to answer any questions the Council members may have regarding the draft ordinance or the prior discussions.



city of CREVE COEUR

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APPLICATION TO PLANNING AND ZONING COMMISSION

#11-026 TEXT AMENDMENT ALLOWING USED ONLY MOTOR VEHICLE DEALERS AS A CONDITIONAL USE WITH NO OUTDOOR STORAGE OR DISPLAY IN THE "LI" LIGHT INDUSTRIAL ZONING DISTRICT

FOR THE MEETING OF: October 3, 2011

LOCATION: "LI" Light Industrial District

REQUEST:

Powell Kalish, of the Hilliker Corporation, representing Mach Distributors, owner of 10665 Baur Blvd, has submitted a request to consider certain amendments to Section 405.380(C) Conditional Uses to allow for Used Only Motor Vehicle Dealers in the "LI" Light Industrial District, provided all business operations will take place indoors, and at no time will vehicles be parked or stored outdoors.

ADDITIONAL INFORMATION:

The property owner has a potential tenant, Sherman Auto Sales, Inc., that would offer for sale classic vehicles that would only be stored inside the building and would be viewed by appointment only. Currently, Section 405.380(C) permits only motorcycle dealers in the "LI" District with conditions.

Key Issues:

- Does the request integrate with existing permitted and conditional uses?
- Does this request further the goals and/or implement the Comprehensive Plan?
- Is this a reasonable exercise of zoning authority?

Comp. Plan References

- NA

Zoning Code References

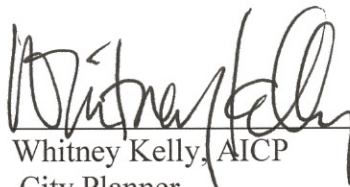
- Section 405.380: "LI" Light Industrial District
- Section 405.470 Conditional Uses

APPLICANT: Robert Mach
Mach Distributors
10665 Baur Blvd
Creve Coeur, MO 63141

**APPLICANT'S
REPRESENTATIVE:**

Powell Kalish
Hilliker Corporation
2001 S. Hanley Road, Suite
300
Saint Louis, MO 63144

REPORT PREPARED BY:


Whitney Kelly, AICP
City Planner

9/29/2011
Date

ATTACHMENTS: Draft Ordinance
Applicant's revised application submitted September 12, 2011

INTRODUCTION

Powell Kalish, of the Hilliker Corporation, representing Mach Distributors, owner of 10665 Baur Blvd, has submitted a request to consider certain amendments to Section 405.380(C) Conditional Uses to allow Used Only Motor Vehicle Dealers in the "LI" Light Industrial District. Current regulations only permit with conditions motorcycle dealers in the "LI" District. A potential tenant, Sherman Auto Sales, Inc., of the building would offer for sale classic cars and classic car memorabilia that would only be stored inside the building and would be viewed by appointment only. Therefore, the applicant has proposed language to allow for used only auto dealers as a conditional use with the provision that all business operations will take place indoors, and at no time will vehicles be parked or stored outdoors.

DISCUSSION

The applicant has proposed adding Used Only Motor Vehicle Dealers to the list of Conditional Uses in the "LI" District that would stipulate that all business operations will take place indoors, and at no time will vehicles be parked or stored outdoors.

Generally, automotive sales are a conditional use within the City of Creve Coeur, with the sale of used vehicles only permitted in conjunction with new vehicles (unless a motor vehicle dealer, whose new vehicle franchise has been terminated, may continue all other services performed by the dealer for a period of 3 years). Section 405.470 Conditional Uses provides further requirements for conditional uses, but approval of a permit is not limited to those listed, and could include specific conditions to the site, structure, and/or operation of the business. Below are the conditions for Automotive Dealers in Section 405.470.

Section 405.470 Conditional Uses

11. Automotive dealers--SIC Code 551 (conditional use in the "GC" and "CB" districts).
 - a. Site size. Shall be located on lots of not less than one (1) acre.
 - b. Service bays. Service bays shall be limited to one (1) per five thousand (5,000) square feet of land area. All service bays shall be contained entirely within the building. Service bay doors shall not face residentially zoned property ("A", "B", "C", "D", "AR" or "MR").
 - c. Trash disposal and storage. All used tires and parts, trash and similar objects shall be stored within a solid brick or concrete enclosure in the rear half or, in the case of corner sites, the rear quarter of the site.

However, within the "LI" District, automotive dealers were further limited to only motorcycle dealers as a conditional use, as follows:

Section 405.380 "LI" Light Industrial District

C. Conditional Uses.

2. Automotive dealers including only motorcycle dealers (all uses within SIC Code 557).

Compared to Permitted Uses throughout the City, which are often familiar and part of the culture of the community, such as retail or office uses, the City requires conditional use permits for those entities that have known issues, where violations often occur, and/or the City has less experience in the regulation of the use. The Conditional Use process provides the Planning and Zoning

Commission and City Council an extra level of protection from anticipated site and operating problems, and provides a greater level of oversight for the City.

The City has also had a long standing restriction against used only vehicle sales, as this was not seen as fitting the character of the community. While the proposed use does not function in a manner similar to a typical used car lot. For example, the business will not be trying to grab the attention of the average passer-by with signs and other attention getting devices; it also does not prefer the outdoor storage of vehicles. Nonetheless it still falls within the same category use of a used only motor vehicle dealer. Instead a "classic car" dealer functions in much the same way as other specialty retail use that offers large items (such as piano stores). While the proposed tenant states that they intend that all activity will be occurring inside an existing structure, this does represent a new use for the City and a new use for a building that could have greater impacts on the surrounding area, than a general permitted use (i.e. outdoor storage of damaged or in-operable vehicles, unloading, washing and cleaning, service and repair, and painting of vehicles).

Regarding the term "classic car", it is used to describe an older car, but the exact meaning is subject to differences in opinion, and can be used for all used vehicles. Therefore, Staff recommends that the City simply allow Used Only Motor Vehicle Dealers in the "LI" District as a conditional use, subject to the given conditions recommended for Section 405.470 shown in the attached draft ordinance.

If the members of the Planning and Zoning Commission wish to consider allowing this use with the conditions that all storage, maintenance, and cleaning of vehicles, and all business activities occur indoor only as a "*permitted*" use, they should vote on a motion to amend the attached draft ordinance accordingly, before voting on a recommendation for the entire draft ordinance.

CONCLUSION AND ACTION

A conditional use permit would hold the dealer responsible to the conditions outlined in the permit and provide further protection for the City. Therefore, Staff recommends that Used Only Motor Vehicle Dealers be included as a Conditional Use for the "LI" District only.

MOTION

If the Planning Commission has chosen to accept the draft ordinance as written, the following would be a suitable motion for this application:

"I move to recommend approval of a text amendment to include Used Only Motor Vehicle Dealers (SIC 552), where all business operations will take place indoors, and at no time will vehicles be parked or stored outdoors as a Conditional Use within the "LI" Light Industrial District as described in the staff report on application #11-026, dated September 29, 2011."

APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.



city of CREVE COEUR

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MEMO TO CITY ADMINISTRATOR

Meeting Date: October 10, 2011

Subject: Revised Draft Ordinance for Auto Dealers in "LI" Light Industrial District

Memo Prepared by: Whitney Kelly, AICP
City Planner

Powell Kalish, of the Hilliker Corporation, representing Mach Distributors owner of 10665 Baur Blvd, has submitted a request to consider certain amendments to Section 405.380(C) Conditional Uses to allow Used Only Motor Vehicle Dealers in the "LI" Light Industrial District, with no outdoor storage or display of vehicles.

Chapter 405 does not currently permit Used Only Motor Vehicle Dealers (SIC 552) within any zoning district, only New and Used Motor Vehicle Dealers (SIC 551) in the "GC" General Commercial and "CB" Core Business, and only motorcycle dealers (SIC 557) in the "LI" Light Industrial Districts, as Conditional Uses.

During the Planning and Zoning Commission meeting on Monday, October 3, 2011, the Commission Members recommended also including new vehicles sales, to the requested amendment as a conditional use in the "LI" District, as long as all business operations (including but not limited to vehicle service, cleaning and storage). The Commission also recommended including the same 1 acre minimum lot size already required in the "GC" and "CB" zoning districts. The revised draft ordinance under consideration by the City Council includes these changes as well as clarifying the conditions for Section 405.470 Conditional Uses for the uses in the "LI" District.

Staff will be available to answer any questions the Council Members may have regarding the changes.

File # _____



CREVE COEUR

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PLANNING AND ZONING COMMISSION AGENDA APPLICATION TEXT AMENDMENT

PLEASE COMPLETE FRONT AND BACK PAGES

Applicant: Robert Mach <i>Name</i> Mach Distributors <i>Company (If Applicable)</i> 10865 Baur Blvd. <i>Address</i> Saint Louis, MO 63132-1612 <i>Address</i> Telephone #314-993-4560 Fax #314-993-0512 Email: machdistributors@brick.net	Applicant's Representative (if applicable): Powell Kalish <i>Name</i> Hilliker Corporation <i>Company (If Applicable)</i> 2001 S. Hanley Road - Suite 300 <i>Address</i> Saint Louis, MO 63144 <i>Address</i> Telephone #314-781-0001 Fax #314-781-1159 Email: pkalish@hillikercorp.com
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Applicant's Status (Indicate one):

____ City Official (Mayor, City Councilor, Planning Commissioner, Zoning Administrator)
☒ Private Party (Financial, contractual, or proprietary interest)
 ____ Other Governmental Interest (Jurisdiction: _____)

The undersigned hereby requests to be placed on the Agenda for the Planning and Zoning Commission meeting at 7:00 P.M. on Monday, ~~September 12~~ Oct. 3, 2011.

Robert Mach
Applicant's Signature
9/2/11
Date

Powell Kalish
Applicant's Representative's Signature
9/2/11
Date

RECEIVED
 SEP 12 2011
 PLANNING DEPT.

File # _____

Description of Request (attach additional sheets as needed): _____

The wholesale of classic cars and classic car memorabilia remotely, via the internet, and by appointment only to collectors, corporations, set designers, corporate advertisers, and advertising firms. All business operations will take place indoors, and at no time will vehicles be parked or stored outdoors.

Affected Section(s) of the Zoning or Subdivision Code: _____

Light Industrial.

Proposed Ordinance Language (attach additional sheets as needed): _____

Amend the list of conditional uses in the "Light Industrial" zoning district to include Used-Only Automotive Sales.

Office Use Only

____ Proposed Ordinance Language

____ Fees Paid

____ Written Justification

Received By: _____

Date: _____

Paul Langdon, Director of Community Development
Whitney Kelly, City Planner
Julie Lowery, Admin. Assistant (872-2501)

RECEIVED
SEP 12 2011
PLANNING DEPT.

Revised: 9/11



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, OCTOBER 3, 2011
7:00 P.M.**

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, October 3, 2011, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: *Mr. Timothy Madden, Chair*
 Mr. Gary Eberhardt
 Mr. James Faron
 Ms. Cynthia Kramer
 Dr. Michael Barton

OTHERS PRESENT: *Mr. Carl Lumley, City Attorney*
 Mr. Paul Langdon, Director of Community Development
 Ms. Whitney Kelly, City Planner
 Ms. Julie Lowery, Recording Secretary

2. NEW BUSINESS

A. Application #11-026: Text Amendment allowing Used Only Auto Sales with no outdoor storage as a Conditional Use in the “LI” Light Industrial Zoning District.

Applicant/Agent: Robert Mach
 Mach Distributors
 10665 Baur Blvd
 Creve Coeur, MO 63141

Applicant’s Representative:
 Powell Kalish
 Hilliker Corporation
 2001 S Hanley Road, Suite 300
 Saint Louis, MO 63144

Start of Public Hearing

Mr. Powell Kalish, representing Mach Distributors, owner of 10665 Baur Blvd, presented a request to consider certain amendments to Section 405.380.C. Conditional Uses, to allow for Used Only Motor Vehicle Dealers in the “LI” Light Industrial District, provided all business operations will take place indoors, and at no time will vehicles be parked or stored outdoors. The property owner has a potential tenant, Sherman Auto Sales, Inc., that would offer for

sale classic vehicles that would only be stored inside the building and would be viewed by appointment only.

Comments or questions from Commission members. Mr. Faron asked if this facility was similar to the facility on Woodson Road [sic], Overstreet, and Mr. Kalish said, from what research he had done, it is a similar facility.

Mr. Eberhardt inquired on the size of the lot the building sits on, which is one and one third of an acre. Mr. Eberhardt also asked if Mr. Powell's client would be the only tenant and Mr. Powell replied that it is a multi-tenant building. Mr. Eberhardt asked for further clarification of the operations in and around the building.

Mr. Peter Newton, Hilliker Corporation, 2001 South Hanley Road, Suite 300, representing Mark Sherman, of Sherman Motors, made a presentation about the type of business Mr. Sherman would like to be running in Creve Coeur. He stated that Sherman Motors were originally a Nash dealership. They still have a physical location up on Natural Bridge Road in the city of St. Louis. He stated that they have been steadily transitioning away from the sort of used car dealership that people typically think of, but one of the problems that they ran into in Creve Coeur is that our code does not distinguish classic cars from any others; they are all used cars. He acknowledged that "classic cars" is kind of a subjective term, and in terms of a zoning ordinance, there is no distinction between classic cars and used cars. He repeated that this is not an open-to-the-general-public business. They do not work on the cars or service them or do anything like that at this location. This would be basically an indoor showroom only, and it is not open to the general public. It is by appointment only.

Comments and questions from the audience. Mr. David Caldwell stated that there is another building in the Light Industrial District, which currently appears to be being used as storage-only for similar type cars. There is no sign or anything. He asked Mr. Langdon if he could clarify the use of that building.

Mr. Langdon presented the staff report on the application. He stated that while the applicant's use has a particular interest in being indoors, not all vehicle dealers are the same and the proposed amendment does not distinguish between them. As a result, he stated, the staff believe that the ordinance must be very clear that all activity be inside to avoid any confusion over levels of activity outside. He then indicated to the Commission that they may want to consider sales of all new and used vehicles, given that keeping them inside generally eliminates any unique concerns.

Mr. Langdon explained the history of the existing business referred to by Mr. Caldwell and identified that they may also need to pursue a conditional use permit should the amendment be passed.

He pointed out that this question has been raised before without resolution, but this request would require an answer. He reminded the Commission members that the amendment could also, ultimately, allow a use that was not as "clean" as the applicant's, hence the reason why staff believe the indoor-only limitation is crucial. In conclusion, he asked the Commission to consider their level of comfort with other vehicles being for sale and comfort with new vehicle sales as well as used.

Mr. Eberhardt expressed general support for the applicant but felt that the restrictions were not severe enough for this particular use and that restrictions should be placed on how many bay doors you can have based on site area. Mr. Eberhardt also asked if there was a reason why they should exclude the “GC” and “CB” conditions from the conditions that are being contemplated in the “LI” district? Mr. Eberhardt stated that he knew the applicant did not intend to service vehicles at their location, but they are going to have some loading doors, and he wondered why not have the same restriction about the loading doors not facing residential areas. There was discussion among the members regarding the limits on bay door. Mr. Langdon stated, for clarification, that the proposal is only for the LI District, and the existing text only covers dealers in the GC and CB Districts as separate requirements. One of those reads, "Service bays: Service bays shall be limited to one per 5,000 square feet of land area. All service bays shall be contained entirely within the building. Service bay doors shall not face residentially zoned property A, B, C, D, AR."

Commissioner Kramer generally agreed with Mr. Eberhardt's concerns but wondered how the level of service conducted inside could be defined and limited.

Mr. David Caldwell, 257 Brooktrail Court, is a property owner in the Light Industrial District. Mr. Caldwell stated that he supports the application and felt that the limitations being contemplated by the Commission were excessive.

There was discussion of the ratio of bay doors to floor area and the merits of limiting certain service activities such as body work and major mechanical repair.

Mr. Barton agreed that if activities are being kept indoors, and given that they are discussing an industrial area, the restrictions may be excessive.

Mr. Langdon pointed out that the proposal is to make the use a conditional use, which would always provide the Commission an opportunity to regulate specific concerns with a specific site or application, including the activities they are conducting and the location of service doors.

The Chairman asked for clarification of why staff prefers referring only to used vehicles rather than limit the use to “classic cars.” Mr. Langdon responded that it is very difficult to define what exactly is a “classic car.” He added that defining certain levels of mechanical service is also problematic because what sounds like a big job can be very simple depending on how it is done.

Mr. Eberhardt withdrew his interest in restricting the level of service provided indoors, but wished the limits on lot size, and bay doors not facing residential areas should remain.

Mr. Lumley pointed out that there is nothing guaranteeing that indoor activities are not visible, depending on windows that may be present.

Ms. Kramer asked for clarification of what signage the applicant would ultimately want. Mr. Newton confirmed that only a small sign would be wanted, in conformation with the Zoning Code.

Ms. Kramer also asked for verification that memorabilia would also be offered for sale. Mr. Newton confirmed that it would be. Mr. Langdon pointed out that such retail sales are already a permitted use in the “LI” district.

There being no further comments, the City Attorney, Mr. Lumley, presented the exhibits for the record and the public hearing was closed.

(This ends the Public Hearing; see verbatim transcript for further information)

No further comments and questions from the audience or the Commission.

There being no further comments, the motion was made by Mr. Eberhardt to recommend approval of the text amendment to include Used Only Motor Vehicle Dealers (SIC 552), where all business operations will take place indoors, and at no time will vehicles be parked or stored outdoors as a Conditional Use within the “LI” Light Industrial District as described in the staff report on application #11-026, dated September 29, 2011 subject to amendments which will be hereafter proposed: the first amendment would be to add the words “New or Used Motor Vehicles” replacing the word “Used Only”; the second amendment being that the current Conditional Use requirement for Section 405.470 which requires a site sized not less than one acre be incorporated; and the third amendment to be, all service bays shall be contained entirely within the building and shall not face residentially zoned property. Dr. Barton seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Ms. Kramer – aye

Mr. Eberhardt – aye
Dr. Barton – aye

Chair – aye

3. **ADJOURNMENT**

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 8:00 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, NOVEMBER 7, 2011
7:00 P.M.**

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, November 7, 2011, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: *Mr. Timothy Madden, Chair*
 Mr. Gary Eberhardt
 Mr. James Faron
 Mr. Jim Schnarr
 Mr. Ken Howard
 Ms. Cynthia Kramer

OTHERS PRESENT: *Mr. Carl Lumley, City Attorney*
 Mr. Paul Langdon, Director of Community Development
 Ms. Whitney Kelly, City Planner
 Ms. Julie Lowery, Recording Secretary

2. NEW BUSINESS

- A. Application #11-028: Request to amend a conditional use permit to allow for Sunday hours of operation for the Valvoline Instant Oil Change at 11333 Olive Boulevard. Staff recommends repealing Ordinances numbers 1074, 1594, and 1694 and replace with a new conditional permit.**

Applicant/Agent: Jason Coil
 Area Manager
 Valvoline Instant Oil Change
 3499 Blaser Parkway
 Lexington, KY 40509

Start of Public Hearing

Applicant's Presentation:

Ms. Kelly, City Planner, presented on behalf of Mr. Coil's request to amend the conditional use permit to include Sunday hours of operation from 9am to 5pm. Staff is asking Valvoline for new/additional landscaping for landscaping that has been removed, which can be approved at staff level if the commission agrees. Staff has also suggested the bay doors be closed to eliminate noise for the residential neighbors.

Mr. Jason Coil, Area Manager, Valvoline Instant Oil Change, 1510 Chambers Road, Dellwood, MO 63136 approached the podium to take questions from the Commission.

Comments or questions from Commission members:

Mr. Eberhardt would like to know why staff recommends closing of the bay doors when service is being provided, especially in the summer with the building not being air conditioned. Ms. Kelly replied that Valvoline also performs tire rotations with drills and guns and trying to stay compliant with other recent requests, like the Light Industrial District (“LI” District).

Mr. Schnarr stated that Valvoline, by the city’s definition, is a service station and he believes it to not be a service station. Ms. Kelly replied they do not just change oil and fluid out of vehicles, they do perform tire rotations and changes.

