



**REGULAR MEETING
AMENDED AGENDA
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 26, 2015
7:00 PM**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

COMMENTS FROM THE GENERAL PUBLIC

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

ACCEPTANCE OF THE AGENDA

ANNOUNCEMENTS

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

6:00 p.m. - 7:00 p.m. - Work Session

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

CONSENT READING

- a. **Bill No. 5566 - an Ordinance Authorizing the Installation of One (1) Fire Hydrant for 7 Beacon Hill Lane City of Creve Coeur, Missouri. Final Reading**

Summary: At the request of the Creve Coeur Fire Department and Missouri American Water, the ordinance will allow the installation of one fire hydrant at 7 Beacon Hill Lane.

- b. **Bill No. 5568 - an Ordinance Amending the Personnel Policy and Procedures Manual of the City of Creve Coeur. Final Reading**

Summary: Legislation to update the Personnel Manual

1. CONSENT AGENDA

- a. **Council Minutes Dated October 12, 2015**

- b. **Bill No. 5566 - an Ordinance Authorizing the Installation of One (1) Fire Hydrant for 7 Beacon Hill Lane City of Creve Coeur, Missouri. Final Passage**

Summary: At the request of the Creve Coeur Fire Department and Missouri American Water, the ordinance will allow the installation of one fire hydrant at 7 Beacon Hill Lane.



**AGENDA
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 26, 2015
7:00 PM**

c. Bill No. 5568 - an Ordinance Amending the Personnel Policy and Procedures Manual of the City of Creve Coeur. Final Passage

Summary: Legislation to update the Personnel Manual

d. Resolution No. 1188 - Approval of Distribution of Domestic Violence Funds for the Calendar Year 2016

Summary: City staff recommends the City equally distribute funds in 2016 to six non-profit domestic violence shelters.

BILLS PAYABLE REPORT

For Information Only

Summary: A report of bills payable dated October 21, 2015 in the amount of \$203,711.75 has been provided for Council review. No vote is required.

UNFINISHED BUSINESS

2. Bill No. 5564 - an Ordinance Authorizing the Issuance of a New Conditional Use Permit for a 1,644 Square Foot Eating and Drinking Establishment at 11615 Olive Boulevard, Unit 9C Within the CityPlace Mixed-Use/Retail Development. Final Reading and Passage

Summary: Jillian Tedesco, of Fit-Flavors, has submitted a conditional use permit application for a new Fit-Flavors location, with a juice bar, at 11615 Olive Boulevard Unit 9C within the CityPlace Retail in a portion of the space formerly occupied by Creve Coeur Camera. Fit Flavors offers healthy prepared meals to go, and smoothie/juice bar. The new location is 1,644 square feet with 8-10 seats. All Snack and Nonalcoholic Beverage Bars (NAICS 722515) are permitted as a conditional use with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission in all commercial districts. Planning and Zoning has recommended approval.

3. Bill No. 5565 - an Ordinance Authorizing the Issuance of a New Conditional Use Permit for a Psychic Services Office at 11628 Old Ballas Road Within the Centerco Office Suites Building. Final Reading and Passage

Summary: Nancy Fleming, of Readings by Nancy, has submitted an application for a conditional use permit for psychic and medium readings, and intuitive guidance advising services within the Centerco Office Suites, located at 11628 Old Ballas Road, Suite 207. The Applicant will be renting a 120 sq. ft. Office space within the building to offer one-on-one new age services of reiki, meditation, intuitive guidance and advising for the entertainment value of one's mind, body and soul. . Psychic Services are categorized as NAICS 812990 All Other Personal Services and are permitted as a conditional use with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission in all commercial districts. The Applicant is not pursuing any



**AGENDA
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 26, 2015
7:00 PM**

changes to the exterior of the building or site. Planning and Zoning has recommended approval.

4. **Bill No. 5567 - an Ordinance for the Holding of a General Election in the City of Creve Coeur, Missouri, on the 5Th Day of April, 2016, for the Election of One Council Member from the First Ward for a Full Two-Year Term, One Council Member from the Second Ward for a Full Two-Year Term, One Council Member from the Third Ward for a Full Two-Year Term, and One Council Member from the Fourth Ward for a Full Two-Year Term, for the Conduct of Said Election by the Board of Election Commissioners of St. Louis County, Missouri, and for Other Matters Relating and Pertaining to Such Election. Final Reading and Passage**
Summary: Annual ordinance to allow the City to hold an election in April.

NEW BUSINESS

5. **Bill No. 5569 - an Ordinance Authorizing the City of Creve Coeur to Enter into a Contract with St. Louis County to Continue to Provide a Police Officer to the St. Louis County Bureau of Drug Enforcement. First Reading**
Summary: A multi-jurisdictional task force is an efficient and effective way to investigate drug crimes that occur within Creve Coeur and neighboring cities. In support of this effort, a Creve Coeur Police Detective was assigned to the St. Louis County Multi-Jurisdictional Drug Task Force in February of 2014. The contract needs to be renewed.
6. **Bill No. 5570 - an Ordinance Amending Ordinance No. 5376 to Remove the Condition Three of Section Three Regarding the Orientation of the Home on Lot 4 of the Creekside at Mason Subdivision on North Mason Road. First Reading**
Summary: Ordinance No. 5376, enacted on June 23, 2014, approved the Creekside at Mason Subdivision zoned B-RDD, Residential Designed Development. A condition of the approval included that the Lot 4 setback was reduced to 15 feet with the home being parallel to the street. Larry Butts and Matthew Segal, of Pulte Homes of St. Louis, have requested that this condition on Lot 4 be revised so that the home may be built at an angle to the road.
7. **Resolution No. 1189 - a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Purchase of a New 20 Cubic Yard Extreme Vac Leaf Vacuum from Key Equipment for \$45,267.**
Summary: Approval to purchase a new 2015 Extreme Vac diesel powered leaf vacuum to replace a 2003 Giant Vac gas powered vacuum.



