

Table of Contents

Agenda	2
Draft minutes from July 18, 2011, meeting.	
Draft minutes from July 18, 2011, meeting	4
#11-012: Application to amend the conditional use permit for exterior building improvements for the Weber Chevrolet Automotive Dealer located at 12015 Olive Boulevard. Public Hearing	
Staff Report	10
Draft Ordinance	22
Applicant's Materials Received July 22, 2011 and Landscape Plan received August 11, 2011	26
Letter from Architect dated May 5, 2011	31
Ordinance #1171	32
STL Co. Ordinance 4632, 1968.	36
Site Development Plan approved in 1969.	40
#11-022: Application requesting a boundary adjustment for the property located at 296 S. Graeser Road.	
Staff Report	41
Draft Plat	43
Ethics and function of the Planning and Zoning Commission	
Ethics presentation	44
Ethics statutes and policies	83



AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, AUGUST 15, 2011
7:00 PM

1. ROLL CALL

Mr. Michael Barton
Mr. Gary Eberhardt
Mr. James Faron
Mr. Ken Howard
Ms. Cynthia Kramer
Mr. Tim Madden
Mr. Jim Schnarr
Mr. Carl Lumley, City Attorney
Mr. Paul Langdon, AICP, Director of Community Development
Ms. Whitney Kelly, AICP, City Planner
Ms. Julie Lowery, Recording Secretary

Pursuant to Section 610.022 RSMO, the Planning and Zoning Commission 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 confidential or privileged communications with the City Attorneys as provided under Section 610.021(1)RSMO or other matters as permitted by Chapter 610.

Reports, documents, plans, and related materials are available for examination at the Creve Coeur Government Center, 300 North New Ballas Road, prior to the meeting.

Special disabled service may be arranged by contacting the Office of the City Administrator in advance.

2. ADDITIONS TO – ACCEPTANCE OF THE AGENDA

3. APPROVAL OF MINUTES

A. Draft minutes from July 18, 2011, meeting.

4. PUBLIC COMMENT

An opportunity for members of the public to address the Planning and Zoning Commission regarding issues or concerns not already on the agenda for this meeting. Those wishing to speak will be asked to provide their name and address for the public record.

5. **UNFINISHED BUSINESS**

None.

6. **NEW BUSINESS**

A. PUBLIC HEARING

Application #11-012: Application to amend the conditional use permit for exterior building improvements for the Weber Chevrolet Automotive Dealer located at 12015 Olive Boulevard.

Applicant/Agent: Paul Kastner
Vice President/General Manager
Weber Chevrolet
12015 Olive Blvd.
Creve Coeur, MO 63141

B. Application #11-022: Application requesting a boundary adjustment for the property located at 296 S. Graeser Road.

Applicant/Agent: Gordon Phillips
296 S. Graeser Road
Creve Coeur, MO 63141

7. **WORK AGENDA**

A. Ethics and function of the Planning and Zoning Commission

8. **OTHER BUSINESS**

- A. Planning Division Report**
- B. City Attorney Report**

9. **ADJOURNMENT**



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, JULY 18, 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, July 18, 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*
 Dr. Michael Barton
 Mr. Gary Eberhardt
 Mr. James Faron
 Ms. Cynthia Kramer
 Mr. Jim Schnarr
 Mr. Ken Howard

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. ADDITIONS TO – ACCEPTANCE OF THE AGENDA

The Agenda was accepted as written.

3. APPROVAL OF MINUTES

Draft Minutes of July 5, 2011

Mr. Eberhardt moved approval of the draft minutes as written. Mr. Schnarr seconded the motion which carried unanimously.

4. PUBLIC COMMENT

Mr. James Heffner, representing Mr. and Mrs. Robert Wehmueller, 27 Country Square Lane, who live in the house directly behind the old Walgreens. They are concerned with the proposal of a fast food restaurant, Chick-fil-A, and a bank being built and operated at the old Walgreens site. It is a 1.33 acre lot and the fast food chain would seat approximately 164 people in addition to the bank on the 1.33 acres. Mr. Heffner pointed out that, in June 2004, Creve Coeur Planning and Zoning amended the Zoning Ordinance to limit drive-thru restaurants to sites only at or exceeding 3 acres and the proposed Chick-fil-A is a drive-thru and it is only on a 1.9 acre lot. Mr. Madden asked Mr. Langdon if contact had been made by Chick-fil-A/bank/developer. Mr. Langdon responded that they have had meetings with

the corporate architect for Chick-fil-A, the property owners and the developers who are trying to put the deal together and have discussed the issues raised by Mr. Heffner and his clients and identified that a text amendment would likely be required, unless they can assemble more property. The property owners and developers were given no comfort level in regards to their chances of success and staff have not heard from them since.

5. **UNFINISHED BUSINESS**

A. **Application #11-014: Rezoning 5 acres from “AR” Attached Single-Family Residential to “GC” General Commercial and 4.28 acres from “AR” Attached Single-Family Residential to “D” Single-Family Residential, for site concept plan approval, and for boundary adjustment of the property located at 13150 Olive Boulevard.**

Applicant/Agent: George M. Stock, P.E.
Stock and Associates Consulting Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO 63005-1241

Mr. Stock, on behalf of Orson Properties LLC, gave a presentation for new members of the commission and members that were absent at the previous meeting.

No comments or questions from the audience.

Comments and questions from Commission members. Mr. Eberhardt wanted to know about the “GC” district and limiting the number of “GC” uses of the proposed land. Mr. Stock was in complete agreement and that if they were given a restricted list of uses for the property they would not be opposed to considering those options. Mr. Lumley recommended addressing this issue by asking for a list of restricted uses to present to City Council, the same way the Shops at Questover was handled. Mr. Lumley pointed out for the Commission; conditions listed in the draft ordinance include addressing the annexation issue, the normal filings that would be required for specific development, coordination with MoDOT, and also making sure the appropriate easements are in place for the residential property. Mr. Eberhardt asked Mr. Lumley about a potential concern in regards to the quarry lake. Mr. Lumley pointed out that, under the current proposal, it is part of the proposed commercial area and therefore is the responsibility of that property owner. He further stated that there has been discussion about trying to change that later, and there would be concerns at that time. Mr. Stock responded that the lake is not on the entire 5 acres, and they would dedicate it in the common ground/easement for the benefit for all the properties so it could not be sold off to an independent entity, it would be part of the subdivision of the land.

The motion was made by Mr. Eberhardt that, in addition to the staff recommendations, the staff create a recommendation of certain uses within the “GC” category to which the development would be limited, before it is submitted to the City Council. Secondly, that there is a provision dealing with the responsibility of the lake. Mr. Lumley stated these issues can be conditions of the main motion. Ms. Kramer seconded the conditions.

Ms. Kramer asked if it was definite the tenants were going to be fast food and a bank. Mr. Stock stated there were no potential tenants or purchasers at this time. Dr. Barton wanted to

know what benefit comes to the city and citizens from passing this motion. Mr. Schnarr stated sales tax for a restaurant and property taxes, as well as a sore spot to the community being fixed. Mr. Langdon commented on limiting uses through conditioning a rezoning. While the City of Creve Coeur has done this in the past, he is not in favor of doing it again. Administratively it is a dangerous way to go, because in terms of the Zoning Map, it will show “GC” and if someone is looking at the property and they call to confirm with the City that the zoning is “GC” that is what they will be told, but what they will not see on the Zoning Map is that there is an ordinance that states, it is “GC” except for these uses. Mr. Lumley, to clarify Mr. Langdon’s point, clarified why he spoke about restricted uses; that they would need to be recorded as a deed restriction on the property, like the Shops at Questover. He indicated he was not speaking in favor but rather just the mechanics.

Mr. Langdon also spoke to the future of the property, and the potential uses, stating to a very large degree it is self limiting. That is, the impacts of the worst case scenario use under “GC,” squeezed into an area this small, are going to be negligent.

There being no further comments, the motion was made by Mr. Eberhardt to approve the draft rezoning and site concept plan ordinance attached to the staff report on application #11-014, subject to the conditions contained in the draft ordinance attached to the staff report dated July 18, 2011 with the additional two conditions that the Planning Commission recommend to the City Council, a restriction on “GC” business uses that may be permitted and that planning be incorporated to take care of the requirement that the quarry be maintained in a reasonable way by legal encumbrances. Mr. Schnarr seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Mr. Schnarr – aye
Mr. Howard – aye

Dr. Barton – aye
Chair – aye

Mr. Eberhardt – aye
Ms. Kramer – aye

6. NEW BUSINESS

A. PUBLIC HEARING – POSTPONED

Application #11-019: Text Amendment to Section 405.930 of the Sign Regulations regarding Billboards to comply with the State of Missouri Statutes.

Applicant/Agent: Paul Langdon
Director of Community Development
City of Creve Coeur

The motion was made by Dr. Barton to continue Application #11-019 to the second meeting in September. Mr. Howard seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Mr. Schnarr – aye
Mr. Howard – aye

Dr. Barton – aye
Chair – aye

Mr. Eberhardt – aye
Ms. Kramer – aye

B. Application #11-020: The Creve Coeur Department of Public Works seeks Planning Commission approval for planned roadway resurfacing and sidewalk improvements

along Conway Road extending from the Interstate 270 overpass to Mason Road, pursuant to Chapter 89 of the Revised Statutes of Missouri.

Applicant/Agent: Matt Wohlberg, P.E.
City Engineer
City of Creve Coeur

Mr. Wohlberg gave a presentation in regards to the proposed improvements to Conway Road. The project will be divided into two parts: road resurfacing; and sidewalk replacement and improvements to Conway Road between Mason Road and the Interstate 270 overpass. The roadway resurfacing will consist of removing the top two inches of the existing asphalt pavement and replacing it along the entire project limits. Some re-grading will occur at Bal Arbor Lane and at Conway Wold Byway to improve known drainage concerns, but Conway will otherwise be changed little from the existing profile and grade. No expansion or widening of the roadway is planned through this project. The sidewalk improvements will include replacing the entire asphalt pathway along the Conway Road project limits with a standard, five-foot-wide concrete sidewalk. New handicapped-accessible curb ramps will be constructed at all intersections so to comply with the requirements of the Americans with Disabilities Act (ADA). Pedestrian-activated flashing signals will be introduced to highlight the crosswalks at Laduemont Drive and at Williamsburg Road/Balcon Estates Drive. Finally, the shoulder area along the north side of Conway Road beneath the Interstate 270 overpass will be converted into a designated pedestrian walkway through resurfacing, the replacement of the concrete barriers with decorative fencing, and the introduction of an eight-inch-tall vehicle barrier along the side of the road. Funding for the current proposal was made available by the Creve Coeur City Council as part of the FY2012 budget and has been selected to receive up to 80% reimbursement of the construction costs through a federal STP grant. The proposed sidewalk improvements are anticipated to begin in the fall of 2011 with the asphalt resurfacing to occur in late spring 2012.

City Staff seeks the Commission's approval or disapproval to proceed with the construction of the current proposal for improvements to Conway Road in accordance with Chapter 89 of the Missouri statutes.

No comments and questions from the audience.

There were no comments or questions from Commission members.

There being no further comments, the motion was made by Mr. Eberhardt to approve the improvements to Conway Road as currently proposed and as required by Chapter 89 of Missouri state law. Mr. Schnarr seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Mr. Schnarr – aye
Mr. Howard – aye

Dr. Barton – aye
Chair – aye

Mr. Eberhardt – aye
Ms. Kramer – aye

C. Application #11-021: The Creve Coeur Department of Public Works seeks initial approval of a concept plan for future improvements to Emerson Road to facilitate applications for grant funding to further develop the concept proposal.

Applicant/Agent: Matt Wohlberg, P.E.
City Engineer
City of Creve Coeur

Mr. Wohlberg gave a presentation in regards to the proposed Emerson Road concept plans. City staff has begun to plan for future improvements along Emerson Road. With a designation of “urban collector,” improvements to Emerson Road would qualify for federal Surface Transportation Program (STP) grant funding. This grant funding is limited, and City staff expects the competition for these grants to intensify as municipal and federal budgets tighten. City staff recognizes that future grant applications may need to be strengthened with preliminary or concept plans in order to best convey the City’s need and commitment to the project, and thereby encourage success. Therefore, City staff has retained the services of Horner & Shifrin, Inc., to develop a conceptual design that incorporates several improvements for Emerson Road.

Mr. Jared Jasper with Horner & Shifrin, Inc. gave a presentation on the concept plan.

No comments and questions from the audience.

There were no comments or questions from Commission members.

There being no further comments, the motion was made by Mr. Howard to approve the pursuit of future grant funding for improvements to Emerson Road based upon the proposed Emerson Road concept plan. Ms. Kramer seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Mr. Schnarr – aye
Mr. Howard – aye

Dr. Barton – aye
Chair – aye

Mr. Eberhardt – aye
Ms. Kramer – aye

7. WORK AGENDA

None

8. OTHER BUSINESS

A. Planning Division Report

Mr. Langdon informed the Commission that, with the absence of the Chair and vice chair at the next meeting (first meeting in August), we will need a 2nd vice chair. Mr. Eberhardt motioned Mr. Schnarr be appointed as second vice chair, Ms. Kramer seconded the motion and the motion carried unanimously.

Mr. Langdon also advised that Delmar Gardens has been approaching the residents around the Belle Maison property that they own trying to setup meetings with trustees to begin

discussions about what they want to do with that land. There is no application at this time, but Mr. Langdon has met with their planning consultant and advised them of the issues, and has advised Delmar Corporate employees of the issues and the difficulties they face.

B. City Attorney Report

None

9. 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 8:24 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary

INTRODUCTION

Paul Kastner, Vice President/General Manager, Weber Chevrolet, and Marvin Glore, of Bax Engineering Company, on behalf of George Weber III, Weber Chevrolet, has submitted a request to amend the conditional use permit for façade and building improvements to the existing structure at 12015 Olive Boulevard, located north of Olive Boulevard and east of Interstate 270. The property is currently zoned “CB” Core Business District and automotive dealers including motor vehicle dealers (new or new and used) are permitted with conditions by the City Council.

The building alterations include a new façade along the south elevation with a new entry element of aluminum composite material in “Chevrolet Blue”, a new overhead canopy addition finished with aluminum composite material in a platinum color and the accent band in “Chevrolet Blue”, and new windows. The façade treatment will wrap around the east and west elevations for the new area only, with a new accent wall in the same “Chevrolet Blue” material on the west. The showroom remodel will create an additional showroom space at both the east and west corners of the building. The addition will add 2,800 square feet to the existing 66,200 square foot building; for a total of 69,000 square feet. The stated purpose of the request will update the facility and bring Weber Chevrolet up to a new standard that will enhance the customer’s automobile sales and service experience and add to the community feeling of being new and up-to-date.

The applicant will also provide additional plantings in to the greenspace at the entrance off of Orchard Lakes Drive along the east property line and fill in with low shrubs between the existing trees along Olive Boulevard and at the southwest corner of the property along Olive Boulevard.

BACKGROUND AND EXISTING CONDITIONS

Weber Chevrolet has been operating as an auto dealership at its current location on Olive Boulevard since 1969, under a permit issued by St. Louis County (Ordinance #4632, 1968), on approximately 10.8 acres at the northeast corner of the Olive Boulevard and I-270 interchange. At the time, only the front parking area was within the Creve Coeur city limits. [The approving ordinance also included an auto body facility, and a condition that storage of wrecked or immobilized motor vehicles shall be indoors or if outdoors, shall be so screened as not to be visible from the adjacent “R” Residence Districts or from any public or private street or highway (Condition #9)]. Subsequently, in 1979, the City annexed the entire Weber Chevrolet site into the City. In 1984, Weber Chevrolet received approval from the City of Creve Coeur’s Planning and Zoning Commission for the construction of the auto body repair/service building north of the main building, in conformance with the prior approved site development plan. In 1986, The City Council issued an amended Conditional Use Permit for the construction of a 69-car employee parking lot. The building has remained substantially the same since its construction. The site, with 67% site coverage, and the auto repair service are legally preexisting, non-conforming.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Residential	R3- Unincorporated St. Louis County	NA
South	Office; Hotel	“CB” Core Business	Olive Boulevard
East	Commercial; Residential	“CB” Core Business; R3- Unincorporated St. Louis County	Orchard Lakes Dr.
West	Commercial	Unincorporated St. Louis County	I-270

COMPREHENSIVE PLAN REVIEW

The Comprehensive Plan provides little guidance specific to this property. The subject property is located within the Central Business District Action Area, which largely discusses the creation of a town center. However, under the Residential Preservation and Economic Development goal, it includes a condition that all new development or redevelopment of non-residential uses should comply with the City of Creve Coeur Design Guidelines (p. 81). Within the Central Business District, Key Property Recommendations are provided. The subject property falls within the Central Business District 2 (bounded by I-270, New Ballas to the east, the corporate limits to the north, and Olive Boulevard to the south) and serves as an entryway into the city from I-270. As such, its role as a defining point in Creve Coeur should be considered during improvement to the existing development, as well as during any redevelopment that may occur (p. 87). Currently this area does not lend itself to safe or inviting pedestrian travel. Congested traffic dominates travel along Olive, particularly during peak hours.

As stated in the applicants' letter, the improvements will bring the building up to a new standard for its customers and the community. The current structure is low rise and lacking in character: contemporary design in the simplest form. The improvements attempt to instill higher level of design in the international style. The design includes a taller façade appropriate for the location, and creates a series of levels other than the entry on the west corner, as well as providing a greater focal point and interest from the Olive Blvd/I-270 views. While the design is not typical compared to recent approvals, it is unique architecture for Chevrolet, and appropriate for the use, given the pre-existing nature of the structure.