Mr. Faron asked if Mr. Coil had an idea for the new landscaping plans and Mr. Coil stated that he did not, but they would meet any terms the Commission and Council set for Valvoline. Mr. Faron asked if he was aware of what the 1993 plan looked like and Mr. Coil replied he had seen that plan. Mr. Coil reiterated that if the plan was to go back to the 1993 plan, they would, they are more than willing to meet the standard the Commission and Council set forth. Ms. Kelly stated the 1993 plan is not what they are requesting due to the utility line, but what staff is asking for is a similar number of plantings that can be dispersed throughout the area and would like it to match the neighbors. Mr. Coil would like to ask the plantings not interfere with the low laying sign, to make sure the sign is still visible from the road. Mr. Coil also mentioned that the building was un-air conditioned and having the bay doors closed could be a hazard to the employees in the summer.

Comments and questions from the audience:

Ms. Suzanne Harris, 143 Nassau Circle, spoke in opposition of this request. Ms. Harris lives directly behind the Valvoline. Ms. Harris does not think the noise from the tools and the noise of the employees/customers talking is not conducive to family life. Ms. Harris did not believe the bay doors being closed was an option though, because of the extreme temperatures this area can face during spring/summer/fall months. However there is a back door that remains open and noise comes from there as well. Ms. Harris stated she has always thought the City of Creve Coeur has been receptive to the neighbor’s plight of those neighbors who back up to the city, with the “good neighbor” policy. Ms. Harris also stated the noise travels straight down the hill with nothing there to block it. Ms. Harris also said she can understand working hours on Saturday as it is a “working” day, but that she did not feel like it was appropriate noise to be hearing on a Sunday.

Mr. Coil addressed Valvoline’s reasons for wanting to have Sunday hours. Mr. Coil said, the economy is tough and it is hard on business’s and hard on employment by increasing the Sunday hours more employees can work and the revenue will be increased per month, which is taxable to the city. Addressing the noise reduction, Mr. Coil said the door downstairs can be closed at all times, as a mandatory condition. Also, on the sides of the building there are two (2) 4 foot fences that go down, if needed or requested, Valvoline would increase the fences to 8 foot privacy fences. Chairman Madden stated he would be in favor of increasing the height of the fencing.

Mr. Eberhardt asked if city staff would consider a higher fencing and some plantings next to the fence to help absorb the sound. Mr. Coil stated that at the back of the property where the building ends, there is a 20-30 foot clearance of grass and a row of trees. Mr. Eberhardt said he does not think that trees are going to stop noise, maybe a hedge or some kind of buffer would be better. Mr. Coil understands what Mr. Eberhardt is saying, but that the Valvoline building sits much higher than the level of the residential neighbors.

Mr. Langdon shared a couple of observations on trying to mitigate sound, stating vegetation does a poor job of mitigating sound. While vegetation gives the impression of absorbing sound, it does not, and wood fences also have limited effect to absorb sounds. Mr. Langdon stated a solid barrier with a dead space in it to effectively attenuate noise. Mr. Langdon said while increasing the fence and planting might help a little, it is not going to help that much. Mr. Schnarr asked if cedar wouldn't absorb sound, and Mr. Langdon replied it would not. Mr. Eberhardt asked if the primary problem was the noise coming from the lower door or the bay doors. Ms. Harris said the bay doors were giving out more noise than the lower back door. Mr. Faron asked if a sound wall was an option and Mr. Coil said it would be something he would have to look into because it would be a large expense.

Mr. Madden then questioned the hours proposed, which are 9am-5pm, and suggested a later opening time of 10am-5pm, for the sake of the neighbors. Ms. Harris replied anything would make it better. Mr. Faron asked if the space could be conditioned, and Mr. Coil said he can set rules to dictate how much time can be spent on that end of the building and regulate when employees take breaks, so there are not more than one person on a break at a time. Ms. Harris stated that an 8 foot fence would help. Mr. Schnarr asked if a fence made of PVC would be better than wood and Mr. Coil responded that they would rather use vinyl than wood.

Chairman Madden stated the conditions discussed which would be to open at 10am, put in 8 foot vinyl fence, landscape work with staff and tell employees to take breaks over by dumpster.

Mr. Coil brought up his concern about being made to keep the bay doors closed because in the summertime the heat is too unbearable to do that. Ms. Harris and Chairman Madden both agreed that is not feasible.

Mr. Langdon pointed out to the commission that they have the ability to approve fences over 6 feet in height and wanted to make sure the commission was clear about the extent of the fence, because an 8 foot fence is a big fence and how far it should run in terms of length of the property. Chairman Madden clarified that the fence would run from the dumpster to the building and on the other end of the building to the end of the parking lot. Discussion on the height of the fence continued, finally settling on 6 feet for the height.

Chairman Madden, once again stated the conditions discussed, which would be to open at 10am, put up a 6 foot vinyl fence from the door all the way to the end of the property, employees will take their breaks by the dumpster corral, the landscaping plan to be worked with the City of Creve Coeur staff, keep the bottom downstairs back door closed, and no requirement on the bay doors staying closed.

Mr. David Caldwell, 257 Brooktrail Court, thinks it is a double standard to allow Valvoline to keep their bay doors open, when in the “LI” District the conditions were the bay doors had to remain closed. Ms. Kramer replied she recalls the issue with the bay doors in the “LI” District being different than the applicant’s request. Mr. Langdon spoke up as the City Council liaison, stating at the council meeting when the used car sales discussion took place that questions were raised asking specifically what level of service could be done. Mr. Langdon stated Mr. Caldwell is correct that in the Council’s mind where ultimately the ordinance will be accepted or declined, it was the kind of service should be screened with closed doors. Mr. Langdon also pointed out in the draft ordinance it states the bay doors remain closed to try and be consistent with previous requests, i.e. “LI” District, but if the Commission wants to back away from that condition, it is the commission’s right to do so.

Mr. Eberhardt suggested that the doors remain closed unless it reaches a certain temperature, and Mr. Coil responded he would rather alter his business and not do tire rotations/changes on Sunday than have to have an employee outside with a temperature gauge to see if the doors are required to be opened or closed.

There being no further comments, the City Attorney, Mr. Lumley, presented the exhibits for the record and the public hearing was closed.

(This ends the Public Hearing; see verbatim transcript for further information)

Mr. Howard pointed out that this applicant has had many landscaping violations, and he would like to table this application to have a clearer understanding, due to the substantial changes to the draft ordinance.

No further comments and questions from the audience or the Commission.

There being no further comments, the motion was made by Mr. Eberhardt to recommend approval of the Conditional Use Permit for Valvoline Instant Oil Change submitted with Application #11-028, subject to the conditions contained in the draft ordinance attached to the staff report dated November 4, 2011.

Chairman Madden made a motion to amend the motion with Sunday hours are 10:00 am to 5 pm, a six-foot high solid vinyl fence shall be installed along the rear edge of the paved areas, from the building to the dumpster corral on the west and from the building to the edge of the pavement on the east, service bay doors shall be closed while impact wrenches are being used on Sundays, the lower level door shall remain closed at all times, and employee outdoor breaks on the premises shall be taken individually on the west side of the building. Ms. Kramer seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Mr. Schnarr – aye

Mr. Eberhardt – aye
Ms. Kramer – aye

Chair – aye
Mr. Howard – aye

Then the motion was made to approve the Conditional Use Permit for Valvoline Instant Oil Change submitted with Application #11-028, subject to the conditions as amended, with the resultant vote as follows:

Mr. Faron – aye
Mr. Schnarr – aye

Mr. Eberhardt – aye
Ms. Kramer – aye

Chair – aye
Mr. Howard – nay

3. **ADJOURNMENT**

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 8:15 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI
AUTHORIZING THE EXTENSION OF LICENSE FOR USE OF RIGHT-OF-WAY BY EDWARD
D. JONES & CO., L.P.**

WHEREAS, the City of Creve Coeur and Edward D. Jones & Co., L.P. currently have in effect a license for use of right-of-way which was approved by Ordinance No. 1779 and amended by Ordinance No. 4052, which license agreement expires on December 31, 2011; and

WHEREAS, the City of Creve Coeur and Edward D. Jones & Co., L.P. hereby desire to extend that certain license agreement regarding use of right-of-way; and

WHEREAS, the City Council has determined that it is proper to enter into an Extension Agreement with Edward D. Jones & Co., L.P. regarding that certain license for use of right-of-way in the form attached hereto as "Exhibit A",

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, AS FOLLOWS:

Section 1: The Extension Agreement between the City and Edward D. Jones & Co., L.P. regarding use of right-of-way attached hereto as Exhibit A is hereby approved and the City Administrator is authorized to execute same on behalf of the City and the City Clerk is authorized and directed to attest thereto. The Agreement as executed shall be in substantially the form of Exhibit A, with such changes therein as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Ordinance and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Ordinance, the matters herein authorized, and the rights and duties of the City under the Agreement.

Adopted this __ day of _____ 2011.

TARA NEALEY
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2011.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

EXTENSION AGREEMENT

EXTENSION made on the _____ day of _____, 2011, by and between the City of Creve Coeur (hereinafter "City"), and Edward D. Jones & Co., L.P. (hereinafter "Licensee").

WHEREAS, City and Licensee entered into that certain license for use of right-of-way approved by Ordinance No. 1779 and amended by Ordinance No. 4052, which license agreement expires December 31, 2011; and

WHEREAS, the City and Licensee desire to extend that license for an additional period of five years;

NOW, THEREFORE, in consideration of the mutual covenants herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto covenant and agree as follows:

1. The license shall be extended for a five-year period ending December 31, 2016.
2. Except as expressly modified by this Extension, the license between the parties as previously amended shall remain in full force and effect.
3. The parties and individual signatories hereby warrant and represent they have the authority to enter into this Amendment.
4. This Amendment may be executed in counterparts, to be effective on the date that the last signature herein below required is affixed.

City of Creve Coeur, Missouri

Edward D. Jones & Co., L.P.

By: _____
Mark Perkins, City Administrator

By: _____

Name: _____

ATTEST:

Title: _____

Deborah Ryan, City Clerk

ATTEST:

By: _____

Name: _____

Title: Secretary

BILL No 5352

ORDINANCE No _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI
AUTHORIZING THE EXTENSION OF LICENSE FOR USE OF RIGHT-OF-WAY BY SAVVIS
COMMUNICATIONS CORPORATION.**

WHEREAS, the City of Creve Coeur and Savvis Communications Corporation currently have in effect a license for use of right-of-way which was approved by Ordinance No. 2072 and amended by Ordinance No. 4051, which license agreement expires on March 31, 2012, and

WHEREAS, the City of Creve Coeur and Savvis Communications Corporation hereby desire to extend that certain license agreement regarding use of right-of-way; and

WHEREAS, the City Council has determined that it is proper to enter into an Extension Agreement with Savvis Communications Corporation regarding that certain license for use of right-of-way in the form attached hereto as "Exhibit A",

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
CREVE COEUR, AS FOLLOWS:**

Section 1: The Extension Agreement between the City and Savvis Communications Corporation regarding use of right-of-way attached hereto as Exhibit A is hereby approved and the City Administrator is authorized to execute same on behalf of the City and the City Clerk is authorized and directed to attest thereto. The Agreement as executed shall be in substantially the form of Exhibit A, with such changes therein as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Ordinance and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Ordinance, the matters herein authorized, and the rights and duties of the City under the Agreement.

Adopted this _ day of _____, 2011.

TARA NEALEY
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2011.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

EXTENSION AGREEMENT

EXTENSION made on the _____ day of _____, 2011, by and between the City of Creve Coeur (hereinafter "City"), and Savvis Communications Corporation (hereinafter "Licensee").

WHEREAS, City and Licensee entered into that certain license for use of right-of-way approved by Ordinance No. 2072 and amended by Ordinance No. 4051, which license agreement expires March 31, 2012; and

WHEREAS, the City and Licensee desire to extend that license for an additional period of five years;

NOW, THEREFORE, in consideration of the mutual covenants herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto covenant and agree as follows:

1. The license shall be extended for a five-year period ending March 31, 2017.

2. Except as expressly modified by this Extension, the license between the parties as previously amended shall remain in full force and effect.

3. The parties and individual signatories hereby warrant and represent they have the authority to enter into this Amendment.

4. This Amendment may be executed in counterparts, to be effective on the date that the last signature herein below required is affixed.

City of Creve Coeur, Missouri

By: _____
Mark Perkins, City Administrator

ATTEST:

Deborah Ryan, City Clerk

Savvis Communications Corporation

By: _____

Name: _____

Title: _____

ATTEST:

By: _____

Name: _____

Title: Secretary

AN ORDINANCE AMENDING CHAPTER 500 ARTICLE II AND ARTICLE VI OF THE CREVE COEUR CITY CODE RELATING TO SPRINKLERS IN RESIDENTIAL STRUCTURES.

WHEREAS, Chapter 500 Article II of the City Code of Ordinances establishes provisions concerning the Building Code; and

WHEREAS, Chapter 500 Article VI of the City Code of Ordinances establishes provisions concerning the Residential Code for One and Two Family Dwellings; and

WHEREAS, the Missouri General Assembly amended Sec. 67.281, RSMo, regulating the offering of sprinklers in new residential structures in the state via the enactment of SS#2, SCS, HB 103, effective August 28, 2009; and the City incorporated those provisions into the Code by enacting Ordinance 5110; and

WHEREAS, the Missouri General Assembly revised those regulations via the enactment of SCS SB 108 effective August 28, 2011; and

WHEREAS, the City of Creve Coeur has determined that it is necessary and proper to revise Chapter 500, Article II and Article VI in order to bring them into conformity with the state law; and

WHEREAS, a copy of this ordinance has been made available for public inspection prior to its adoption by the City Council and this bill having been read by title in open meeting two times before final passage,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 500, Article II, Sec. 500.040. *Chapter 1 - Administration* is hereby amended by revising 106.1.1.2 as follows:

106.1.1.2 An application for permit for a one or two family dwelling or residence or townhouse shall be accompanied by ***the city's RESIDENTIAL FIRE SPRINKLER OPTION FORM*** signed by the builder and the purchaser affirming that a fire sprinkler system was offered to the purchaser prior to entering into the purchase contract in conformance with section 903.1 of this code. ***If there is no purchaser at the time of the permit application submittal, then said signed FORM shall be submitted as soon as there is a purchaser and prior to the issuance of a certificate of occupancy for the new residence.*** The provisions of this section shall expire on December 31, 2019.

SECTION 2. Chapter 500, Article II, Sec. 500.120. *Chapter 9 – Fire Protection Systems* is hereby amended by revising subparagraph 903.1 as follows:

903.1 **General.** Automatic sprinkler systems shall comply with this section. Notwithstanding the provisions of the Building Code and International Building Code, as amended and adopted by the City of Creve Coeur, Missouri, a builder of one or two family dwellings or residences or townhouses shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling, residence, or townhouse. Notwithstanding any other provision of law to the contrary, no purchaser of such a dwelling, residence, or townhouse shall be denied the

right to choose or decline to install a fire sprinkler system in such dwelling or residence or townhouse being purchased. The provisions of this section shall expire on December 31, 2019.

SECTION 3. Chapter 500, Article VI, Sec. 500.450. *Chapter 1 – Administration* is hereby amended by revising subparagraph R106.1.1.2 as follows:

R106.1.1.2 An application for permit for a one or two family dwelling or residence or townhouse shall be accompanied by ***the city's RESIDENTIAL FIRE SPRINKLER OPTION FORM*** signed by the builder and the purchaser affirming that a fire sprinkler system was offered to the purchaser prior to entering into the purchase contract in conformance with section R324.1 of this code. ***If there is no purchaser at the time of the permit application submittal, then said signed FORM shall be submitted as soon as there is a purchaser and prior to the issuance of a certificate of occupancy for the new residence.*** The provisions of this section will expire on December 31, 2019.

SECTION 4. Chapter 500, Article VI, Sec. 500.470. *Chapter 3 – Building Planning* is hereby amended by revising subparagraph R324.1 as follows:

R324.1 *Sprinklers in Residential Structures.* Notwithstanding the provisions of the Building Code and International Residential Code, as amended and adopted by the City of Creve Coeur, Missouri, a builder of one or two family dwellings or residences or townhouses shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling, residence, or townhouse. Notwithstanding any other provision of law to the contrary, no purchaser of such a dwelling, residence, or townhouse shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or residence being purchased. The provisions of this section shall expire on December 31, 2019.

SECTION 5. This Ordinance shall become effective pursuant to the provisions of Section 3.11(g) of the Charter.

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2011.

Tara Nealey, President City Council

APPROVED THIS _____ DAY OF _____, 2011.

Harold L. Dielmann
Mayor

Attest:

Deborah Ryan
City Clerk

**CITY OF CREVE COEUR
BUILDING DIVISION**

MEMORANDUM

TO: Mark Perkins, City Administrator

CC: Paul Langdon, Director of Community Development

FROM: Steve Unser, Chief Building Official

DATE: November 22, 2011

RE: Revision to City Ordinance No. 5110 regarding Residential Fire Sprinklers in New Homes.

On August 28, 2009, a Missouri state law went into effect that required all home builders to offer any purchasers the option of installing residential fire sprinklers in new dwellings. This fire sprinkler option is required to be offered on or before the time of entering into the purchase contract for the new dwelling.

City Ordinance No. 5110 was passed on 10/26/2009 that gave the city the authority to ensure this state law is being followed by home builders of new dwellings within the City of Creve Coeur.

This state law and city ordinance expire on 12/31/2011.

On August 28, 2011, a new state law went into effect that changes the expiration date of the original state law from 12/31/2011 to 12/31/2019. The proposed city ordinance will also change the expiration date of the original city ordinance (Ordinance No. 5110) from 12/31/2011 to 12/31/2019.

The "Creve Coeur Residential Fire Sprinkler Option Form" referenced in the proposed ordinance is already in use per Ordinance No. 5110. Home builders and purchasers of new homes built in Creve Coeur are required to complete and sign this form prior to the building permits being issued for the construction of these new homes OR prior to the issuance of these certificates of occupancy. (See attached Exhibit A)



BP# _____

Residential Fire Sprinkler Option Form

Congratulations on the purchase of your new home!

EXHIBIT A

In accordance with City Ordinance 5110 the builder and purchaser of a new home shall complete and sign this form prior to a building permit being issued OR prior to a Certificate of Occupancy being issued for a new home.

Please submit a completed copy of this form along with your building permit application.

1. Was the option of installing a fire sprinkler system offered to you by the builder or builder's representative ? Yes No
2. Were you given the brochure "Consumer Information on Residential Fire Sprinkler Systems" ? Yes No
3. Did you choose to purchase a residential fire sprinkler system for your new home ? Yes No
If not, what was the reason for decision ? [Cost, Accidental Discharge Concerns, Not necessary, Uncertainty]
4. Type of home purchased: [Single Story, Basement, Two-Story, Townhome, Other _____]
5. Quoted Price of Fire Sprinkler System _____
6. Size of home in livable sq/ft: _____
7. Home was constructed for: [Specific Customer Inventory / Spec Home]
8. Location/Address: _____
9. Have you ever seen a residential fire sprinkler demonstration ? Yes No
10. Do you understand that only the sprinkler heads above the fire will open ? Yes No

Purchaser Name (printed) _____

Date _____

Purchaser Signature _____

Building Company Agent Signature _____

Information of the individual buyers will be kept confidential and shared only with any government agencies which request permission to see the names. Under no circumstances will copies of the names and addresses be provided to anyone for solicitation purposes.

HOME FIRE SPRINKLER INFORMATION

- ✓ When a residential fire occurs the average fire and water damage loss for a sprinklered home is \$2166.00 as compared to \$45,019.00 for a non-sprinklered home.
- ✓ During the year 2008 a residential fire occurred every 78 seconds, nationwide.
- ✓ A residential fire can become deadly in as little as 3 minutes.
- ✓ FEMA, U.S. Homeland Security and the U.S. Fire Administration are all in support of home fire sprinkler systems. Fire sprinklers save lives and reduce property damage.
- ✓ A sprinklered home can result in insurance savings as well as an enhanced property value.
- ✓ Residential sprinkler systems are considered to be a "green construction" technique as it will result in less replacement materials being required and much less water used to extinguish the fire.