**AGENDA
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 26, 2015
7:00 PM**

8. Resolution No. 1190 - a Resolution Directing the Creve Coeur City Administrator to Pursue the Sale of the Western Portion of the Municipal Golf Course.

Summary: Requested by Council Member Kent

BUSINESS FROM MAYOR AND CITY COUNCIL

9. Council Liaison Reports

10. Citizen Survey

Summary: Requested by Council Member D'Alfonso

BUSINESS FROM CITY ADMINISTRATOR

11. Vehicle Sales Tax

Summary: Per state legislation, cities not having a voter-approved vehicle sales tax in place by the end of 2016 will no longer receive sales tax on out-of-state vehicle sales. This would result in a loss of revenue to the City of Creve Coeur estimated at \$175,000.

12. Use Tax

Summary: A use tax is a tax paid in lieu of a local sales tax on transactions on out-of-state purchases including catalogs and direct market sales. The first \$2,000 in purchases annually is exempt from the use tax. This tax is the same as the local sales tax, in our case, \$0.75. The State of Missouri levies a use tax, as do several municipalities in St. Louis County. The use tax is estimated to generate \$230,000 in annual revenues.

Pursuant to Section 610.022 RSMo., the City Council could, at any time during the meeting, vote to close the public meeting and move to closed session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under Section 610.021(1) RSMo. and/or personnel matters under Section 610.021(13) RSMo. And/or employee matters under Section 610.021(3) RSMo. and/or real estate matters under Section 610.021(2) or other matters as permitted by Chapter 610.

Posted: _____ posted 10/23/2015
Deborah Ryan, MPCC
City Clerk



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/26/15 07:00 PM
Department: Legislative /City Clerk
Category: Litigation
Prepared By: Debbie Ryan
Department Head: Debbie Ryan

SCHEDULED

ORDINANCE

**Bill No. 5566 - an Ordinance Authorizing the Installation of
One (1) Fire Hydrant for 7 Beacon Hill Lane City of Creve
Coeur, Missouri. Final Reading**

At the request of the Creve Coeur Fire Department and Missouri American Water, the ordinance will allow the installation of one fire hydrant at 7 Beacon Hill Lane.



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/26/15 07:00 PM
Department: Legislative /City Clerk
Category: Litigation
Prepared By: Debbie Ryan
Department Head: Debbie Ryan

SCHEDULED

ORDINANCE

**Bill No. 5568 - an Ordinance Amending the Personnel Policy
and Procedures Manual of the City of Creve Coeur. Final
Reading**

Legislation to update the Personnel Manual



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Debbie Ryan
City Clerk
(314) 872-2517
www.creve-coeur.org/

Meeting: 10/26/15 07:00 PM

DOC ID: 1609

COUNCIL MINUTES (ID # 1609)

Council Minutes Dated October 12, 2015



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 12, 2015
7:00 PM**

CALL TO ORDER

A regular meeting of the City Council of the City of Creve Coeur was called to order by Mayor Glantz at the Creve Coeur Government Center, 300 N. New Ballas Road on Monday, October 12, 2015 at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Glantz led the Pledge of Allegiance.

INVOCATION

Mayor Glantz gave an invocation.

ROLL CALL

Mr. Glantz	Mayor
Mr. Kreuter	Council Member Ward I
Ms. Kramer	Council Member Ward I
Mrs. Lawrence	Council Member Ward II
Mr. Wang	Council Member Ward II
Mrs. D'Alfonso	Council Member Ward III
Mr. Hoffman	Council Member Ward III
Mr. Kent	Council Member Ward IV
Mr. Saunders	Council Member Ward IV

COMMENTS FROM THE GENERAL PUBLIC

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

No one requested to speak.

ACCEPTANCE OF THE AGENDA

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

Mark Perkins stated there are substitute Resolution Nos. 1184 and 1185 on the dais that will be brought forward during the meeting.

Mayor Glantz called the question to accept the agenda as presented, with the vote upon such motion as follows, to-wit:

Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kent – Aye
Council Member Saunders – Aye
Council Member Kreuter – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 12, 2015
7:00 PM**

Council Member Kramer – Aye

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

ANNOUNCEMENTS

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

1. CONSENT AGENDA

Council Member Wang moved, seconded by Council Member Kramer to approve the consent agenda as presented.

- a. Council Minutes Dated September 28, 2015**
- b. Resolution No. 1182 - a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Creve Coeur Police Department to Participate in the Missouri Highway Safety Program.**
- c. Resolution No. 1183 - a Resolution Authorizing Purchase of a New Fiber Optic Network Service Between Public Works Garage and Government Center.**
- d. Resolution No. 1184 - a Resolution Authorizing the Execution of an Agreement with Lincoln Financial to Provide Group Life, Accidental Death and Dismemberment, and Long Term Disability Insurance for City Employees.**

Council Member Saunders moved, seconded by Council Member D'Alfonso to replace the revised minutes as distributed by the City Clerk and Substitute Bill No. 1184 as presented, with the vote upon such motion as follows, to-wit:

Council Member Kreuter – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kent – Aye
Council Member Saunders – Aye

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

Mayor Glantz then called to question to approve the consent agenda as amended, with the vote upon such motion as follows, to-wit:



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 12, 2015
7:00 PM**

Council Member Saunders – Aye
Council Member Kent – Aye
Council Member Wang – Aye
Council Member D’Alfonso – Aye
Council Member Kramer- Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Kreuter – Aye

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

BILLS PAYABLE REPORT

For Information Only

Summary: A report of bills payable dated October 7, 2015 in the amount of \$216,652.38 has been provided for Council review. No vote is required.