DESIGN GUIDELINES REVIEW

The Design Review Guidelines provide specific direction for the redevelopment of properties:

Chapter 2 / Buildings

C. Design

- 1. A diversity of high quality architectural design is strongly encouraged. Building design should incorporate a clear and well articulated design concept.*
- 2. Building facades that provide for a linear and repetitive streetscape appearance are strongly discouraged. Variations between the front elevations and the use of landscaping elements are strongly encouraged.*
- 3. The primary building entrance should be clearly defined and provide a sense of entry. It should be oriented to the street and provide protection from the elements, such as recesses, roof overhangs, projecting canopies or other similar features.*
- 6. Buildings that are stylized in an attempt to use the building itself as advertising are strongly discouraged, particularly where the proposed architecture is the result of a "corporate" or franchise style.*
- 8. All elevations should receive equal design consideration as the primary elevation. Rear and side facades should be designed with similar architectural detailing and materials to be compatible with the principal facades of the buildings, All elevations of the building are to be submitted for review.*

D. Relationship to Neighboring Development

- 1. Architectural design should be compatible with the developing character of the neighborhood area. Design compatibility includes complementary building style, form, size, color, and materials.*
- 2. Multiple buildings on the same site are to be designed to create a cohesive visual relationship between the buildings.*
- 3. Building color should be compatible with the neighborhood and should reinforce the visual character of the environment of the proposed buildings. The color should not be such that the building is competing for attention. Building colors should be subdued and not garish, and should not, in any way, constitute “signing” of the building or site.*

E. Materials/Colors

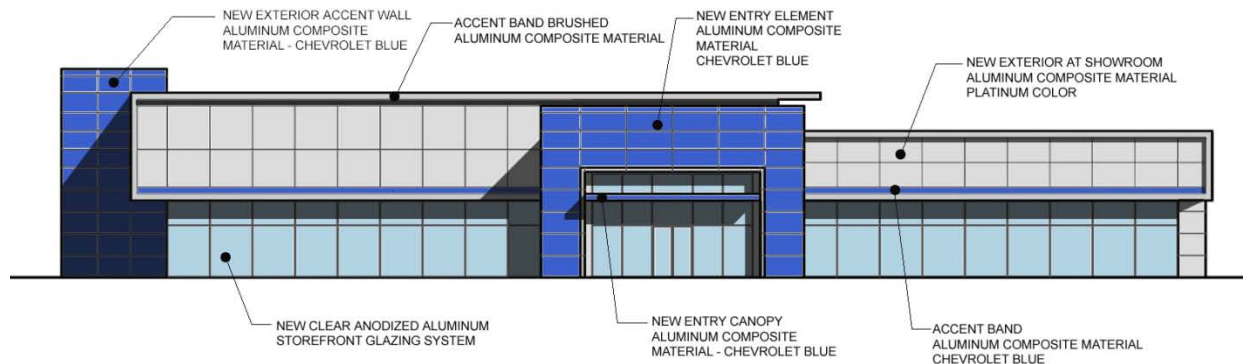
- 1. Materials should have good architectural character, be durable, and be selected for their compatibility with adjoining building and properties. Natural, traditional building materials are encouraged. A preference should be given toward “green” building materials that can be recycled. Highly reflective and/or synthetic materials are discouraged.*
- 2. Exterior materials should be selected based on their durability and appropriateness for their intended function. Special attention should be given to the durability of materials used around the ground floor of the building. Preferred building materials include stone, brick, architectural precast concrete, aluminum and glass. The materials selected should require minimal maintenance. Their color should be integral to the materials and not be painted on.*
- 4. Architectural consistency of colors, materials and detailing are to be provided between all building elevations. False or decorative façade treatments, where one or more unrelated materials are placed upon the building should be avoided. Large parapet walls should reflect the function behind them should not be freestanding. All elevations need not look alike; however, a sense of overall architectural continuity is strongly encouraged.*
- 5. Material or color changes should occur at a change of plane. Materials or color changes at the outside corners of structures that give the impression of “thinness” and artificiality of the material are discouraged. Inconsistent adornment and frequent changes in material should be avoided.*

Chapter 4 / Landscape Design

- 1. 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.*

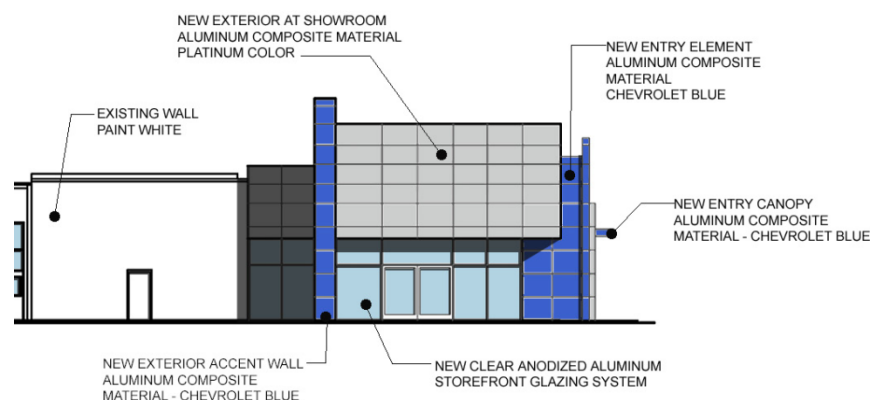
The applicant is proposing a new addition to the south façade of the building with architectural aluminum composite panels in a “Chevrolet Blue” corporate color at the entrance, accent wall on the west side of building, and accent band along the front (see close-up of drawings below). The grey is also an aluminum composite material in a “platinum color”, with an accent band in a brushed aluminum composite material around the top portion of the facade. While the use of the aluminum panels meet the expectation of a durable material, the use of the “Chevrolet Blue” does not meet with the guidelines of the Comprehensive Plan, nor the Design Guidelines of the

City of Creve Coeur, which constitute branding of the building to act as advertising in the Chevrolet franchise style. However, it is limited in nature, with the Chevrolet Blue portal, as the only “corporate” element of the design, and this does create a sense of arrival at the entrance of the building in keeping with the Design Guidelines.



As discussed during recent approvals of similar projects (i.e. CVS, Walgreens, and later revisions of the Fiat Dealership façade improvements), limited use of the corporate color is seen as a reasonable trade-off for significant improvements to the building architecture. In the case of Staff’s initial review of the Fiat Dealership façade improvements, the corporate color/materials were applied to the surface of the existing structure without any concessions in the architecture. Weber Chevrolet will be adding an entire new façade that creates a more substantial structure, and changes in the plane of the building. Further, the applicants have ceded on the other Chevrolet-preferred architectural elements, except for the blue portal over the main entrance of the structure, in order to meet with the intent of the Design Guidelines.

The elevation drawings for the west façade show a darker grey color. This was intended to indicate the shadow effect of the new exterior accent wall at the south west corner. However, Staff feel that the darker color adds to the interest of the new façade by creating “weight” and interest along the west elevation, as well as creates a visual transition to the new



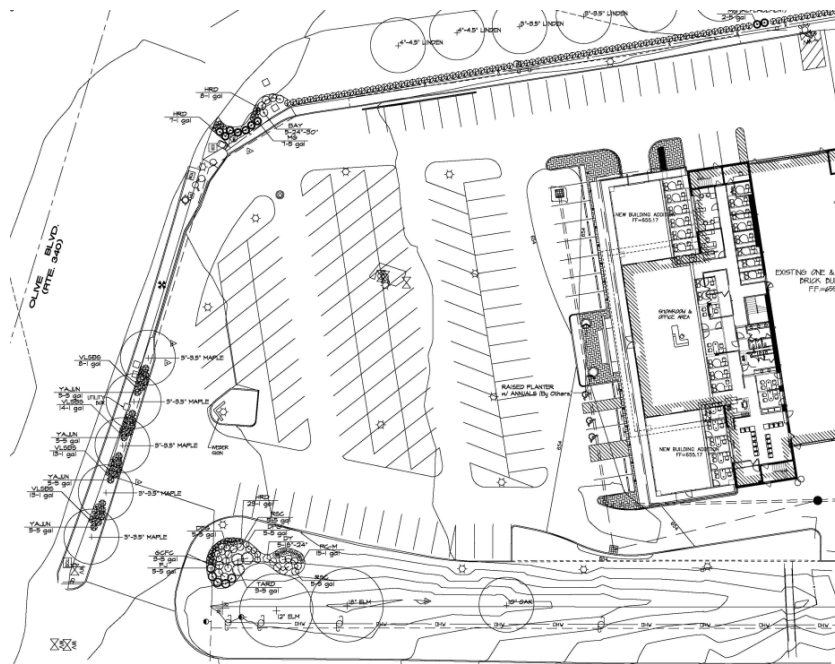
showroom. Therefore, Staff recommends that the applicant paint this area and the existing blank wall next to it a similar dark grey color.

While the new proposed façade elements are carried around the corners along both the east and west façade on the new showroom, none of the new design elements are carried around the entire building. The remaining existing structure will be repainted in the same existing white color. While this is inconsistent with the goals of the Design Guidelines, the size of the existing structure, as well as the Auto Body Service Center, and the amount of investment necessary for the new showroom, make taking a design element around the entire building cost prohibitive. Overall, Staff considers the proposed changes largely in keeping with the Design Guidelines, and

a significant improvement to the existing structure. The proposed changes could also serve as a thematic basis for similar future changes at other customer entrances around the facility.

LANDSCAPE REVIEW

The applicant is providing additional landscaping along Olive Boulevard and within the greenspace along the east property line at Orchard Lakes Drive, as well as filling in the spaces in the grass hedge along the west property line. The new “constricted” drive to the service center at the southeast corner of the building will add 1,360 square feet of greenspace. Given the tight site constraints at the southern end of the property, significant landscaping along Olive Boulevard is very limited. It should also be noted that the plantings along the west and southwest property line are within the MoDOT right-of-way maintained by the City as part of the interchange design. The Department of Public Works has reviewed the proposal and agreed to include this new planting in the City’s existing irrigation and maintenance program.



ZONING REVIEW

The subject property is located in the “CB” Core Business District (Section 405.360) where the City Council may authorize automotive dealers (new or new and used) by conditional use permit as provided in Section 405.1070, based on the criteria in Section 405.470, after receipt of the recommendation of the Planning and Zoning Commission and subject to such other restrictions and conditions as are deemed necessary. As discussed earlier, Weber Chevrolet has been operating in the current building and within the approved site development plan since 1969 under the St. Louis County Ordinance #4632. That ordinance contains the following conditions (among others):

9. Refuse, such as rags, tires, cans, auto parts and similar materials shall not be stored out of doors, nor shall containers for same be located out of doors.
10. Storage of wrecked or immobilized motor vehicles shall be indoors or if outdoors, shall be so screened as not to be visible from the adjacent “R” Residence Districts, or from any public or private street or highway.

Further, conditional uses for Automotive Dealers must meet the following requirements:

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.*

The current City Zoning Code does not allow for the storage of wrecked or immobilized motor vehicles either. However, as mentioned earlier, the auto body service center is a legally pre-existing service, and the damaged vehicles are in compliance with the County Ordinance. Dumpsters located throughout the site are currently not in compliance with either the City's Codes or the St. Louis County Ordinance. Please refer to the Property Maintenance review below for further discussion.

Parking:

The showroom addition will require the removal of 28 parking spaces. Current total existing parking available on site is 1,117 spaces; with the showroom addition, the proposed parking will be 1,089 spaces.

Section 405.820(f)(1) of the Required Off-Street Parking for Automotive Wholesale and Retail Trade requires:

- a. Automobile or boat dealers (SIC Codes 5510, 5520, 5550, 5560 and 5590). One (1) space per two hundred fifty (250) square feet of show room floor area plus three (3) parking spaces per service bay plus one (1) space per one thousand two hundred fifty (1,250) square feet of total aggregate building area. Parking spaces typically occupied by new or used automobiles for sale shall not be counted towards the required off-street parking requirements. Such parking spaces occupied by automobiles for sale do not have to meet the minimum parking space requirements specified in this Chapter.*

Parking Calculations for Weber Chevrolet (including the new showroom addition) are:

Showroom : 4664 square feet total
1 parking space per 250 square feet: 19 spaces

Vehicle Bays
Service Center: 34 bays
Body shop: 21 bays
3 parking spaces per bay: 165 spaces

Approximate aggregate square feet: 69,000 square feet

1 parking space per 1,250 square feet: 53 spaces

Total Parking Spaces Needed: 237 spaces

Total Proposed Parking Available On-Site: 1,089 spaces

The remaining spaces are used for inventory.

Section 405.1070(E)(4) Standards for Conditional Use Permits states that the City Council shall not approve a conditional use unless it finds that it 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. Staff believe all zoning requirements are met except where super ceded by a legally pre-existing non-conformity.

PROPERTY MAINTENANCE

While visiting the property, Staff found the following property maintenance issues:

- Unsecured dumpster enclosures (also in violation of the original approval from St. Louis County)
- Broken asphalt
- Appearance of covered prior greenspace along the interior fence of the back parking lot north of the building, and/or parking on the greenspace

The applicant is aware of the violations, and is currently seeking bids for the resurfacing of the back parking area, and new trash services. Staff recommends that condition of approval include properly enclosing and securing of dumpsters, removal of asphalt from greenspace, and repair of the broken pavement. The parking of vehicles will be limited to one per designated space.

FORM OF THE DRAFT ORDINANCE

The applicant requested an amendment to the existing conditional use permit. However, the original permit was issued by St. Louis County in 1968, and has not been enforced by the City of Creve Coeur since the passage of the amended conditional use permit Ordinance 1171. Staff is, therefore, requesting that the City repeal the prior City ordinance, and issue a new conditional use permit that will govern all development after the date of approval. The draft ordinance is generally in keeping with the original ordinances, except for the conditions indicated within this report.

The conditions discussed within the staff report which are included in the draft ordinance include:

1. The building remodel shall be consistent with the building plans dated June 22, 2011, and landscaping drawings received August 11, 2011 (attached as Exhibit 1), except as otherwise required herein.
2. An underground irrigation system shall be installed and maintained to serve the landscaped areas identified on the Landscape Plan outside of the City of Creve Coeur Maintenance areas.
3. 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.

4. The owner of the property shall address all outstanding property maintenance violations on the property to the satisfaction of the Chief Building Official prior to the issuance of any final Certificate of Occupancy for the automotive dealership permitted by this ordinance.
5. Trash enclosures shall be of materials compatible with the existing buildings.
6. Parking of automobiles shall be limited to one automobile per designated parking space.
7. The exterior masonry walls between the new showroom façade and the pre-existing service bays shall be painted dark grey compatible with the showroom façade subject to review and approval by the Zoning Administrator. Refusal of the additional grey painting by the franchisor (General Motors) shall not place the franchisee in violation of this ordinance.

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 Ordinance for the new showroom addition and landscape plans, subject to the conditions contained in the draft ordinance attached to the staff report dated August 15, 2011.” (Conditions may be added, eliminated, or modified by preceding motion)

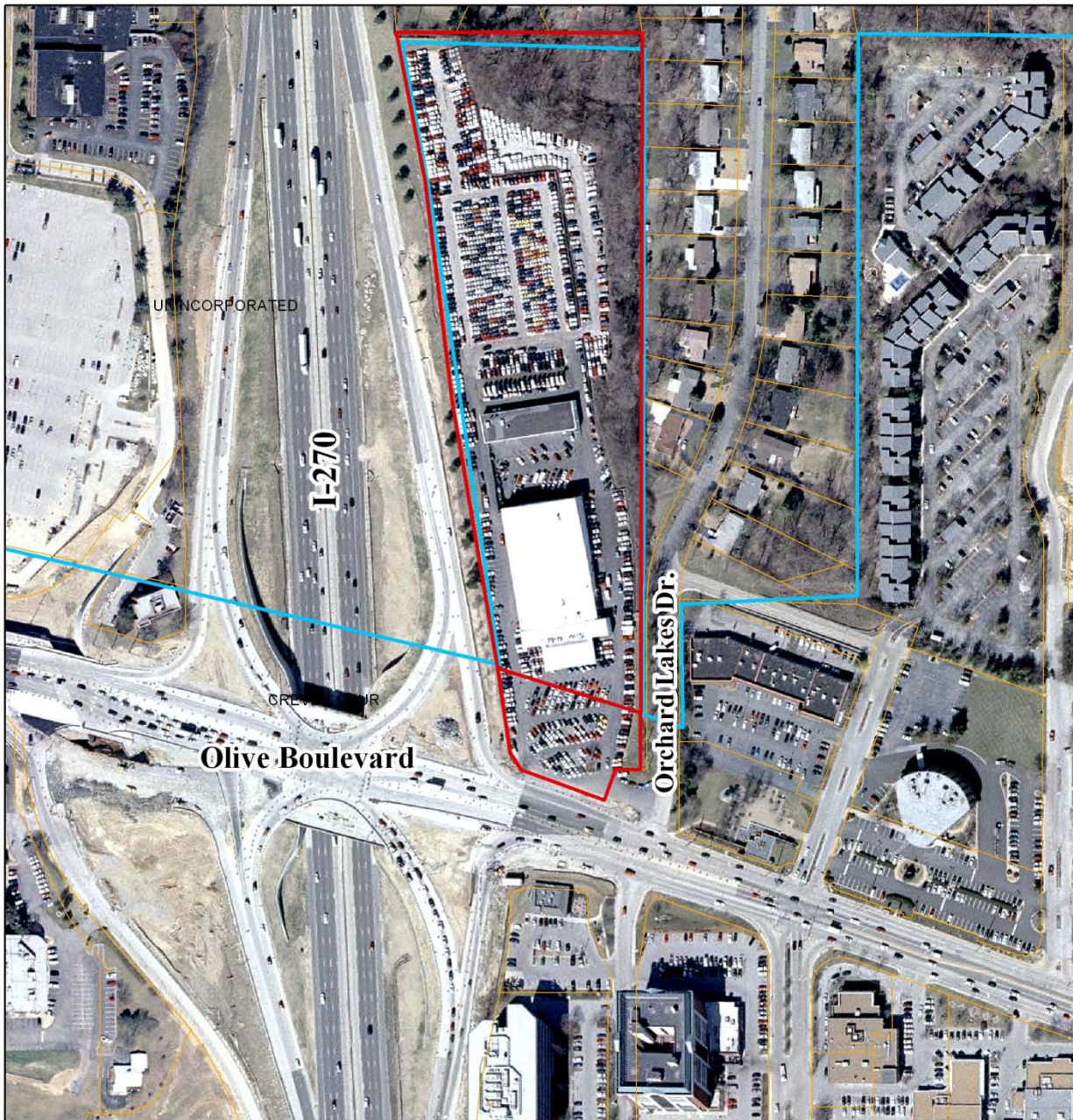
APPENDIX 1: COMPREHENSIVE PLAN, INCLUDING DESIGN GUIDELINES

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



Legend

- Weber Chevrolet, 12015 Olive Boulevard
- City Limit
- Property Lines



APPENDIX 4: SITE PHOTOGRAPHS Application #11-012	Photo Date: 07/29/2011
	Description: View of the south façade from the southeast corner of the property along Olive Boulevard.
	Description: View of the existing building at the southwest corner of the property line. New addition will take up some of the parking area next to the corner of the building.
	Description: View of the current showroom from the top of the berm in the greenspace along Orchard Lakes Drive, where the proposed addition will require the removal of the cars parked next to the building, and the creation of additional greenspace along the access drive to the service center.



Description: Example of unenclosed dumpsters on site.



Description: Broken asphalt and/or prior green space that has been covered.



Description: Cars parked over green space, along the back.

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE REPEALING ORDINANCE NUMBER 1171 AND APPROVING A NEW
CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE DEALERSHIP PURSUANT TO
SECTION 405.360(C) OF THE CITY OF CREVE COEUR'S CODE OF ORDINANCES FOR
WEBER CHEVROLET LOCATED WITHIN THE "CB" CORE BUSINESS DISTRICT AT
12015 OLIVE BOULEVARD**

WHEREAS, application was made by Paul Kastner, Vice President/General Manager of Weber Chevrolet, on behalf of George Weber III, Weber Chevrolet, to amend the conditional use permit for showroom additions and exterior improvement to the existing building located at 12015 Olive Boulevard, in the "CB" Core Business District; and

WHEREAS, under Section 405.360(C)(6)(a), motor vehicle dealers (new or new and used) 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, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, August 15, 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)(3); and

WHEREAS, notice of publication for 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

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 Monday, August 15, 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.

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

Section 1: Ordinance 1171 amending the conditional use permit located at 12015 Olive Boulevard is hereby repealed.

Section 2: A Conditional Use Permit is authorized for an Automotive Dealership pursuant to Section 405.370(C) in the "CB" Core Business zoning district whose legal description is as follows:

A tract of land being part of Lots 3 and 4 of "Lake House Farm", a subdivision according to the plat thereof recorded in Plat Book 9, Page 74 of the St. Louis County, Missouri records and located in Township 45 North, Range 5 East of the Fifth Principal Meridian, St. Louis County, Missouri, being more particularly described as follows:

Beginning at a point on the North right-of-way line of Olive Boulevard (Route 340); said point being 65 feet perpendicular to Station 116+90.20 of the centerline of said Olive Boulevard; thence with the North right-of-way line, North 73 degrees 14 minutes 30 seconds West 161.77 feet to a point; said point being 65 feet perpendicular to Station 115+36.22 of the centerline of said Olive Boulevard; thence leaving said North right-of-way line and along the Highway I-270 Ramp North the following courses and distances; North 30 degrees 45 minutes 30 seconds West 50.35 feet; North 08 degrees 48 minutes 30 seconds West 156.52 feet; North 09 degrees 32 minutes 30 seconds West 441.58 feet; North 07 degrees 34 minutes 58 seconds West 232.87 feet; North 06 degrees 57 minutes 30 seconds West 227.61 feet; North 10 degrees 56 minutes 30 seconds West 278.00 feet to a point; Said point being on the South line of Orchard Lakes Plat 1 as recorded in Plat Book 97, Pages 20-21; thence with the said South line, South 89 degrees 16 minutes 00 seconds East 454.38 feet to a point; thence leaving said South line, South 00 degrees 02 minutes 00 seconds West 1353.11 feet to a point; thence North 88 degrees 23 minutes 00 seconds West 47.29 feet; thence South 18 degrees 26 minutes 30 seconds West 55.00 feet to the Point of Beginning, containing 10.843 acres according to calculations by Bax Engineering during May, 2011.

SECTION 3: The issuance of this conditional use permit and the operation and maintenance of said facilities provided for by this ordinance shall be subject to all ordinances, rules and regulations of the City of Creve Coeur and the following conditions:

1. The Conditional Use Permit is for the operation of an automobile sales facility for use by Weber Chevrolet for the Chevrolet franchise and/or additional users as approved by the City of Creve Coeur.
2. The building remodel shall be consistent with the building plans dated June 22, 2011, and landscaping drawings received August 11, 2011 (attached as Exhibit 1), except as otherwise required herein.
3. An underground irrigation system shall be installed and maintained to serve the landscaped areas identified on the Landscape Plan outside of the City of Creve Coeur maintenance areas.
4. 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.
5. The owner of the property shall address all outstanding property maintenance violations on the property to the satisfaction of the Chief Building Official prior to the issuance of any final Certificate of Occupancy for the automotive dealership permitted by this ordinance.