(REFERENCES AND SOURCES AVAILABLE UPON REQUEST)

**AN ORDINANCE WAIVING THE GROSS RECEIPTS TAX
ON AMEREN'S SALE OF "PURE POWER" AND ANY SIMILAR PROGRAMS.**

WHEREAS, the City of Creve Coeur has established a 7% Gross Receipts Tax on electric utilities; and

WHEREAS, Ameren UE has implemented a voluntary renewable energy program, referred to as "Pure Power" by which Ameren customers are allowed an option to support the development of wind power and other forms of renewable energy in Missouri by paying an additional 1.5 cents per kilowatt-hour (kWh) for the electricity purchased by residential customers, and business customers may participate by purchasing 1,000 kWh blocks for \$15 per block; and

WHEREAS, such customers are not paying for or receiving the direct purchase of renewable energy, but rather renewable energy credits ("RECs"), which are certificates representing renewable energy within the region that has reduced the need for non-renewable energy; and

WHEREAS, supporting renewable energy will assist Creve Coeur in achieving its greenhouse gas reduction target of 20% by 2015 as set by the Climate Action Plan adopted by Resolution No. 906; and

WHEREAS, the additional 1.5 cents per kWh or 1,000 kWh blocks will be billed separately by Ameren UE on the customer's monthly invoice; and

WHEREAS, a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the City Council, and this Bill having been read by title in open meeting two times before final passage by the City Council; and

WHEREAS, the City Council being fully informed finds that it is currently in the public interest to encourage participation in programs like the Ameren UE "Pure Power" program by exempting the revenues realized from such payments from the City's license tax on electric utilities;

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri as follows:

SECTION 1: Section 635.050 of the City's Code of Ordinances is hereby amended to read as follows:

As used in this Article, the term "*gross receipts*" means the aggregate amount of all sales and charges of the commodities or services described in [Section 635.060](#) relative to the business of supplying electricity or electric service for compensation in the City during any period, less discounts, credits, refunds, charges for license, occupation or franchise taxes, sales taxes and uncollectible accounts actually charged off during the period, and less any payments received from customers for renewable energy credit (as defined in Section 393.1025 RSMo) certificates pursuant to voluntary programs that involve separate line item billing for such certificates on which the utility does not place a local license tax surcharge.

SECTION 2: This Ordinance shall become effective pursuant to the provisions of Section 3.11(g) of the Charter.

Bill No. 5354

Ordinance No. _____

Passed this _____ day of _____, 2011.

Tara Nealey, President
City Council

Approved this _____ day of _____, 2011.

Harold L. Dielmann
Mayor

Attest:

Deborah Ryan
City Clerk



INTEROFFICE MEMORANDUM

Date: November 28, 2011

To: Mark Perkins, City Administrator
From: Jaysen Christensen, Assistant to the City Administrator
Subject: Gross Receipts Utility Tax Exemption

The Green Power Communities (GPC) and Ameren PurePower program were discussed at the November 14, 2011 council meeting, and staff was requested to draft an ordinance (attached) that would exempt Ameren PurePower renewable energy certificates (RECs) from the City's 7% gross receipts utility tax. Doing this would allow residents and businesses to support renewable energy through the Ameren PurePower program without incurring additional taxes.

Background

Ameren Pure Power approached the City several months ago about becoming an EPA Green Power Community (GPC), which would require the City of Creve Coeur to offset 10% of its electricity use with renewable energy in addition to requiring the Creve Coeur community as a whole to collectively offset 3% of its electricity use with renewable energy (see attached proposal).

To offset electricity use with renewable energy, the City would purchase renewable energy certificates (RECs) from Ameren wind farms through a program called Ameren PurePower at a cost of approximately \$3,960 per year.

Businesses and residents would likewise be encouraged to support renewable energy by either purchasing RECs or by installing solar panels. Businesses and residents do not have to purchase RECs through Ameren's PurePower program to participate in the EPA GPC program; however, Ameren PurePower would be made available to residents and businesses as part of the City's GPC education campaign. Currently, RECs purchased from Ameren PurePower are subject to the City's 7% gross receipts utility tax, so that businesses and residents participating in PurePower pay more taxes than they would if they did not participate.

Budget Impact

The City currently collects an estimated \$8,366 per year in gross receipts utility taxes on PurePower RECs that are already being purchased by residents and businesses. If PurePower RECs become exempt from the gross receipt tax, the City would forgo this revenue. Also, the City would forgo gross receipts tax revenues on any additional PurePower RECs that would be purchased as a result of the GPC campaign, which is estimated to be \$9,000 per year. This brings total forgone gross receipts tax revenues to \$17,366 (\$8,366 currently collected + \$9,000 estimated additional annual revenues generated as a result of the GPC program).

It may also be added that the City of Clayton became a GPC and elected not to exempt PurePower RECs from its 8% gross receipts utility tax. However, the City of Glendale did elect to exempt PurePower RECs from its utility tax.

I would be happy to provide any additional information.

Attachments:

- Ordinance to waive gross receipts utility tax on Ameren PurePower
- Pure Power proposal



Washington Avenue Loft District • The Ventana Building • 1641 Washington Ave. • St. Louis, MO 63103 • Tel: 314.480.3554 • Fax: 314.480.7191 • AmerenMissouri.com/PurePower

March 14, 2011

Jaysen Christiansen
City of Creve Coeur

Dear Jaysen:

Introduction

Ameren Missouri is committed to environmental stewardship and expanding the use of renewable energy in the Midwest region. As part of that commitment Ameren Missouri is proud to offer **Pure Power**, a voluntary renewable energy option. **Pure Power** is an easy and cost-effective way to support the development of new renewable energy sources in Missouri, gain significant recognition within the community, and reduce The City of Creve Coeur's carbon footprint.

When a business enrolls in **Pure Power**, Ameren Missouri begins purchasing renewable energy credits (RECs) equal to your monthly chosen participation level. Purchasing Green-e certified® renewable energy credits from specific wind, and other local renewable facilities ensures that electricity from these sources is delivered to the Midwest power pool. By retiring the renewable energy credits on behalf of **Pure Power** customers, and having them Green-e Certified®, Ameren Missouri insures that the environmental benefits of the renewable energy production only accrue to **Pure Power** customers.

As a **Pure Power Leader**, The City of Creve Coeur will lead the way for others to follow by demonstrating its commitment to environmental sustainability in Missouri. You also may discover that employees, clients, and suppliers of The City of Creve Coeur are already participating in **Pure Power** or comparable renewable energy programs, making participation an opportunity to demonstrate an alignment of values with many of your constituents.

Environmental & Social Benefits

Increasing the demand for renewable energy is an easy way for The City of Creve Coeur to continue to support sustainable business practices, stimulate a growing part of the economy, and help the country increase energy independence.

Right now, RECs for **Pure Power** are sourced 100% from Missouri's fifth utility scale wind farm, Farmer's City, which is located in Atchison County, Missouri. This 146 MW wind farm produces enough electricity to power 33,000 homes, supports 150 permanent jobs in Missouri and contributes up to \$1M in tax revenue annually.

Over the life of the program, at least 75% of the renewable energy credits purchased through **Pure Power** are sourced from new, local wind generation facilities. The balance of renewable energy credits could come from other forms of renewable energy in the regional power pool, with at no time less than half of the supply coming from Missouri and Illinois.



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Commitment

The City of Creve Coeur's commitment at the **Pure Power Leader- Gold** will help **prevent 417,986 lbs of Carbon Dioxide**, a leading greenhouse gas, from entering the atmosphere each year. This is the annual CO₂ reduction equivalent of taking **36 cars** off the road **for a year**. This reduction in Carbon Dioxide and other Green House Gas Emissions not only cleans our Missouri air, but the purchase of RECs from these wind farms encourages the development of more Missouri based renewable energy sources and creates the jobs that accompany such developments. This triple bottom line impact makes **Pure Power** important for Missouri's energy future.

Program Costs

Participating in **Pure Power** is easy and flexible; The City of Creve Coeur can determine the number of **Pure Power** blocks to purchase making it easy to manage costs. Each 1,000 kWh block you elect to purchase adds an additional \$15 per month to your monthly electric bill. Several options for participation are outline on the next page. There are no capital expenditures or equipment to install, and you can cancel your participation at any time. What's more, **Pure Power** has the lowest price premium among similar utility programs offered in Missouri and Illinois.

Public Relations Benefits

Making a commitment to Missouri renewable energy by enrolling in **Pure Power** provides an exciting and compelling message that should be shared with employees, clients and the community.

Pure Power provides Recognition Benefits to all partners based on the participation level they choose and is also happy to spend time with partner company employees discussing this commitment so they are also able to communicate the message effectively. A chart detailing these benefits follows.

I look forward to discussing **Pure Power** with you.

Sincerely,

Cindy Bambini

cbambini@3degreesinc.com

Senior Ameren Partnership Manager

3Degrees

1641 Washington Avenue

St. Louis, MO 63103

314.606.5328



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Participation Options:

Terms: **Pure Power** will appear as an additional line item on your bill as long as you remain enrolled or we can make arrangements for a special bill. You may cancel your participation at anytime. The percentages quoted for participation are based at a minimum on the EPA required percentages for Green Power Partner status. For more information see: <http://www.epa.gov/grnpower/index.htm>

Sources and Locations of Renewable Energy: At least 75% wind, with up to 25% other renewables. All sources are 100% “new,” meaning the facilities began operating in 2002 or later. At least 50% of resources are generated in Missouri and Illinois and the balance from the Midwest ISO power pool. For 2010 and 2011, we are sourcing 100% Missouri Wind.

Certification: **Pure Power** renewable energy credits are Green-e Certified[®] and meet the consumer and environmental protection standards set forth by the independent, non-profit, Center for Resource Solutions.

The City of Creve Coeur

Estimated total account annual kWh: 2,608,110 kWh

Pure Power Level	% of Annual Demand	Blocks/Month	Cost/Month	Cost/Year
Leader Gold – EPA Green Power Partner	10%	22	\$330	\$3,960

Recognition Benefits:

Each Pure Power Business Leader will receive program benefits based on the participation level chosen as detailed in the following chart:



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Corporate, Government and Education Recognition Tiers and Benefits				Champion levels based on 2.1 MW turbine at 30% capacity factor		
1000 kWh = 1 MWh = 1 Renewable Energy Credit = 1 Block Pure Power	Ameren Missouri Pure Power Leader Silver <240,000 kWh/year	Ameren Missouri Pure Power Leader Gold (EPA Green Power Partner)	Ameren Missouri Pure Power Leader Platinum	Ameren Missouri Pure Power Champion 1/2 Turbine	Ameren Missouri Pure Power Champion Full Turbine	
Number of MWh Blocks or % consumption per Month	At least 1	3% to 20% of consumption*	4% to 30% of consumption*	230	460	
Cost of Participation/year	\$180+	Varies	Varies	\$41,400	\$82,800	
Annual CO2 Offset **	10 tons+	Varies	Varies	1,964 tons	3,928 tons	
Program Benefits						Frequency
Pure Power Window Clings	x	x	x	x	x	Once
Certificate of Recognition	x	x	x	x	x	Once
Recognition on Pure Power page of Ameren Web site	Name	Name & Link	Logo & Link	Logo & Link	Logo & Link	Ongoing
Recognition on Pure Power Social Media Feeds	x	x	x	x	x	Ongoing
Linked-in Pure Power Partner Group Access	x	x	x	x	x	Ongoing
Listing in Pure Power Newsletter	x	x	Article	Article	Article	Once
Business name listed in selected Pure Power Ads and Materials	x	x	x	x	x	Intermittent
Use of Pure Power Logo and Images	x	x	x	x	x	Ongoing
Invitation to Pure Power networking events	x	x	x	x	x	Quarterly
Option to participate in Pure Power Perks Program	x	x	x	x	x	Once
Pure Power images and copy for use on Web site	x	x	x	x	x	Once
Listing in Pure Power Ad recognizing many businesses		Standard listing	Standard listing	Premium listing	Premier Listing	Once
Press Release		x	x	x	x	Once
Recognition Giclee Artwork		12"x12"	24"x30"	24"x30" (2)	24"x30" (4)	Once
Thank you Ad in local newspaper exclusive to your business				x	x	Once
* Based on the EPA Green Power Partnership (GPP) graduated purchase requirements using an organization's total electricity usage.						
** Each 1,000 kWh block of Pure Power represents the displacement of 1,583 lbs of CO ₂ emissions from the Midwest ISO Grid.						
EPA GPP graduated purchase requirements can be found online at www.epa.gov/greenpower/join/howmuch.htm .						

Sample Recognition Poster



EXPRESS SCRIPTS®



congratulations
**PURE POWER
LEADER**

EXPRESS SCRIPTS supports the generation of **216 megawatt hours** of clean, local, renewable energy through **AmerenUE's Pure Power program**. Each year Express Scripts prevents **398,304 pounds** of carbon dioxide from entering the atmosphere.

This is the environmental equivalent of preserving **41 acres of forest** storing carbon for one year or taking **39 cars** off the road each year.



RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY TO BECOME AN ENVIRONMENTAL PROTECTION AGENCY (EPA) GREEN POWER PARTNER AND TO INITIATE AN EPA GREEN POWER COMMUNITY (GPC) CHALLENGE IN THE CITY OF CREVE COEUR.

WHEREAS, the City adopted a Climate Action Plan in April 2010 to reduce greenhouse gas (GHG) emissions in Creve Coeur by 20% by 2015 and by 50% by 2050; and

WHEREAS, the purchase of power from renewable sources and the installation of onsite renewable energy sources would help the City reduce its GHG emissions; and

WHEREAS, the GPC Challenge is an EPA-sponsored program that provides municipalities with an opportunity to become Green Power Partners by purchasing Renewable Energy Credits (RECs) or by installing onsite renewable energy sources and then challenging local businesses and residents to likewise consume energy from renewable sources; and

WHEREAS, the purchase of RECs at the Gold Leader level in Ameren Missouri's Pure Power program qualifies participants for EPA Green Power Partner status.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, AS FOLLOWS:

SECTION 1: It is hereby authorized that the City purchase RECs through the Ameren Missouri Pure Power program at the Gold Leader level in order to become an EPA Green Power Partner.

SECTION 2: The City hereby initiates an EPA Green Power Community Challenge to encourage local businesses, non-profit organizations, and residents of Creve Coeur to consume green power via the purchase of RECs and the installation of onsite renewable energy sources.

SECTION 2: This resolution shall become effective upon its passage.

Adopted this 27th day of June 2011.

Harold Dielmann, Mayor

ATTEST:

Deborah Ryan, City Clerk



INTEROFFICE MEMORANDUM

Date: June 27, 2011

To: Mark Perkins, City Administrator
From: Jaysen Christensen, Assistant to the City Administrator
Subject: EPA Green Power Community Challenge

Background

Ameren Pure Power together with Microgrid Energy of St. Louis have approached the City staff and the Climate Action Task Force about assisting the City in becoming an EPA Green Power Community (GPC).

To become an EPA Green Power Community, the City would need to accomplish two major objectives:

First, the City would be required to offset 10% of its electricity use with renewable energy. Ameren allows its customers to purchase renewable energy indirectly from its wind farms through the purchase of renewable energy certificates (RECs), which subsidize the cost of producing wind-generated electricity. In Missouri, it costs more to generate electricity from wind than it does from traditional sources such as coal. However, unlike coal, wind power is a renewable energy source, and it does not produce greenhouse gases.

The cost for the City to purchase enough RECs to offset 10% of its electricity use and thus qualify to become a GPC would be \$330 per month (\$3,960/year). This represents the purchase of 22 blocks of PurePower per month, which would offset 10% of the 2,608 megawatts per year that power all City-owned buildings, parks, and streetlights.

Second, to become a GPC, the City would also need to conduct a GPC Challenge campaign to encourage and educate the City's businesses and residents about supporting renewable energy by purchasing RECs or by installing solar panels with the help of Microgrid Energy or another qualified company. Ameren has hired the consulting firm, 3 Degrees, to help administer the PurePower program and assist cities with the GPC Challenge by coordinating publicity events and providing marketing materials for cities to distribute. To meet the EPA's GPC requirements, Creve Coeur would be required to collectively offset 3% of its total electricity use with power from renewable sources. The GPC Challenge is expected to last no more than 12 months, and City staff time is expected to average less than 5 hours per week.

For additional information about Creve Coeur becoming a Green Power Community, please see the attached handouts: "Becoming a Green Power Community" and "PurePower proposal".

Budget Impact

The cost to purchase PurePower RECs at the level required to become an EPA Green Power Community is projected to be \$3,960 per year. The City currently spends approximately \$273,000 per year in electric utility costs to power all of its buildings, parks, and streetlights.

As noted in the presentation provided at the June 13, 2011 Council Work Session (attached), the City already receives approximately \$8,366 per year through the collection of electric utility tax receipts from PurePower RECs purchased by Creve Coeur businesses and residents. If the City is successful in becoming a GPC, it could generate an additional \$9,000 in utility tax revenues.

Total electric utility tax receipts are projected at \$2,740,000 for FY11, comprising approximately 18% of total General Fund revenues and 47% of all utility taxes receipts (including phone, gas, cable tv, and water).

Recommendation

At its meeting on May, 24, 2011, the Climate Action Task Force (CATF) reviewed the GPC program and voted 5-2 in favor of recommending that the City Council authorize the City to purchase the RECs needed to become a GPC and initiate a GPC Challenge to the community. CATF members in favor of the City becoming a GPC see this as an opportunity to reduce the City's greenhouse gas emissions and educate and encourage businesses and residents about supporting renewable energy. Those opposed to the GPC program are not comfortable with the idea of the City supporting a business and believe that the City may be better off spending its money and staff resources to develop its own marketing program for the City's climate action initiatives. The CATF meeting summary of May 24, 2011 is attached.

I would be happy to provide additional information or answer any questions you may have.

Attachments:

- Becoming a Green Power Community
- PurePower proposal
- CATF meeting summary dated May 24, 2011
- PowerPoint presentation from June 13, 2011 Council Work Session

Creve Coeur EPA Green Power Community Challenge

June 13, 2011



The Goal

The City of Creve Coeur
achieves the designation
of

EPA Green Power
Community (GPC.)



Congressman Carnahan helps unveil the GPC
street sign presented to the City of Clayton by
the EPA in April 2011

The EPA GPC Program

EPA Green Power Community



- EPA initiative that challenges communities to purchase clean energy in an amount that meets required targets based on electric consumption.
- Challenge intention is to motivate unified action and to reward communities that show leadership.
- EPA provides program guidelines and assistance.

In good, green company...

- River Falls, WI
- Durango, CO
- Park City, Utah
- Santa Clara, CA
- Swarthmore, PA
- Palo Alto, CA
- Sale, OR
- Bend, OR
- Corvallis, OR
- Clayton, MO....

EPA GPC Requirements - #1

City itself becomes a Green Power Partner

- Creve Coeur enrolls in the Pure Power program at Gold Leader level (EPA Green Power Partner level)
- Cost = **\$3,960 /year**
- City is already collecting additional Utility taxes on existing Pure Power enrollments –
$$7\% \times 664 \text{ MWh} \times \$15/\text{MWh} \times 12 \text{ months} = \textbf{\$8,366 / year}$$
- Additional money the City would bring in if the Challenge is successful = **\$9,000 /year** (estimated).

EPA GPC Requirements - #2

Commit to and initiate a public EPA GPC Challenge campaign.

- Mayoral Proclamation
- Or Vote of Board of Alderman
- Or Press Release

EPA GPC Requirements - #3

- Achieve Creve Coeur specific challenge target:
3% of total power consumed City-wide from green power purchases or onsite production.
- City of Creve Coeur is already 50% of the way to achieving the goal.
- Both Commercial and Residential Power

Benefits to Creve Coeur

- Leadership – further Creve Coeur’s status as a regional leader in sustainability.
- Community Pride – citizens and businesses working together.
- Media coverage – second in Missouri provides extra excitement.
- Education – raises awareness and educates about clean energy.
- Next Level - help leverage further action on sustainability initiatives, including Climate Action Plan
- Environmental Benefits – significant reductions in GHG emissions.

Creve Coeur's Challenge Partners: Ameren Missouri Pure Power & Microgrid Energy

- Develop, fund and execute challenge marketing and education campaign
- Lead and staff challenge team
- Handle administrative tasks associated with achieving challenge target
- Have fun, engage and educate community



What Counts Towards EPA GPC Target?