UNFINISHED BUSINESS

NEW BUSINESS

- 2. Bill No. 5564 - an Ordinance Authorizing the Issuance of a New Conditional Use Permit for a 1,644 Square Foot Eating and Drinking Establishment at 11615 Olive Boulevard, Unit 9C Within the CityPlace Mixed-Use/Retail Development. First Reading**

City Clerk read Bill No. 5564 for the first time.

Jason Jaggi made a presentation regarding this application.

- 3. Bill No. 5565 - an Ordinance Authorizing the Issuance of a New Conditional Use Permit for a Psychic Services Office at 11628 Old Ballas Road Within the Centerco Office Suites Building. First Reading**

City Clerk read Bill No. 5565 for the first time.

Jason Jaggi made a presentation regarding this application.

- 4. Bill No. 5566 - an Ordinance Authorizing the Installation of One (1) Fire Hydrant for 7 Beacon Hill Lane City of Creve Coeur, Missouri. First Reading**

City Clerk read Bill No. 5566 for the first time.



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 12, 2015
7:00 PM**

- 5. Bill No. 5567 - an Ordinance for the Holding of a General Election in the City of Creve Coeur, Missouri, on the 5Th Day of April, 2016, for the Election of One Council Member from the First Ward for a Full Two-Year Term, One Council Member from the Second Ward for a Full Two-Year Term, One Council Member from the Third Ward for a Full Two-Year Term, and One Council Member from the Fourth Ward for a Full Two-Year Term, for the Conduct of Said Election by the Board of Election Commissioners of St. Louis County, Missouri, and for Other Matters Relating and Pertaining to Such Election. First Reading**

City Clerk read Bill No. 5567 for the first time.

- 6. Bill No. 5568 - an Ordinance Amending the Personnel Policy and Procedures Manual of the City of Creve Coeur. First Reading**

City Clerk read Bill No. 5568 for the first time.

Sharon Stott made a presentation regarding this Bill and presented recent changes made to some of the definitions since the information in the packet was distributed.

Council Member Saunders moved, seconded by Council Member Kreuter to revise the definition in the manual as presented, the vote upon the motion as follows, to-wit:

Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kent – Aye
Council Member Saunders – Aye
Council Member Kreuter – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye

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

- 7. Resolution No. 1185 - a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Execution of a Contract with Infrastructure Management Services for Pavement Conditions Investigation and Related Services for the Not-To-Exceed Fee of \$63,287.**

City Clerk read Resolution No. 1185.

Council Member Hoffman moved, seconded by Council Member Saunders to approve Resolution No. 1185.

Council Member Saunders moved, seconded by Council Member Hoffman to amend Resolution No. 1185 as presented, with the vote upon such motion as follows, to-wit:

Council Member Kreuter – Aye
Council Member Hoffman – Aye



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 12, 2015
7:00 PM**

Council Member Lawrence – Aye
Council Member Kramer – Aye
Council Member Saunders – Aye
Council Member Kent – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye

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

Matt Wohlberg stated staff is recommending hiring Infrastructure Management Services (IMS) to evaluate the pavement conditions for all of the City's streets. Included in this review will be a measurement of the smoothness of all streets and base strength analysis for the City's combination streets.

Jim Heines stated the consultant will be supplying staff with all the information that they are looking for within a pavement management evaluation. It will also add an IRI or rideability rating for each road and subsurface condition of the pavement. Discussed with consultant about Ground Penetrating Radar and at this point right now, void detection is a different test and feel another consultant could supply the type of information that staff is looking for.

Council Member Saunders stated the void detection technology is something that is really important for us and asked what is the plan seeking bids independently for that technology.

Matt Wohlberg stated staff will be contacting firms to see what options are available and should have some information for Council within the next few weeks.

Council Member Kent thanked staff for following through with this project and asked if the GPR also includes infrared capabilities in terms of determining water leaks, etc.

Matt Wohlberg stated some of that has yet to be determined what other companies could provide and that is some of the information that staff will bring back to Council in the coming weeks and depending on the price.

Mayor Glantz called the question to approve Resolution No. 1185 as amended, with the vote upon such motion as follows, to-wit:

Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Kreuter – Aye
Council Member Saunders – Aye
Council Member Kent – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye

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



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 12, 2015
7:00 PM**

8. Resolution No. 1186 - a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Execution of a Contract with Roadsafe Traffic Systems, Inc., for Roadway Restriping Related to the Annual Pavement Maintenance Program for the 2016 Fiscal Year for \$49,247.50.

City Clerk read Resolution No. 1186.

Council Member Wang moved, seconded by Council Member Hoffman to approve Resolution No. 1186.

Matt Wohlberg presented the item and asked for approval.

Council Member Kent stated he feels the price is very high and asked how long it will take to complete the work.

Matt Wohlberg stated it depends on when the work is done, which depends on weather.

Council Member Wang asked about a sharrow and if that indicated a bike lane.

Matt Wohlberg stated it signifies to be aware of the bikes on the road but stops just short of designating a bike lane.

Council Member D'Alfonso stated this was a request from the neighborhood and that there will be no parking signs on that side of the road so there won't be an impediment for bicyclists or pedestrians since there is no sidewalk.

Council Member Lawrence stated since it is not four foot which is the recommended bike lane size and someone gets hit by a car and we have a sign up, does the city bear any liability.

Carl Lumley stated no, bicyclists are allowed to share the road with motor vehicles anyway. This is just increasing people's awareness that bicyclists have a right to be there.