6. Trash enclosures shall be of materials compatible with the existing buildings.
7. Parking of automobiles shall be limited to one automobile per designated parking space.
8. The exterior masonry walls between the new showroom façade and the pre-existing service bays shall be painted dark grey compatible with the showroom façade subject to review and approval by the Zoning Administrator. Refusal of the additional grey painting by the franchisor (General Motors) shall not place the franchisee in violation of this ordinance.
9. The hours of operation of the employee parking lot shall not exceed 6:00 A.M. to 7:00 P.M.
10. The employee parking lot shall not be lighted.
11. Showroom Hours of Operation shall not exceed 8:30 A.M. to 9:00 P.M. Monday, Wednesday, and Friday; 8:30 A.M. to 9:00 P.M., Tuesday, Thursday, and Saturday; and closed Sunday.
12. Service hours of operation shall not exceed 7:00 A.M. to 6:00 P.M.
13. Storage of wrecked or immobilized motor vehicles shall be indoors or if outdoors, shall be so screened as not to be visible from the adjacent residences, or from any public or private street or highway.
14. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
15. The use of outdoor speakers shall not produce any sound exceeding 60dB at the property line.
16. The number of new automobiles and/or certified automobiles with a manufacturer's warranty shall not, at any time, be less than sixty percent (60%) of the total number of automobiles available for purchase on site.
17. 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.
18. A copy of all herein conditions shall be furnished by the owner or petitioner to the operator(s) and managers, including successive operator(s), owner(s) and manager(s) who shall forward to the Zoning Administrator an acknowledgement that he or she has read and understood all conditions and agrees to comply therewith.
19. 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.
20. 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

BILL NO. _____

ORDINANCE NO. _____

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.

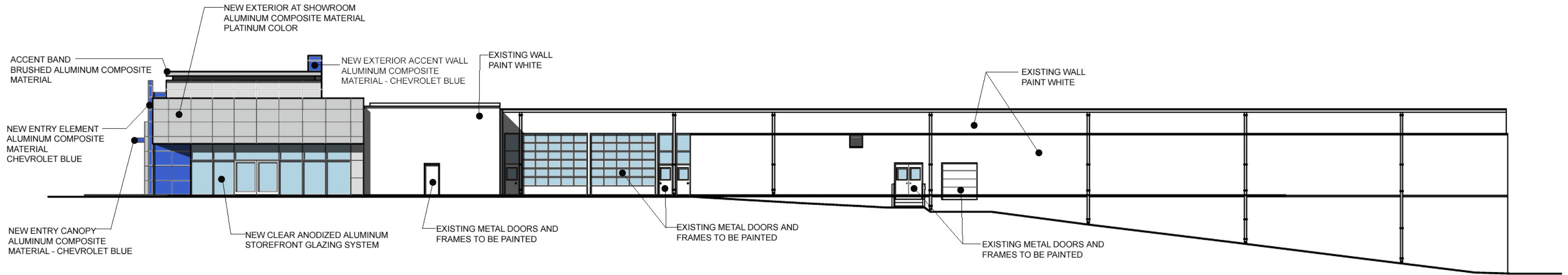
TARA NEALEY
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2011.

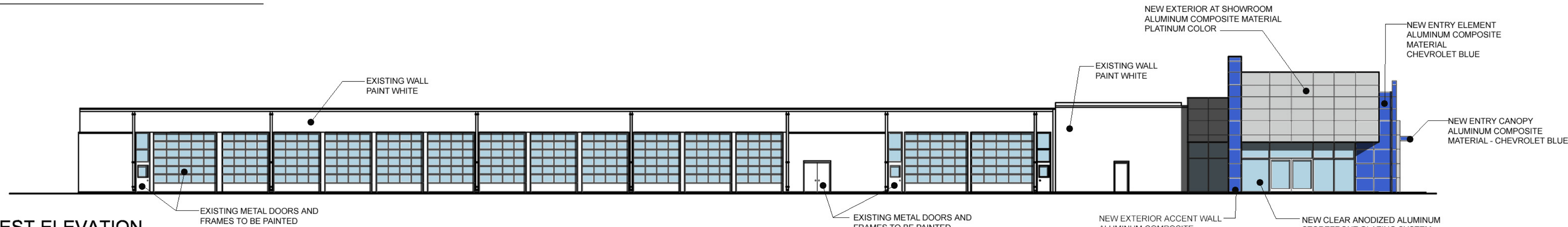
HAROLD DIELMANN
MAYOR

ATTEST:

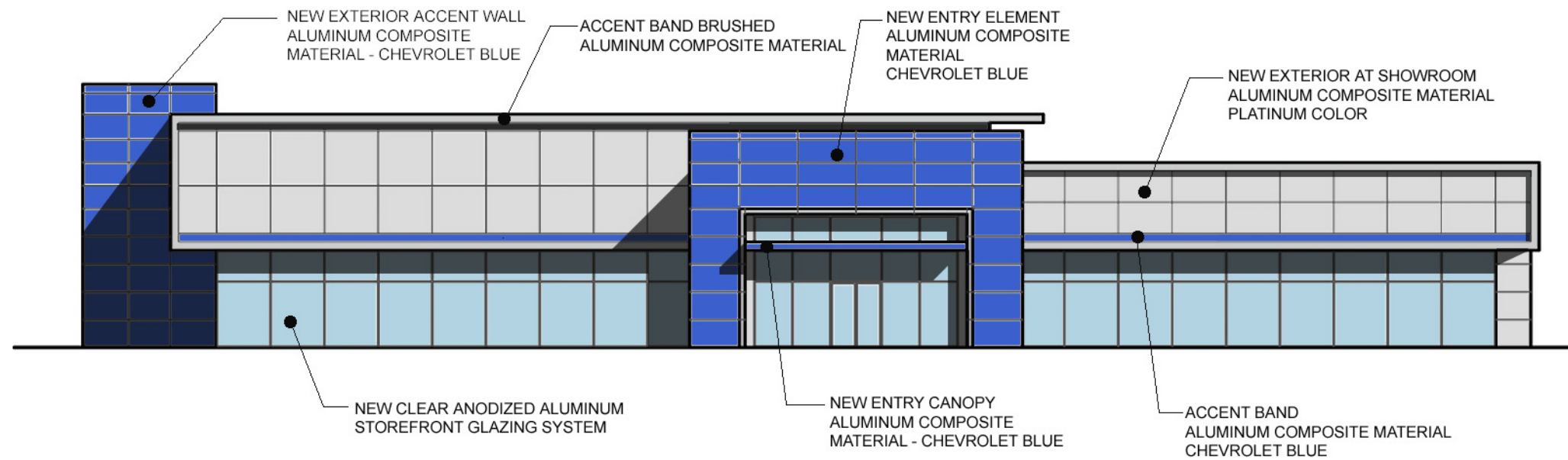
DEBORAH RYAN, MRCC
CITY CLERK



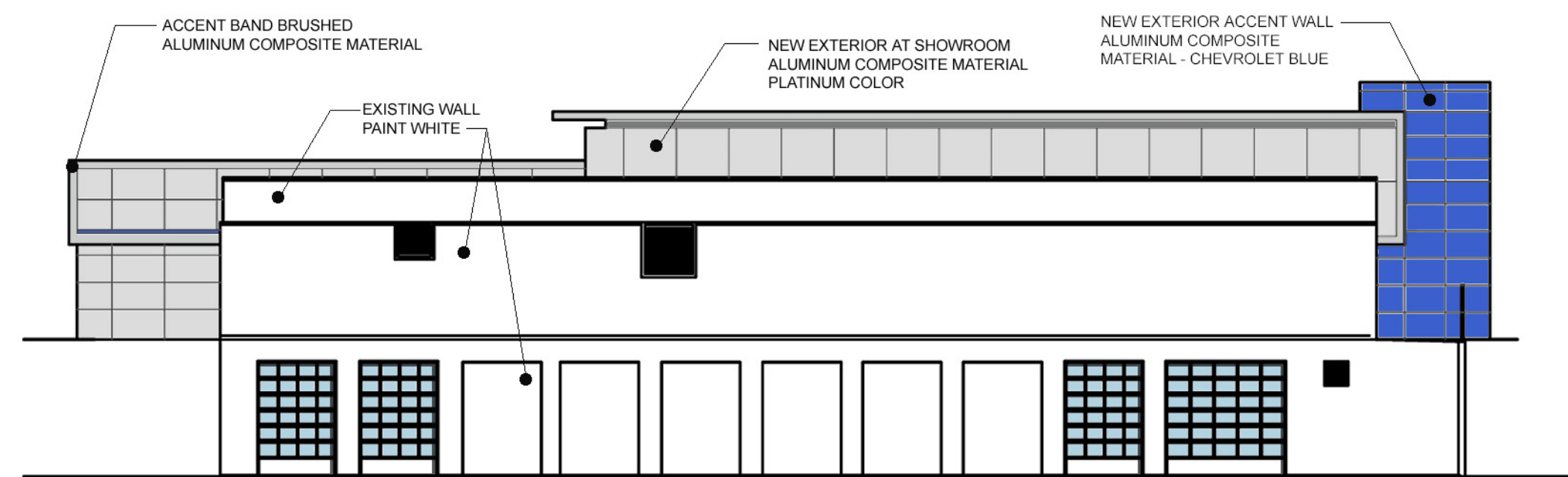
EAST ELEVATION



WEST ELEVATION

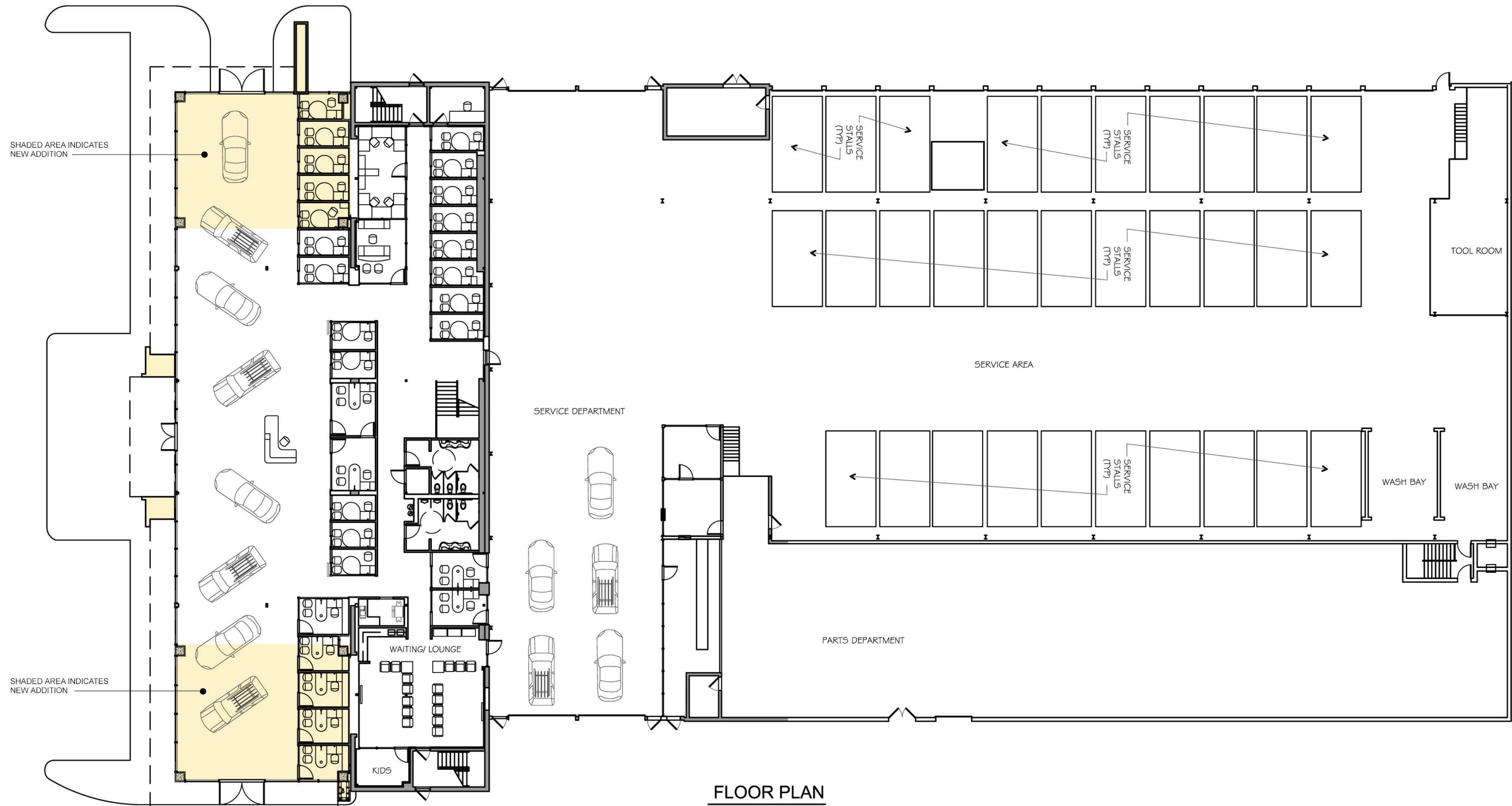


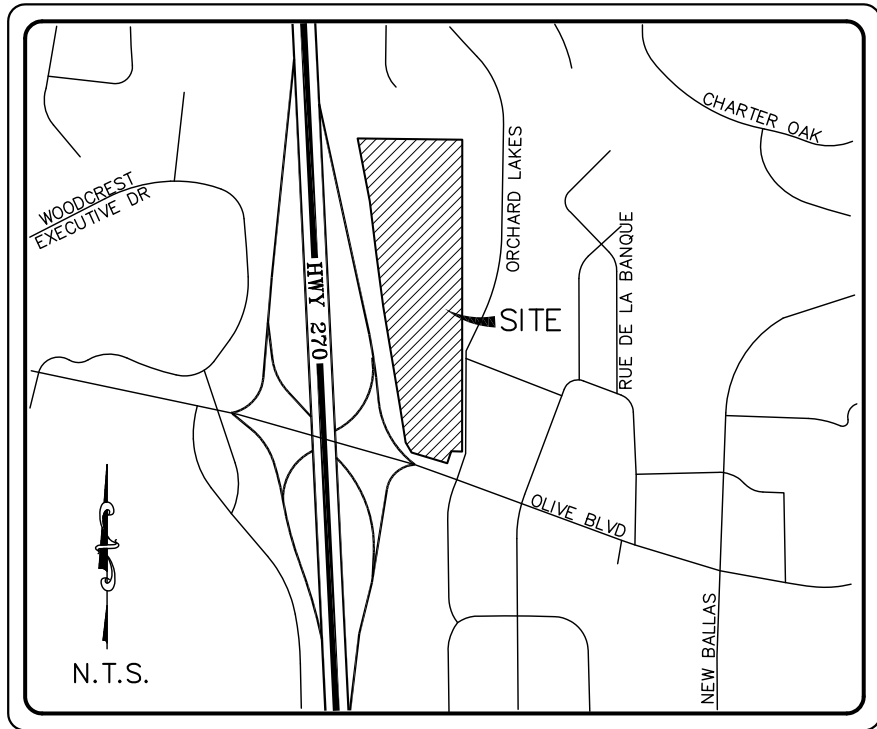
SOUTH ELEVATION



NORTH ELEVATION







LOCATION MAP

LEGAL DESCRIPTION:

A tract of land being part of Lots 3 and 4 of "Lake House Farm", a subdivision according to the plat thereof recorded in Plat Book 9, Page 74 of the St. Louis County, Missouri records and located in Township 45 North, Range 5 East of the Fifth Principal Meridian, St. Louis County, Missouri, being more particularly described as follows:

Beginning at a point on the North right-of-way line of Olive Boulevard (Route 340); said point being 65 feet perpendicular to Station 116+90.20 of the centerline of said Olive Boulevard; thence with the North right-of-way line, North 73 degrees 14 minutes 30 seconds West 161.77 feet to a point; said point being 65 feet perpendicular to Station 115+36.22 of the centerline of said Olive Boulevard; thence leaving said North right-of-way line and along the Highway I-270 Ramp North the following courses and distances: North 30 degrees 45 minutes 30 seconds West 50.35 feet; North 08 degrees 48 minutes 30 seconds West 156.52 feet; North 09 degrees 32 minutes 30 seconds West 441.58 feet; North 07 degrees 34 minutes 58 seconds West 232.87 feet; North 06 degrees 57 minutes 30 seconds West 227.61 feet; North 10 degrees 56 minutes 30 seconds West 278.00 feet to a point; said point being on the South line of Orchard Lakes Plat 1 as recorded in Plat Book 97, Pages 20-21; thence with the said South line, South 89 degrees 16 minutes 00 seconds East 454.38 feet to a point; thence leaving said South line, South 00 degrees 02 minutes 00 seconds West 1353.11 feet to a point; thence North 88 degrees 23 minutes 00 seconds West 47.29 feet; thence South 18 degrees 26 minutes 30 seconds West 55.00 feet to the Point of Beginning, containing 10.843 Acres according to calculations by Box Engineering during May, 2011.

A SITE DEVELOPMENT PLAN FOR
WEBER CHEVROLET
A TRACT OF LAND BEING PART OF
LOTS 3 & 4 OF "LAKE HOUSE FARM" SUBDIVISION
PLAT BOOK 9, PAGE 74
TOWNSHIP 45 NORTH, RANGE 5 EAST
OF THE FIFTH PRINCIPAL MERIDIAN
CITY OF CREVE COEUR
ST. LOUIS COUNTY, MISSOURI

DEVELOPMENT NOTES:

- Area of tract: 10.843 Acres
- Existing Zoning: "CB" Core Business District
With A Conditional Use Permit
(City of Creve Coeur)
- Existing & Proposed Use: Automobile Dealership
- Owner: Weber Chevrolet
12015 Olive Boulevard
Creve Coeur, MO 63141
(314) 567-3300
- Required building setback for CB Zoning:
Front yard = 30' feet fronting Olive Blvd.
Side yard = 10' feet
Rear yard = 10' feet
- Flood Note:
Per F.I.R.M. Flood Insurance Rate Map (Community Panel Number 29189C0162 H Dated August 2, 1996). This property is within Zone X. Zone X is defined as an area outside the 500 year flood plain.
- This property is served by the following utilities:
Electric: AmerenUE Electric Co. (314) 242-5100
Telephone: AT&T Telephone Co. (800) 499-7928
Gas: Laclede Gas Co. (314) 342-0709
Water: Missouri American Water Co. (314) 991-3404
Sewer: St. Louis Metropolitan Sewer District (314) 768-6200
Fire District: Creve Coeur Fire Protection District (314) 432-5570
- Existing Site Coverage:
Buildings - 42,930 sq.ft. - 9%
Pavement - 262,494 sq.ft. - 58%
Green Space - 151,216 sq.ft. - 33%
- Parking Required:
Showroom - 1 Space per 250 sq.ft. = 4,590 sq.ft./250 = 19 Spaces
Service Bays - 3 Spaces per Service Bay = 55 x 3 = 165 Spaces
Aggregate Building sq.ft. - 1 Space per 1,250 sq.ft. = 69,000 sq.ft./1,250 = 56 Spaces
Total Spaces Required = 240
Handicap Spaces Required = 7
Handicap Spaces Provided = 7
Van Accessible Spaces Required = 1
Van Accessible Spaces Provided = 1
(NOTE: All the rest of the parking spaces onsite are for Inventory and Sales)
- Stormwater design shall be in accordance with Metropolitan St. Louis Sewer District and City of Creve Coeur.
- All paving shall be in accordance with City of Creve Coeur Minimum Standards and Specifications.
- Sidewalks, curb ramps, ramp and accessible parking spaces shall be constructed in accordance with the current approved "Americans with Disabilities Act Accessibility Guidelines" (ADAAG) along with the required grades, construction materials, specifications and signage.



A SITE DEVELOPMENT PLAN FOR
WEBER CHEVROLET

PREPARED FOR:
WEBER CHEVROLET
12015 OLIVE BOULEVARD
CREVE COEUR, MO 63141
(314) 567-3300

DISCLAIMER OF RESPONSIBILITY
I hereby disclaim any responsibility for all other drawings, specifications, estimates, reports or other documents or instruments relating to or intended to be used for any part or parts of the architectural or engineering project or survey other than these authenticated by my seal.