1. Participation in a voluntary green power REC purchase program

And/Or

2. Installation of onsite Solar Electric (PV) systems

Both commercial and residential power users.

No obligation to work with a particular solar installer or REC provider

Ameren Missouri Pure Power



- **Voluntary green power program** that gives any Ameren Missouri customer the opportunity to offset up to 100% of their electrical usage with Missouri Renewable Energy Credits (RECs)
- Each 1 MWh Missouri REC purchased via the Pure Power program is a guarantee that an equivalent amount of new, renewable energy (green power) was generated onto the Missouri grid.
- The carbon reduction associated with each MWh of green power purchased is transferred to the entity/person that purchases the REC.

Microgrid Energy



- Community Solar Program – a group purchasing plan, offering discounts and Solar loan program to residential buyers
- Potential use of Nonprofit model to install solar at area schools at no cost to the schools.
- Public Education and Awareness events on Solar Energy, in coordination with local groups

EPA Provides

- Credibility
 - Use nationally accepted guidelines for green power purchasing
- Expert Advice
 - Identify types of products to best suit community needs
 - Determine environmental benefit of options
- Recognition
 - Assistance with messages and marketing
 - Use of EPA Green Power Partner Mark
 - Eligibility for Leadership Club and Leadership awards.
- Web-based Information
 - Expert Advice

Green Power Community Sign

- Highlights a successful campaign
 - Each Community receives two 24" x 30" aluminum signs
 - Designed for outdoor display
- Other Recognition
 - Artwork for Community Banner
 - Press Release Assistance
 - Listing on EPA website

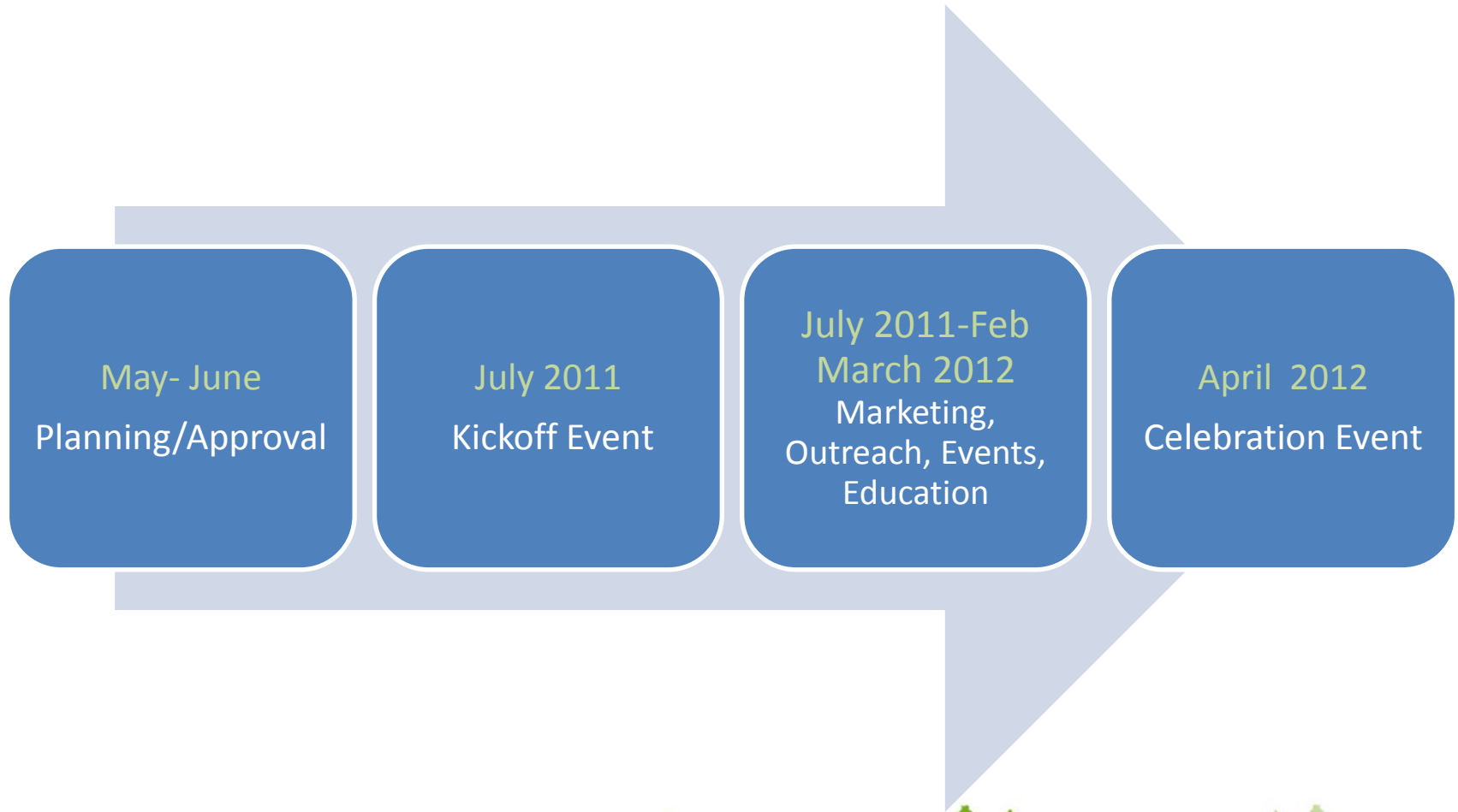


Oregon's Governor Kulongowski and EPA's Matt Clouse holding a Green Power Community sign



Event Banners: EPA can provide artwork development services to produce banners for announcement events.

Anticipated Challenge Schedule



Is this achievable?

Because of existing support for green power via the Pure Power program, Creve Coeur is already **more than half** of the way to the target 1,523 MWh monthly green power goal required for EPA GPC.

Current Creve Coeur business and residential green power purchase via Pure Power = 797 MWh per month.

Total additional needed to qualify as EPA GPC = 726 MWh per month
which equates to:

726 households supporting 1 MWh a month via Pure Power or an onsite solar installation OR

10 large businesses at 80 MWh per month or fifteen 25 kW solar arrays
(or any combination in between.)

Challenge Team Outreach Tactics

- City Communication vehicles – newsletters, bill inserts, e-news
- Events – at least 3 events (Kick-off, mid-term and celebratory when EPA GPC Status achieved)
- Integrate with Existing Community Events– Climate Action Task Force, Parks and Recreation, 5K-10K Walk/Run
- Local Groups Tie In – Chamber, Recycling and Environment Committee
- Media work - Coordinate with Patch, issue press releases
- Online presence – Website for challenge, Facebook page
- Solicit large power users directly to be lead contributors

Q & A

Cindy Bambini

*Senior Ameren Partnership
Manager*

3Degrees

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CEO

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Meeting Summary
Climate Action Task Force
Government Center
Meeting Room 2
May 24, 2011
4:30 p.m.

In attendance: Climate Action Task Force Members: John May (chair), Kathleen Engel (vice chair), Sabine McDowell, Sue Baseley, Fran Cantor, Jahn Epstein, and Judy Sherman.

Absent: David Downs, Ken Howard, Jill Schupp, and Council Liaison, Beth Kistner.

Staff present: Assistant to the City Administrator, Jaysen Christensen.

John May called the meeting to order at 4:35 PM.

Approval of Meeting Summary

The meeting summary for the CATF meeting of February 16, 2011 was reviewed, and a misspelling of Fran Cantor's name under the Planning Department discussion heading was corrected. **Action:** Kathleen Engel moved to approve the February 16, 2011 meeting summary as amended. Sabine McDowell seconded the motion. The motion carried unanimously.

Task Force Vacancies

Fran Cantor and Sue Baseley expressed interest in being reappointed to the Task Force when their current terms expire on June 30, 2011. John May stated that Jill Schupp has also expressed interest in continuing after her current term expires on June 30, 2011. Dr. May stated that David Downs' term will expire; however, David is no longer participating on the Task Force and has not expressed interest in being reappointed. Dr. May stated that a nominating committee would soon be scheduled by Mayor Dielmann and the City Council President and that he and/or Ms. Engel would be attending and would plan to recommend Ms. Baseley, Ms. Cantor, and Ms. Schupp for reappointment.

Election of Chair and Vice Chair

Dr. May stated that City Committees including the CATF are required to elect a chair and a vice chair each year. A unanimous consensus was expressed by Task Force members to nominate Kathleen Engel (currently CATF Vice Chair) to Chair. **Action:** Fran Cantor moved to elect Kathleen Engel to CATF Chair effective July 1, 2011. Judy Sherman seconded the motion. The motion carried unanimously. **Action:** Judy Sherman moved to elect Sue Baseley to CATF Vice Chair effective July 1, 2011. Jahn Epstein seconded the motion. The motion carried unanimously.

Green Power Community Challenge

John May provided an overview of the Green Power Community (GPC) Challenge, which was presented to the CATF by Rick Hunter of Microgrid Energy and Cindy Bambini of 3 Degrees on May 18, 2011. The GPC Challenge is sponsored by the EPA

as a way to encourage communities to use renewable energy. Participating in the challenge would require the City to purchase renewable energy credits (RECs) to offset its energy use and then committing to a GPC Challenge campaign in the community to offset 3% of Creve Coeur's total power usage. Locally in St. Louis, the GPC Challenge is being promoted by Ameren Pure Power which sales RECs to support its Missouri wind farms. Microgrid Energy and 3 Degrees have been contracted by Ameren to help promote and administer the GPC Challenge and Pure Power. Microgrid Energy is a local company that specializes in renewable energy and energy efficiency including solar panels, which is also an eligible renewable energy source under the program.

The City of Clayton was the first city in Missouri to become a GPC. Creve Coeur has been approached by Microgrid Energy and 3 Degrees about being the second such community. The City Administrator suggested that the CATF first review the GPC proposal and make a recommendation to the City Council.

Dr. May stated that purchasing RECs was included as part of his draft of Phase II of the Climate Action Plan.

Judy Sherman asked if by purchasing Pure Power RECs customers would just be donating money to Ameren for wind farms that would be built anyway. Dr. May stated that in some parts of the country, wind power and other renewable energy sources have reached or are becoming close to reaching grid parity meaning that the energy from renewable sources costs about the same as energy from other sources such as coal; however, wind power in Missouri is still more expensive than coal. Thus, he saw the program as a way of supporting the development of an industry that will be critical in meeting the CATF's long term goals.

It was discussed that Rick Hunter had stated that if Creve Coeur reached its GPC target of 3%, the cost to the City for purchasing Pure Power RECs (approximately \$4,000 per year) would be offset by an increase in utility taxes from the RECs purchased by other Ameren customers in Creve Coeur (RECs are subject to the utility tax). Dr. May stated that Mr. Hunter had indicated that meeting the GPC target would actually bring in approximately \$8,000 in additional annual utility tax revenues to the City and therefore net about \$4,000 per year (\$8,000 of additional tax revenues minus \$4,000 of cost to the City). Dr. May stated that Mr. Hunter also stated that the City is already half way to reaching the 3% target without initiating the GPC Challenge as some customers such as Monsanto are already buying Pure Power RECs; therefore, the City should already be receiving approximately \$4,000 per year in additional utility tax revenues due to RECs being purchased. Dr. May stated that achieving the 3% target would offset the City's cost but not result in a net positive gain of \$4,000 to the City.

Ms. Engel stated that she believes that a GPC Challenge in Creve Coeur would have a positive effect on educating the community about reducing carbon emissions and with the help of Ameren and 3 Degrees, could be accomplished with a relatively small amount of City staff and CATF resources.

Sabine McDowell stated that she believes that it would be more effective for the City to use the money required to purchase RECs to do its own marketing.

Action: Fran Cantor moved to recommend to the City Council that it authorize the purchase of RECs to become a Green Power Community and initiate the GPC Challenge to the community. Kathleen Engel seconded the motion. The motion carried 5 to 2. Ayes: May, Baseley, Cantor, Engel, Epstein. Nays: McDowell, Sherman.

St. Louis County SAVES

Kathleen Engel provided an overview of the St. Louis County SAVES program, which provides low interest loans (3.5% fixed APR) to County residents to make energy efficiency upgrades to their homes. Unlike the PACE program, which would have put a creditor lien on the borrower's home and would have required an energy audit to ensure that the improvements would generate enough energy savings to offset the loan payments, the SAVES program is an unsecured personal loan and does not require an energy audit. This means that the loans will only be made to residents with good credit (FICO score of at least 660).

Dr. May stated that the County requires municipalities to first sign an agreement authorizing it to administer the program to the municipality's residents and to help educate residents about the program by distributing information through available means such as the City's website and monthly newsletter.

Staff liaison, Jaysen Christensen, stated that the CATF was asked to consider the program and make a recommendation to the City Council. The Council is scheduled to consider the St. Louis County SAVES agreement at its next meeting (June 13, 2011).

Action: Kathleen Engel moved to recommend that the City Council authorize an agreement to allow Creve Coeur residents to participate in the St. Louis County SAVES program. Judy Sherman seconded the motion. The motion carried unanimously.

The meeting adjourned at 5:50 PM.

Submitted by:

Jaysen Christensen,
Assistant to the City Administrator

Next meeting:
Wednesday, June 15, 2011 @ 4:30 p.m.
Government Center, Meeting Room 2

RESOLUTION NO. 986

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AUTHORIZING THE EXECUTION OF A CONTRACT WITH HORNER & SHIFRIN, INC. FOR ENGINEERING DESIGN SERVICES RELATED TO THE DEVELOPMENT OF THE LADUE ROAD SIDEWALK DESIGN, PROJECT MANUAL, AND APPROVALS FROM MODOT FOR \$28,739.00.

WHEREAS, the development of Construction Drawings, Project Manual, and Approvals from MoDOT are required items to be in compliance with the STP Grant regulations:

WHEREAS, it is necessary to replace the asphalt pedestrian paths on Ladue Road with five-foot wide ADA compliant concrete sidewalks in order to maintain the quality of life expected by the community;

WHEREAS, the City provides safe public rights of way for its commercial, institutional, and residential communities;

WHEREAS, firms offering these professional services have been competitively vetted per the requirements outlined in the City of Creve Coeur Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, AS FOLLOWS:

Section 1. The Contract between **Horner & Shifrin, Inc.** and the City attached hereto as "Proposal to Provide Professional Services Related to the Preparation of Construction Plans, Project Manual and obtaining approvals from MoDOT for items related to the STP Grant approval process for the Ladue Road Sidewalk Project and hereafter referred to as "Exhibit A," is hereby approved and the execution is hereby authorized. The Contract as executed shall be in substantially the form of Exhibit A, with such changes therein as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Resolution and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Resolution, the matters herein authorized, and the rights and duties of the City under the Contract.

Adopted this 28th day of November, 2011.

Harold L. Dielmann
Mayor

Attest:

Deborah Ryan, MPCC
City Clerk

November 18, 2011

Mr. Jim Heines
Director of Public Works
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

**Re: Proposal to Provide Professional Services Related
To the Ladue Road Sidewalk Improvements Phase II from
I-270 to Spodee Road (various locations)**

Dear Mr. Heines:

In accordance with your request, Horner & Shifrin, Inc. is pleased to present this proposal to provide professional design services for the above-referenced project. We have based this proposal on the **Scope of Services** description in the Missouri Transportation Enhancement Funds STP-E New Project Application Form for this project dated September 2010 that you provided, as well as on our professional judgment and experience gained from previously completing these types of services for other clients.

For your convenience, we have structured this proposal in the form of a Letter Agreement, such that if you find our proposal satisfactory, you could retain our services for this project simply by executing this document where indicated; and returning a signed copy to us.

We believe the following scope of services meets the objectives for this project. In addition, we feel that our proposed fee represents a reasonable level of effort to complete the project. This fee is based on **an hourly billing rate plus reimbursable expenses.**

SCOPE OF SERVICES

The scope of services that Horner & Shifrin (hereinafter ENGINEER) proposes to perform to accomplish the desired objectives stated by the **City of Creve Coeur** (hereinafter CLIENT) is defined by the attached **Man-Hours and Fee Estimate**, dated August 30, 2011. The following is a clarification of the items of work and fee structure indicated on the Man-Hours and Fee Estimate.

- The proposal is to complete the Scope of Work as outlined in the attached Man-Hours and Fee Estimate which is based on the CLIENT's afore-mentioned document dated September 2010. If the work takes longer than expected due to reasonable unexpected conditions, this is generally covered under the original scope agreement. The hours indicated on the man-hour estimate is based on the ENGINEER's

experience on past similar projects. Some tasks will take more hours and some will take less hours than estimated. However, if a scope of work item which was not part of the original scope is introduced into the project, or if a major, unexpected/unforeseen condition is encountered that would require additional design time, then it would be reasonable for extra compensation to be discussed and negotiated between the CLIENT and the ENGINEER. It is our full intent to complete all Scope of Work items indicated in our Man-Hours and Fee Estimate, within the maximum fee.

- The design and plan preparation portion of the project will be completed based on time and materials for a fee not to exceed \$22,254. The survey will be completed on a lump-sum basis as a pass-through cost of \$6,485 for a total contract amount of \$28,739.
- The not-to-exceed amount includes all anticipated typical expenses including printing and travel. No additional charges (i.e. \$17/hour) will be added for computer use.
- Services not included in the proposal include, but are not limited to: title search and commitments, easement plat preparation, geotechnical investigations, traffic counts, detailed traffic study, cost for printing bid sets, any other services or materials not indicated on the Man-Hours and Fee Estimate.
- Easement plats, if required, shall be prepared by ENGINEER at an additional cost of \$300 per plat.
- Fee does not include the design for MSD requirements for water quality, channel protection or detention. This requirement can only be determined during the design process. Should this design be required by MSD, it shall be considered additional scope for which ENGINEER shall be compensated.
- ENGINEER shall not knowingly use any information that is incorrect or appears to be inaccurate. Any information received from the OWNER will be assumed to be accurate, but ENGINEER shall make a cursory review for obvious inaccuracies.
- ENGINEER shall provide the CLIENT with copies of any drawings for the CLIENT's use at its discretion. Any survey information obtained for the project will be given to the CLIENT upon request. AutoCAD or MicroStation survey files will also be provided if requested by the CLIENT.

RESPONSIBILITIES OF CLIENT

It is ENGINEER's understanding that CLIENT will provide the following assistance, information, and/or related elements:

- A. Assistance by placing at ENGINEER's disposal all available current information pertinent to this assignment; including previously developed plans, specifications, reports, permits, and other data.
- B. Appropriate liaison with the CLIENT'S staff involved in this effort.
- C. Reasonable access to other data and records related to this assignment that ENGINEER may determine a need for.

CLIENT shall be responsible for, and ENGINEER shall rely on correctness of information, drawings, etc. made available by the CLIENT, without the need for verification.

COMPENSATION

A. Amount of Payment and Statements

1. For services performed, CLIENT shall pay ENGINEER the sum of the amounts determined as follows:
 - a. For time spent by personnel directly related to project performance, payment shall be at hourly rates indicated in the attached **Exhibit A**, "ENGINEER's Hourly Billing Rates by Employee Category". Such rates include employee compensation, overhead expense, and profit. This schedule is effective until January 1, 2012 and may be subject to revision thereafter.
 - b. For expenses incurred by ENGINEER, such as authorized travel and subsistence (including airfare, food, lodging, automobile rental, commercial services, and other incidental expenses) payment shall be at the actual cost to ENGINEER.
 - c. For document reproduction expenses, long-distance telephone calls and/or facsimile transmissions, company vehicle usage, testing apparatus rental, computer use, and other direct expenses, payments shall be based on ENGINEER's standard rates in effect at the time such services are employed. Attached **Exhibit B**, "Reimbursable and In-House Charges", lists rates currently in effect for common direct expenses.
 - d. For professional services rendered by others under sub-agreement to ENGINEER, such as surveying, soil boring, laboratory analytical testing, or other activities authorized by CLIENT, payments shall be based on cost billed to ENGINEER by performing entity.
 - e. Statements from ENGINEER to CLIENT requesting payments as described above shall be prepared and transmitted for payment on a monthly basis.
2. On the basis of the above scope of services and payment terms, ENGINEER proposes to complete the work of this project for a fee not to exceed **Twenty Eight Thousand Seven Hundred Thirty Nine Dollars (\$28,739)**, unless prior written authorization is obtained from CLIENT.