Jack Groneck resident of Country Forest stated this is the first time he has heard about this project. The problem is there are homes from Woodline to Hibbler on that side of the street so there will be no parking in front of their homes on both sides of the street.

Jim Heines stated staff met with the trustees of the subdivision and they were well aware of the issues with the parking.

Council Member Hoffman stated he understands that staff would like to complete this project soon; however, the trustees are having a meeting in two weeks and it would be worthwhile to get input from the subdivision before implementing no parking where there are several homes.

Jim Heines stated he doesn't know if they have spoken with all of the residents that will be affected.

Council Member D'Alfonso stated she does know that the trustees have spoken to the homes that will be affected by the no parking signs and emails have been sent out to the residents. Don't mind pushing the project back so that the trustees can more thoroughly discuss.



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 12, 2015
7:00 PM**

Carl Lumley stated the contract gives the city the right to give three days' notice and suspend work and as long as staff has a clear understanding of Council's preference and make sure the unit price for all of the work will apply and just not pursue the Falise project until further guidance from Council.

Council Member Lawrence asked if there was any way that we could be guaranteed that both sets of residents in the cul de sac and the people who are going to lose the parking in front of their house have been contacted.

Jim Heines stated one of them is a trustee.

Council Member Hoffman stated everyone should be contacted that will be directly affected.

Mark Perkins asked if this work is not completed because of the weather until spring will the contractor hold those prices.

Jim Heines stated staff will have to contact them and could add to a future painting project or they may honor separating the work.

Council Member Lawrence suggested sending those affected a letter.

Mayor Glantz stated then the residents could be encouraged to attend the next Council meeting.

Mayor Glantz called the question to approve Resolution No. 1186, with the vote upon such motion as follows, to-wit:

Council Member Saunders – Aye
Council Member Kent – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Kreuter – Aye

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

9. Resolution No. 1187 - a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Execution of a Contract Increase with Bond Architects to Verify Space Diagrams, and to Develop Plan Layouts for New Police Building and Renovated Government Center, for an Amount Not to Exceed \$34,850.

City Clerk read Resolution No. 1187.

Council Member Hoffman moved, seconded by Council Member Kramer to approve Resolution No. 1187.

Mark Perkins stated staff has been working with Bond Architects and the Needs Analysis Task Force to discuss the appropriate next steps relative to the city's facility studies. The city has not



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 12, 2015
7:00 PM**

made any decision obviously regarding which direction to take but the direction of the Council and the Task Force at this time is to pursue a new police station whether that is with a new Government Center or in addition to a renovation is still undecided. In order to move the process forward and to make sure we have all of the best information relative to the scope of work necessary in the police station as well as the government center. Staff would like to take this next step relative to more of a conceptual plan level, refine our space needs analysis and continue to advance renovations on the government center. There are a lot of unknowns relative to this building and want to have the best information that we can possibly have before a potential bond issue vote in 2016 which has been discussed. By looking at a renovated government center it doesn't in any way preclude the decision of the Council to still pursue a new government center. But we do feel like we should continue to move this process along.

Council Member D'Alfonso stated with the design of the new police center would gun range be included in the design.

Mark Perkins stated staff will plan on space for a gun range because we don't know what direction that will be.

Council Member Kent stated he has mixed feelings and did take note in the staff report that the police department building will be portable so that it might be on this site or another alternative site. There is still the opportunity that the task force hasn't explored is putting the building on a different site or whether they want to build a whole new building. Feels the staff should go forward with the police building since it will be portable. Haven't examined if the golf course is a viable option or not. There is certainly strong opinions on that on both sides but still not sure what the residents want. Want to be certain all the alternatives are fully exposed and that they are evaluated and the city will do the right thing. The question is how much of this is going to be reworking this building and we decide to tear this building down and put a new building on here. Council Member Kent stated he has concerns with renovating a 64 year old building and about what is going to be found as far as structural conditions.

Council Member D'Alfonso stated the more information the better for future decision making process.

Council Member Kent stated point well taken; however, there are better alternatives.

Mayor Glantz called to question to approve Resolution No. 1187, with the vote upon such motion as follows, to-with:

Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Kreuter – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kent – Aye
Council Member Saunders – Aye

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



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 12, 2015
7:00 PM**

APPOINTMENTS

10. Reappointment to Olive Blvd TDD Board

Council Member Wang moved, seconded by Council Member Hoffman to reappoint Dave Kreuter and Scott Saunders to the Olive Blvd TDD Board each to a three year term which would expire September 2018, with the vote upon such motion as follows, to-wit:

Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kent – Aye
Council Member Saunders – Abstained
Council Member Kreuter – Abstained
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye

The vote on the motion being 6 ayes, 2 abstentions and 0 nays, motion carried.

BUSINESS FROM MAYOR AND CITY COUNCIL

11. Council Liaison Reports

Council Member Wang stated the Arts Commission meets tomorrow.

Council Member Lawrence stated the Parks, Historic and Preservation Committee met last Wednesday. The front park of the rink renovation is pretty much finished and they will start the second phase of the renovation soon. The new Maryland Heights facility which is a Community Center like the Aquaport will be open for Creve Coeur residents to go to on a resident fee basis. On October 24th between 2 – 4 pm there is going to be a very fun pumpkin party out at the Tappmeyer House in Millennium Park. There is a Children's Tea scheduled on December 12th.

Council Member Kent stated the Energy and Environment will meet tomorrow.