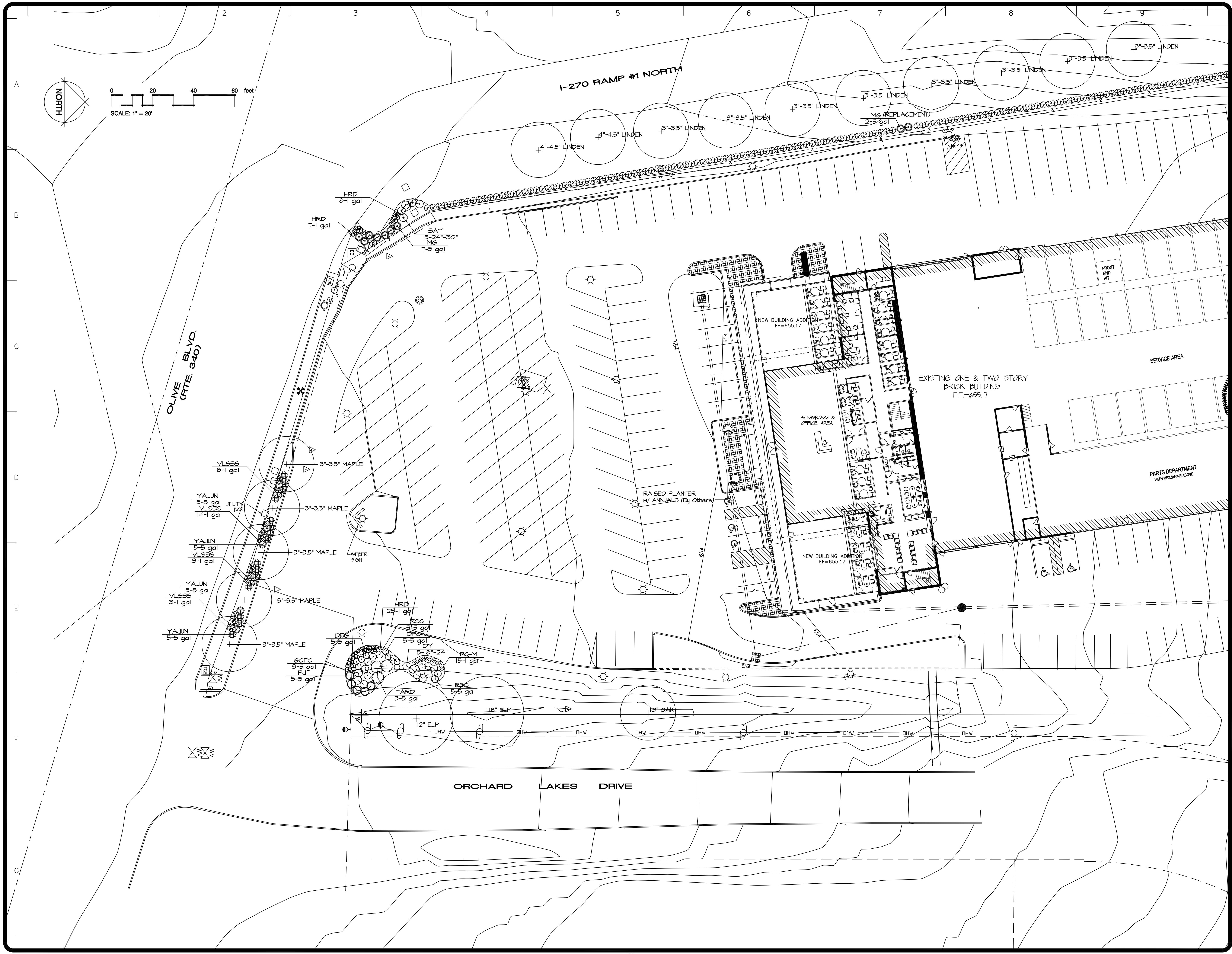
Larry David Walker
Civil Engineer
2007020343
Copyright 2011
Box Engineering Company, Inc.
Authority No. 000655
All Rights Reserved

REVISIONS	
7-22-11	CLIENT

Box Engineering
ENGINEERING
PLANNING
SURVEYING

221 Point West Blvd.
St. Charles, MO 63301
636-928-5552
FAX 928-1718

05-06-11
DATE
10-15159
PROJECT NUMBER
1 OF 2
SHEET OF
15159pre.dwg
FILE NAME
CLM/MGG
DRAWN
MGG CLH
DESIGNED CHECKED



REVISIONS	BY

landscape TECHNOLOGIES
 67 Jacobs Creek Drive
 St. Charles, Missouri 63304
 Tel: (636) 428-1250
 Fax: (636) 428-1250
 E-mail: info@landscape-tech.com
 Web: www.landscape-tech.com

REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT
 RANDALL K. MARDIS
 NUMBER 000014
 DATE 12/1/10

PLANTING PLAN FOR:
Weber Chevrolet
 OLIVE STREET ROAD at INTERSTATE 270
 CREVE COEUR, MISSOURI

DRAWN	R. MARDIS
CHECKED	RM/GJS
DATE	AUGUST 8, 2011
SCALE	1"=20'-0"
JOB NO.	2011-148
SHEET	1
OF TWO SHEETS	

LANDSCAPE GUIDELINE SPECS:

GENERAL:

- 1) All natural vegetation shall be maintained where it does not interfere with construction or the permanent plan of operation. Every effort possible shall be made to protect existing structures or vegetation from damage due to equipment usage. Contractor shall at all times protect all materials and work against injury to public. The landscape contractor shall be responsible for any coordination with other site related work being performed by other contractors. Refer to architectural drawings for further coordination of work to be done.
- 2) Underground facilities, structures and utilities must be considered approximate only. There may be others not presently known or shown. It shall be the landscape contractor's responsibility to determine or verify the existence of and exact location of the above (Call 1-800-DIG-RITE).
- 3) Plant material are to be planted in the same relationship to grade as was grown in nursery conditions. All planting beds shall be cultivated to 6" depth minimum and graded smooth immediately before planting of plants. Plant groundcover to within 12" of trunk of trees or shrubs planted within the area.
- 4) It shall be the landscape contractor's responsibility to:
 - A.) Verify all existing and proposed features shown on the drawings prior to commencement of work.
 - B.) Report all discrepancies found with regard to existing conditions or proposed design to the landscape architect immediately for a decision.
 - C.) Stake the locations of all proposed plant material and obtain the approval of the owner's representative or landscape architect prior to installation.
- 5) Items shown on this drawing take precedence over the material list. It shall be the landscape contractor's responsibility to verify all quantities and conditions prior to implementation of this plan. No substitutions of types or size of plant materials will be accepted without written approval from the landscape architect.
- 6) Provide single-stem trees unless otherwise noted in plant schedule.
- 7) All plant material shall comply with the recommendations and requirements of ANSI Z60.1 "American Standards for Nursery Stock".
- 8) It shall be the contractor's responsibility to provide for inspection of the plant material by the Landscape Architect prior to acceptance. Plants not conforming exactly to the plant list will not be accepted and shall be replaced at the landscape contractor's expense.
- 9) All bids are to have unit prices listed. The Owner has the option to delete any portion of the contract prior to signing the contract or beginning work. This will be a unit price contract.
- 10) All plant material to be transplanted shall be transplanted according to guidelines set by AAN standards. Transplanted material will not be guaranteed by the landscape contractor.

INSURANCE:

- 1) The landscape contractor shall submit certificates of insurance for workman's compensation and general liability.

MULCH:

- 1) All mulch to be shredded oak bark mulch at 3" depth (after compaction) unless otherwise noted. Mulch shall be clean and free of all foreign materials, including weeds, mold, deleterious materials, etc.
- 2) No plastic sheeting or filter fabric shall be placed beneath shredded bark mulch beds. Myrafi fabric shall be used beneath all gravel mulch beds.
- 3) Edge all beds with spade-cut edge unless otherwise noted.

MAINTENANCE:

- 1) Landscape Contractor shall provide a separate proposal to maintain all plants, shrubs, groundcover, perennials and annuals for a period of 12 months after acceptance.
- 2) Contractor shall ensure that only competent and trained personnel shall provide such services and that such services be provided in a timely manner.

TOPSOIL:

- 1) Topsoil mix for all proposed landscape plantings shall be five (5) parts well-drained screened organic topsoil to one (1) part Canadian sphagnum peat moss as per planting details. Roto-till topsoil mix to a depth of 6" minimum and grade smooth.
- 2) Provide a soil analysis, as requested, made by an independent soil-testing agency outlining the % of organic matter, inorganic matter, deleterious material, pH and mineral content.
- 3) Any foreign topsoil used shall be free of roots, stumps, weeds, brush, stones (larger than 1"), litter or any other extraneous or toxic material.
- 4) Landscape contractor to apply pre-emergent herbicide to all planting beds upon completion of planting operations and before application of shredded bark mulch.

MISC. MATERIAL:

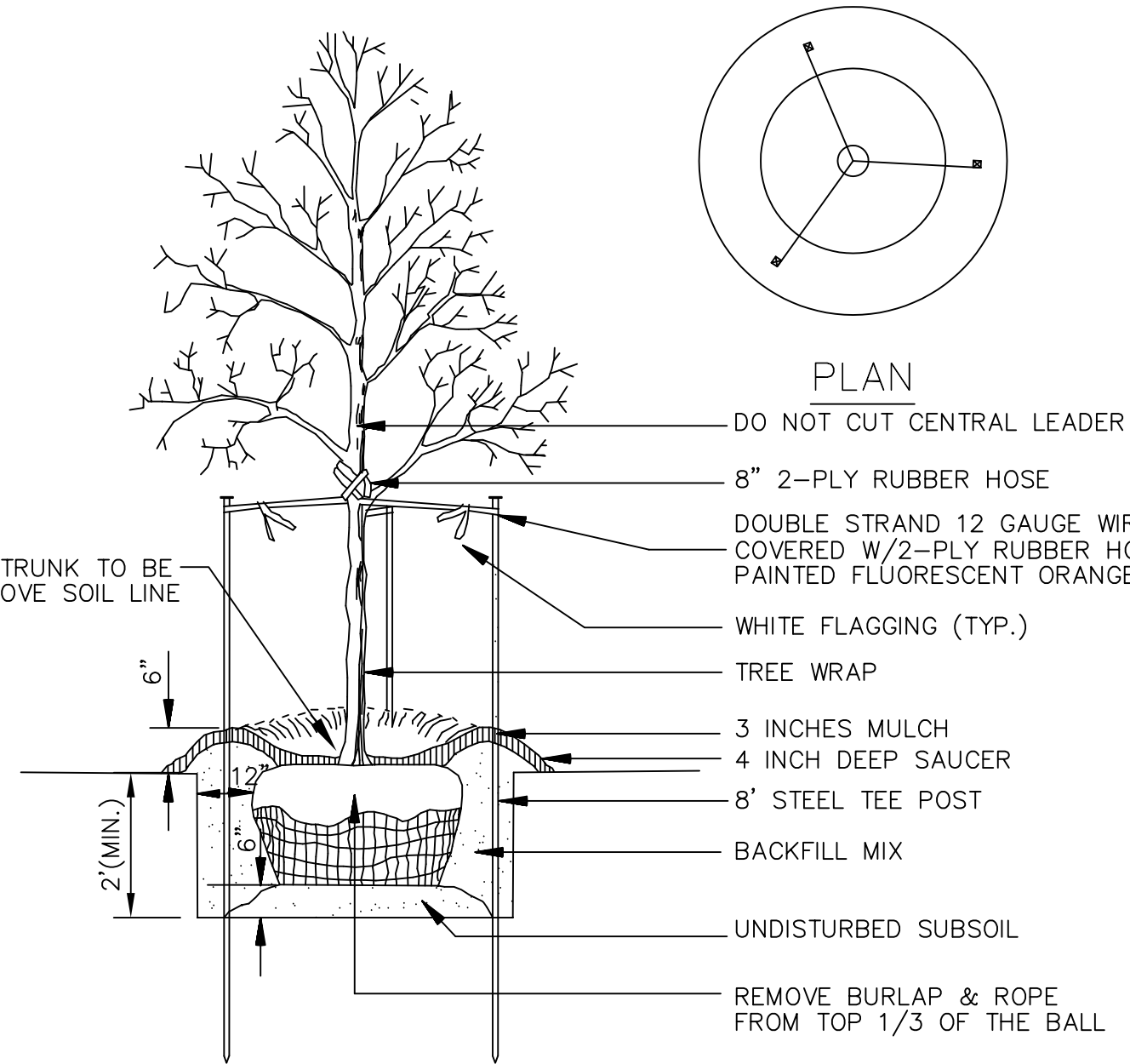
- 1) Provide stakes and deadmen of sound, new hardwood, free of knotholes and defects.
- 2) Tree wrap tape shall be 4" minimum, designed to prevent borer damage and winter freezing. Additionally, only 3-ply tying material shall be used.

TURF:

- 1) All disturbed lawn areas to be seeded with a mixture of Turf-Type fescue (300# per acre) and bluegrass (18# per acre). Lawn areas shall be unconditionally warranted for a period of 90 days from date of final acceptance. Bare areas more than one square foot per any 50 square feet shall be replaced.
- 2) Landscape contractor shall offer an alternate price for sod in lieu of seed. Sod shall be cut at a uniform thickness of 3/4". No broken pieces, irregular pieces or torn pieces will be accepted.
- 3) Any points carrying concentrated water loads and all slopes of 15% or greater shall be sodded.
- 4) All sod shall be placed a maximum of 24 hours after harvesting.
- 5) Recondition existing lawn areas damaged by Contractor's operations including equipment/material storage and movement of vehicles.

WARRANTY:

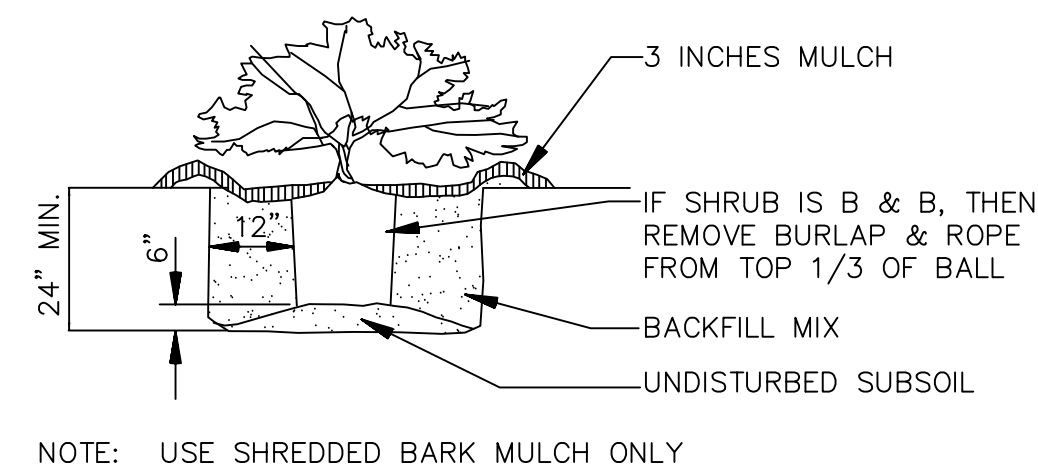
- 1) All plant material (excluding ground cover, perennials and annuals) are to be warranted for a period of 12 months after installation at 100% of the installed price.
- 2) Any plant material found to be defective shall be removed and replaced within 30 days of notification or in growth season determined to be best for that plant.
- 3) Only one replacement per tree or shrub shall be required at the end of the warranty period, unless loss is due to failure to comply with warranty.
- 4) Lawn establishment period will be in effect once the lawn has been mowed three times. Plant establishment period shall commence on the date of acceptance and 100% completion.



NOTE: USE SHREDDED BARK MULCH ONLY

DECIDUOUS TREE PLANTING

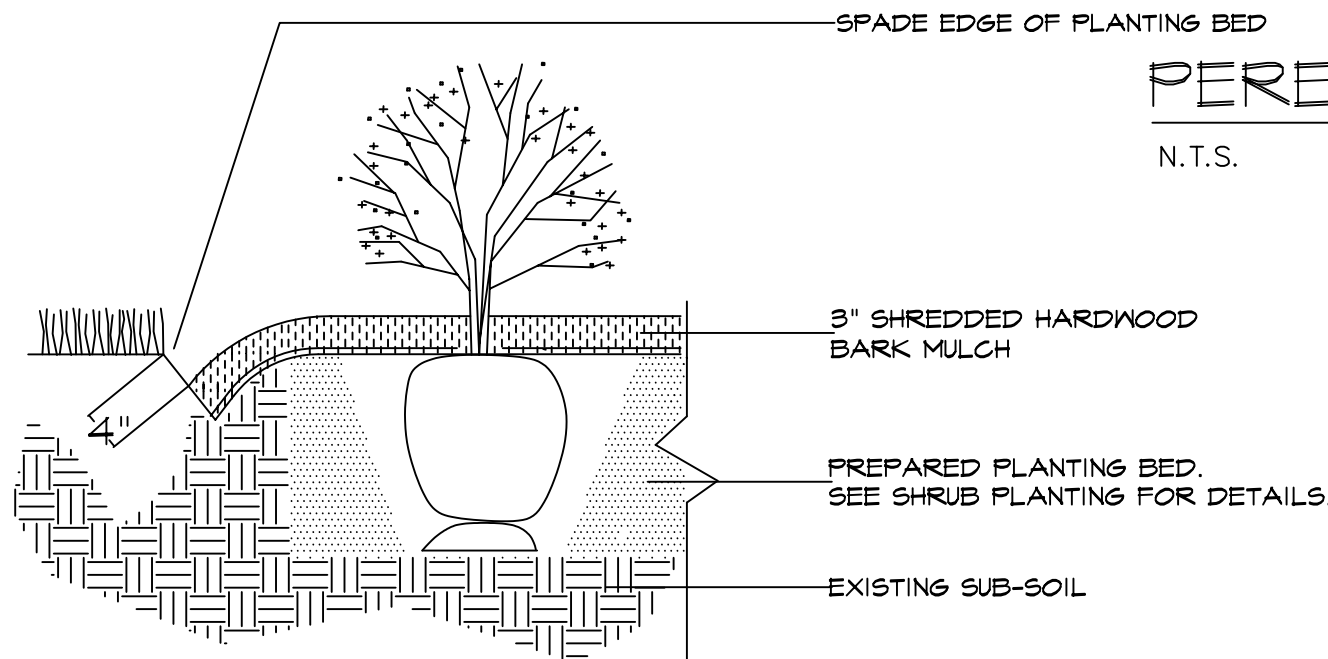
N.T.S.



NOTE: USE SHREDDED BARK MULCH ONLY

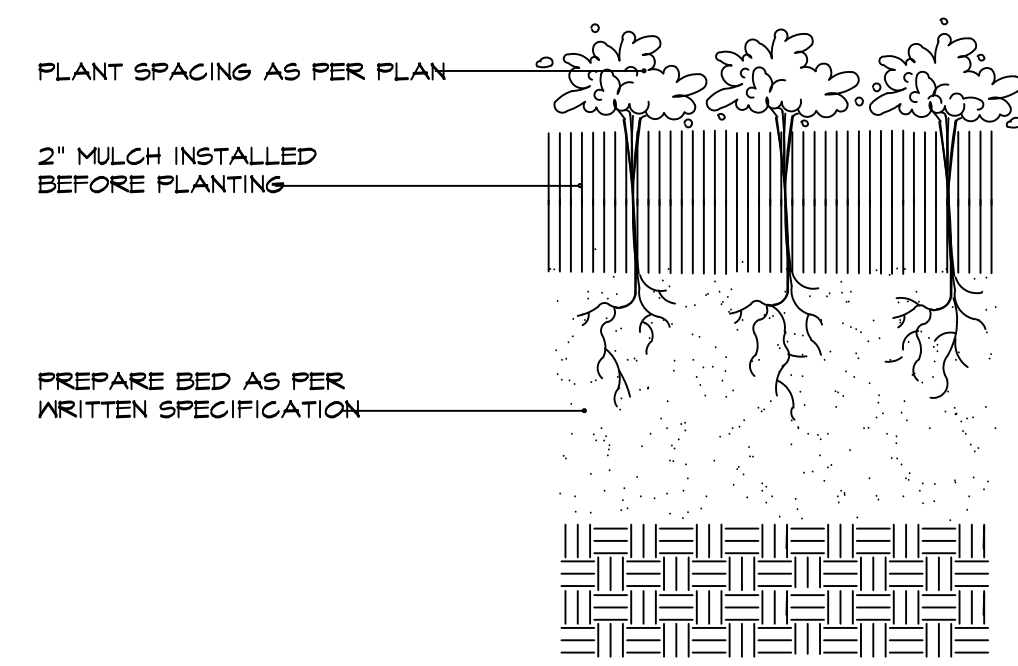
SHRUB PLANTING

N.T.S.