- B. The terms of compensation and other terms and conditions governing this work shall be as defined by the attached **Exhibit C** "ENGINEER's Standard Terms and Conditions For Professional Services.

SCHEDULE

ENGINEER shall prepare a schedule agreed upon by CLIENT and ENGINEER following CLIENT's notice to proceed with the above described services. The adherence to this schedule is, of course, contingent on timely receipt from the CLIENT of information needed by the ENGINEER to carry out this assignment, and prompt review and return of all documents submitted to CLIENT by ENGINEER for comment/approval.

We sincerely appreciate this opportunity to be considered for professional services for the City of Creve Coeur. If there are any questions concerning our proposal, please do not hesitate to contact me. **If this proposal is acceptable, please sign and return one copy to us for our files.** Thank you for your consideration of Horner & Shifrin.

Respectfully Submitted,

Gino E.B. Bernardez, P.E.
Associate Vice President
Transportation & Civil Engineering

ACCEPTED FOR

City of Creve Coeur

Signature

Name

Title

Date

Subject:	CITY OF CREVE COEUR Ladue Road Sidewalk Improvements H&S Project P110293	
By: AMH/GEB HS Job No.: P110293		8/30/11

TASK	Principal P-2	Env. Engineer P-3	Project Manager P-4	Project Engineer P-5	Design Engineer P-7	CAD Technician T-1	Clerical C-2	Hours Total	Cost Total
PRELIMINARY DESIGN / PLANS									
Process/Check Survey				6				6	\$ 504
Site Visit				8				8	\$ 672
Preliminary Cover Sheet				1				1	\$ 84
Preliminary Details				2				2	\$ 168
Preliminary Site Plan (8 sheets)				20				20	\$ 1,680
Preliminary Cross Walk Design				6				6	\$ 504
Preliminary Cost Estimate				6				6	\$ 504
Coordination with City and MoDOT	2			4				6	\$ 696
QA/QC	1							1	\$ 180
Administration	1						2	3	\$ 312
	4	0	0	53	0	0	2	59	\$ 5,304
FINAL DESIGN / PLANS									
Hydraulic Analysis				4				4	\$ 336
Culvert/Storm Sewer Design				22				22	\$ 1,848
Finalize Site Layout				14				14	\$ 1,176
Finalize Grading				14				14	\$ 1,176
Curb Ramp Design (15 curb ramps)				40				40	\$ 3,360
Finalize Cross Walk Design				14				14	\$ 1,176
Cover Sheet				2				2	\$ 168
General Notes, Legend, and Control Points				2				2	\$ 168
Details				2				2	\$ 168
Site Plan				8				8	\$ 672
Curb Ramp Plans				8				8	\$ 672
Grading Plan				4				4	\$ 336
Culvert/Storm Sewer Profiles				14				14	\$ 1,176
Retaining Wall Profiles				8				8	\$ 672
Drainage Area Map				4				4	\$ 336
Specifications (JSP's only)				4				4	\$ 336
Construction Cost Estimate				8				8	\$ 672
Utility Coordination				4				4	\$ 336
Coordination and meeting with City	2			4				6	\$ 696
Coordination with MoDOT and MSD				8				8	\$ 672
QA/QC	2							2	\$ 360
Administration	1						2	3	\$ 312
	5	0	0	188	0	0	2	195	\$ 16,824

Qualifications:

- Fee does not include design for MSD requirements for Water Quality, Channel Protection or Detention. If required by MSD, this will be considered additional scope.
- Fee does not include the cost for title commitments.
- Easement Plats, if required, shall be prepared at \$300/plat.
- The cost for printing of bid sets is not included in the fee.
- H&S shall prepare the Job Special Provisions (JSP's). City shall prepare the bid specifications/manual.
- Fee does not include the cost for any geotechnical analysis unless requested by the City.

SUMMARY

	Hours	Cost
PRELIMINARY DESIGN / PLANS	59	\$ 5,304
FINAL DESIGN / PLANS	195	\$ 16,824
	195	\$ 22,128

SURVEY SUBCONSULTANT

Topographic and Right-of-Way Survey **\$6,485**

REIMBURSABLE EXPENSES

Printing/Copies (H&S Plans Only) (Bid documents not included)	\$ 100
Mileage (50 miles @ \$0.51/mile)	\$ 26
	\$ -
	\$ 126

TOTAL ESTIMATED FEE \$ 28,739

Exhibit A

Horner & Shifrin, Inc. Hourly Billing Rates by Employee Categories

Rates Effective February 1, 2011

Technician IV	\$44.00
Technician III	\$66.00
Technician II	\$74.00
Technician I	\$98.00
Professional VII	\$65.00
Professional VI	\$75.00
Professional V	\$84.00
Professional IV	\$107.00
Professional III	\$138.00
Professional II	\$180.00
Professional I	\$198.00
Word Processor II	\$47.00
Clerical II	\$66.00

Horner & Shifrin, Inc.
Engineers

Missouri Office
5200 Oakland Avenue
St. Louis, Missouri 63110
314-531-4321

Illinois Office
640 Pierce Blvd., Suite 200
O'Fallon, Illinois 62269
618-622-3040

EXHIBIT B
HORNER & SHIFRIN, INC.
REIMBURSABLE EXPENSES
Effective 1/1/2011

PROJECT-RELATED DIRECT COSTS

Subconsultant Fees
 Delivery Service Charges
 Travel Expenses, including:
 Rental Car, Parking, Tolls, Airfare, Lodging, Meals, etc.
 Aerial Photos / Maps
 Photo Processing
 Document Binders / Covers
 Outsourced Architectural Renderings
 Outsourced Reproduction / Printing

PROJECT-RELATED IN-HOUSE CHARGES

Global Positioning System (GPS) Survey Equipment/Trimble Total Station	\$ 25.00	hour
MH Inspection Camera	\$ 10.00	hour
Computer Use:		
CADD/Engineering	\$ 17.00	hour
Vehicle Mileage Reimbursement:		
Company- or Employee-Owned Vehicle	Per IRS	mile
Reproduction:		
<u>Monochrome</u>		
Copies (letter and legal)	\$ 0.08	each
Copies (11X17)	\$ 0.16	each
Transparency (letter)	\$ 0.75	each
Transparency (11X17)	\$ 1.50	each
Large Format (Bond)	\$ 0.25	s.f.
Large Format (Vellum)	\$ 0.90	s.f.
Large Format (Mylar)	\$ 3.25	s.f.
<u>Color</u>		
Copies (letter and legal)	\$ 0.49	each
Copies (11X17)	\$ 0.75	each
Transparency (letter)	\$ 2.00	each
Transparency (11X17)	\$ 4.00	each
Large Format (Transparency)	\$ 3.00	s.f.
Large Format (Bond)	\$ 1.00	s.f.
Large Format (Photo Glossy)	\$ 3.00	s.f.
Large Format (Photo Glossy Adhesive Back)	\$ 3.00	s.f.

Note: An administrative fee multiplier may be applied to the above costs and charges, according to the specific payment terms of each individual contract.

EXHIBIT "C"

HORNER & SHIFRIN, INC. - TERMS AND CONDITIONS FOR PROFESSIONAL SERVICES

1. SCOPE OF SERVICES

Horner & Shifrin, Inc. ("Engineer") will perform the services set forth in the Agreement, of which these terms and conditions are hereby made a part.

2. PAYMENTS TO ENGINEER

- A. Compensation will be as stated in the attached Agreement. Statements (invoices) are payable upon receipt. A late payment charge will be added to all amounts not paid within 30 days of statement date; calculated at 1.5 percent per month from statement date. Any costs incurred by Engineer in collecting and delinquent amount, including reasonable attorney's fees, shall be reimbursed by Client. If a portion of Engineer's statement is disputed, the undisputed portion shall be paid by Client by the due date. Client shall advise Engineer in writing of the basis for any disputed portion of any statement.
- B. Taxes as may be imposed by Federal, state and local authorities (other than Federal and state income tax, and City of St. Louis Earnings Tax) shall be in addition to the payments due Engineer stated in the Agreement.

3. INSURANCE

- A. During the course of performance of its services, Engineer will maintain Worker's Compensation insurance with limits as required by statute, Employer's Liability insurance with limits of \$1,000,000 and Commercial General and Automobile Liability insurance with combined single limits of \$1,000,000.
- B. If the Project involves on-site construction-phase services by the Engineer, construction contractors shall be required to provide (or Client may provide) Owner's Protective Liability Insurance naming the Client as a Named Insured and the engineer as an additional insured or to endorse Client and Engineer as additional insureds on construction contractor's liability insurance policies covering claims for personal injuries and property damage. Construction contractors shall be required to provide certificates evidencing such insurance.

4. INDEMNIFICATION

- A. Client agrees to require all construction contractors to indemnify, defend and hold harmless Client and Engineer from any and all loss where loss is caused or incurred (or alleged to be caused or incurred) in whole or in part as a result of the negligence or other actionable fault of the contractors, their agents, or subcontractors.
- B. If this project involves construction, and Engineer does not provide engineering services during construction including, but not limited to, on-site monitoring, site visits, shop drawing review and design clarifications, Client agrees to indemnify and hold harmless Engineer from any liability arising from this Project or Contract.

5. PROFESSIONAL RESPONSIBILITY

- A. Engineer will exercise reasonable skill, care and diligence in the performance of its services and will carry out its responsibilities in accordance with customarily accepted good professional engineering practices. No warranty, expressed or implied, is included in this Agreement or in any drawing, specification or opinion produced pursuant to this Contract.
- B. In no event will Engineer be liable for any special, indirect or consequential damages; including, without limitation, damages or losses in the nature of increased Project costs, loss of revenue or profit, lost production, or governmental fines or penalties.
- C. The Engineer's aggregate liability for all damages connected with its services for the Project, not excluded by the preceding subparagraph, will not exceed the compensation paid for services.
- D. The obligations and remedies stated in this Paragraph 5. Professional Responsibility, are the sole and exclusive obligations of Engineer and remedies of Client, whether liability of the Engineer is based on contract, warranty, strict liability, tort (including negligence), indemnity or otherwise.

6. ACCESS

Client will provide access (right of entry) for Engineer's staff, its agents, subconsultants, and others, as appropriate for this Project; and Client will be responsible for the time, place, and manner of entry upon all property where Engineer is to provide services under this Agreement. Client agrees to hold Engineer harmless from any and all liability or claims arising from such entry onto property by Engineer. Engineer will take reasonable precautions to minimize property damage; however, it is understood that some minor damage may occur; for which Engineer shall not be held responsible.

7. HAZARDOUS ENVIRONMENTAL CONDITIONS

Nothing in this Agreement shall impose any responsibility or liability on Engineer for expenses, claims, or damages arising from, or in any manner related to, hazardous environmental conditions and/or the presence of other regulated substances.

8. ESTIMATES AND PROJECTIONS

Engineer's estimates and projections of construction costs and/or schedules, operation and maintenance costs, equipment characteristics and performance, and operating results are based on Engineer's experience, qualifications and judgment. Since Engineer has no control over weather, cost and availability of labor, material and equipment, labor productivity, construction contractor's procedures and methods, and other factors, Engineer cannot and does not guarantee the accuracy of any of Engineer's estimates and projections related to this Project.

9. ON-SITE SERVICES

On-site visits by Engineer during construction or equipment installation for Project, or the furnishing of on-site Project representatives, shall not make Engineer responsible for construction means, methods, techniques, sequences or procedures; for construction safety precautions or programs; or for any failure by construction contractor(s) to perform their work in accordance with the Contract Documents.

10. CHANGES

Client shall have the right to make changes within the general scope of Engineer's services, with an appropriate change in compensation, upon execution of a mutually acceptable contract amendment signed by an authorized representative of the Client and an Officer of the Engineer.

11. TERMINATION OR SUSPENSION

- A. Services may be terminated by the Client or Engineer by seven (7) days' written notice in the event of substantial failure to perform in accordance with the terms hereof by the other party through no fault of the terminating party. If so terminated, Client shall pay Engineer all amounts due Engineer for all services properly rendered and expenses incurred to the date of receipt of notice of termination, plus reasonable costs incurred by Engineer in terminating the services. In addition, Client may terminate the services for Client's convenience upon payment of twenty percent of the yet unearned and unpaid lump sum or not-to-exceed fee.
- B. The provisions of this Contract have been agreed upon with the expectation of any orderly progression of the project to completion. In the event of project suspension by the Client for a period in excess of three (3) months, Engineer may (at Engineer's sole discretion) perform activities necessary to complete critical calculations, organize project files, or otherwise prepare for an orderly cessation of work; and Engineer shall be entitled to invoice Client for labor and reimbursable expenses incurred in performing such activities.

12. DISPUTE RESOLUTION

In an effort to resolve any conflicts that arise during the design or construction, or following completion of the Project, Client and Engineer agree that all disputes between them arising out of, or relating to, this Contract shall be submitted to non-binding mediation (unless the parties mutually agree otherwise), thereby providing for mediation as the primary method for dispute resolution between Client and Engineer.

13. PRINTED OR ELECTRONIC MEDIA

- A. Client shall not make, or permit to be made, any modifications to any documents, including drawings and specifications, furnished by Engineer pursuant to this Contract, without the prior written authorization of Engineer. Client shall indemnify and hold harmless Engineer from all claims, damages, losses, and expenses (including attorney fees) arising from any modification of such documents.
- B. Electronic files transmitted by Engineer are submitted for an acceptance period of fourteen (14) calendar days. Any defects which Client discovers during this period will be reported to Engineer, and subsequently corrected by Engineer. Any corrections of defects reported after the acceptance period will be at Client's cost.
- C. Only copies of data or work products delivered by Engineer as instruments of service with respect to this

Contract as hard copies may be relied upon by Client. Any electronic files furnished in respect to Engineer's services are supplied for the convenience of the Client or others. Any conclusions or information derived from such electronic files shall be at Client's sole risk, because such files can be modified by others or inadvertently corrupted.

14. OWNERSHIP OF DOCUMENTS

All documents, including drawings and specifications, furnished by Engineer pursuant to this Contract are instruments of service; and shall remain the property of Engineer. Such documents are not intended, or represented, to be suitable for reuse by Client or others, on extensions of this Project or any other work. Any reuse without the written permission of, or adaptation by, Engineer shall be at Client's sole risk, and without liability to Engineer; and Engineer shall be entitled to further compensation, at rates to be mutually agreed between Client and Engineer. The Client shall indemnify and hold harmless Engineer from all claims, damages, and expenses (including attorney fees) arising out of any unauthorized reuse.

15. RIGHTS AND BENEFITS

Engineer's services under this Contract will be performed solely for the benefit of the Client, and not for the benefit of any other person or entity.

16. ENTIRE CONTRACT

- A. These Terms and Conditions and the related Agreement contain the entire Contract between the Engineer and Client relative to the Engineer's services for this Project. All previous or contemporaneous agreements, representations, promises, or conditions pertaining to the Engineer's services for this project are hereby superseded. This agreement is not intended to confer upon any entity other than the Parties any rights or remedies hereunder.
- B. Since terms contained in purchase orders do not generally apply to professional services, in the event the Client issues to Engineer a purchase order, no preprinted terms thereon shall become part of this Contract. Said purchase order document, whether or not signed by Engineer, shall be considered solely as a document for Client's internal management purposes.
- C. This Contract may be amended, in writing, by mutual agreement between the Engineer and Client.

END OF DOCUMENT



DEPARTMENT OF PUBLIC WORKS OFFICE MEMO

DATE: November 16, 2011

TO: Mark Perkins, City Administrator

FROM: Jim Heines, Director of Public Works

SUBJECT: Contract Award for Consulting Services for the Ladue Road Sidewalk Project

The City of Creve Coeur was a successful grant applicant for an STP Enhancement Grant last fall to replace the sections of aging asphalt pedestrian path along Ladue Rd. between Coeur De Ville Drive and just east of Graeser Road with a five-foot wide ADA compliant concrete sidewalk. Grant funding for this project is a maximum of 80% (\$415,469.60 Grant funding) - 20% (\$103,867.40 City funding). The estimated cost of this project is \$519,337.

Project plans, specification manual, and other documents must be submitted to, and approved by MoDOT before September 30, 2012 or the city will lose the grant funding for this project. The MoDOT review process can easily take six-months or more depending on the number of revisions required. In addition, the city has identified construction of this sidewalk project in the FY 2013 Capital Improvement Plan therefore it is important that the city gets started on the submittal/review process with MoDOT as soon as possible. The most recent budget adjustment has provided funding for the design work in FY 2012

City staff interviewed two Engineering Consultants Horner & Shiffrin, and Intuition & Logic. Staff received proposals from each consultant for design services pertaining to this project. Each firm was equally capable of performing the requested services. Proposed cost for design services are listed below:

<u>Engineering Company</u>	<u>Proposed Cost</u>
Horner & Shiffrin	\$28,739.00
Intuition & Logic	\$38,263.00

Due to the fact that Horner & Shiffrin is already working for the city on the New Ballas Road Sidewalk Project design, and the Emerson Rd. Concept Plan, both of which overlap onto Ladue Road between I-270 and New Ballas Road, they are extremely familiar with the project location, as well as the city's expectation regarding sidewalk design. In addition, Horner & Shiffrin has already performed the survey and some sidewalk design along Ladue Road for these other projects therefore their proposed cost is lower.

Public Works staff recommends awarding the contract for design services on the Ladue Road Sidewalk Project to Horner & Shiffrin in the amount of \$28,739.

RESOLUTION No. 987

**RESOLUTION ADOPTING A FUND BALANCE POLICY
FOR THE CITY OF CREVE COEUR**

WHEREAS, the Creve Coeur City Council has determined that it is in the best interest of the City to formally adopt a Fund Balance Policy, and

WHEREAS, the City Council has enacted these policies in an effort to ensure financial security through the maintenance of a healthy reserve fund, and

WHEREAS, a Fund Balance Policy can help community leaders maintain a prudent level of financial resources to protect against reducing service levels or raising taxes and fees;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, THAT:

The policy statement attached hereto and marked Exhibit "A" entitled "CITY OF CREVE COEUR, MISSOURI, GOVERNMENTAL ACCOUNTING FUND BALANCE CLASSIFICATION AND POLICY," is hereby adopted.

Adopted this 28TH day of November, 2011.

Harold L. Dielmann
Mayor

Attest:

Deborah Ryan, MPCC
City Clerk

DRAFT

CITY OF CREVE COEUR, MISSOURI

GOVERNMENTAL ACCOUNTING FUND BALANCE CLASSIFICATIONS AND POLICY

Background

The Governmental Accounting Standards Board (GASB) is an independent, private-sector, not-for-profit organization that, through an open and thorough due process, establishes and improves standards of financial accounting and reporting for U.S. state and local governments. These governments and the accounting industry in general, recognize the GASB as the official source of authority for generally accepted accounting principles (GAAP) applicable to state and local governments. While the GASB does not have specific enforcement authority to require government to comply with its standards, compliance with the GASB's standard is enforced through the external audit process where auditors render opinions on the fairness of presentations in conformity with GAAP. In addition, the municipal bond industry places a great deal of importance on governments issuing debt to prepare their financial statements on a GAAP basis.

This policy addresses GASB Statement No. 54 which redefines the classification of fund balance in the governmental funds. Statement No. 54 – Fund Balance Reporting and Governmental Fund Type Definitions, was issued in March 2009 to enhance how fund balance information is reported, to improve its usefulness in the decision making process and to provide fund balance categories and classifications that will be more easily understood. It further delineates fund balance based on the spendable makeup of the fund's cash and net assets portions fund balance. The previously used "Reserved" component of fund balance will be eliminated in favor of a new classification called Restricted Fund Balance. This will enhance the consistency between information reported in the government-wide statements and information in the governmental fund statements and avoid confusion about the relationship between Reserved Fund Balance and Restricted Net Assets. The requirements of this statement are effective for financial statements prepared for periods ending June 30, 2011 and thereafter. Therefore, it is effective for the City of Creve Coeur's June 30, 2011 financial statements and all subsequent annual financial statements until superseded.

Policy

Fund balance refers to the difference between assets and liabilities in the governmental funds balance sheet. (Note – A somewhat similar term for the City's Enterprise Funds, such as the Dielmann Complex operation, would be 'Net Assets'. However those recreation accounts are not required to be affected by this policy, but can and may be included for budgetary and internal reporting purposes.) Fund balance information is one of the most widely used elements of state and local government financial statements and is invaluable in the budgeting process.