12. Proposed Sale of Golf Course

Council Member Kent stated he wanted to put this on for discussion as an alternative for three reasons; primarily they are both financial and also a matter of opening up more park property to all the citizens. In addition to the continued operating losses on the golf course and in face of some estimated \$3 million dollars, Council Member Kent stated the breakdown of the cost is \$1 million for stormwater control system and \$2 million for bringing up the golf course to date and approximate only 3% of the residents use it and felt that it was appropriate to bring this to view as to whether or the proper continuation of the golf course. Whether we want to continue it as a golf course, make it into a park or make half of it for new housing as desired for new professionals coming for the tech industry. In view of the Comp Plan we are in need of housing and for these reasons thought it should be considered at least as an alternative and understand that there is two sides to the story and that it is a very emotional issue for those who have golfed on the course for many years, an environmental issue of open/green space and the consideration of the chemicals that are being put on the golf course every year and haven't measured the effluent of the golf course on those standards. Council Member Kent stated there



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 12, 2015
7:00 PM**

are a number of issues for consideration and so an enlightened decision can be made by the residents of the City of Creve Coeur. There are a number of golf courses in the area (91) and at least four or five within 20 minutes of the city. The question is, is this something we want to continue to do or do we want to have it converted into a park for all 17,800 citizens that is the primary question. The next question is does it make sense to consider it as an alternative site for the government center to a great extent if the western half was sold we would eliminate the \$3 million dollar liability because the developer would likely turn it back into a creek and eliminate the detention ponds and dam problem. In addition to that it would provide needed housing for the professionals we are looking for as the city just received a large grant and in addition to that on the other half we have the benefit of having a location for a modern municipal campus, twenty first century building and police headquarters. Council Member Kent stated he understands and gets it that there are many people that have a great attachment for it but they also have their green space concerns about it and respects that. Council Member Kent stated he is perfectly happy to see it voted on the April election and let all those citizens of the City of Creve Coeur decide and have no problem with that at all. Council Member Kent stated he doesn't want to see it pass as an alternative without it being explored and decided upon because as he sees it, if Council avoids this issue when you come to ask for a bond program for a new building or renovation then there will be a number of constituents are going to come in and ask why other alternatives weren't explored. Council Member Kent stated he isn't saying this has to be done but what is being said it is responsible to investigate the values and alternatives and let the people decide what they want long term in the city.

Council Member Kramer stated as the Economic Development Committee Council liaison we want to correct an error that was given and misinformation that was just presented. The Tech grant that was secured was not secured for the region that covers the golf course it is actually for the corridor that is further down over by the Danforth area. Although we, of course, certainly do want everything to go into the Comprehensive Plan, would submit that those two in fact were not brought together and so to share that information as if it was fact would be problematic. Additionally, it is important when discussing any other golf courses is the delineation between public and private is brought to constituents correctly because there is a great fee to play or belong to a private course. Additionally in regard to the discussions that have been had very often we as a city have to look at the big picture and we are so fortunate that we are elected officials so that we are able to provide leadership. It is important to note that at times there were other discussions regarding other assets in the community such as Tappmeyer House and frankly that is something that doesn't generate revenue but of course as a Council we have seen the value of something that is there for the community at large and lastly would like to remind everyone that a community welcomes others into a community, which means business leaders stay here, they use our facilities. It is surprising the continuous comments of it is not used by community but we use sales tax in this community to fund many things. Council Member Kramer stated she knows many people who go golfing and afterwards patronize our local businesses. Council Member Kramer stated while she wants to be certain that information is provided to the public, we are also providing the big picture and we aren't looking to be so isolationist that we detract from remembering we are here to welcome all who want to be part of Creve Coeur.



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 12, 2015
7:00 PM**

Council Member Lawrence stated she would like to enter into the record a letter written by Kevin Rejent who is the Chair of the PHC dated October 12, 2015 and related to the committees position regarding the golf course sale. Council Member Lawrence stated the golf course provides economic development more than people think about initially. If an economic impact study is completed you get secondary benefits from things, i.e. grocery shopping, going to restaurants and those all happen because people come to the golf course. We also have reciprocal agreements with other cities like Maryland Heights and if you had to put a dollar figure on that, which I think we are in the process of doing, what is our benefit for having access to the Aquaport, getting access to their new Community Center and that is worth something in dollars to our members. Council Member Lawrence stated there are ways we can leverage the use of the golf course and we have been talking about this on the PHC like open up the golf course to having big events which would generate revenue and another benefit. Just last year this Council decided to sell Fountain Park, which is a tiny little park which is on Olive by 270. We should be, if this sale goes through, realize about \$750,000, we said that funding was going to go to park development and don't see any reason why that money couldn't go to upgrading the golf course because those are big expenses and not going to deny it as they are big expenses. There are some alternative sources of income to cover those expenses. (Exhibit A)

Council Member Hoffman stated a lot of the facts that have been stated don't express things quite accurately. When the upgrades to the golf course are discussed, such as the \$450,000 for an irrigation system and the money put aside for cart path improvements which desperately need to be improved. We are not talking about spending the money for these repairs over one year but rather a twenty year span. The irrigation system on the golf course is 40 years old and the fact that it is in the shape that it is in, is remarkable. The storm water issue is a storm water issue separate from the golf course. That will still be a responsibility of the city that we should not relinquish. Council Member Hoffman stated he submitted twenty-two letters for the record from constituents received over the last five days. Twenty of them support continuance of the golf course and two for selling the golf course. One of them from Mr. Gale pointed out specifically that we have already sold half of the course years ago and this is the remaining nine holes of green space that we have left. Council Member Hoffman stated he would think that we need to continue maintaining that. There was a meeting of the Needs Improvement Task Force in the last ten days and it was stated in that meeting that the Police Department really doesn't want to move off of Ballas Road because the need the access and the access to Magna Carta. That needs to be considered when discussing moving facilities to other parts of the city. Council Member Hoffman stated he feels we would be relinquishing our responsibilities as a Council if we didn't make the decision at this level. (Exhibit B)

Council Member Kreuter stated not to repeat all the very good arguments already said, it is such a gem we need to keep that even non golfers enjoy it. There are several events that are held there. There are invaluable community activities that go on out there. Council Member Kreuter stated the boy scouts were just here tonight and all the boy scouts wanted to keep the golf course and one boy talked about how he and his father play there every Saturday. Council Member Kreuter stated if we are going to sell something, let's sell a park because the golf course is currently our least expensive park.