SPADE-CUT EDGE DETAIL

N.T.S.



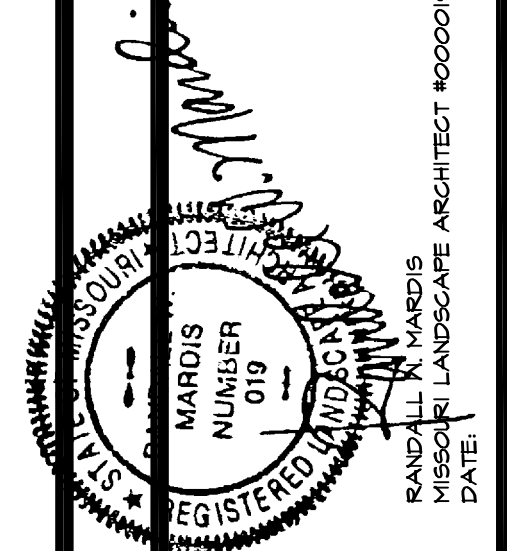
PERENNIAL / ANNUAL PLANTING

N.T.S.

PLANT SCHEDULE

SHRUBS	QTY	BOTANICAL NAME / COMMON NAME	SIZE
GCFC	3	Chamaecyparis pisifera filifera 'Golden Charm' / Golden Charm False Cypress	5 gal
RSC	10	Clethra alnifolia 'Ruby Spice' / Ruby Spice Clethra	5 gal
TARD	3	Hydrangea paniculata 'Tardiva' / Tardiva Hydrangea	5 gal
YAJUN	20	Juniperus horizontalis 'Youngstown' / Compact Youngstown Andorra Juniper	5 gal
PJ	5	Juniperus procumbens 'Nana' / Procumbens Juniper	5 gal
BAY	5	Myrica pensylvancia / Northern Bayberry	24"-30"
DY	5	Taxus media 'Densiformis' / Dense Yew	18"-24"
ANNUALS/PERENNIALS	QTY	BOTANICAL NAME / COMMON NAME	SIZE
PC-M	15	Echinacea purpurea 'Magnus' / Purple Coneflower	1 gal
HRD	38	Hemerocallis hybrid 'Happy Returns' / Happy Returns Daylily	1 gal
VLSBS	48	Rudbeckia fulgida 'Viette's Little Suzy' / Viette's Little Suzy Blackeyed Susan	1 gal
GRASSES	QTY	BOTANICAL NAME / COMMON NAME	SIZE
MG	9	Miscanthus sinensis 'Gracillimus' / Maiden Grass	5 gal
DFG	10	Pennisetum alopecuroides 'Hameln' / Dwarf Fountain Grass	5 gal

REVISIONS	BY



PLANTING PLAN FOR:
Weber Chevrolet
OLIVE STREET ROAD at INTERSTATE 270
CREVE COEUR, MISSOURI

DRAWN R. MARDIS
CHECKED RM/GJB
DATE AUGUST 8, 2011
SCALE N.A.
JOB NO. 2011-148
SHEET

L-2

OF TWO SHEETS



May 5, 2011

City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

Project Name: *Weber Chevrolet Creve Coeur*

Dear: Madam or Sir

The following is the written Rationale as requested in the Conditional Use Permit Application.

We believe the request for conditional use permit should be approved for the following reasons:

1. Weber Chevrolet is currently under an existing CUP.
2. This request is to amend the existing CUP to allow a showroom addition and exterior face lift.
3. The proposed addition and face lift will not change the use of the facility in any way. Weber Chevrolet will continue to serve the community with automobile sales and service the same as they have in this location since 1969.
4. The updated facility will bring Weber Chevrolet up to a new standard that will enhance the customer's automobile sales and service experience.
5. The City of Creve Coeur will benefit with the new look which will add to the communities feeling of being new and up to date.

Sincerely,

Jay Schoessel
Principal
SP Architects

1115 Olivette Executive Pkwy
Saint Louis, MO 63132

Phone 314.872.9700
fax 314.872.7726

www.sp-stl.com
e-mail: sparchitects@sp-stl.com

BILL NUMBER 1197

ORDINANCE NUMBER 1171

AN ORDINANCE AUTHORIZING THE ISSUANCE OF AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR WEBER CHEVROLET LOCATED AT 12015 OLIVE BOULEVARD IN THE "CB" CORE BUSINESS DISTRICT FOR THE CONSTRUCTION OF A PARKING LOT, SUBJECT TO CONDITIONS SET FORTH HEREIN.

WHEREAS, AN APPLICATION WAS MADE FOR AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A SIXTY-NINE (69) CAR EMPLOYEE PARKING LOT AS SUBMITTED BY MR. D. SCHULTZ OF SCHULTZ GROUP, INC., ARCHITECT, FOR WEBER CHEVROLET LOCATED AT 12015 OLIVE BOULEVARD IN THE "CB" CORE BUSINESS DISTRICT, AND

WHEREAS, A HEARING WAS HELD BY THE PLANNING AND ZONING COMMISSION RECOMMENDING APPROVAL OF SAID APPLICATION, AND

WHEREAS, A PUBLIC HEARING WAS HELD BY THE CITY COUNCIL ON AUGUST 25, 1986, AT 8:20 P.M. ON SAID APPLICATION FOR AN AMENDMENT FOR A CONDITIONAL USE PERMIT AS PROVIDED BY SECTION 26-114 OF ORDINANCE NO. 1044 OF THE CITY OF CREVE COEUR, AND

WHEREAS, NOTICE OF PUBLICATION FOR SAID PUBLIC HEARING HAD PREVIOUSLY BEEN PUBLISHED IN THE ST. LOUIS COUNTIAN ON AUGUST 6, 13 AND 20, 1986, AND

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

WHEREAS, THE CITY COUNCIL BEING FULLY INFORMED FINDS THAT THE GRANTING OF THE APPLICATION WOULD BE HARMONY WITH THE PUBLIC 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 AS FOLLOWS:

SECTION 1: THE CITY COUNCIL HEREBY DETERMINES AND FINDS THAT THE ISSUANCE OF AN AMENDMENT TO A CONDITIONAL USE PERMIT BY THE CITY ADMINISTRATOR, AS REQUESTED BY DONALD E. SCHULTZ, SCHULTZ GROUP, INC. ARCHITECTS, FOR WEBER CHEVROLET, IN THE APPLICATION FOR AN AMENDED CONDITIONAL USE PERMIT ON THE HEREINAFTER DESCRIBED PROPERTY, WILL CONFORM AND COMPLY WITH THE REQUIRED STANDARDS FOR CONDITIONAL USE PERMITS AS SET FORTH IN ARTICLE VIII, SECTION 26-114.5 OF ORDINANCE NO. 1044, AND THEREFORE AN AMENDED CONDITIONAL USE PERMIT IS HEREBY AUTHORIZED TO BE ISSUED FOR THE CONSTRUCTION OF A SIXTY-NINE (69) CAR EMPLOYEE PARKING

LOT ON THE FOLLOWING DESCRIBED PROPERTY IN THE "CB" CORE BUSINESS DISTRICT:

BEGINNING AT A POINT IN THE NORTH LINE OF THE EXISTING CITY OF CREVE COEUR, MISSOURI CITY LIMITS LINE, SAID BEGINNING POINT BEING 230 FEET NORTH OF THE ORIGINAL CENTER LINE OF OLIVE BOULEVARD AND THE WESTERN LINE OF ORCHARD LAKES SUBDIVISION; THENCE NORTHWARDLY AND ALONG THE WEST LINE OF SAID ORCHARD LAKES SUBDIVISION APPROXIMATELY 1,250 FEET TO A POINT IN THE SOUTH LINE OF ORCHARD LAKES SUBDIVISION; THENCE WESTWARDLY AND ALONG THE SOUTH LINE OF SAID ORCHARD LAKES SUBDIVISION, APPROXIMATELY 450 FEET TO THE POINT IN THE EASTERN LINE OF INTERSTATE ROUTE 270 RIGHT-OF-WAY LINE; THENCE SOUTHWARDLY AND ALONG THE EASTERN RIGHT-OF-WAY LINE OF INTERSTATE ROUTE 270 APPROXIMATELY 1,200 FEET TO A POINT IN THE NORTHERN CITY LIMITS LINE, THENCE EASTWARDLY AND ALONG THE NORTHERN CITY LIMITS LINE APPROXIMATELY 300 FEET TO THE POINT OF BEGINNING.

AN AUTOMOBILE DEALERSHIP LOCATED AT 12015 OLIVE BOULEVARD, AND PRESENTLY KNOWN AS WEBER CHEVROLET, AND THE PRESENT SITE CONTAINING APPROXIMATELY 11 ACRES.

SECTION 2: THIS AMENDMENT TO THE CONDITIONAL USE PERMIT PREVIOUSLY GRANTED SHALL BE SUBJECT TO ALL ORDINANCES, RULES AND REGULATIONS, AND THE FOLLOWING CONDITIONS:

1. THE AMENDMENT TO THE CONDITIONAL USE PERMIT SHALL BE FOR THE CONSTRUCTION OF A SIXTY-NINE (69) CAR EMPLOYEE PARKING LOT IN GENERAL CONFORMANCE WITH THE SITE PLAN APPROVED BY THE PLANNING AND ZONING COMMISSION ON JULY 22, 1986.
2. ALL SIGNAGE SHALL BE IN COMPLIANCE WITH THE SIGN REGULATIONS OF THE CITY AT WEBER CHEVROLET LOCATED AT 12015 OLIVE BOULEVARD.
3. THE HOURS OF OPERATION OF SAID PARKING LOT SHALL BE FROM 6:00 A.M. TO 7:00 P.M.
4. NONE OF THE EXISTING TREES TO THE EAST WILL BE REMOVED FOR THE CONSTRUCTION OF THE PROPOSED PARKING LOT.
5. THIS PARKING LOT WILL NOT BE LIGHTED.

6. PARKING SHALL BE PROHIBITED ON THE INTERNAL DRIVEWAY WHICH PROVIDES ACCESS TO ORCHARD LAKES DRIVE AND RUNS PARALLEL TO OLIVE BOULEVARD.

7. NO PENNANTS, BANNERS, TEMPORARY SIGNS, FRINGE, LIGHTS, PINWHEELS, OR OTHER SIMILAR DEVICES FOR ATTRACTING ATTENTION MAY BE DISPLAYED AT ANY TIME.

8. 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.

9. 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 CONDITIONS HEREIN SET FORTH AND APPROVED DEVELOPMENT PLAN FOR THE PROPERTY.

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

11. 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 REASONABLE NOTICE TO THE OWNER OF THE INTENTION OF THE CITY COUNCIL TO REVOKE AND REASONABLE TIME GRANTED TO THE OWNER TO CORRECT ANY SUCH BREACH OF CONDITION.

SECTION 3: THE CITY ADMINISTRATOR OF THE CITY OF CREVE COEUR IS HEREBY AUTHORIZED AND DIRECTED TO ISSUE AN AMENDMENT TO A CONDITIONAL USE PERMIT IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE, SAID PERMIT TO EXPRESSLY PROVIDE FOR THE CONDITIONS AND STIPULATIONS HEREIN ABOVE SET OUT IN SECTION 2 OF THIS ORDINANCE.

SECTION 4: 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 29TH DAY OF SEPTEMBER 1986.

Peggy Vickroy
PEGGY VICKROY, MAYOR

APPROVED THIS 29TH DAY OF SEPTEMBER 1986.

Peggy Vickroy
PEGGY VICKROY, MAYOR

ATTEST:

Laverne Collins
LAVERNE COLLINS, CMC
CITY CLERK

BILL NO. 365, 1967

ORDINANCE NO. 4632, 1968

Introduced by Councilman Rimmel

AN ORDINANCE

AMENDING THE ST. LOUIS COUNTY ZONING ORDINANCE BY CHANGING THE BOUNDARIES OF THE "R-3" 10,000 SQ. FT. RESIDENCE DISTRICT AND THE "C-8" PLANNED COMMERCIAL DISTRICT OF CERTAIN LAND AS PROVIDED HEREIN; APPROVING THE PRELIMINARY PLANS FILED, SUBJECT TO CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION AND INCORPORATED HEREIN; AND PROVIDING FOR THE APPROVAL OF THE FINAL DEVELOPMENT PLANS. (P.C. 38-67 WEBER CHEVROLET COMPANY)

RECEIVED

MAY 18 1984

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. LOUIS COUNTY, MISSOURI, ^{CITY OF CREVE COEUR} AS FOLLOWS:

SECTION 1. The St. Louis County Zoning Ordinance and the Official Zoning District Maps which are a part thereof, are amended by changing the boundaries of the "R-3" 10,000 Sq. Ft. Residence District and the "C-8" Planned Commercial District, so that there will be transferred from the "R-3" 10,000 Sq. Ft. Residence District to the "C-8" Planned Commercial District on the said maps, the following described land:

An irregularly shaped tract of land fronting 1234 feet, more or less, on the east right-of-way line of Interstate 244, south line of property being the city limits line of the City of Creve Coeur, being more particularly described as follows:

A tract of land being part of Lots 3 and 4 of the Lake House Farm Subdivision in St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 9 Page 74 of the City of St. Louis (former County) records and being more particularly described as follows: Beginning at a point in the Eastern line of the Right of Way of Interstate Highway 244 at its intersection with the North boundary line of the City of Creve Coeur; thence along the East line of Highway 244 North 9 degrees 32-1/2 minutes West 437.27 feet to an angle point in the Western line of tract conveyed to Weber Chevrolet Company by deed recorded in Book 5817 Page 280, being also the East line of Neu Lane, 16 feet wide; thence leaving said highway and going thence North 0 degrees 01-1/2 minutes East 230.74 feet to an iron pipe; thence North 89 degrees 16-1/2 minutes West 31 feet to the East line of said Highway 244; thence along the East line of said Highway North 6 degrees 57-1/2 minutes West 227.61 feet and North 10 degrees 56-1/2 minutes West 278 feet to the Northwest corner of parcel conveyed to Weber Chevrolet Company by deed recorded in Book 5887, Page 43;

thence South 89 degrees 16 minutes East a distance of 454.38 feet to the Northeast corner of said parcel; thence South 0 degrees 02 minutes West 1248.86 feet to the Northeast corner of tract conveyed to Weber Chevrolet Company by deed recorded in Book 5903, Page 249; thence continuing South 0 degrees 02 minutes West 2.54 feet to the North boundary line of the City of Creve Coeur; thence along said boundary line North 70 degrees 15 minutes West 197.30 feet to an angle point and North 70 degrees 47 minutes West 89.13 feet to the point of beginning, and containing 9.807 acres.

SECTION 2. The application for a Planned Commercial Development on the tract of land described in Section 1 is approved on condition that said development and plan is carried out in accordance with the preliminary plans filed with the St. Louis County Planning Commission and forwarded to the County Council with a communication dated December 5, 1967, which preliminary plans are also approved and incorporated herein by reference as if fully set out in and made a part of this ordinance, and subject to the conditions recommended by the Planning Commission in its report, as follows:

1. Prior to the issuance of any building permit, petitioner shall submit to the Planning Commission for review and approval a final development plan for the property in question, showing the location and size of all existing and proposed structures, existing and proposed grades, location and size of all proposed parking areas, all roadways and driveways on or adjacent to the property in question, and the location and size of all proposed signs and lighting details.
2. Prior to issuance of any building permit, petitioner shall also submit to the Planning Commission written approval from the St. Louis County Traffic Commissioner or Missouri State Highway Commission of the location of all proposed roadways and curb cuts.
3. The height limitations for structures, lot area and yard requirements, parking requirements, off street loading requirements and sign regulations, shall be the same as those contained in Section 1003.139 of the Zoning Ordinance.
4. All roadways or driveways within the property in question shall be improved with a paved surface of at least 20 feet in width.
5. No source of illumination shall be so situated that light is cast directly on any public right of way or on adjoining property.

6. The property in question shall be maintained in a sanitary and sightly manner.

7. The hours of operation shall be limited to that time interval between 6:30 A.M. and 9:00 P.M., CST or D.C.S.T. whichever is in effect.

8. Prior to issuance of any building permit, petitioner shall submit to Planning Commission for review and approval a detailed engineering plan of the method of handling storm water drainage for the the property in question. Design standards of the plan shall be for a "50 year frequency rainfall minimum".

9. Refuse, such as rags, tires, cans, auto parts and similar materials shall not be stored out of doors, nor shall containers for same be located out of doors.

10. Storage of wrecked or immobilized motor vehicles shall be indoors or if outdoors, shall be so screened as not to be visible from the adjacent "R" Residence Districts or from any public or private street or highway.

11. The uses permitted in this C-8 Planned Commercial District shall be indoor and outdoor sale of new and used motor vehicles, maintenance, service, repair and storage of autos.

12. Prior to issuance of a building permit, the petitioner shall submit to the Planning Commission for review and approval, a detailed landscape plan including, but not limited to, the location, size and type of all plant material to be used in adapting the development to blend with and complement the surrounding residential uses.

13. No pennants, fringe, lights, pinwheels, or similar devices for attracting attention may be displayed at any time in connection with this use.

14. The uses permitted herein shall be operated in conformance with the performance standards contained in Section 1003.163 of the Zoning Ordinance.

15. Within 12 months of the date of approval of the preliminary development plan by the County Council, the final development plan shall be submitted to the Planning Commission for its approval. Within 36 months of the date of approval of the final development plan by the Planning Commission, construction shall commence.

16. 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 conditions herein set forth and the approved development plan for the property.

17. In addition to the conditions herein imposed, this permit shall be subject to all applicable provisions of the St. Louis County Zoning Ordinance. The Zoning Enforcement Officer of St. Louis County, Missouri, shall be

charged with the duty of enforcing the conditions of this permit.

SECTION 3. The application and preliminary plans are returned to the St. Louis County Planning Commission for consideration of a final development plan, pursuant to Section 1003.145 SLCRO 1964, as amended.

SECTION 4. The St. Louis County Council, pursuant to the petition of Weber Chevrolet Company, c/o Irene L. Dulin, 1426 Boatmens Bank Building, St. Louis, Missouri 63102, requesting the amendment embodied in this ordinance, and pursuant to the recommendation of the St. Louis County Planning Commission that said Petition be granted, and the preliminary plans be approved subject to the conditions herein contained, after a public hearing held by the said Commission on May 16, 1967, does adopt this ordinance pursuant to Article III, Section 22(20) of the St. Louis County Charter authorizing the Council to exercise legislative power pertaining to planning and zoning.

ADOPTED March 7, 1968

Gerald A. Rimmel
CHAIRMAN, COUNTY COUNCIL

APPROVED March 11, 1968

Lawrence K. Roos
COUNTY SUPERVISOR

ATTEST: Mildred Huffman
COUNTY CLERK



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION


Whitney C. Kelly, AICP
City Planner

8/12/2011
Date

CROWDER
179972-2867
ORIGINAL LOT 14
VILLA COUBLAY PLAT 2
P.B. 102 PG. 08

ONE STORY BRICK #93

CONC.

4' WIRE FENCE

30' REAR YARD

15' REAR POOL SETBACK

325.52' (SUR)

325.22' (REC)

157.10'

NW COR WALL
1.3' N & 6.4' E

SET 3/4" IRON PIPES
CAP (LS 105-D)

FENCE
21.1' E

FENCE
20.0' E

52.7'

22.8'

PATIO BLOCK

4' IRON FENCE

50' BLDG LINE

50' EASEMENT RESERVED FOR ROAD PURPOSES

15' SIDE YARD

18.00'

N 01°24'00" E (SUR)

N/F
NUETZEL
8881-1127
LOT 15

FOUND 3/4" IRON PIPE
0.0' N/S & 0.4' E

FOUND CONCRETE MONUMENT
(ADAPT FOR LINE)

35.57'

264'

FENCE
1.7' S
20.2' E

FENCE
4.2' N
19.4' E

FOUND CON MONUM
(ADAPT BO

ADJUSTED LOT 14
±46,950 S.F.
±1.08 AC.