The new standard for Fund Balance components requires that governmental funds report classifications that consist of a hierarchy based primarily on the extent to which the government is bound to honor constraints on the specific purposes for which amounts in those accounts can be spent. This includes external as well as internal constraints on the net assets contained within the fund's balance such as financial stabilization.

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The City of Creve Coeur has enacted the following policy in an effort to ensure financial security through the maintenance of a healthy reserve fund that guides the creation, maintenance, and use of resources for financial stabilization purposes. The City's primary objective is to maintain a prudent level of financial resources to protect against reducing service levels or raising taxes and fees due to temporary revenue shortfalls or unpredicted one-time expenditures. The City of Creve Coeur also seeks to maintain the highest possible credit ratings which are dependent, in part, on the City's maintenance of a healthy fund balance. Currently our rating is AAA.

It is the policy of the City of Creve Coeur to adhere to GASB Statements and to follow GAAP; therefore this policy is prepared in that spirit.

Definitions

Fund balance – The excess of assets over liabilities in a governmental fund.

Nonspendable fund balance – The portion of a governmental fund's net assets that are not in a spendable form or are required to be maintained intact.

Restricted fund balance – The portion of a governmental fund's net assets with self-imposed constraints or limitations that have been placed by the City Council, the highest level of decision making.

Committed fund Balance – The portion of a governmental fund's net assets with self-imposed constraints or limitations that have been placed by the City Council, the highest level of decision making.

Assigned fund balance – The portion of a governmental fund's net assets that the City intends to use for a specific purpose, intent expressed by a City Official to which the Council has designated authority.

Unassigned fund balance – Amounts that are available for any purpose, these amounts are reported only in the General Fund.

Procedure

The classifications of fund balance components (in declining order of constraint) according to Statement No. 54 – Fund Balance Reporting and Governmental Fund Type Definitions are: A. Non-spendable Fund Balance; B. Restricted Fund Balance; C. Committed Fund Balance; D. Assigned Fund Balance; and, E. Unassigned Fund Balance.

A. Non-spendable Fund Balance

The Nonspendable Fund Balance classification includes amounts that cannot be spent because they are either:

- (1) Not in spendable form; or,
- (2) Legally or contractually required to be maintained intact.

The "not in spendable form" criterion includes items that are not expected to be converted to cash in the normal course of business, such as, inventories and prepaid amounts. It also includes items that are not convertible to cash in the near term, such as, the long-term amount of loans and notes receivable, as well as property acquired for resale. The corpus (or principal) of a permanent fund is an example of an amount that is legally or contractually required to be maintained intact.

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B. Restricted Fund Balance

The Restricted Fund Balance classification includes amounts where constraints are placed on the use of those resources which are either:

- (1) Externally imposed by creditors (such as through bond covenants), grantors, contributors, or laws or regulations of other governments; or,
- (2) Imposed by law through constitutional provisions or enabling legislation.

C. Committed Fund Balance

The Committed Fund Balance classification includes amounts which can only be used for specific purposes pursuant to constraints imposed by formal action (resolution or ordinance) of the City Council. Those committed amounts cannot be used for any other purpose unless the City Council removes or changes the specified amounts by use of the same formal action that it employed to previously commit those amounts.

D. Assigned Fund Balance

The Assigned Fund Balance classification includes amounts which are constrained by city management's intent for these to be used for a specific purpose but are neither formally restricted by external sources nor committed by City Council action. For the City of Creve Coeur, at this time no city official will be empowered to assign fund balance without City Council approval.

Assigned fund balance would also include all remaining amounts (except for negative balances) that are reported in governmental funds other than the General Fund that are not already classified as non-spendable, restricted or committed. These amounts are considered Assigned by definition, rather than by Administrative action, since they are placed in a governmental fund separate from the General Fund. These would include: special revenue funds, capital project funds, debt service fund, or permanent funds.

Assignment within the General Fund conveys that the intended use of these amounts is for a specific purpose that is narrower than the general purposes of the government itself. However, the City cannot report an assignment for an amount to a specific purpose if the amount would result in a deficit in unassigned fund balance.

E. Unassigned Fund Balance

Unassigned fund balance is the residual classification for the General Fund. This classification represents fund balance that has not been assigned to other funds and that has not been restricted, committed, or assigned to specific purposes within the General Fund.

The General Fund will be the only fund that reports a positive unassigned fund balance amount. In the other governmental funds if the assigned fund balance is negative it will be necessary to report it as a negative unassigned fund balance.

F. Use of Restricted or Unrestricted Fund Balance

When an option exists for the use of fund balance components the classification with the greatest eligible degree of constraint should be used first. This will be followed by succeeding

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fund balance components with a lesser degree of constraint. The order in the use of funds therefore would be Restricted, Committed, Assigned and Unassigned to the extent that each category is eligible.

General Fund Stabilization Balance Policy

The Fund Balance of the City's General Fund has been accumulated to provide stability and flexibility to respond to unexpected adversity and/or opportunities. The target is to maintain a rolling beginning fund balance of not less than 33.33% of average annual operating expenditures for the prior two fiscal years. Should the balance fall below 33.33% the City will identify a plan to restore the Fund Balance to its target amount as part of the budget proposal.

The City's basic goal is to maintain annual expenditure increases at a conservative growth rate, and to limit expenditures to anticipated revenues in order to maintain a structurally balanced budget. The decision to retain a fund balance of not less than 33.33% of operating expenditures stems from the following considerations

- This amount provides adequate funding to cover approximately 4 months of operating expenses.
- It provides the liquidity necessary to accommodate the City's uneven cash flow, which is inherent in its periodic tax collection schedule.
- It provides the liquidity to respond to contingent liabilities.

Fund balance may be accessed under the following conditions:

- To draw down the City's fund balance to the recommended funding rate by using these funds for capital expenditures, long term obligations or debt service needs.
- To respond to emergency funding necessities.

The City will spend the most restricted dollars before less restricted in the following order, except as noted above:

- a. Nonspendable (if funds become spendable)
- b. Restricted
- c. Committed
- d. Assigned
- e. Unassigned

For capital funds and special revenue funds, a fund balance level has not been established as the underlying goal is to spend available revenue sources on a number of planned projects that are a part of the 5-year capital improvement plan and other committed expenditures. However, for the purposes of budgeting, the unspent appropriations from prior budgetary periods will be classified within the definitions of GASB 54 Fund Balance for internal purposes.

This policy has been approved by the City Administrator and Director of Finance, and adopted by the City Council by Resolution No. _____. The Fund Balance Policy will be reviewed biannually and can be adjusted at any time by action of the City Council



MEMORANDUM

DATE: November 21, 2011

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance

SUBJECT: City of Creve Coeur Fund Balance Policy

The Governmental Accounting Standards Board (GASB) is empowered to establish and improve standards of financial accounting and reporting for the U.S., state and local governments. In GASB Statement No. 54 certain standards are set forth on how fund balance information is reported. In order to comply with this Standard and Generally Accepted Accounting Principles (GAAP) city staff is proposing adoption of the attached Fund Balance Policy.

As per the GASB requirements this new fund balance structure will be effective for the fiscal year ending June 30, 2011. This reporting change was reviewed with the Finance Committee at their August 30, 2011 meeting. This policy has also been reviewed by the auditors and they believe it complies with GASB Statement No. 54.

Staff recommends approval of the attached legislation adopting a Fund Balance policy for the City of Creve Coeur.

I would be pleased to respond to any questions.

RESOLUTION NO.

A RESOLUTION AMENDING AND RESTATING GUIDELINES FOR THE SELECTION PROCESS OF THE CITIZEN OF THE YEAR AWARD

WHEREAS, the City Council has determined that it is necessary and proper to amend and restate guidelines for the nomination and selection process for the Citizen of the Year Award;

NOW, THEREFOR BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR AS FOLLOWS:

SECTION 1: The following guidelines shall apply to the nomination and selection process for the Citizen of the Year Award:

- Publication requesting nominations shall be included in the City Newsletter.
- Selection Committee shall consist of the Mayor, Council President, and the immediate past-president of council (or if the immediate past-president is not available, then in the alternative an appointed Council Member), with the City Administrator also to serve ex-officio.
- Selection Committee for Citizen of the Year shall follow all applicable rules for comparable city committees. There will be a posting of the agenda in accordance with the Sunshine Law as well as minutes of the meeting to be kept on file with the City Clerk.
- Nominations for the Citizen of the Year Award may be submitted by any resident of the City of Creve Coeur, business owner located in Creve Coeur and/or employee of a business located in the City of Creve Coeur.
- Nominations will be submitted to the City Clerk and should be received no later than November 10th.
- A Nominee cannot serve on the Selection Committee.
- Nominees should be a resident, owner or employee of a business located in Creve Coeur, or other outstanding individual who has made a considerable contribution to the City and its residents. Mayor and members of the City Council shall not be eligible for nomination or selection for an Award for a year during which they held office.
- Announcement of this Award will be made at the Annual Holiday Appreciation event to be held in December of each year.

Adopted this 8th day of December, 2008

Harold L. Dielmann
Mayor

Attest:

Deborah Ryan, MRCC
City Clerk



St. Louis County Municipal League

Initial observations of two caucuses studying sales tax issues presented to the membership, legislators, interested parties

November 17, 2011

During the 2011 regular session, legislation was introduced to alter the method of sharing the 1 cent sales tax in St. Louis County. It would have had various impacts on the ability to support services with no plan to provide consistency of services. As a result, the County League recommended that the legislation not be passed and that a League Task Force be formed to study the issue. All cities were allowed to participate. Cities formed two caucuses, one that consisted largely of municipalities with lower levels of retail sales along with St. Louis County (those who generally receive a portion of sales tax from other cities) and another consisting of cities with higher level of retail sales (those who generally send a portion of sales tax to other cities).

- This review of the A/B pool issue has required a significant amount of work, cooperation and study by those that have participated in the process
- The ultimate goal of this review has been to create more fairness based on sound public policy considerations
- This initial presentation is not intended to achieve a recommendation from the League for a particular point of view now, but to promote more consideration of this new information. Very few officials are fully aware of the complex history, formulas, or impacts of sales taxes so in the interest of full transparency, we are distributing information herein to help us all reach a certain basic level of understanding.
- We need more input and recommendations from the vast majority of cities that have yet to be heard from on the issue. The summaries from the two caucuses frame the discussion, but will only be truly beneficial if all League members contact the League with their views and questions as we strive to find the right balance.

We appreciate the many hours of time and talent contributed by officials working on behalf of all our local governments. Given the years and years of experience among our local officials here in St. Louis County, it is far better to work out complex matters among local officials than to place this burden on state legislators, especially those from other areas of the state.

Attached is a summary of the sales tax history dating back to the 1960's, followed by the summaries from the two caucuses.

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A Chronological History of Local Sales Tax in St. Louis County

Tim Fischesser, Executive Director
St. Louis County Municipal League

November 9, 2011

INTRODUCTION

This summary is intended to provide primary information about the local sales tax as it applies to governments within St. Louis County with the goal of bringing the reader up to a basic level of understanding. There are many nuances that are not easy to fully describe. Attempts to do so could interject biases, especially given the varying opinions on sharing, local effort, regressive vs. progressive taxation, retail incentives or disincentives, size of city and a myriad of other issues. For the most part, observations on these factors will not be included so that this summary will be as empirical as possible. It does not include scenarios regarding potential changes.

The 1960s

Prior to 1969 local sales taxes for municipalities were not authorized. The two principal revenue sources at the time for local governments were property and utility taxes. St. Louis County had a special law enacted in 1967 to allow for a utility tax of up to 5% for the unincorporated area to be used for public safety (police).

Services to the unincorporated area were also supported by property taxes paid by residents of both incorporated and unincorporated areas. This would become a factor in creating a county sales tax pool in 1977.

In the late 1960's, municipalities in the State of Missouri sought to establish a state revenue sharing program. In response to this, State leaders instead coined the term the "creative localism" and in 1969 authorized the first local sales. Each city had the right to place a sales tax of up to one cent before voters. This authority is found in 94.500 RSMo, but no longer applies to municipalities in St. Louis County due to a newer 1977 statute.

Annexations and incorporations were difficult following the *Graeler* court decision in the early 1960s so the unincorporated area was not likely to change significantly.

During the 1960s, about 2/3 of the county population was unincorporated and 1/3 incorporated. This large unincorporated population is somewhat unique among Missouri counties, perhaps caused in part by the City of St. Louis' frozen boundaries (contrast this with Kansas City which has expanded over the years into 4 counties).

The 1970s

With the authority that was created for a municipal sales tax in 1969, many cities throughout the state received voter approval for their first sales tax, including approximately 56 in St. Louis County. Upon passage, many lowered the city's property tax.

This sales tax authority was not available to St. Louis County itself. In addition, many cities did not have much of a retail sales base and did not enact the tax. As noted above, the countywide property tax was transferring funds paid by municipal residents to the unincorporated area to underwrite services. These issues led to legislative proposals to create a sales tax pool consisting of the unincorporated area and municipalities that did not levy the sales tax. The proposals were debated and eventually adopted in the form of SB 234 in 1977 which created a one cent countywide sales tax and prohibited the local option under 94.500 RSMo. Voters approved the countywide sales tax in October 1977. This was special legislation just for St. Louis County and is found in 66.600-66.620 RSMo.

The legislation established municipalities which previously levied the sales tax as "A" or point-of-sale cities, and those not levying the tax as "B" or pool cities. The pool included the unincorporated area of the County. There was no sharing between "A" and "B" members. The "A" municipalities retained 100% of the sales tax generated within their borders before and after the adoption of the countywide sales tax. The pool members combined all of the sales tax collected and shared it on a population basis.

The new law also allowed "A" or "B" cities to switch categories following the 1980 census (presumably a switch would depend on what would be more financially advantageous to that municipality). There was a caveat that a "B" city that had never levied a local sales tax could not become an "A" city. A 1993 change prohibited "A" cities that became "B" cities from becoming "A" cities again. "A" cities could still join the pool (presumably if their sales tax revenue declined). The number of municipalities in the pool could increase but not decrease.

The countywide property tax was reduced by 30 cents after the approval of the sales tax in 1977. This helped address the issue regarding the residents of municipalities paying a County property tax to support services in the unincorporated area. With unincorporated residents now paying a sales tax, the burden on county-wide tax payers to support the unincorporated area would be reduced.

The 1980s

In 1983, the *Graeler* decision mentioned above that limited annexations and incorporations was overturned by the Missouri Supreme Court in the *Town & Country* case. This opened the door to annexations and incorporations, including the potential for cherry picking more lucrative areas. This could have led to a loss in revenue to the pool.

The minutes of the January 16, 1984 League Board of Directors meeting demonstrates the concern regarding this change. *"President Patricia Killoren mentioned . . . the recent meeting with County Executive McNary and representatives of municipalities with proposed annexation plans. It was agreed by the majority of representatives in attendance to annex unincorporated county only if petitioned by residents within the area to be annexed. County Executive McNary is to appoint the committee, which will include a League representative, to study the restructuring of the County government, municipal governments, and the county tax distribution method."*

In early 1984 the legislature enacted a special law to freeze the boundaries of the "A" portion of the point-of-sale cities with the intention that newly annexed or incorporated areas would remain in the pool if annexed or incorporated. Any municipality could annex territory, but the one cent sales tax would remain in the pool and the annexing city would simply receive the same per capita for the annexed population that had been received by the County.

During this decade two large cities, Maryland Heights and Chesterfield, incorporated and some annexations occurred. This rather dramatic change led St. Louis County officials to call for the formation of a board of freeholders, as authorized in the Missouri constitution. This group was convened in 1987 to study and make recommendations on the government structure of the County, including a call for total incorporation of the County by Mr. McNary.

In lieu of the Board of Freeholders, the League supported the creation of a boundary/ growth commission in 1987 so that citizens in and near each city could control their own boundaries.

County Executive McNary accepted a federal appointment in 1989 and the formation of the Freeholders was successfully challenged because the Board excluded non-property owners from serving on the Board.

Eventually a newly appointed Board of “Electors” proposed a significantly different plan which did not affect municipal boundaries. It was defeated by voters.

During the 1989 session, the legislature authorized the creation of a Boundary Commission (HB 487). In order to promote full incorporation of the County over a 10 year period, it contained a provision (effective in 1996) which called for unincorporated areas to be annexed if the annexing municipality and the whole municipality which would result voted in favor (combined majority). It also allowed for an unincorporated property tax and, if defeated, a reduction of services provided by the County. A provision effective in the year 2000 required that unincorporated areas incorporate or the entire county consider levying taxes in the unincorporated area only.

The 1990s

The 1990s were marked by significant changes to the 1977 sales tax law and the boundary commission law, along with the expansion of sales tax authority for municipalities throughout the state.

In 1993, County Executive Buzz Westfall proposed state legislation to require sharing of the one cent sales tax. This led to negotiations between the “A” and “B” members. HB 618 was passed during the 1993 session which:

- Required “A” cities to share a portion of the one cent sales tax revenue with the “B” members. The higher the per capita revenue of the “A” city, the higher the percentage of shared dollars. (66.620 RSMo)
- Authorized an additional $\frac{1}{4}$ cent sales tax for any County municipality (but not for the unincorporated area). 26 “A” cities have passed this tax which helped many make up for lost revenue from the sharing. 10 “B” cities have passed the tax in the ensuing years too. This $\frac{1}{4}$ cent tax has a sharing provision as well. Each city which passes the tax (including the Bs) will share a portion with all pool members – even those which have not passed it, including the unincorporated area (94.850- 94.857 RSMo).
- Established an “annexation adjustment” for the County to provide a portion of the sales tax to the County based on the percentage of the population that has been annexed or incorporated dating back to 1983 (66.620.6 RSMo). If total incorporation were to occur, the County would receive 10% of the total one cent and $\frac{1}{4}$ cent sales tax money. This is paid by all cities. In addition, any area annexed by a city with the $\frac{1}{4}$ cent tax must provide 50% of the tax revenue to the County for a period of 5 years. [In 2010 the County received over \$8 per capita more than the “B” cities as a result (94.850.4 RSMo)].
- Shared the existing 1.5% use tax on out of state purchases so that it would have been distributed $\frac{1}{3}$ to the County and $\frac{2}{3}$ to the “B” municipalities and low per capita “A” municipalities, but not to the “B” portion of the County. However, the US Supreme Court invalidated the state law and required local votes on the use tax. The distribution formula for the use tax has changed significantly over the years with only about $\frac{1}{3}$ potentially going to municipalities as of 2011. However, it was defeated by county voters in 1996, 2001, and 2008.

In 1995, following a successful court challenge, the legislature authorized a $\frac{1}{2}$ cent capital improvements sales tax for any municipality in St. Louis County (94.890 RSMo). This is another special law regarding the distribution in St. Louis County. It has been approved by 79 municipalities here. Upon voter approval of the tax, the municipality had to declare whether it wished to be:

- Option 1 and retain 85% of the revenue generated and share the remaining 15% with those choosing Option 2;
- Option 2 municipalities would pool all revenue from Option 2 participants along with the 15% from the Option 1 cities and receive revenue a per capita share of this revenue. Unlike the $\frac{1}{4}$ cent above, only those municipalities which pass the tax share in the Option 2 distribution.

Also in 1995, the legislature authorized a sales tax of up to ½ cent for any municipality in the state to be used for parks and/or stormwater (644.032 RSMo). There are no sharing provisions for this tax and each municipality retains what is generated within its borders. It has been enacted by 49 municipalities here.

In 1999, the legislature authorized a sales tax of up to ¼ cent for any municipality with a fire department for the provision of fire services (321.242 RSMo). There are no sharing provisions for this tax and each municipality retains what is generated within its borders. It is levied in 14 communities here.

The Boundary Commission law was the subject of some controversy in the 1990s. Some cities which sought to annex or incorporate and were denied by the Commission. They challenged the legislation creating the commission and the law was thrown out as a special law. Following this decision, the Cities of Wildwood and Green Park incorporated. The Boundary Commission statute was amended by the legislature and re-enacted in 1995 and amended several times thereafter. The provisions that may have promoted full incorporation by 2000 were removed at the County's request, five year plans were added, along with 3 joint appointees to reduce polarization. Some controversies and litigation still arise from time to time.