Council Member Wang asked Council Member Kent if he is proposing to put this issue on the ballot in April.



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 12, 2015
7:00 PM**

Council Member Kent stated yes.

Council Member Wang stated it costs about \$30,000 to put an issue on the ballot and it is clear that people want to keep the golf course and this is unnecessary and it would be a waste of money, resources and people's effort when clearly the picture is that we should be keeping our amenities. Council Member Wang stated he has been in Creve Coeur for some 35 years and have only added the dog park, Millennium Park, Laverne Collins Park and somewhat watch and envy as some cities have added rec plexes, Richmond Heights, Des Peres, Clayton and Maryland Heights. So other cities are talking about increasing amenities and we are talking about decreasing. Council Member Wang stated he would like to end this today and doesn't know what it will take to make it end. We are elected officials and constituents rely on us to vote.

Council Member D'Alfonso stated she has received several emails wanting to sell the course or sell part of the course or keep as a complete park but not as a golf course. Council Member D'Alfonso stated she doesn't feel that there has been enough discussion with the public one way or another. If the other Council Members are only receiving the keep the course emails then it could be that it has already been categorically stated by some on the council that selling the course isn't even up for discussion. Council Member D'Alfonso stated she doesn't think she could say one way or another what residents want and doesn't feel that have been enough discussion.

Council Member Saunders stated he agrees that there has not been enough discussion and agrees with Council Member Wang that we should be adding amenities for our residents and want to make sure that this is the proper amenity for all residents. If this is an important amenity for the city as a whole then we need to be putting in as much funding as it take to repair it and keep it up to date as a continued asset. Council Member Saunders stated it is a storm water issue and not a golf course issue but when considering repairing it there were a lot of additional costs to adding more to it to make is more of a water feature and if we are preserving the golf course then that needs to be spent but it is a very large sum of money.

Council Member Kramer stated in regard to the discussion and happy to have the discussion tonight and certain as with everything it is never black and white and there is great value in saying, this has been a loss leader and what are we going to do about it. Recall there was a meeting at the community center a while back when Kirsten was still here and discussion was had about how to renovate to make the building at the golf course more of a community center and make it past just the ice rink and the golf course. It was an incredible meeting and we kind of never went anywhere afterwards. Council Member Kramer stated she plays a round of golf now and again but plays at Ruth Park quite a bit because of the amenities. Forest Park thought it was important enough to completely renovate their course so they could compete. Council Member Kramer stated as with what Council Member Saunders said, it is about the community center as well. Council Member Kramer stated she is deeply troubled when Council Members stated that "their group of people" doesn't want something and if a different Ward held a Townhall Meeting and talked about an amenity in another part of the city that those residents in the Ward wouldn't be as excited about either. Council Member Kramer stated when her children were younger she used the reciprocal agreement to use Aquaport. The same person



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 12, 2015
7:00 PM**

that is discussing the important need for the Council to be so fiscally responsible, was also the same Council Member who committed on more than one occasion, even after they were no longer the liaison to participate in raising more money for Tappmeyer which, by the way, is not generating any revenue. If the Council wants to start pulling apart assets in the community and we really want to pull our different Wards and rip apart the community and decide where everyone should spend the money. The truth is that the city just spent \$90,000 to paint a house and the day that the Council agreed to paint the house was the day that we heard from the dais the commitment that we were going to write grants, get money and work towards it. Council Member Kramer stated at the last meeting she asked about the fund raising efforts for the house and none of that has come to pass. As far as not talking about it enough, the emails have not stopped coming in because some Council Members have found it necessary to go on a public campaign rather than have the discussion in the forum. In terms of talking to residents, it has been talked about to the point where there is so much misinformation and miscommunication that more people believe it is a fete accompli we are selling the property and that is not good either. Council Member Kramer stated she is just really troubled by the manner in which this has been conducted and the way that people are looking at things not evenly.

Michael Bender resident of 523 Fairways Circle stated he has history with Creve Coeur and attended Weber School here in the Government Center. Mr. Bender stated the Creve Coeur Golf Course has always been this amenity and he continues to utilize the course with his son. Mr. Bender stated he would like to hear every member of the Council this evening commit to not selling the golf course.

Eleanor Gershen resident of 11920 Old Ballas Road stated she plays on ladies leagues twice a week and it is a great place to go, it is close to home and affordable.

Tim Madden resident of 324 Laduemont stated he would like to see a vote on this issue. The Council wasted two years discussing the trash issue and doesn't want to see that happen again. Put the issue to a vote of the people and get the answer and move forward from there.

Council Member Kramer asked Mr. Madden how he would suggest measuring the effect outside of community members. Trash service is only an amenity that affects residents of the city. So how could we measure how it will affect people outside of the community.

Tim Madden stated that is a good question but is only going by the information that has been provided. The golf course has cost us a lot of money and is going to continue to cost a lot of money in the future to fix it. Mr. Madden stated he played the Creve Coeur Golf Course religiously when it was still eighteen holes but they sold half of it to make money for all those buildings. The course isn't the original back nine and it isn't safe due to the fact the way the holes are laid out. Mr. Madden stated he is neutral on this issue and doesn't want to see Council or city staff be bogged down with this issue like the trash issue. Put it on the ballot and see what happens.