N 88°36'00" W

75.69'

111.26'

17.10'
S 33°25'46" W

4' SPLIT RAIL FENCE

30' REAR YARD

15' SIDE YARD

45.92'

10' EASEMENT

92.73'

10' EASEMENT

SET 3/4" IRON PIPES
CAP (LS 105-D)

42.10'

N 86°57'11" E

50.31'

N 57°21'36" E

4' WIRE FENCE

4' IRON FENCE

0.7' W RR TIE WALL

ASPHALT

17.7'

10.0'

18.0'

185.00'

5' EASEMENT

N/F
MARINO
9027-1824
LOT 55

ADJUSTED LOT 54
±43,577 S.F.
±1.00 AC.

ORIGINAL LOT 54
WESTWARD PLACE PLAT 2
P.B. 146 PG. 21

N/F
PHILLIPS
19345-819

DISCUSSION

A boundary adjustment, which is not a subdivision plat, is possible when the following regulation from the Subdivision Code is satisfied:

410.030(D) Sale or transfer of small parcels of land to or between adjoining property owners, where such sale does not create additional lots, is exempt from the requirement of recording by plat; provided, however, that certification by the Planning and Zoning Commission shall be required prior to such sale or transfer. This certification shall be recorded with the title of the property by the St. Louis County Recorder of Deeds.

This appears to be the case with the current application. The survey submitted indicates that the property remains consistent with the applicable zoning district for the City of Creve Coeur. As such, the request is a ministerial act; if the drawings are technically accurate it must be approved by the Planning and Zoning Commission.

ACTION

If the members of the Planning Commission are satisfied that the requested boundary adjustment meets the applicable requirements of the Subdivision Code, the Planning Department staff request that a final decision be voted upon; no action by the City Council is required.

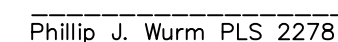
MOTION

The following are examples of a motion for this application:

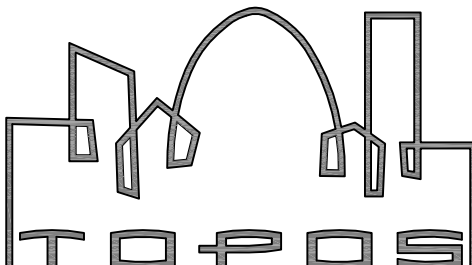
“I move to approve the 296 S. Graeser boundary adjustment attached to the staff report on application #11-022, dated August 15, 2011, subject to the condition that a final drawing be prepared for signature and recording.” (Conditions may be added, eliminated, or modified by preceding motion)

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.



Deborah Ryan
City Clerk
City of Creve Coeur, Missouri

Revisions				
No.	Date	By	Description	
				
			790 ST. FRANCOIS STREET FLORISSANT, MISSOURI 63031 Phone (314) 838-5806 Fax (314) 838-8141	
Drawn by: NLO			Checked by: PJW	
Sur. by: PD/SS			Date: 08-04-2011	
Survey No.			1110-0108-BAP	

ETHICS TRAINING CITY OF CREVE COEUR ELECTED & APPOINTED OFFICIALS

Purpose – Why do we have an ethics code?

- increase public confidence and trust
 - ▣ demonstrate integrity, accountability, responsibility
 - ▣ reputation
- assure impartiality and fairness
- assure due process and equal protection
- because required by State statute and City Charter

Why have ethics training?



- become even more sensitized to potential issues
- protect yourself and the City
- because the City Code now requires it (130.110) – once every two years – document compliance

Suggested approach



- As a City official, you hold your position as a **public trust**. Citizens have a right to expect that you and all elected and appointed officials and City employees will place loyalty to the laws, regulations, and ethical principles above private gain.
- In addition, you must strive to **avoid any action that would create the appearance** of impropriety.

My advice – Don't try to cut things too fine



- the light is always yellow, until you are sure it is green or red
- pursue frequent informal discussions with peers
- when in doubt, seek formal advice

How to get formal advice?



- under Code section 130.100, can submit signed written request for advice to the City Attorney
- must provide full and fair disclosure of the circumstances
- entitled to prompt response
- provides protection against second-guessing
- public record

And you can always consult
your own attorney.

What are the consequences of ethical violations?

(1 of 2)



- assume the worst - loss of office, fines, incarceration, humiliation
- the process has been improved by requiring complaints to start at the state commission - more privacy at the beginning, less potential for harassment

What are the consequences of ethical violations? (2 of 2)

- complaint would still come back to the City for final determination and imposition of sanctions
- not here to advise you on how to navigate the process once there is a complaint - if it comes to that - **SEEK IMMEDIATE LEGAL ADVICE**

Do you know who “you” are? (1 of 2)

- standards do not just apply to you as an individual
- also apply to you as spouse, parent, participant or investor in private business enterprise or trust
- businesses generally include sole proprietorships or entities in which you (self/spouse/kids) have a 10% or \$10,000+ interest, or receive \$5,000+/yr in compensation, or are partner, officer, director

Do you know who “you” are? (2 of 2)

- some rules reach beyond term of office
- reach of rules varies rule-to-rule - requires application of various statutory and code definitions as well as close reading of each rule

My suggestion – Assume all rules apply to all your identities, until you confirm otherwise.

Bottom line - is it right or wrong - is it
in the public interest or not?

Disclosure Reports

- Per code section 130.090 – Mayor, City Council and candidates, and members of P&Z and BOA must file an annual financial disclosure statement
- File with City Clerk and Missouri Ethics Commission – open to public
- Generally due by May 1, but when newly appointed to office must file within 30 days, and candidates generally must file within 45 days of closing of filing for office
- Note candidates also must file all-taxes-paid affidavit with other candidacy materials and with the Dept of Revenue, per 115.342 RSMo
- Forms available from City Clerk

SPECIFIC STANDARDS

State statute 105.452

- no action or inaction due to bribery
- no use or disclosure of confidential information for private gain
- no special monetary benefit
- no effort to coerce or extort others
- no involvement in any political appointment in exchange for anything of value to any political subdivision (2008)

SPECIFIC STANDARDS

State statute 105.454 & 105.462 (1 of 2)

- no side work for state or city over \$500/transaction or \$5000/year, unless lowest bid per public bidding process
- no transactions with State or City over \$500/transaction or \$5000/year, unless lowest bid per public bidding process

SPECIFIC STANDARDS

State statute 105.454 & 105.462 (2 of 2)

- no participation in such transactions - i.e. use of influence
- no paid lobbying of State or City
- including one year after term of office, except for public proceedings
- no paid work after term of office on specific matters you were involved in

SPECIFIC STANDARDS

State statute 105.462

If involved in any way in zoning or regulatory actions, no influence for any gain, no transaction with involved parties for one year after term, over \$500/transaction or \$1 500/year, unless lowest bid per public bidding process

SPECIFIC STANDARDS

State statute 105.458

City Council

- no services for City for compensation beyond pay for official position
- no non-public transactions over \$500/trans or \$5000/yr unless lowest bid
- likewise no business in which have 10% interest
- no paid influence

SPECIFIC STANDARDS

State Statute 105.461

- ❑ City Council with substantial interest in legislation (see above – who are “you”)
- ❑ Must file written report with clerk
- ❑ Unless in regular financial disclosure
- ❑ Statute says “before passing on measure” – BUT see Charter 14.1

SPECIFIC STANDARDS

State Statute 105.464



- Judicial and quasi-judicial positions
- No involvement if family member a party
- Could include administrative hearings

SPECIFIC STANDARDS

State statute 105.466

State exceptions

- ministerial acts
- following legal mandates such as court order
- communications with attorney general, prosecutor, city attorney about claims or complaints
- monies paid when government takes your property

SPECIFIC STANDARDS

City Charter Section 14.1

- Cannot be involved as City official in the making or performance of any contract in which have a substantial interest
- 10%/\$10,000/\$5000 amounts discussed before
- Must disclose in writing and stay out of it

SPECIFIC STANDARDS

Municipal Code Section 130.070

- No use of City property except for City business
- No special benefits from City
- Only uses and benefits afforded the general public
- Or uses approved in writing by the City Administrator and disclosed to City Council

SPECIFIC STANDARDS

City Charter Section 14.2



- ❑ No unlawful discrimination
- ❑ No fraud in dealings with City
- ❑ No bribes to others in City related to employment opportunities

SPECIFIC STANDARDS

Missouri Constitution



- Article 7, Section 6
- Forfeit office if name or appoint relative to public office or employment

Missouri Sunshine Law



- Meetings should be open to public unless . . .
- Meeting notice requirements
- Access to public records
- Email retention
- Penalties

City of Creve Coeur

Anti-Fraud & Corruption Policy



Purpose

- Method of reporting to minimize fraud and theft.
- Develop strategy for the prevention of fraud, corruption and dishonest activities.

Policy (1 of 2)

- Management has the responsibility for the detection and prevention of fraud, misappropriation and other inappropriate conduct.
- Management committed to continuously improving the system.
- Intent of the City Council to promote consistent organization behavior by providing guidelines and assigning responsibility for developing controls and conducting investigations to aid in the detection and prevention of fraud.

Policy (2 of 2)

- Management has the responsibility for the detection and prevention of fraud, misappropriation and other inappropriate conduct.
- Management committed to continuously improving the system.
- Intent of the City Council to promote consistent organization behavior by providing guidelines and assigning responsibility for developing controls and conducting investigations to aid in the detection and prevention of fraud.

Fraud & Corruption Examples (1 of 2)



- ❑ Impropropriety dealing with financial transactions.
- ❑ Disclosing confidential information.
- ❑ Inappropriate destruction or alteration of records or other assets.
- ❑ Receiving or authorizing inappropriate payments.
- ❑ Violation of state, federal or local laws.

Fraud & Corruption Examples (2 of 2)

- accepting anything with a material value of more than \$50 (cumulative over a one-year period) from a contractor, vendor, person providing or seeking to provide services/materials to the City of Creve Coeur, or person with a pending matter before the City (including a matter concluded within the past 90 days or a matter expected to commence within 90 days) . . . (2009)

Donations Policy



- ❑ “Donation” is a monetary contribution and/or equipment, in-kind goods or services, or business discounts, which a City department or the City has accepted and for *which the donor has not received any goods or service in return.*
- ❑ Donations under \$1,000 may be approved by the City Administrator
- ❑ Donations of \$1,000 must be approved by City Council.

Donations Policy – Acceptance Criteria



- ❑ Does acceptance of funds, equipment or in-kind services, materials, or business discounts, present a conflict of interest for the City?
- ❑ Regardless of the value, donations shall not be accepted if there is reason to believe there may be a conflict of interest.

Solicitations Policy (1 of 4)



- City officials and employees shall obtain approval prior to soliciting donations to the City.
 - ▣ City Administrator approval for donations under \$1,000
 - ▣ City Council approval for \$1,000 or more

Solicitations Policy (2 of 4)



- Unless approved per above, do not solicit from person or corporation:
 - ▣ currently seeking or subject to official action of, or doing business with, the City or anticipated to be doing so in the immediate future; or
 - ▣ whose interests may be substantially affected by the performance or nonperformance of the individual's official duties.

Solicitations Policy (3 of 4)



- ❑ Do not offer any form of “special access” to self as a City official or employee in exchange for donations.
- ❑ Do not solicit anything of value for a private purpose through the use of City stationary, City email address, etc.

Solicitations Policy (4 of 4)



- City officials shall not directly solicit anything of value from City employees.
- Fundraising campaigns directed to all employees may be approved by the City Administrator.

Handouts



- need to move past the highlights, study the text
- should document training to City Clerk

ETHICS:

POLICIES, ORDINANCES, AND STATUTES FOR CITY OF CREVE COEUR ELECTED & APPOINTED OFFICIALS



CODE OF CONDUCT OF THE CITY OF CREVE COEUR	3
SECTION 130.050: DECLARATION OF POLICY	3
SECTION 130.060: DEFINITIONS	3
SECTION 130.070: CODE OF ETHICS	5
SECTION 130.080: POLITICAL ACTIVITIES OF CITY EMPLOYEES.....	11
SECTION 130.090: DISCLOSURE REPORTS	13
SECTION 130.100: ADVISORY OPINIONS	15
SECTION 130.110: TRAINING	15
CHARTER FOR THE CITY OF CREVE COEUR.....	17
SECTION 14.1 PERSONAL FINANCIAL INTEREST:.....	17
SECTION 14.2 PROHIBITIONS:	17
CITY OF CREVE COEUR ANTI-FRAUD & CORRUPTION POLICY.....	18
PURPOSE	18
POLICY	18
FRAUD & CORRUPTION.....	18
MANAGEMENT RESPONSIBILITY	19
REPORTING SUSPICIOUS ACTIVITIES	19
NO REPRISAL FOR REPORTING SUSPICIOUS ACTIVITIES	20
INVESTIGATION.....	20
PREVENTIVE MEASURES	21
CONCLUSION.....	21
MISSOURI REVISED STATUTES – CHAPTER 105 - PUBLIC OFFICERS AND EMPLOYEES – MISCELLANEOUS PROVISIONS.....	22
SECTION 105.452 PROHIBITED ACTS BY ELECTED AND APPOINTED PUBLIC OFFICIALS AND EMPLOYEES.	22
SECTION 105.454 ADDITIONAL PROHIBITED ACTS BY CERTAIN ELECTED AND APPOINTED PUBLIC OFFICIALS AND EMPLOYEES, EXCEPTIONS.	23
SECTION 105.458 PROHIBITED ACTS BY MEMBERS OF GOVERNING BODIES OF POLITICAL SUBDIVISIONS, EXCEPTIONS.	24
SECTION 105.462 PROHIBITED ACTS BY PERSONS WITH RULEMAKING AUTHORITY--APPEARANCES -- EXCEPTIONS.	25

SECTION 105.464	PROHIBITED ACTS BY PERSONS IN JUDICIAL OR QUASI-JUDICIAL POSITIONS.....	26
SECTION 105.466	EXCEPTIONS TO APPLICABILITY OF SECTIONS 105.450 TO 105.458, 105.462 TO 105.468, AND 105.472 TO 105.482.	26
SECTION 115.342	DISQUALIFICATION FOR DELINQUENT TAXES--AFFIDAVIT, FORM--COMPLAINTS, INVESTIGATION, NOTICE, PAYMENT OF TAXES.	26
MISSOURI REVISED STATUTES - CHAPTER 610 GOVERNMENTAL BODIES AND RECORDS.....		28
SECTION 610.027	VIOLATIONS--REMEDIES, PROCEDURE, PENALTY, PURPOSEFUL VIOLATIONS--VALIDITY OF ACTIONS BY GOVERNING BODIES IN VIOLATION--GOVERNMENTAL BODIES MAY SEEK INTERPRETATION OF LAW, ATTORNEY GENERAL TO PROVIDE.	28
SECTION 610.028	LEGAL DEFENSE OF MEMBERS OF GOVERNMENTAL BODIES, WHEN--WRITTEN POLICY ON RELEASE OF INFORMATION REQUIRED--PERSONS REPORTING VIOLATIONS EXEMPT FROM LIABILITY AND DISCIPLINE.	29
CITY OF CREVE COEUR RESOLUTION NO. 582 – OPEN MEETINGS AND RECORDS		30

CODE OF CONDUCT OF THE CITY OF CREVE COEUR

SECTION 130.050: DECLARATION OF POLICY

A. In order to increase public confidence and trust in the integrity of elected officials, appointed officials and City employees and to assure that their actions are independent, impartial and responsible and that their positions are not used for personal gain, the City has adopted a code of ethics for all City Officials and employees and persons that interact with the City.

B. The purpose of this Article is to establish guidelines for standards of conduct for all such officials, employees and other persons by setting forth those acts or actions that are incompatible with the best interests of the City and the public and providing a procedure to deal with allegations and instances of misconduct.

C. Additionally, elected officials, appointed officials and employees of the City are expected to give fair and equal treatment to every person. They shall not grant special consideration, treatment or advantage to any person. In other words, elected officials, appointed officials and employees are expected to afford all persons due process of law and equal protection of the law. There are existing legal remedies for violations of these constitutional protections and violators may be subject to removal, discharge or discipline as provided by applicable laws and regulations.

D. This policy also establishes procedures and guidelines regarding the solicitation and acceptance of donations to the City for use by its citizens, employees and officials. Employees and officials as individuals are also subject to the City's Anti-Fraud and Corruption Policy. A uniform set of procedures shall be followed in solicitation and acceptance of all donations and proper approval shall be obtained prior to solicitation or acceptance. All cash, equipment, in-kind services, materials donated to the City, sponsorship arrangements, and business discount offers to City employees and/or officials shall be accounted for in accordance with the procedures set forth in this policy. (R.O. 2008 §2-166; Ord. No. 1235 Art. I, 7-27-87; Ord. No. 3035 §1, 1-24-05; Ord. No. 5184 §1(A), 3-28-11)

SECTION 130.060: DEFINITIONS

The words and terms used in this Article and [Sections 14.1](#) and [14.2](#) of the Charter of the City shall have the following meanings unless the text clearly requires otherwise:

APPOINTED OFFICER OR APPOINTED OFFICIAL: An official of the City appointed to their position by the Mayor and/or City Council, whether salaried or not, including, but not limited to, a member of a board, commission or committee of the City. An appointed officer or appointed official shall not be considered to be an employee.

APPROPRIATE DISCIPLINARY AUTHORITY: The City Council regarding any elected officer or elected official and shall mean the person with immediate supervisory authority over any

appointed officer, appointed official or employee, provided that the City Administrator and the City Council shall retain respective ultimate authority in such matters and may determine to act as the appropriate disciplinary authority.

BUSINESS DISCOUNT: Any offer, formal or informal, to discount the normal purchase price of any item for City employees and/or officials because of their affiliation with the City of Creve Coeur. Such offers may include coupons, promotional discounts, and other programs that would provide special discounted rates to City employees and/or officials that are not extended to the general public.

BUSINESS ENTITY: A corporation, association, firm, partnership, proprietorship or business entity of any kind or character.

DEPENDENT CHILD OR DEPENDENT CHILD IN THE PERSON'S CUSTODY: All children, stepchildren, foster children and wards under the age of eighteen (18) residing in the person's household and who receive in excess of fifty percent (50%) of their support from the person.

DONATION: A monetary contribution and/or equipment, in-kind goods or services, or business discounts, which a City department or the City would accept and for which the donor would not receive any goods or service in return.

ELECTED OFFICER OR ELECTED OFFICIAL: Any person elected to public office of the City. An elected officer or elected official shall not be considered to be an employee.

EMPLOYEE: A full-time or part-time compensated worker of the City, but shall not include appointed officers, appointed officials, elected officers or elected officials.

SPONSORSHIP: An arrangement in which a person would make a donation in support of a City event and the City would provide in return benefits such as name recognition and special participation in the event.

SUBSTANTIAL INTEREST AND SUBSTANTIAL FINANCIAL INTEREST, DIRECT OR INDIRECT OR BY REASON OF OWNERSHIP OF STOCK IN A CORPORATION: Ownership by the individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, directly or indirectly, of ten percent (10%) or more of any business entity or of an interest having a value of ten thousand dollars (\$10,000.00) or more or the receipt by an individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, of a salary, gratuity or other compensation or remuneration of five thousand dollars (\$5,000.00) or more per year from any individual, partnership, organization or association within any calendar year. (R.O. 2008 §2-167; Ord. No. 1235 Art. II, 7-27-87; Ord. No. 1435 §1, 1-7-91; Ord. No. 1472 §1, 8-26-91; Ord. No. 1981 §1, 1-25-99; Ord. No. 3035 §1, 1-24-05; Ord. No. 5184 §1(B), 3-28-11)

SECTION 130.070: CODE OF ETHICS

A. *Conflict Of Interest.*

1. Elected officials, appointed officials and employees of the City shall comply with the applicable provisions of Sections 105.452, 105.454, 105.458, 105.462, 105.464 and 105.466, RSMo., as the same may be revised or amended from time to time and subject to all applicable exemptions.

2. Elected officials, appointed officials and employees of the City shall comply with [Section 14.1](#) of the Charter of the City, which places restrictions on persons when acting in their capacity as a City Official or employee.

3. Elected officials, appointed officials and employees of the City shall not request or permit the use of City-owned property for any purpose except the conduct of City business. No elected official, appointed official or employee shall, directly or indirectly, attempt to obtain any service or benefit from City personnel for their own personal benefit or for the benefit of their spouse, dependent children or any business entity in which any of them have a substantial interest. Notwithstanding the foregoing, elected officials, appointed officials and employees of the City and their spouses, dependent children and businesses in which any of them have a substantial interest shall not be precluded from obtaining and using property, service and benefit from the City on the same terms as such property, service or benefit is made available to the general public or on other terms as may be approved by the City Administrator and reported to the City Council.