The 2000s

In 2005, the General Assembly authorized cities to levy a sales tax of up to ½ cent for economic development purposes. There are no sharing provisions for this tax and each municipality retains what is generated within its borders. (67.1305 RSMo). This is levied in 9 cities.

In 2008, a great recession began in the United States. Most tax revenues dropped at the local, state, and national levels. In addition, internet and other forms of purchasing goods from out-of-state vendors have reduced sales tax revenues, along with a growing list of exempt items. 2010 sales tax revenues have dropped to 2001 levels in St. Louis County.

NOTE: How census changes affect distribution of the one cent and ¼ cent sales tax in St. Louis County

For "A" cities: if revenues are steady and population increases, the per capita amount mathematically decreases making the city look less wealthy so sharing is less. If population decreases, the per capital amount mathematically increases making the city look better off financially so sharing is increased.

For "B" cities: Since each resident generates a per capita amount, if population increases, revenue also increases. The opposite is true for population decreases.

See Appendix A for a list of one cent and ¼ cent sales tax receipts for 2010.

See Appendix B for a list of all local option sales taxes levied by municipalities.

See Appendix C which shows one cent sales tax trends for the last 20 years.

Appendix A

	A	B	C	D	E	F	G	H
1	2010 SALES TAX RECEIPTS AFTER SHARING (POPULATION BASED ON 2000 CENSUS)							
2	Source: St. Louis County Dept of Administration							
3	A Cities (Not including annexed areas)	After Sharing	1 Cent	Local Option	Local Option	Total	Total	
4	"A" Area	1 Cent Sales	1 Cent	1/4 Cent Receipts	Per Cap	Received	Per Cap	
5	Municipality	Population	Tax Receipts	Per Cap	1/4 Cent Receipts	Per Cap	Received	Per Cap
6	Ballwin*	12,464	2,158,312	173.16	-	-	2,158,312	173.16
7	Berkeley	10,063	1,010,316	100.40	222,561	22.12	1,232,877	122.52
8	Brentwood	7,693	2,523,288	328.00	767,082	99.71	3,290,370	427.71
9	Bridgeton	15,539	4,086,371	262.98	25	0.00	4,086,396	262.98
10	Clayton	15,935	2,304,866	144.64	551,622	34.62	2,856,488	179.26
11	Cool Valley	1,081	166,736	154.24	-	-	166,736	154.24
12	Crestwood*	10,333	2,066,583	200.00	521,757	50.49	2,588,340	250.49
13	Creve Coeur*	11,956	2,923,498	244.52	-	-	2,923,498	244.52
14	Des Peres*	8,087	2,803,745	346.70	861,993	106.59	3,665,738	453.29
15	Edmundson	840	249,132	296.59	73,177	87.12	322,309	383.70
16	Ellisville*	7,720	2,130,088	275.92	546,793	70.83	2,676,881	346.75
17	Eureka*	7,010	1,702,642	242.89	-	-	1,702,642	242.89
18	Fenton*	3,822	2,468,136	645.77	-	-	2,468,136	645.77
19	Ferguson	22,406	2,507,207	111.90	551,968	24.63	3,059,175	136.53
20	Frontenac	3,483	1,177,560	338.09	352,600	101.23	1,530,160	439.32
21	Hazelwood*	14,965	1,735,889	116.00	-	-	1,735,889	116.00
22	Kirkwood*	26,561	2,837,338	106.82	609,358	22.94	3,446,696	129.77
23	Ladue	8,645	1,716,603	198.57	390,595	45.18	2,107,198	243.75
24	Manchester*	6,156	1,710,038	277.78	489,679	79.54	2,199,717	357.33
25	Maplewood	9,228	2,067,269	224.02	540,318	58.55	2,607,587	282.57
26	Marlborough	2,235	250,381	112.03	55,417	24.80	305,798	136.82
27	Olivette	7,438	829,609	111.54	187,186	25.17	1,016,795	136.70
28	Overland	16,838	1,894,010	112.48	434,054	25.78	2,328,064	138.26
29	Richmond Heights	9,602	2,824,544	294.16	831,719	86.62	3,656,263	380.78
30	Rock Hill	4,765	636,826	133.65	148,557	31.18	785,383	164.82
31	Shrewsbury	6,644	952,188	143.32	228,049	34.32	1,180,237	177.64
32	St. Ann	13,607	1,151,935	84.66	256,884	18.88	1,408,819	103.54
33	Sunset Hills*	4,910	1,393,100	283.73	398,598	81.18	1,791,698	364.91
34	Town & Country*	9,452	1,868,141	197.65	485,339	51.35	2,353,480	248.99
35	Twin Oaks	362	297,128	820.80	111,542	308.13	408,670	1,128.92
36	Valley Park	4,264	465,806	109.24	-	-	465,806	109.24
37	Warson Woods	1,983	328,843	165.83	83,749	42.23	412,592	208.06
38	Woodson Terrace	4,189	690,903	164.93	174,363	41.62	865,266	206.56
39	A TOTALS	290,276	53,929,031	185.79	9,874,985	34.02	63,804,016	219.80
40								
41								
42	GRAND TOTALS	1,016,315	140,863,674	138.60	13,303,411	13.09	154,167,085	151.69
43								
44	NOTES							
45	*Asterisk indicates "A" cities with annexations of "B" areas over 500 population that are shown in both categories.							
46								
47	All "B" areas receive a share of the 1/4 cent. "B" cities that also passed the tax, such as Jennings and Glendale, receive							
48	the shared amount plus the amount generated in the City, less 12.5% shared with all "B" areas.							
49								
50	One Cent Sharing							
51	In 2010 the "A" cities shared \$12.8 million with the pool members - \$6.4 million each to the County and B cities							
52								
53	1/4 Cent Sharing							
54	In 2010 the "A" cities shared \$1.7 million with the pool members - \$1 million to the County and \$700,000 to B cities							
55								
56								
57	Some "B" cities are not allowed by law to become "A" cities and generate more revenue than the receive.							
58	In addition, some areas annexed by "A" cities remain in the pool but generate more revenue than the city receives.							
59								
60								
61								
62								
63								
64								
65								
66								
67								
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69								
70								
71								
72								
73								
74								
75								
76	See page 2 below for B cities.							
77								
78								
79								

Appendix A

	A	B	C	D	E	F	G	H
80								
81			2010 SALES TAX RECEIPTS with about \$13M added from A cities					
82	B Cities (including annexed		Source: St. Louis County Dept of Administration					
83	areas of "A" cities w/ *)							
84		"B" Area	1 Cent Sales	1 Cent	Local Option	Local Option	Total	Total
85	Municipality	Population	Tax Receipts	Per Cap	1/4 Cent Receipts	Per Cap	Received	Per Cap
86	Ballwin*	18,819	2,183,558	116.03	42,898	2.28	2,226,456	118.31
87	Bel-Nor	1,598	185,415	116.03	3,643	2.28	189,058	118.31
88	Bel-Ridge	3,082	357,603	116.03	77,099	25.02	434,702	141.05
89	Bella Villa	687	79,712	116.03	1,566	2.28	81,278	118.31
90	Bellevue Nbrs.	11,088	1,286,534	116.03	25,275	2.28	1,311,809	118.31
91	Bellerive	254	29,472	116.03	22,168	87.28	51,640	203.31
92	Beverly Hills	603	69,966	116.03	1,375	2.28	71,341	118.31
93	Black Jack	6,792	788,072	116.03	15,482	2.28	803,554	118.31
94	Breckenridge Hills	4,817	558,914	116.03	74,936	15.56	633,850	131.59
95	Calverton Park	1,322	153,391	116.03	3,014	2.28	156,405	118.31
96	Champ	12	1,393	116.08	27	2.25	1,420	118.33
97	Charlack	1,431	166,038	116.03	3,262	2.28	169,300	118.31
98	Chesterfield	46,802	5,430,410	116.03	106,686	2.28	5,537,096	118.31
99	Clarkson Valley	2,675	310,378	116.03	6,098	2.28	316,476	118.31
100	Country Club Hills	1,381	160,237	116.03	3,148	2.28	163,385	118.31
101	Country Life Acres	81	9,398	116.02	185	2.28	9,583	118.31
102	Crestwood*	1,530	177,525	116.03	10,586	6.92	188,111	122.95
103	Creve Coeur*	4,803	557,589	116.09	10,949	2.28	568,538	118.37
104	Crystal Lake Park	457	53,025	116.03	1,042	2.28	54,067	118.31
105	Dellwood	5,255	609,735	116.03	11,979	2.28	621,714	118.31
106	Des Peres*	505	58,595	116.03	130,538	258.49	189,133	374.52
107	Ellisville*	1,508	161,397	107.03	46,033	30.53	207,430	137.55
108	Eureka*	666	77,276	116.03	1,518	2.28	78,794	118.31
109	Fenton*	538	62,424	116.03	1,226	2.28	63,650	118.31
110	Florissant Hills	931	108,023	116.03	2,122	2.28	110,145	118.31
111	Florissant	53,948	6,327,781	117.29	124,316	2.30	6,452,097	119.60
112	Glen Echo Park	166	19,261	116.03	378	2.28	19,639	118.31
113	Glendale	5,767	669,142	116.03	67,766	11.75	736,908	127.78
114	Grantwood Village	883	102,454	116.03	2,013	2.28	104,467	118.31
115	Greendale	722	83,773	116.03	1,646	2.28	85,419	118.31
116	Green Park	2,666	309,334	116.03	6,077	2.28	315,411	118.31
117	Hantley Hills	2,124	246,447	116.03	4,842	2.28	251,289	118.31
118	Hazelwood*	11,241	1,304,287	116.03	25,624	2.28	1,329,911	118.31
119	Hillsdale	1,477	171,375	116.03	3,367	2.28	174,742	118.31
120	Huntleigh	323	37,478	116.03	736	2.28	38,214	118.31
121	Jennings	15,469	1,794,859	116.03	210,431	13.60	2,005,290	129.63
122	Kinloch	449	52,097	116.03	1,863	4.15	53,960	120.18
123	Kirkwood*	763	88,530	116.03	342,237	448.54	430,767	564.57
124	Lakeshire	1,375	159,540	116.03	3,134	2.28	162,674	118.31
125	Mackenzie	137	15,896	116.03	312	2.28	16,208	118.31
126	Manchester*	13,005	1,508,963	116.03	83,766	6.44	1,592,729	122.47
127	Maryland Heights	27,352	3,173,637	116.03	62,349	2.28	3,235,986	118.31
128	Moline Acres	2,662	308,870	116.03	6,068	2.28	314,938	118.31
129	Normandy	5,247	608,806	116.03	11,961	2.28	620,767	118.31
130	Northwoods	4,643	538,725	116.03	58,890	12.68	597,615	128.71
131	Norwood Court	1,061	123,107	116.03	2,419	2.28	125,526	118.31
132	Oakland	1,540	178,685	116.03	3,510	2.28	182,195	118.31
133	Pacific	1,098	176,161	160.44	2,503	2.28	178,664	162.72
134	Pagedale	3,522	408,656	116.03	55,139	15.66	463,795	131.69
135	Pasadena Hills	1,147	133,086	116.03	2,615	2.28	135,701	118.31
136	Pasadena Park	489	56,738	116.03	1,115	2.28	57,853	118.31
137	Pine Lawn	4,204	487,788	116.03	9,583	2.28	497,371	118.31
138	Riverview	3,146	365,029	116.03	7,171	2.28	372,200	118.31
139	St. George	1,288	149,446	116.03	2,936	2.28	152,382	118.31
140	St. John	6,871	797,238	116.03	15,663	2.28	812,901	118.31
141	Sunset Hills*	3,357	389,511	116.03	45,426	13.53	434,937	129.56
142	Sycamore Hills	722	83,773	116.03	1,646	2.28	85,419	118.31
143	Town & Country*	1,442	167,314	116.03	46,029	31.92	213,343	147.95
144	University City	37,644	4,367,812	116.03	85,810	2.28	4,453,622	118.31
145	Uplands Park	460	53,374	116.03	1,049	2.28	54,423	118.31
146	Valley Park*	2,254	267,332	118.60	6,570	2.91	273,902	121.52
147	Velda City	1,616	187,504	116.03	3,684	2.28	191,188	118.31
148	Velda Village Hills	1,090	126,472	116.03	2,485	2.28	128,957	118.31
149	Vinita Park	1,924	223,241	116.03	4,386	2.28	227,627	118.31
150	Vinita Terrace	292	33,881	116.03	666	2.28	34,547	118.31
151	Webster Groves	23,230	2,695,364	116.03	414,065	17.82	3,109,429	133.85
152	Wellston	2,460	285,432	116.03	34,345	13.96	319,777	129.99
153	Westwood	284	32,952	116.03	647	2.28	33,599	118.31
154	Wilbur Park	475	55,114	116.03	1,083	2.28	56,197	118.31
155	Wildwood	32,884	3,824,098	116.29	75,128	2.28	3,899,226	118.58
156	Winchester	1,651	191,565	116.03	3,763	2.28	195,328	118.31
157	St. Louis County	322,159	39,916,635	123.90	978,359	3.04	40,894,994	126.94
158	B TOTAL	726,366	86,934,643	119.68	3,428,428	4.72	90,363,069	124.40

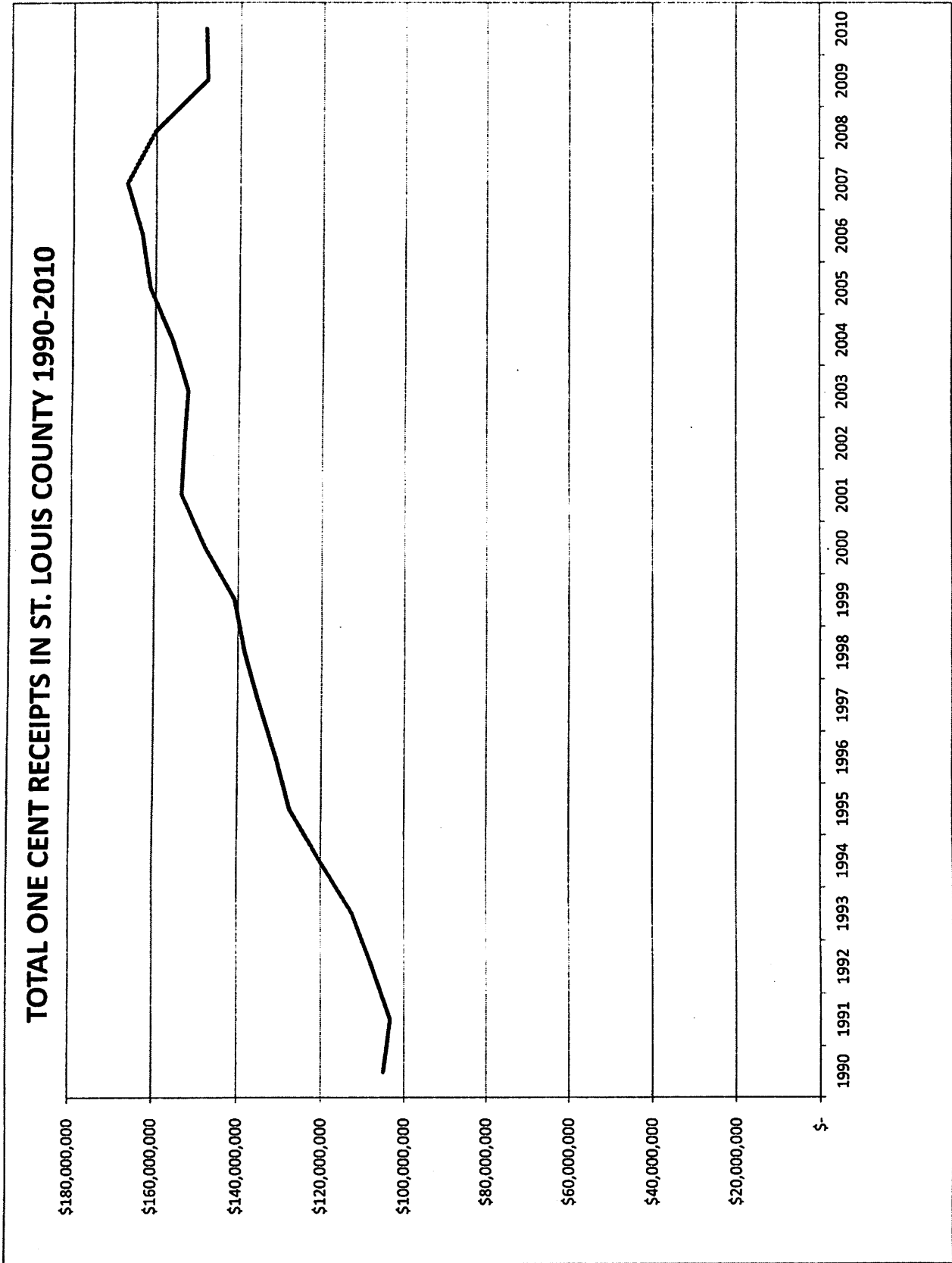
Appendix B

	A	B	C	D	E	F	G	H	I	J	K
1	CITIES WHICH HAVE PASSED LOCAL OPTION SALES TAXES										
2	AND THE LOCAL SALES TAX RATE										
3											
4	4/6/2011										
5	For all municipalities not listed below and unincorporated County, the sales tax rate is 6.925%.										
6											
7			1/8 or			UP TO 1/2	UP TO 1/2				LOCAL
8			1/4 CENT	1/2 CENT	CAPITAL	CENT	CENT	UP TO			USE
9			GEN REV	CAP IMP	IMPROV	& PARKS	ECON. DEV.	FIRE DEPT	MUNI	TOTAL	TAX
10	CITY	POP	Chapter	Chapter	DISTRI	Chapter	Chapter	Chapter	TAX	TAX	Chapter
11			94.850	94.890	OPTION	644.032	67.1305	321.242	RATE	RATE	144.757
12	Ballwin	31,283		Nov-95	1	Apr-01			1	7.925	
13	Bella Villa	687		Apr-96	2				0.5	7.425	Aug-96
14	Bellefontaine Nbrs.	11,271		Aug-95	2				0.5	7.425	
15	Bellerive Acres	254	Apr-07	Jun-05	1				0.75	7.675	
16	Bel-Nor	1,598		Aug-95	2				0.5	7.425	Aug-96
17	Bel-Ridge	3,082	Feb-05	Aug-95	2	Feb-05			1.25	8.175	
18	Berkeley	10,063	Apr-05	Apr-96	1	Apr-05	Aug-09	Apr-05	2	8.925	
19	Beverly Hills	603		Nov-95	2	Nov-95	Apr-06		1.5	8.425	
20	Black Jack	6,792		Nov-95	2				0.5	7.425	Aug-96
21	Breckenridge Hills	4,817	Apr-94	Nov-99	1				0.75	7.675	Apr-97
22	Brentwood (1)	7,693	Nov-93	Apr-94	1	11/95, 11/97		Aug-02	1.5	8.425	
23	Bridgeton	15,550		Apr-06	1	Nov-97			1	7.925	
24	Calverton Park	1,322		Apr-02	2				0.5	7.425	
25	Charlack	1,431		Nov-95	2				0.5	7.425	
26	Chesterfield	46,802		Nov-96	1	Nov-04			1	7.925	
27	Clayton	15,935	Nov-93	Nov-95	1	Apr-97			1.25	8.175	
28	Cool Valley	1,081		Apr-02	1				0.5	7.425	
29	Country Club Hills	1,381		Nov-95	2	Apr-07	Aug-10		1.5	8.425	
30	Crestwood	11,863	Nov-93	Nov-93	1	Aug-00		Aug-03	1.5	8.425	
31	Creve Coeur	16,500	Nov-10	Nov-97	1				0.75	7.675	
32	Crystal Lake Park	457		Nov-95	2				0.5	7.425	
33	Dellwood	5,255		Nov-94	2	Aug-98			1	7.925	
34	Des Peres	8,592	Nov-93	Nov-94	1	Aug-00		Nov-03	1.5	8.425	Aug-96
35	Edmundson	840	Nov-93	Feb-94	1	Nov-97	Feb-06		1.75	8.675	Aug-96
36	Ellisville	9,104	Nov-06	Apr-11		Nov-95			1.25	8.175	
37	Eureka	7,676		Apr-95	1	Nov-00			1	7.925	
38	Fenton	4,360				Nov-96			0.5	7.425	
39	Ferguson	22,406	Apr-94	Apr-94	1	Nov-04		Nov-04	1.5	8.425	
40	Flordell Hills	931		Nov-96	2				0.5	7.425	Apr-97
41	Florissant (2)	53,948		Apr-96	2	4/98, 11/06			1	7.925	
42	Frontenac	3,483	Nov-93	Nov-94	1	Nov-04		Apr-02	1.5	8.425	
43	Glendale	5,767	Apr-96	Aug-95	2	Apr-98			1.25	8.175	Aug-96
44	Grantwood Village	883		Nov-96	2	Nov-06			1	7.925	
45	Greendale	722		Nov-03	2	Nov-03			1	7.925	
46	Green Park	2,666		Apr-01	1				0.5	7.425	
47	Hanley Hills	2,124		Apr-04	2				0.5	7.425	
48	Hazelwood	26,206		Apr-96	1	Nov-01	Nov-06		1.5	8.425	Aug-96
49	Hillsdale	1,477		Apr-96	2				0.5	7.425	
50	Jennings (3)	15,469	Jun-94	6/94&2/96	2	Aug-05		Feb-00	1.5	8.425	
51	Kinloch (4)	449	Apr-05	Apr-96	2	Apr-05			1.25	8.175	
52	Kirkwood	27,324	Nov-94	Nov-94	1	Apr-98			1.25	8.175	Aug-96
53	Ladue	8,645	Nov-93	Nov-94	1	Jun-03			1.25	8.175	
54	Lakeshire	1,375		Apr-07	2				0.5	7.425	
55	Manchester	19,161	Aug-94	Aug-94	1	Aug-00			1.25	8.175	
56	Maplewood	9,228	Feb-94	Feb-94	1	Nov-97		Apr-03	1.5	8.425	Aug-96
57	Marlborough	2,235	Apr-00	Nov-03	1	Nov-03			1.25	8.175	
58	Maryland Heights	27,352				Nov-95			0.5	7.425	
59	Moline Acres	2,662		Nov-05	2				0.5	7.425	
60	Normandy	5,153		Apr-96	2	Nov-04	Apr-07		1.5	8.425	Apr-07
61	Northwoods	4,643	Apr-02	Nov-95	2	Apr-02			1.25	8.175	
62											