Ted Ruzicka resident of 607 Fairways Circle thanked Council Member Wang for talking with him regarding this issue. Mr. Ruzicka challenged Council Member Kent to find another municipality that has a golf course and an ice arena. It is competitive market and the city is always trying to find a differentiator to add value to our city. Mr. Ruzicka suggested the Council form a task



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 12, 2015
7:00 PM**

force to help make up the shortfall in revenues and thanked Council Member Lawrence for the recommendation on how to fund some of the improvements. This issue will divide the city and we need to look for something that will unite the city. Once this amenity is taken away it cannot be brought back.

Council Member Lawrence stated the PHC is planning on putting a task force together of member from the committee to work on how to create revenues for the course.

Norton Belancen resident of 564 Centerlane stated the only thing he hasn't heard is how the residents that live directly adjacent to the golf course and how they will be affected. If the golf course is sold it will lower property values. Residents purchased their homes and paid a premium to be next to the golf course. This an amenity for all of the residents surrounding the golf course. Requested Council vote on this issue once and for all.

Jack Groneck resident of 12344 Woodline asked how many acres of green space does the city currently own.

Mark Perkins stated including the golf course approximately 150 acres.

Jack Groneck stated if we sell off 25% of the green space there is no more green space in the city to develop into parks property. Residents want a place to go that is green and they don't want to look at houses built side by side. It is a golf course and it takes money to run it. Council Member Kent has suggested building a rec center and building a rec center takes a lot of money in addition about \$1.5 million in revenue to run. There are four rec centers within the area that are all competing for the same dollar. You can't compete with people when all of your neighbors have the same thing.

Council Member D'Alfonso submitted an email from resident David Caldwell regarding this issue for the record. (Exhibit C)

Council Member Kent moved, seconded by Council Member Hoffman to put the resolution on the next city Council agenda for October 26, 2015 under New Business, with the vote upon such motion as follows, to-wit:

Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kent – Aye
Council Member Saunders – Aye
Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Kreuter – Aye

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

13. Deer Population/Issue

Council Member D'Alfonso stated she has received some email regarding the amount of deer in Wards 3 and 4 and they are moving into Ward 2. Feels like there are more deer. Council



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 12, 2015
7:00 PM**

Member D'Alfonso asked about vehicle accidents involving deer, reports of injured deer and issues reported with bow hunting.

Chief Eidman stated in 2014 there was an ordinance approved allowing for bow hunting and during that year seven deer were killed, six properties were hunted and ten bow hunters participated. In 2014 three deer were struck by cars, three were found dead for unexplained reasons and four were injured and put down by officers. Chief Eidman stated to date from 2012 through 2015 the PD has seen a total of about 121 deer killed, 240 calls for service over the last four years which were calls about deer. The PD has put down approximately 54 deer since 2012 and found almost 120 that were found dead. Obviously there are more alive than dead. The PD is struggling with this issue and have reached out to hunters this year and have approximately ten hunters that are hunting seven properties. PD staff has met with MoBap to see if they would consider lessening some of the restrictions in the ordinance and they were not interested. There is a big population of deer down by MoBap and they were not interested as they are planning to add a football stadium and they don't want hunters in the woods adjacent to their property. There are two ways to eliminate deer. Town and Country used a company to come in and actually put down deer that averaged about \$800 to \$1,500 per deer. Chief Eidman stated he and Mr. Perkins plan to reach out to the Department of Conservation to see if the city could hold a special hunt in some of the city parks and would probably close those parks for a weekend and generate a little more interest that way. The other option would be to look at a company to come in and actually euthanize some of those deer. The city of Ellisville recently voted to purchase their PD some sniper rifles and thin the herd that way, but there are concerns and liability issues.

Council Member D'Alfonso stated she isn't interested in having snipers either. In some of the parks the deer allow children/people to get very close and that is a safety issue. Would be interested in looking into further to closing down the Parks and thinning the herd. Council Member D'Alfonso asked about reducing the required acreage to hunt so there could be more spaces available.

Chief Eidman stated it often takes three pieces of property to fulfill the one acre requirement and could explore the option.

Council Member Kent stated his whole subdivision is covered by 400 yards to the south property of Holy Cross Lutheran Church. The south property line is about 150 to 200 yards to the church the ordinance states to the property line there are a number of residents in the subdivision that would like to allow hunting but are covered in the 400 yards. The ordinance excludes churches and schools.

Council Member Hoffman stated it started out a few years ago and haven't heard recently anyone wanting to come in bow hunt here.

Chief Eidman stated we had some issues in the past because the hunters were trespassing onto other people's property. The issues were addressed and they did come back this year and there are six hunters that would like to hunt.

Council Member Lawrence asked the deer that need to be put down, are those donated.



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
OCTOBER 12, 2015
7:00 PM**

Chief Eidman stated there are a couple of people that pick up the deer and often they donate to local food pantries.

Clair Chosid resident of 12410 Conway stated Town and Country had a group of citizens that donated \$56,000 to neuter deer and the city covered about \$72,000. We are having a deer population explosion as the doe are having twins and triplets when they reproduce and we aren't killing enough deer to keep up with that. They have become less afraid of humans and domestic animals. At Tappmeyer the deer will come very close to the humans working in gardens. The city needs to do more to thin the herd.

Council Member Hoffman asked if we should try and put together an area wide deer task force including Town and Country, Ellisville, Town and Country, Ballwin, etc with the Mo Dept of Conservation to see if we can address this issue on area wide basis. Not sure the city can eliminate the deer problem anymore.