B. *Fairness.* All persons shall comply with [Section 14.2](#) of the Charter of the City.

C. *Donations.*

1. *Donations and sponsorships valued at one thousand dollars (\$1,000.00) or less.*

a. The City Administrator will consider the guidelines established in Subsection (C)(3) of this policy and either accept or reject offers of donations of money, equipment and in-kind contributions or sponsorships to the City up to one thousand dollars (\$1,000.00).

b. Donated money will be expended for general purposes or specified purposes, if agreed upon with the donor, as one-time supplements to the City's operating budget. Donations of equipment will be considered based on program outcomes, department goals and needs. Each donation will be evaluated for usefulness, and costs of potential replacement/rental rates will be considered. In-kind contributions and sponsorships, or business discounts for specific events will be treated in the same way as donated funds.

c. The City Administrator will accept or reject donations to the City and sponsorship arrangements with the City and business discount offers for City employees and/or officials with a cumulative value of up to one thousand dollars (\$1,000.00). Acceptance of such discount offers by individuals shall comply with the policies and procedures set forth in the

City's Anti-Fraud and Corruption Policy. Unless otherwise directed by the City Council, the City Administrator shall determine any necessary allocation of gifts to the City.

d. Donations, sponsorships, and business discounts that are approved by the City Administrator shall be recorded by the office of the City Administrator. Recorded information shall include the name of the donor or sponsor, a description of the donation, sponsorship or discount including approximate material value, and the date of approval by the City Administrator.

2. *Donations and sponsorships valued at more than one thousand dollars (\$1,000.00).*

a. For monetary, equipment and in-kind contributions, sponsorships, or discounts with material values over one thousand dollars (\$1,000.00), a report to the City Council will be written outlining the purpose of each proposed transaction and any relevant considerations of the guidelines provided in Subsection (C)(3). The City Council will decide, on a per-case basis, if donations or sponsorships should be accepted or rejected. Corporations offering in-kind contributions will be requested to state the value of the offered item or service.

b. All donations and sponsorships valued at more than one thousand dollars (\$1,000.00) either separately or cumulatively during a calendar year require City Council approval. Subsequent to Council's acceptance, procedures for handling transactions of more than one thousand dollars (\$1,000.00) shall be the same as those for the acceptance of transactions valued at one thousand dollars (\$1,000.00) or less.

3. *Guidelines for accepting donations.* The following criteria shall be considered in the acceptance or rejection of all donations:

a. Does acceptance of funds, equipment or in-kind services, materials, or business discounts present a conflict of interest for the City or its employees? Regardless of the value, donations shall not be accepted if there is reason to believe there may be a conflict of interest. Examples may include donations from:

(1) Donors that are involved in a matter under current review with a pending outcome with any City process such as any zoning or development matter, building inspection, Police investigation, Property Maintenance Code investigation, or any investigation into the violation of Municipal Code.

(2) Contractors, vendors, or persons seeking to provide services/materials to the City of Creve Coeur.

- b. Do restrictions upon the use of the item or funds make it practical to accept?
- c. Do restrictions on disposal or retention of the item or funds make it practical to accept?
- d. Is required accounting for the item or funds excessively difficult?

e. Would donated materials or equipment require extensive repair or maintenance, and if so, is maintenance support available?

f. Does the equipment or materials require the purchase of additional items to be useful?

g. Will the donation result in an increase to the City's budget? Donations are to be considered one-time supplements and should not be used to develop new programs or services which would require budget supplements from the City in the current or subsequent years.

4. *Solicitations.*

a. Solicitation of donations to the City shall be subject to this Subsection (C)(4) as well as the same procedures that would apply to acceptance of an unsolicited donation under Subsection (C)(3). Approval of a solicitation shall constitute approval of acceptance unless the terms and conditions required for acceptance are materially different from those included with the solicitation.

b. City officials and employees shall obtain approval prior to soliciting donations to the City. If the solicitation is for a donation of less than one thousand dollars (\$1,000.00), approval shall be obtained from the City Administrator. If the solicitation is for a donation of one thousand dollars (\$1,000.00) or more, approval shall be obtained from the City Council.

c. Other than a donation solicitation approved pursuant to Subsection (C)(4)(b), no elected or appointed City Official or employee of the City shall directly solicit anything of value, for any purpose, from a person or corporation:

(1) That is currently seeking or subject to official action of, or doing business with, the City, or anticipated to be doing so in the immediate future; or

(2) Whose interests may be substantially affected by the performance or non-performance of the individual's official duties.

d. City Officials and employees soliciting donations in compliance with this policy (i.e. either with approval or after restrictions no longer apply) from those that are or have previously engaged in the conduct set forth in Subsection (C)(4)(c) of this policy shall make clear that such solicitations are not connected to or presented as requests for payment for services rendered and otherwise strive to avoid any semblance of impropriety.

e. Those soliciting donations are prohibited from exerting any form of pressure upon those they have benefited through official acts.

f. City Officials and employees shall not offer any form of "special access" to themselves in exchange for donations.

g. City Officials and employees shall not solicit anything of value, for a private purpose, through the use of the City's letterhead, official stationery, assigned City e-mail address, or any other means that suggest that the solicitation is made with authority or on behalf of the City.

h. City Officials shall not directly solicit anything of value from City employees. City employees shall not directly solicit anything of value from their subordinates. Notwithstanding the foregoing, fundraising campaigns directed to all employees may be approved by the City Administrator.

i. This policy does not apply to solicitations of campaign contributions. Such activities are subject to separate regulations, including Chapter 130, RSMo.

D. *Violations.*

1. Any complaint regarding a violation of the provisions of [Section 130.070\(A\)](#) or [Section 130.070\(C\)](#) shall be presented to the Missouri Ethics Commission established under Section 105.955, RSMo., or its successor. Upon receipt of a report from the Missouri Ethics Commission under Section 105.961, RSMo., as amended or revised, that indicates that there is probable cause that a violation has occurred, the appropriate disciplinary authority shall determine whether to follow the recommendations contained in the report within the time allowed by Statute (including any stay resulting from an appeal) and whether to take any other appropriate disciplinary action. As provided by Statute, in the case of a person that is an elected official, the appropriate disciplinary authority is the City Council and in the case of a person that is an appointed official or employee, the appropriate disciplinary authority is the person with immediate supervisory authority over the person. However, the City Administrator and City Council retain their respective ultimate supervisory authority in such matters and may determine to act as the disciplinary authority within the constraints of the Charter of the City.

2. Violations of [Section 130.070\(B\)](#) are subject to prosecution by the City.

E. *Hearings.*

1. In conjunction with determining whether to follow the recommendations of a report received from the Missouri Ethics Commission or to take any other appropriate disciplinary action, the appropriate disciplinary authority shall schedule a hearing.

a. If the subject of the report is an employee, the provisions of the Personnel Code and related laws and regulations shall apply.

b. If the subject of the report is not an employee, then the provisions of this Subsection (D) shall apply. When a hearing is scheduled hereunder, the complainant and respondent shall be given reasonable notice thereof by certified mail. However, if the respondent agrees that he/she has committed a violation as alleged in the complaint, the appropriate disciplinary authority will not hold a hearing, but instead will promptly hold a public meeting to consider the matter and render a decision regarding the appropriate discipline or penalty.

2. The hearing shall be held within twenty (20) days of the receipt of the report from the Missouri Ethics Commission unless:

- a. The respondent requests a later date not to exceed twenty (20) additional days.
- b. The disciplinary authority itself determines that more time is required, not to exceed twenty (20) additional days.

On request from the respondent, the disciplinary authority may grant an expedited date for the hearing.

3. The disciplinary authority may meet prior to the hearing to prepare for the hearing. Such a meeting shall be a work meeting and no public comments will be accepted during such a meeting.

4. The hearing shall be conducted in the manner most conducive to the determination of the truth and the disciplinary authority shall not be bound by technical rules of evidence. Decisions made shall not be invalidated by any informality in the proceedings.

5. Hearings shall be open meetings under the open meetings and records policy of the City as provided for by the laws of the State. Notice of a hearing must be posted in conformance with the above stated policy.

6. All hearings shall be conducted as follows:

- a. The disciplinary authority shall receive evidence from:
 - (1) The Missouri State Ethics Commission (in the form of its report);
 - (2) The complainant;
 - (3) The respondent;
 - (4) Respective witnesses; and
 - (5) Any other person the disciplinary authority deems necessary.
- b. Each side will be permitted an opening statement and closing argument. The complainant shall first present his/her witnesses and evidence to sustain the charges. The disciplinary authority may request any witnesses to appear at a fixed time and/or the production of any records or material evidence. Failure or inability of the complainant to appear or produce evidence shall not be grounds for dismissal. The respondent will then present his/her witnesses and evidence in defense. Rebuttal may be permitted.
- c. Complainant and respondent will be allowed to examine and cross-examine witnesses. The disciplinary authority may also examine witnesses through its counsel.

d. Both the complainant and the respondent may be represented by legal counsel at their own expense.

7. The disciplinary authority shall determine the relevancy, weight and credibility of testimony and evidence. The disciplinary authority shall base its findings on the preponderance of evidence.

8. The hearing may be continued by the disciplinary authority to allow for additional information to be presented. The disciplinary authority may set time constraints on the proceedings.

9. The City Attorney shall serve as counsel to the disciplinary authority, unless special counsel is appointed pursuant to the Charter.

10. A transcript of the hearing shall be made unless waived by the complainant, the respondent and the disciplinary authority.

F. *Decisions.* The disciplinary authority, upon completion of a hearing or admission of a violation, shall render a decision in writing to the Mayor, City Council, City Attorney, the City Administrator, the complainant and the respondent within ten (10) days after conclusion of the hearing. The decision shall:

1. Determine whether or not a violation occurred as charged in the report from the Missouri Ethics Commission;
2. Set forth any necessary requirements for voluntary compliance;
3. Recommend any appropriate prosecution under applicable State or local law; and
4. Take other actions or recommend other actions by the authorized City Officials as deemed appropriate under the circumstances.

G. *Willful Concealment.* In the event that a City Official or employee willfully conceals a substantial financial interest in violation of [Section 14.1](#) of the Charter of the City or otherwise willfully violates the requirements of [Section 14.1](#) of the Charter of the City, such person shall be guilty of malfeasance in office or position and shall forfeit all offices and positions with the City.

H. *Complicity By Private Sector.* In the event that a person or business entity who makes a contract or sale with the City knows or should have known that a City Official or employee has violated [Section 14.1](#) of the Charter of the City regarding such contract or sale, the City Administrator or the City Council may declare the contract or sale void within thirty (30) days after the determination that the official or employee violated [Section 14.1](#). (R.O. 2008 §2-168; Ord. No. 1235 Art. III, 7-27-87; Ord. No. 1435 §§2--4, 6, 1-7-91; Ord. No. 3035 §1, 1-24-05; Ord. No. 5184 §1(C--D), 3-28-11)

SECTION 130.080: POLITICAL ACTIVITIES OF CITY EMPLOYEES

A. *Application.* The provisions of this Section apply to all full-time and part-time employees of the City in both classified and unclassified positions.

B. *Hatch Act Restrictions.* Employees engaged in activities which are funded in whole or part by Federal funds may have the additional restrictions of the Hatch Act and may be prohibited from taking an active part in City, County, State or national elections. The City Administrator is responsible for maintaining a listing of positions subject to the Hatch Act.

C. *Permitted Political Activities Of City Employees.* Activities listed in this Section are permitted for City employees on their own time. These activities apply to County, State and national elections and to municipal elections outside the City. These activities are not permitted while the employee is on duty, on any City property or in a uniform normally identified with the City.

D. Each employee, including an employee engaged in an activity financed through Federal funds, may:

1. Register and vote in any election.
2. As an individual, privately and publicly express an opinion on political subjects and candidates except as modified in Subsection (D)(8) below.
3. Be a member of a political party and participate in its activities consistent with this regulation.
4. Sign a political nomination, initiative, referendum or recall petition as an individual, except for City elective positions or propositions.
5. Make a financial contribution to a political party, group or candidate except for elective positions or propositions in the City.
6. Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum or issue of a similar character not pertaining to the City.
7. Display bumper stickers, signs, posters or pamphlets on private property for the endorsement of candidates or issues, except for elective positions and propositions regarding the City.
8. In City municipal elections, register, vote and express privately an opinion on candidates and propositions.

E. *Additional Permitted Activities.* In addition, an employee who is not engaged in an activity supported by Federal funds may:

1. Take an active part in the management of political campaigns, except for elective offices and propositions within the City.
2. Directly or indirectly solicit, receive or account for funds for a partisan political purpose except as prohibited by this regulation.
3. Solicit votes in support of, or in opposition to, a partisan or party office.
4. Initiate or circulate partisan nominating or recall petitions.
5. Serve as a delegate, alternate or proxy to a political party convention.
6. Drive voters to the polls on behalf of a political party or partisan candidate except for City municipal elections.
7. Endorse or oppose a partisan candidate for public office or political party office in a political advertisement, broadcast, campaign literature or similar material.

F. *Prohibited Activities.*

1. Employees covered by the Hatch Act are prohibited from engaging in those activities listed in Subsection (E) above.
2. No employee may use any official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office or directly or indirectly coerce, attempt to coerce, command or advise another official or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.
3. No employee shall engage in political activities involving City municipal elections except as expressly permitted in Subsections (C) and (E) above.
4. While bumper stickers, signs and posters may be displayed on private vehicles parked in a City employee parking area, such materials, as well as pamphlets and buttons, may not be otherwise displayed on City vehicles, City property or by an employee on a City work site.
5. Activities prohibited for an individual employee are also prohibited for groups or organizations of employees, even though the specific activities are being performed by a non-employee as a representative of the employee group.
6. Activities permitted in Subsections (C) and (E) above are prohibited when an employee is on duty, including break periods. They are also prohibited on City property and when an employee is in uniform normally identified with the City.
7. An employee shall not use an official City title or make reference to employment with the City in political advertisements, endorsements or speeches.

8. An employee shall not be a candidate for, or serve as, an officer of a political party or partisan club whether local, State or national.

G. *Candidate For Elective Office.*

1. A City employee may seek election to a partisan political office. Such employee shall be placed on an unpaid leave of absence from the time a declaration of candidacy is made until the completion of the elective process. During this leave of absence, the employee shall not use an official City title in political campaigning other than in a biographical description of the employee's experience nor shall official authority be used to affect the result of the election. If elected to political office and such office is clearly inconsistent, incompatible, in conflict with or inimical to duties as a City employee, the employee shall terminate City employment prior to assuming the elected position.

2. An employee may be a candidate for a non-partisan board such as, but not limited to, a school board or a library board or fire district, while retaining active City employment and, if elected, may retain the City position.

3. An employee who declares an intent to become a candidate by circulating or authorizing the circulation of a nominating petition for elective office of the City shall be placed on immediate unpaid leave and shall not exercise any of the duties of his/her position. Such unpaid leave shall continue until the conclusion of the elective process. Should the employee win said election, the employment shall be terminated when he/she is sworn into office.

4. An employee subject to the provisions of the Hatch Act may not be a candidate for partisan elective office. (R.O. 2008 §2-169; Ord. No. 1235 Art. IV, 7-27-87; Ord. No. 3035 §1, 1-24-05)

SECTION 130.090: DISCLOSURE REPORTS

A. *Generally.* The Mayor and each member of the City Council, the Planning and Zoning Commission and the Board of Adjustment, the City Administrator, the Finance Director and any candidate for elected office of the City shall disclose the following information if any such transactions were engaged in during the previous calendar year:

1. For such person and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision; and

2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for

providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

3. The City Administrator and the Finance Director also shall disclose for the previous calendar year the following information:

a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;

b. The name and address of each sole proprietorship that he/she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he/she was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;

c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

B. *Filing Of Reports.* The reports, in the form as prescribed by the Missouri State Ethics Commission, shall be filed with the City Clerk and with the Missouri State Ethics Commission. The reports shall be available for public inspection and copying during normal business hours. Pursuant to Subsection (4) of Section 105.485, RSMo., these reports are to be filed in lieu of reports otherwise required by the Statute.

C. *When Filed.* The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:

1. Each person appointed to office or employed shall file the statement within thirty (30) days of such appointment or employment.

2. Each candidate for elective office shall file a financial interest statement no later than the forty-fifth (45th) day after the last day for filing for the election at which he/she seeks nomination or election and the statement shall be for the twelve (12) months prior to the closing date, except that in the event an individual does not become a candidate until later than the forty-fifth (45th) day after the last day for filing for the election, the statement shall be filed within ten (10) days of becoming a candidate.

3. Every other person required to file a financial interest statement shall file the statement annually not later than May first (1st) and the statement shall cover the calendar year ending

the immediately preceding December thirty-first (31st); provided that any member of the City Council, the Planning and Zoning Commission and the Board of Adjustment or the Mayor may supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement. (R.O. 2008 §2-170.1; Ord. No. 1603 §§1--3, 8-23-93; Ord. No. 1664 §§1--3, 9-12-94; Ord. No. 1734 §§1--3, 8-28-95; Ord. No. 2145 §1, 8-27-01; Ord. No. 2230 §§1--3, 8-11-03; Ord. No. 3040 §1, 2-14-05)

SECTION 130.100: ADVISORY OPINIONS

A. Where an employee has a doubt as to the applicability of any provision of this code of conduct to a particular situation regarding that employee or as to the definition of terms used herein, the employee may apply by signed writing to the City Administrator for an advisory opinion. Elected officials and appointed officials shall have the right to apply to the City Attorney for an advisory opinion regarding particular situations in which they are personally involved or as to the definition of terms used herein. The individual shall have the opportunity to present his/her interpretation of the facts at issue and of the applicability of provisions of the code before such advisory opinion is made. The application shall at a minimum provide sufficient detail to fully and accurately describe the situation and shall be certified as true to the best knowledge, information and belief of the applicant. The City Administrator shall freely seek the advice and assistance of the City Attorney where interpretation of the law is required. Unless the time is waived by the applicant, the City Administrator and/or City Attorney shall respond within ten (10) days.

B. No person who relies upon an advisory opinion rendered pursuant to this Article may be found in violation of this Article except where such opinion has been fraudulently obtained or where the person so relying failed to provide or omitted material facts in the request for the advisory opinion.

C. Such opinion until amended or revoked shall be binding on the City, the City Council and the City Administrator and City Attorney in any subsequent actions concerning the elected official, appointed official or employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion.

D. Any advisory opinion prepared by the City Administrator or City Attorney shall be in writing and a copy shall be sent to the City Clerk to be retained and made available to the public upon request. (R.O. 2008 §2-172; Ord. No. 1235 Art. VII, 7-27-87; Ord. No. 1435 §6, 1-7-91; Ord. No. 3035 §1, 1-24-05)

SECTION 130.110: TRAINING

The City Administrator and the City Attorney shall arrange for training sessions for all elected and appointed officials and employees of the City regarding the provisions of this code of conduct and related provisions of law. All officials and employees shall attend a training session within one (1) year of appointment, election or hire and shall attend at least one (1) training session every two (2) years thereafter. In conjunction with such training, reference

materials shall be developed for distribution to officials, employees and the public. (R.O. 2008 §2-173; Ord. No. 3035 §1, 1-24-05)

CHARTER FOR THE CITY OF CREVE COEUR

ARTICLE XIV. GENERAL PROVISIONS

SECTION 14.1 PERSONAL FINANCIAL INTEREST:

Any elected or appointed officer, employee or member of any board or commission of the city who has a substantial financial interest, direct or indirect in any proposed or existing contract with the city or in the proposed sale or purchase of any land, material, supplies or services to or from the city shall make known that interest in writing to the city council and shall refrain from voting upon or otherwise participating in his or her capacity as a city officer or employee or board or commission member in the making of such sale or purchase or in the making or performance of such contract. Any city officer or employee or board or commission member who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his or her office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to or purchase from the city shall render the contract or sale or purchase voidable by the city administrator or the city council. The city council shall enact and maintain a conflict of interest ordinance embodying the above principles.

(Ord. No. 1129, § 1(Prop. 7), 12-16-85; Ord. No. 4058, § 1(Prop. 5), 12-11-06)

SECTION 14.2 PROHIBITIONS:

(a) *Activities prohibited:*

(1) No person employed by the City or seeking employment from the City shall be appointed, promoted, demoted, removed or in any way favored or discriminated against because of his or her age, race, color, marital status, national origin, political affiliation, religion, sex or disabled status except where specific age, sex or physical requirements constitutes a bona fide occupational qualification.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

(b) *Penalties:* Any person who by himself or with others willfully violates any of the provisions of Paragraphs (1) through (3) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as may be provided by ordinance.