Appendix B

	A	B	C	D	E	F	G	H	I	J	K
	CITY	POP	1/4 CENT GEN REV	1/2 CENT CAP IMP	CAP IMP DIST OPT	STORM/ & PARKS	ECON. DEV.	FIRE DEPT	MUNI TAX RATE	TOTAL TAX RATE	USE TAX
63											
64											
65	Oakland	1,540		Nov-95	2	Aug-06			1	7.925	
66	Olivette	7,438	Nov-93	Nov-95	1	Apr-02		Nov-01	1.5	8.425	Aug-96
67	Overland	16,838	Nov-93	Aug-03	1				0.75	7.675	
68	Pacific	5,482		Nov-02	1				0.5	7.425	
69	Pagedale	3,616	Apr-03	Nov-95	2	Aug-02			1.25	8.175	
70	Pasadena Hills	1,147		Nov-95	2				0.5	7.425	Aug-96
71	Pasadena Park	489		Apr-96	2				0.5	7.425	
72	Pine Lawn	4,204		Aug-95	2	Apr-98			1	7.925	
73	Richmond Heights	9,602	Nov-93	Jun-94	1	Aug-97		Apr-03	1.5	8.425	
74	Riverview	3,146		Nov-95	2				0.5	7.425	Aug-96
75	Rock Hill	4,765	Nov-93	Aug-94	1	Nov-99		Apr-01	1.5	8.425	
76	St. Ann	13,607	Nov-93	Aug-94	1	Aug-99	Nov-05		1.75	8.675	
77	St. George	1,288		Nov-05	2				0.5	7.425	
78	St. John	6,871		Nov-95	2	Apr-05			1	7.925	
79	Shrewsbury	6,644	Feb-94	Feb-94	1	Aug-96		Feb-04	1.5	8.425	
80	Sunset Hills	8,267	Apr-94	Apr-94	1	Apr-07			1.25	8.175	
81	Town & Country	10,894	Nov-94	Nov-94	1	Apr-98			1.25	8.175	
82	Twin Oaks (5)	362	Apr-96	Apr-96	1	4/96, 11/06			1.25	8.175	
83	University City (6)	37,428		Apr-96	2	11/01, 11/02	Aug-06	Nov-01	1.5	8.425	Apr-98
84	Uplands Park	460		Nov-95	2				0.5	7.425	Aug-96
85	Valley Park	6,518		Nov-95	2	Nov-95			1	7.925	
86	Velda City	1,616		Nov-95	2				0.5	7.425	
87	Velda Village Hills	1,090		Nov-95	2				0.5	7.425	
88	Vinita Park	1,924		Nov-95	1				0.5	7.425	Aug-96
89	Vinita Terrace	292		Nov-95	2				0.5	7.425	
90	Warson Woods	1,983	Apr-96	Aug-94	1				0.75	7.675	
91	Webster Groves	23,230	Nov-04	Apr-96	2	Apr-99		Nov-04	1.5	8.425	
92	Wellston	2,460	Apr-03	Nov-95	2				0.75	7.675	
93	Wilbur Park	475		Nov-96	2				0.5	7.425	
94	Wildwood	32,884		Apr-99	2				0.5	7.425	
95	Winchester	1,651		Apr-05	2				0.5	7.425	
96	Woodson Terrace	4,189	Nov-93	Apr-94	1	Apr-02	Feb-06		1.75	8.675	Aug-96
97											
98	# of cities adopting tax		36	80		49	9	14			19
99											
100	(1) Brentwood enacted a 1/8 cent parks/stormwater sales tax at the 1st election & 3/8 cent at the 2nd.										
101	(2) Florissant enacted a 1/4 cent parks/stormwater sales tax at each election.										
102	(3) Jennings enacted a 1/4 cent capital improvements sales tax at each election.										
103	(4) Kinloch voters approved a 2nd capital improvements tax in April 2005, but the DOR would not collect it.										
104	(5) Twin Oaks enacted a 1/4 cent parks/stormwater sales tax at each election.										
105	(6) University City enacted a 1/4 cent parks/stormwater sales tax at each election and a 1/4 cent economic development tax.										
106											
107	THE 1% TAX MUNICIPALITIES (A/B distribution) PREVIOUSLY ENACTED BY CITIES IN THE 1970'S WAS SUPERSEDED										
108	BY THE COUNTYWIDE 1% SALES TAX IN 1977. MUNICIPALITIES TECHNICALLY DO NOT HAVE THIS TAX AUTHORITY										
109	SINCE IT BECAME A COUNTYWIDE TAX IN 1977 FOLLOWING A COUNTYWIDE POPULAR VOTE.										
110											
111	Current countywide sales tax of 6.925% comprised of:										
112	State of Missouri	3.000									
113	Statewide Education	1.000									
114	State Parks/Soil Conservation	0.100									
115	State Conservation Dept	0.125									
116	Countywide Sales Tax	1.000				A/B Distribution					
117	County Transportation Tax	0.500				Bi-State and County Roads					
118	County Mass Transit Tax	0.250				Metrolink, August 1996					
119	Regional Parks & Trails	0.100				Park District/County/Municipalities, November 2000					
120	Children's Service	0.250				Approved November 2008					
121	Emergency Communications	0.100				Approved November 2009					
122	Metro	0.500				Approved April 2010					
123	Total	6.925									
124											
125	9 Municipalities with no local option sales taxes are: Champ, Clarkson Valley, Country Life Acres, Glen Echo Park,										
126	Huntleigh, Mackenzie, Norwood Court, Sycamore Hills, Westwood										
127	Pacific is mostly in Franklin County and has different sales tax authority than cities wholly in St. Louis County.										

Exhibit C



St Louis County Municipal League
Forum on Sales Tax Distribution- November 17, 2011
The "A" City Perspective

- **The current distribution system is unfair. "A" Cities support continued sharing with "B" cities but believe the current formula is onerous.**
 - The current formula does not encourage economic development or reward success and hard work.
 - St Louis County should stand on its own. Why is St Louis County the only county in this state which shares in municipal revenues? Why doesn't the County share any county taxes with municipalities?
 - The County tax structure (including county-wide property taxes and shared sales taxes) result in the residents in incorporated areas subsidizing "municipal type" services in the unincorporated areas
- **St Louis County is the primary beneficiary of the current sharing plan**
 - Under voter approved Sales Tax Plan (1977) County contributed \$5,000,000 to the POOL (2010 Dollars)
 - Under the 1993 legislative changes, St Louis County takes \$11.0 million more from the POOL than generated in the unincorporated area,
- **Current Sales Tax Sharing Formula (1.0%) unfair to tax generating cities**
 - There are minimum sharing benchmarks included in formula but no ceiling – while the average "A" sharing is 20%, some cities share more than 40% of their sales taxes under the current formula
 - "Captive B" cities are sharing in excess of 50% of taxes generated in their communities without an option under current law to become POS
 - Revenues generated in areas developed commercially after annexation are captured by the POOL and not shared with the "A" City
- **Current sharing of the 0.25% Tax unfair to those who have adopted tax**
 - The 0.25% optional tax was intended to increase revenues available to the POOL. Yet, most POOL cities have not adopted the tax but enjoy the benefits of higher revenues
 - Residents in POS cities that have adopted the 0.25% tax pay higher sales taxes than POOL areas who benefit from that same tax
 - St Louis County receives 0.25% funding without adopting the tax
- **County Annexation Factor Unnecessary**
 - Annexation factor (2.0%) collected by County from both "A" and "B" cities
 - Boundary Commission now exists to prevent unreasonable annexations or incorporations making the annexation factor unnecessary

The "A" City Recommendations

- **Current sales tax laws in St Louis County need to be "cleaned up".**

There are a number of optional sales taxes approved by the General Assembly (prior to the 1993 Sales Tax Sharing Statutes) that need to be repealed to eliminate confusion.

- **The current 1.0% sales tax formula needs to be simplified and audited.**

At a minimum, the calculation should be ANNUAL not monthly to decrease chances of error and allow cities to more easily project and track their sales tax revenues.

- **Sales tax sharing between cities should continue but sharing of city sales tax dollars with the County should be discontinued.**

Ending sales tax sharing with the county would result in increased revenues to POOL Cities. County government should stand on its own without sharing in city sales taxes. Cities support independent tax authority for St Louis County not tied to cities.

- **The ability for cities to move between "A" and "B" status after each census allowed in the 1977 voter approved plan should be reinstated.**

This would include allowing newly incorporated cities and annexation areas to be designated as either "A" or "B" by their respective city and treat all cities equally.

- **Sharing of the 1.0% tax needs to be capped.**

There are minimum sharing benchmarks in the sharing formula. The formula needs to include a ceiling on sharing – perhaps the same 15.0% of the Capital Sales Tax would be a logical cap to start that discussion.

- **Any sharing of 0.25% sales tax should be limited to those adopting the tax.**

No city should share in the 0.25% optional local sales tax unless that city has adopted that tax. County should be given authority to levy the 0.25% tax in unincorporated areas.

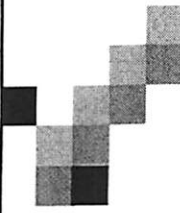
- **The annexation adjustment should be ended.**

St Louis County takes 1.86% of sales taxes off the top from both "A" and "B" cities. That factor was adopted in the absence of a Boundary Commission which is now in place to protect the County against unreasonable annexations or incorporations.

- **The dual role of the County as a "County" and a "City" needs to be defined**

St Louis County should have a transparent budget clearly identifying revenues and expenses for traditional county services and for "municipal type services" provided to the unincorporated areas.

Adoption of these concepts, would increase POOL city revenues by 25.0%!



Pool Sales Tax Study Group Perspectives



Pool Study Group

- Black Jack
- Clarkson Valley
- Greendale
- Florissant
- St. Louis County
- University City
- Webster Groves
- Wildwood



B Study Group

- Who is in the pool?
 - 290,270 in A Municipalities
 - 401,953 in B Municipalities
 - 322,159 in Unincorporated County
 - 724,112 residents in the pool

Pool Study Group Principles

- Foster a healthy region
- History of sharing, necessary and fair
- Common legislative message
- Focus on job-creating economic development
- Foster efficient, consistent, local government services

Case for sharing

- Interwoven economic fabric
- Sales tax revenues dependent on a healthy region
- Infrastructure costs are shared
- Geographic and historic growth patterns

Observations

- External trends are shrinking the "pie"
- Reliance on retail expansion
- TIF payments
- Location advantages
- Significant revenue can be gained by optional taxes

New Revenue Generators

- Passage of ¼ cent – increase from \$13 m to \$35 m
- Parks and Stormwater – increase from \$49 m to \$70 m
- Capital Improvement – increase from \$47 to \$70 m
- Economic Development and Fire - \$12M

B City Perspectives

- Simplify the formula
 - Clear, simple, calculable formula needed
 - Continue step formula rather than flat
 - Understand the impact of TIF on formula
 - Create a cap on contributions from POS cities

B City Perspectives

- Remove county annexation and incorporation charges
 - Remove from ¼ and 1 cent
 - Generate over \$1.2 m for POS and \$750,000 for B cities

B City Perspectives

- Changes in the ¼ cent optional tax
 - No pooling of tax; full amount retained by levying city
 - County is not eligible for ¼ cent sharing
 - County given legislative authority for ¼ cent
 - Capacity to compensate for pool contributions
 - Raise funding from \$13 million to \$35 million
 - Provide county with over \$7.5 million

B City Perspectives

- Retain the pool
 - Instability in planning and budgeting with changes
 - Pool should be retained
 - All annexations stay in the pool
 - Cities can not leave the pool
 - County remains as part of the pool

B City Perspectives

- St. Louis County
 - County should separate municipal and county-wide functions and budgeting
 - County should be given authority for local options taxes

DATE: November 21, 2011

TO: Mayor and City Council

FROM: Mark Perkins, City Administrator
Daniel N. Smith, Director of Finance

SUBJECT: Deferred Retirement Option Program (DROP) Review

In 2001 the Deferred Option Retirement Program (DROP) was authorized by the City Council as part of a larger defined pension benefit enhancement program. Per Ordinance # 5067, the DROP is scheduled to expire December 31, 2011, unless the Council takes action to further extend the program.

The DROP was developed in the hope of retaining experienced employees by creating an incentive for them to delay their retirement and remain employed with the City. The timing of the legislation occurred when a large number of police officers (mostly in the managerial ranks) were approaching retirement.

How the Program Works

The program allows any participant in the city's Defined Benefit (DB) plan to enter the DROP when they reached either normal retirement or unreduced early retirement date. Upon entering the program the participants retirement benefit, based upon years of service and average ending salary, are frozen. The participant's retirement benefit is then figured based on their selection of the retirement option and their years of service and salary data. The participant then receives credit for their monthly retirement payment plus 5% interest annually during their DROP participation period. At the end of their DROP participation period, the employee resigns from the city and receives their DROP benefit as a lump sum, annuity or rollover to an authorized investment, as outlined in the policy. Once an employee enters the DROP program, their decision to retire at the end of the DROP program is irrevocable.

Program History

When the program was initiated the maximum DROP participation period was 36 months. In July 2004 the DROP participation period was increased to a maximum of 60 months. In September 2006 the DROP period was extended to August 31, 2008 and the maximum DROP participation period was increased to 72 months. In October, 2008, the maximum DROP participation period was reduced to 36 months. A sunset date of December 31, 2011 was established at that time.

Level of Employee Participation and Program Costs

Since its inception 18 employees have entered the DROP program. To date, 13 employees have retired from the DROP and received \$1,524,868 in payments. A total of 14 employees eligible for the program have retired without entering the DROP since the program was initiated in 2001.

The city's actuary has referred to this program as essentially a "no cost" program. The theory is based on the expectation that the participant would have retired when they were eligible for retirement and the monthly payments would have been made any way. However, this program can result in a cost to the city *if the employee would have remained with the city after they became eligible for retirement. This is especially true for those employees with at least 30 years of service when they entered the DROP program. Those employees would have been capped in service credits and therefore would have received minimal additional benefits for anything beyond 30 years of service. For those employees with less than 30 years of service their DROP payments would be offset by a lower monthly pension payment based on less years of service credits.*

It is our belief that while some employees would have likely retired earlier if the DROP was not available, a substantial number of employees would have likely stayed with the city beyond their earliest retirement date for a variety of reasons. In addition, some employees who have entered the DROP have later expressed a desire to remain employed by the city beyond the expiration period of the DROP, which is not permitted. This reinforces our belief that some employees would remain with the city past their allowable retirement date even without the DROP program. In such instances, the program is a cost to the Pension Fund and to the city.

Options Going Forward

Creve Coeur is one of the few cities in the St. Louis region offering DROP as a part of their retirement plan. To our knowledge, only the City of St. Louis offers a similar plan for its employees.

The DROP program is set to expire December 31, 2011. Any employees who enter the program by this date will be allowed to continue in it until the expiration of the three year DROP period. However, no employees will be allowed to enter the DROP after this date unless the program is further extended by ordinance.

Among the options to be considered are:

1. Allow the program to expire. No legislative action needed.
2. Renew the program as it currently exists.
3. Renew a program limited the program to those employees with 30 years of service; employees with more than 30 years do not receive additional years of service credit.

If the program is further extended or amended, a 45-day notice will be required under state law.

While there are benefits to both the city and the employee by offering the DROP, it has also become increasingly clear that there is a substantial cost associated with the plan. Given the tremendous increase in the city's pension costs over the last several years and the resulting challenges to continue to adequately fund the pension plan, we cannot recommend continuing to offer the DROP to new participants beyond its December 31, 2011 expiration date.



Memorandum

DATE: November 23, 2011
TO: Mark Perkins, City Administrator
FROM: Sharon Stott, Public Information Officer & Management Analyst
RE: Today in America – Discover America Segment

A week ago, the City was contacted by a television producer, Marc Gottfried, about his interest in highlighting the City of Creve Coeur for “Today in America” with Terry Bradshaw and more specifically, one of their segments for the 2012 season. “The City of Creve-Coeur is under consideration for a five (5) minute segment on topics, trends and issues related to “Hidden Gems to Live, Work and Play” in our “Discover America” series. “Today in America” airs on major cable networks and distributed to national and regional audiences as well as streamed via Today in America’s 24/7 Livestream Channel.

“Today in America” did a similar segment on the City of Fayetteville. It can be viewed on their homepage in the bottom left hand portion of their website homepage at www.todayinamericatv.com

The five (5) minute piece about Creve Coeur would air one (1) time nationally on FOX Business Network, and nineteen (19) times regionally on CNN Headline News through regional cable operators and/or Regional News Networks in many of the top 100 markets nationwide based on viewer demographics, interests and the distribution checklist. Today in America has no direct affiliation with the networks on which it airs.

The total cost to the City of Creve Coeur for this project would be \$19,800 which covers the cost of the scheduling fee with various networks. All other production costs are covered by “Today in America.” The cost to the City could be offset with sponsorships from some of the businesses Creve Coeur may want to highlight in the segment.

In return, the City would receive/have:

- A professional quality broadcast production piece with full licensing rights
- Rights to editorial and script input from the beginning to highlight segments of Creve Coeur
- A useful and long-lived advertising piece for the City to distribute as an economic development and promotional tool for the City’s website and on You Tube

Because of the time sensitive nature of television production, it is crucial that the producers know if this is something the City is interested in pursuing within the next week. If a positive recommendation is made by you and/or the Council to pursue this opportunity, the City has 10 days to sign a contract. A production schedule would be defined within 45 days of a signed contract with production occurring approximately 75-120 days out from contact signing.

“Today in America” provides:

- A television production crew -- fully licensed and insured
- Introduction and voice overs by Terry Bradshaw
- Script writing with input and approval from City staff
- Immediate and ongoing public relations, advertising and promotion of the show during the process to national, regional and local media outlets

For more information about the show, their preferred networks, productions timelines and participation guidelines <http://todayinamericatv.com/ApQt/e-package/>

I believe this to be an opportunity worth consideration.