(Ord. No. 4058, § 1(Prop. 5), 12-11-06)

CITY OF CREVE COEUR ANTI-FRAUD & CORRUPTION POLICY

PURPOSE

The purpose of this policy is to establish a method of reporting within the City of Creve Coeur in order to minimize the risk of internal and external fraud as well as theft of City assets or fraudulent financial reporting. This policy addresses the responsibility of employees and elected and appointed officials for detecting and reporting fraud or suspected fraud, corruption, or dishonest activities. The City is determined to protect itself and the public from fraud, corruption, and dishonest activities and is committed to the maintenance of a strategy for the prevention and detection of fraud, corruption, and dishonest activities.

POLICY

Management is responsible for the detection and prevention of fraud, misappropriations, and other inappropriate conduct. Management also recognizes that a key preventative measure in the fight against fraud and corruption is to employ staff and appoint officials who have high standards in terms of propriety and integrity. Further, all employees and officials of the City government have a duty to residents of the City of Creve Coeur to ensure that City resources are prudently used in accordance with the law. Management further is committed to continuously improving the systems for which it is responsible, both through its own assessments and by positive and prompt response to audit recommendations. It is, therefore, the intent of the City Council of the City of Creve Coeur and the City Administrator to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations to aid in the detection and prevention of fraud against the City of Creve Coeur.

FRAUD & CORRUPTION

Fraud is defined as an intentional, false representation or concealment of a material fact that leads to a financial advantage to the perpetrator or other upon whose behalf he or she acts. Corruption is the offering, giving, soliciting, or acceptance of any inducement or reward that may influence the actions taken by an employee or official. Fraud incorporates theft, larceny, embezzlement, fraudulent conversion, false pretences, forgery, corrupt practices and falsification of accounts. Fraud or other wrongful acts may include:

1. Forgery or alteration of a check, bank draft, or other financial document or account belonging to the City of Creve Coeur.
2. Falsifying time sheets, expense reports, or other report documents.
3. Misappropriation of funds, securities, supplies, or other assets.
4. Impropriety in handling or reporting of money or financial transactions.
5. Disclosing confidential or proprietary information to outside parties.

6. Accepting anything with a material value of more than \$50 (cumulative over a one-year period) from a contractor, vendor, person providing or seeking to provide services/materials to the City of Creve Coeur, or person with a pending matter before the City (including a matter concluded within the past 90 days or a matter expected to commence within 90 days), including not only tangible items and money, but also discounts that are not available to the general public; provided however, that the foregoing prohibition does not apply to donations made to the City and then distributed by the City to specific employees and/or officials, and discount programs for City employees and/or officials, when such donations and discount programs have been approved by in accordance with the City's Donations Policy and Procedures. Campaign contributions made to elected officials or candidates for elective positions made and reported in accordance with applicable law are not limited by this policy.
7. Accepting or seeking anything with material value of *any amount* if the recipient feels that something beyond standard public service is expected or if the recipient solicited the item or benefit. Employees and officials should never solicit anything of material value for themselves or others in connection with the rendition of public service. .
8. Destruction, removal, or inappropriate use of records, furniture, fixtures, equipment, and/or any similar or related irregularity.
9. Authorizing or receiving payments for hours not worked.
10. Authorizing or receiving payments for goods not received or services not performed.
11. Any violation of federal, state or local laws related to dishonest activities or fraud.

MANAGEMENT RESPONSIBILITY

Management is responsible for detecting fraud, corruption or related dishonest activities in their areas of responsibility. Each department director, manager, or supervisor should be familiar with the types of improprieties that might occur in their area and be alert for any indication that improper activity, misappropriation, or dishonest activity is or was in existence in his or her area. When an improper activity is detected or suspected, management should determine whether an error or mistake has occurred or if there may be fraud, corruption or dishonest activity.

Management is responsible for taking appropriate corrective actions to ensure adequate controls exist to prevent recurrence of improper actions.

Great care must be taken in the dealing with suspected dishonest, corrupt or fraudulent activities to avoid incorrect accusations, alerting suspected individuals that an investigation is underway, treating persons unfairly, or making statements that could lead to claims of false accusations or other offenses. Individuals who knowingly make false accusations may be subject to disciplinary action.

REPORTING SUSPICIOUS ACTIVITIES

Employees, officials and others have an obligation to report criminal conduct and/or suspicious activity without fear of retaliation or reprisal. When suspected fraud, corruption or dishonest incidents or practices are observed by or made known to any employee, the incident or practice should be reported to the employee's supervisor (see Appendix A for City's Organizational Chart). However, when the

employee believes the supervisor may be involved in the inappropriate activity, the employee should make the report directly to the next higher level of supervision. Individuals other than employees of the City who have knowledge of suspicious activities should report the inappropriate activity directly to the City Administrator or to the Mayor if the suspected activity involves the City Administrator. Please address your report to the following address:

City Administrator (or Mayor)
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

Reports should be presented with the following information: the date on which the criminal conduct and/or suspicious activity occurred if known, a description of the activity and the name(s) of anyone involved in the activity. These reports will then be immediately submitted to the City's external auditor for documenting and future review.

The reporting individual should refrain from further investigation of the incident, confrontation of the alleged violator, or further discussion of the incident with anyone unless requested to do so by management.

Employees and officials serve as the eyes and ears of the City. Their vigilance serves as a strong deterrent against fraud, corruption or other dishonest practices or behavior. Every employee and official has an obligation to report fraud, corruption or dishonest practices.

NO REPRISAL FOR REPORTING SUSPICIOUS ACTIVITIES

It is the policy of the City of Creve Coeur that no employee or official shall be subject to recrimination or any other form of punishment on the basis that they reported what was reasonably believed to be an act of wrongdoing or a violation of policies of the City's Code of Ethics. However, an employee will be subject to disciplinary action, and an official would face similar consequences, if the City reasonably concludes that the report of wrongdoing was knowingly fabricated or was knowingly distorted, exaggerated or minimized to either injure someone else or to protect the reporting party or others. A person whose report of misconduct contains admissions of personal wrongdoing will not, however, be guaranteed protection from disciplinary or similar action. The weight to be given to the self-confession will depend on all the facts known to the City at the time it makes its decisions. In determining what, if any, action may be taken, the City will take into account a person's own admission of wrongdoing; provided, however, that the reporting person's conduct was not previously known to the City or its discovery was not imminent and that the admission was complete and truthful.

INVESTIGATION

The City Administrator or his designee for the City of Creve Coeur will investigate situations involving possible fraud, corruption, or related dishonest activity. The external auditing firm for the City of Creve Coeur shall be informed of all situations of alleged violations of this policy and the results of the required investigations. The investigation requires the full cooperation of all City personnel and officials. If the alleged fraud involves the City Administrator, the Mayor shall designate a person or persons to conduct the investigation. If this investigation uncovers evidence showing fraud, corruption or dishonest activities by an employee, the City Administrator (if not directly involved in the allegations) will determine what disciplinary or legal actions should be taken. If the City Administrator is directly

involved in the allegations, or if an elected or appointed official is involved, the Mayor and City Council will determine what disciplinary or legal actions should be taken regarding such individuals.

PREVENTIVE MEASURES

Management of the City of Creve Coeur recognizes that the implementation of preventive and deterrent measures guard against corruption and fraudulent activities occurring within the confines of the city government.

The City shall develop an annual program in conjunction with its external auditors to re-evaluate areas of its internal control procedures and modify them as necessary to improve these areas.

CONCLUSION

The City is consistently working to improve the current systems and procedures in place to deter, detect, and investigate fraud, corruption and dishonest activities. The City will ensure that these arrangements are fair and are widely publicized and available to all employees and officials. The arrangements will be monitored and updated to keep pace with future developments in prevention, deterrence, and detection techniques regarding fraud, corruption and dishonest activity.

MISSOURI REVISED STATUTES – CHAPTER 105

PUBLIC OFFICERS AND EMPLOYEES – MISCELLANEOUS PROVISIONS

SECTION 105.452 PROHIBITED ACTS BY ELECTED AND APPOINTED PUBLIC OFFICIALS AND EMPLOYEES.

105.452. 1. No elected or appointed official or employee of the state or any political subdivision thereof shall:

(1) Act or refrain from acting in any capacity in which he is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value paid or payable, or received or receivable, to himself or any third person, including any gift or campaign contribution, made or received in relationship to or as a condition of the performance of an official act, other than compensation to be paid by the state or political subdivision; or

(2) Use confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself, his spouse, his dependent child in his custody, or any business with which he is associated;

(3) Disclose confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself or any other person;

(4) Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to such official or his spouse or dependent children, including but not limited to increases in retirement benefits, whether received from the state of Missouri or any third party by reason of such act. For the purposes of this subdivision, "special monetary benefit" means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such officials must recuse themselves from acting, except that such official may act on increases in compensation subject to the restrictions of section 13 of article VII of the Missouri Constitution; or

(5) Use his decision-making authority for the purpose of obtaining a financial gain which materially enriches himself, his spouse or dependent children by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary value.

2. No elected or appointed official or employee of any political subdivision shall offer, promote, or advocate for a political appointment in exchange for anything of value to any political subdivision.

SECTION 105.454 ADDITIONAL PROHIBITED ACTS BY CERTAIN ELECTED AND APPOINTED PUBLIC OFFICIALS AND EMPLOYEES, EXCEPTIONS.

105.454. No elected or appointed official or employee of the state or any political subdivision thereof, serving in an executive or administrative capacity, shall:

- (1) Perform any service for any agency of the state, or for any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power for receipt or payment of any compensation, other than of the compensation provided for the performance of his or her official duties, in excess of five hundred dollars per transaction or five thousand dollars per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received;
- (2) Sell, rent or lease any property to any agency of the state, or to any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power and received consideration therefor in excess of five hundred dollars per transaction or five thousand dollars per year, unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;
- (3) Participate in any matter, directly or indirectly, in which he or she attempts to influence any decision of any agency of the state, or political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power, when he or she knows the result of such decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to that agency for consideration in excess of five hundred dollars' value per transaction or five thousand dollars' value per annum to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;
- (4) Perform any services during the time of his or her office or employment for any consideration from any person, firm or corporation, other than the compensation provided for the performance of his or her official duties, by which service he or she attempts to influence a decision of any agency of the state, or of any political subdivision in which he or she is an officer or employee or over which he or she has supervisory power;
- (5) Perform any service for consideration, during one year after termination of his or her office or employment, by which performance he or she attempts to influence a decision of any agency of the state, or a decision of any political subdivision in which he or she was an officer or employee or over which he or she had supervisory power, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document or to prohibit an employee of the executive department from being employed by any other department, division or agency of the executive branch of state government. For purposes of

this subdivision, within ninety days after assuming office, the governor shall by executive order designate those members of his or her staff who have supervisory authority over each department, division or agency of state government for purposes of application of this subdivision. The executive order shall be amended within ninety days of any change in the supervisory assignments of the governor's staff. The governor shall designate not less than three staff members pursuant to this subdivision;

(6) Perform any service for any consideration for any person, firm or corporation after termination of his or her office or employment in relation to any case, decision, proceeding or application with respect to which he or she was directly concerned or in which he or she personally participated during the period of his or her service or employment.

SECTION 105.458 PROHIBITED ACTS BY MEMBERS OF GOVERNING BODIES OF POLITICAL SUBDIVISIONS, EXCEPTIONS.

105.458. 1. No member of any legislative or governing body of any political subdivision of the state shall:

(1) Perform any service for such political subdivision or any agency of the political subdivision for any consideration other than the compensation provided for the performance of his or her official duties, except as otherwise provided in this section; or

(2) Sell, rent or lease any property to the political subdivision or any agency of the political subdivision for consideration in excess of five hundred dollars per transaction or five thousand dollars per annum, or in the case of a school board five thousand dollars per annum, unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or

(3) Attempt, for any compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the political subdivision on any matter; except that, this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon.

2. No sole proprietorship, partnership, joint venture, or corporation in which any member of any legislative body of any political subdivision is the sole proprietor, a partner having more than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

(1) Perform any service for the political subdivision or any agency of the political subdivision for any consideration in excess of five hundred dollars per transaction or five thousand dollars per annum, or in the case of a school board five thousand dollars per annum, unless the transaction is made pursuant to an award on a contract let after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received;

(2) Sell, rent or lease any property to the political subdivision or any agency of the political subdivision where the consideration is in excess of five hundred dollars per transaction or five thousand dollars per annum, or in the case of a school board five thousand dollars per annum, unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

**SECTION 105.462 PROHIBITED ACTS BY PERSONS WITH RULEMAKING AUTHORITY--
APPEARANCES --EXCEPTIONS.**

105.462. 1. No member of any agency of the state or any political subdivision thereof who is empowered to adopt a rule or regulation, other than rules and regulations governing the internal affairs of the agency, or who is empowered to fix any rate, adopt zoning or land use planning regulations or plans, or who participates in or votes on the adoption of any such rule, regulation, rate or plan shall:

(1) Attempt to influence the decision or participate, directly or indirectly, in the decision of the agency in which he or she is a member when he or she knows the result of such decision may be the adoption of rates or zoning plans by the agency which may result in a direct financial gain or loss to him or her, to his or her spouse or a dependent child in his or her custody or to any business with which he or she is associated;

(2) Perform any service, during the time of his or her employment, for any person, firm or corporation for compensation other than the compensation provided for the performance of his or her official duties, if by the performance of the service he or she attempts to influence the decision of the agency of the state or political subdivision in which he or she is a member;

(3) Perform for one year after termination of his or her employment any service for compensation for any person, firm or corporation to influence the decision or action of the agency with which he or she served as a member; provided, however, that he or she may, after termination of his or her office or employment, perform such service for consideration in any adversary proceeding or in the preparation or filing of any public document or conference thereon unless he or she participated directly in that matter or in the receipt or analysis of that document while he or she was serving as a member.

2. No such member or any business with which such member is associated shall knowingly perform any service for, or sell, rent or lease any property to any person, firm or corporation which has participated in any proceeding in which the member adopted, participated in the adoption or voted on the adoption of any rate or zoning plan or the granting or revocation of any license during the preceding year and received therefor in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum except on transactions pursuant to an award on contract let or of sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

SECTION 105.464 PROHIBITED ACTS BY PERSONS IN JUDICIAL OR QUASI-JUDICIAL POSITIONS.

105.464. 1. No person serving in a judicial or quasi-judicial capacity shall participate in such capacity in any proceeding in which the person knows that a party is any of the following: the person or the person's great-grandparent, grandparent, parent, stepparent, guardian, foster parent, spouse, former spouse, child, stepchild, foster child, ward, niece, nephew, brother, sister, uncle, aunt, or cousin.

2. No provision in the section shall be construed to prohibit him from entering an order disqualifying himself or herself or transferring the matter to another court, body, or person for further proceedings.

SECTION 105.466 EXCEPTIONS TO APPLICABILITY OF SECTIONS 105.450 TO 105.458, 105.462 TO 105.468, AND 105.472 TO 105.482.

105.466. 1. No provision of sections 105.450 to 105.458, 105.462 to 105.468, and 105.472 to 105.482 shall be construed to prohibit any person from performing any ministerial act or any act required by order of a court or by law to be performed.

2. No provision of sections 105.450 to 105.458, 105.462 to 105.468, and 105.472 to 105.482 shall be construed to prohibit any person from communicating with the office of the attorney general or any prosecuting attorney or any attorney for any political subdivision concerning any prospective claim or complaint then under consideration not otherwise prohibited by law.

3. No provision of sections 105.450 to 105.458, 105.462 to 105.468, and 105.472 to 105.482 shall be construed to prohibit any person, firm or corporation from receiving compensation for property taken by the state or any political subdivision thereof under the power of eminent domain in accordance with the provisions of the constitution and the laws of the state.

SECTION 115.342 DISQUALIFICATION FOR DELINQUENT TAXES--AFFIDAVIT, FORM--COMPLAINTS, INVESTIGATION, NOTICE, PAYMENT OF TAXES.

115.342. 1. Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.

2. Each potential candidate for election to a public office shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:

"AFFIRMATION OF TAX PAYMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute. Candidate's Signature Printed Name of Candidate."

3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint.

MISSOURI REVISED STATUTES - CHAPTER 610

GOVERNMENTAL BODIES AND RECORDS

SECTION 610.027 VIOLATIONS--REMEDIES, PROCEDURE, PENALTY, PURPOSEFUL VIOLATIONS--VALIDITY OF ACTIONS BY GOVERNING BODIES IN VIOLATION--GOVERNMENTAL BODIES MAY SEEK INTERPRETATION OF LAW, ATTORNEY GENERAL TO PROVIDE.

610.027. 1. The remedies provided by this section against public governmental bodies shall be in addition to those provided by any other provision of law. Any aggrieved person, taxpayer to, or citizen of, this state, or the attorney general or prosecuting attorney, may seek judicial enforcement of the requirements of sections 610.010 to 610.026. Suits to enforce sections 610.010 to 610.026 shall be brought in the circuit court for the county in which the public governmental body has its principal place of business. Upon service of a summons, petition, complaint, counterclaim, or cross-claim in a civil action brought to enforce the provisions of sections 610.010 to 610.026, the custodian of the public record that is the subject matter of such civil action shall not transfer custody, alter, destroy, or otherwise dispose of the public record sought to be inspected and examined, notwithstanding the applicability of an exemption pursuant to section 610.021 or the assertion that the requested record is not a public record until the court directs otherwise.

2. Once a party seeking judicial enforcement of sections 610.010 to 610.026 demonstrates to the court that the body in question is subject to the requirements of sections 610.010 to 610.026 and has held a closed meeting, record or vote, the burden of persuasion shall be on the body and its members to demonstrate compliance with the requirements of sections 610.010 to 610.026.

3. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has knowingly violated sections 610.010 to 610.026, the public governmental body or the member shall be subject to a civil penalty in an amount up to one thousand dollars. If the court finds that there is a knowing violation of sections 610.010 to 610.026, the court may order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated sections 610.010 to 610.026 previously.

4. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has purposely violated sections 610.010 to 610.026, the public governmental body or the member shall be subject to a civil penalty in an amount up to five thousand dollars. If the court finds that there was a purposeful violation of sections 610.010 to 610.026, then the court shall order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing such a violation. The court shall determine the amount of the penalty by taking into account the size of the

jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated sections 610.010 to 610.026 previously.

5. Upon a finding by a preponderance of the evidence that a public governmental body has violated any provision of sections 610.010 to 610.026, a court shall void any action taken in violation of sections 610.010 to 610.026, if the court finds under the facts of the particular case that the public interest in the enforcement of the policy of sections 610.010 to 610.026 outweighs the public interest in sustaining the validity of the action taken in the closed meeting, record or vote. Suit for enforcement shall be brought within one year from which the violation is ascertainable and in no event shall it be brought later than two years after the violation. This subsection shall not apply to an action taken regarding the issuance of bonds or other evidence of indebtedness of a public governmental body if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness.

6. A public governmental body which is in doubt about the legality of closing a particular meeting, record or vote may bring suit at the expense of that public governmental body in the circuit court of the county of the public governmental body's principal place of business to ascertain the propriety of any such action, or seek a formal opinion of the attorney general or an attorney for the governmental body.

**SECTION 610.028 LEGAL DEFENSE OF MEMBERS OF GOVERNMENTAL BODIES, WHEN--
WRITTEN POLICY ON RELEASE OF INFORMATION REQUIRED--PERSONS REPORTING
VIOLATIONS EXEMPT FROM LIABILITY AND DISCIPLINE.**

610.028. 1. Any public governmental body may provide for the legal defense of any member charged with a violation of sections 610.010 to 610.030.

2. Each public governmental body shall provide a reasonable written policy in compliance with sections 610.010 to 610.030, open to public inspection, regarding the release of information on any meeting, record or vote and any member or employee of the public governmental body who complies with the written policy is not guilty of a violation of the provisions of sections 610.010 to 610.030 or subject to civil liability for any act arising out of his adherence to the written policy of the agency.

3. No person who in good faith reports a violation of the provisions of sections 610.010 to 610.030 is civilly liable for making such report, nor, if such person is an officer or employee of a public governmental body, may such person be demoted, fired, suspended, or otherwise disciplined for making such report.