Council Member Lawrence asked what would staff need to do to organize and event which would be a good first step.

Chief Eidman stated he will contact the Dept of Conservation to see what their parameters are.

BUSINESS FROM CITY ADMINISTRATOR

Council Member Hoffman moved, seconded by Council Member Wang to adjourn at 9:00 p.m., with the vote upon such motion begin as follows:

Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kent – Aye
Council Member Saunders – Abstained
Council Member Kreuter – Abstained
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye

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

Submitted by:

Deborah Ryan
City Clerk

Barry Glantz
Mayor



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/26/15 07:00 PM
Department: Legislative /City Clerk
Category: Litigation
Prepared By: Debbie Ryan
Department Head: Debbie Ryan

SCHEDULED

ORDINANCE

**Bill No. 5566 - an Ordinance Authorizing the Installation of
One (1) Fire Hydrant for 7 Beacon Hill Lane City of Creve
Coeur, Missouri. Final Passage**

At the request of the Creve Coeur Fire Department and Missouri American Water, the ordinance will allow the installation of one fire hydrant at 7 Beacon Hill Lane.

Ordinance

Meeting of October 26, 2015

BILL No. 5566

ORDINANCE No. _____

AN ORDINANCE AUTHORIZING THE INSTALLATION OF ONE (1) FIRE HYDRANT FOR 7 BEACON HILL LANE CITY OF CREVE COEUR, MISSOURI

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR MISSOURI AS FOLLOWS:

SECTION 1: As requested by the Creve Coeur Fire District, the Missouri American Water Company, in accordance with its duties pursuant to its certificate of convenience and necessity, shall install one (1) public fire hydrant in the City of Creve Coeur at the following location:

One (1) new public fire hydrant shall be installed at 7 Beacon Hill Lane located near the cul-de-sac due to a lack of coverage on this street.

SECTION 2: All of said work shall be done under the supervision of the City Council or its proper representative, and for the purpose of this ordinance, the Missouri American Water Company is hereby given permission to make all necessary excavations for the proper execution of said work.

SECTION 3: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2015

DAVID KREUTER
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2015

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN
CITY CLERK



Creve Coeur FIRE PROTECTION DISTRICT

Administrative Center • 11221 Olive Boulevard • St. Louis, Missouri 63141-7652
Office (314) 432-5570 • Fax (314) 432-2367

October 5, 2015

Debbie Ryan
City of Creve Coeur
300 N. New Ballas
St. Louis, MO 63141

Re: Cut in fire hydrant for 7 Beacon Hill Lane

Dear Debbie:

Please prepare an ordinance for a cut-in fire hydrant at 7 Beacon Hill Lane located near the cul-de-sac due to a lack of coverage on this street.

If you have any questions, please contact me at my office at 314-432-5570 or e-mail at aoestereich@ccfire.org.

Yours in Fire Safety:

A handwritten signature in black ink, appearing to read "Art K. Oestereich".

Arthur K. Oestereich
Fire Marshal
Creve Coeur Fire Protection District



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/26/15 07:00 PM
Department: City Council
Category: Policy
Prepared By: Sharon Stott
Department Head: Sharon Stott

SCHEDULED

ORDINANCE

**Bill No. 5568 - an Ordinance Amending the Personnel Policy
and Procedures Manual of the City of Creve Coeur. Final
Passage**

Legislation to update the Personnel Manual

BILL NO. 5568

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE PERSONNEL POLICY AND PROCEDURES MANUAL OF THE CITY OF CREVE COEUR.**WHEREAS**, the City has in effect a Personnel Policy and Procedures Manual, and**WHEREAS**, changes in law and circumstances require updates to that Manual,**NOW, THEREFORE**, be it ordained by the City Council of the City of Creve Coeur, Missouri, as follows:**SECTION 1.** *Section 130.010.A of the Code of Ordinances is amended to read as follows:*

A. The Personnel Procedures Manual, as previously adopted and amended, is hereby further amended and restated by adopting the new version dated October 2015 contained in Exhibit A, which is on file in the City offices and incorporated herein by this reference.

SECTION 2: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2015.

 DAVE KREUTER
 PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2015.

 BARRY GLANTZ
 MAYOR

ATTEST:

Ordinance

Meeting of October 26, 2015

DEBORAH RYAN,
MPCC CITY CLERK



City of Creve Coeur

To: Mayor, City Council
 CC: Mark Perkins, City Administrator; Carl Lumley, City Attorney
 From: Sharon Stott, Assistant to the City Administrator
 Date: October 5, 2015
 Re: Personnel Policy and Procedures Manual Update

The City Administrator's Office and the City Attorney have developed updates to the City Personnel Policy and Procedures Manual for review and approval by the City Council. Updates were made to provide clarification to employees of existing city policies or bring the manual up-to-date with current laws. The last update to the Personnel Policy and Procedures Manual occurred on August 14, 2014. In summary, the proposed changes include:

- Table of Contents – repagination and title changes occur after changes are approved
- Section 1 – Legislative History of Revisions noting sections with changes
- Section 2 – Clarify definition of full-time employee for health insurance purposes
- Section 3.3 – Title change of Personnel Appeals from Committee to Board
- Section 8.9 – Addition of position exempt from overtime
- Section 11.4 – Clarify eligibility for Sick and Medical Leave
- Section 11.14 – Clarify benefit eligibility and payments for employee on unpaid leave exceeding 16 calendar days
- Section 13 – Title change of Personnel Appeals from Committee to Board
- Section 15.3 – Clarify definition of retiree and continued health insurance options
- Section 15.10 – Clarify eligibility and add application necessary for medical benefit reimbursement
- Section 16.5 – Section title rewording
- Section 17 – Section title rewording; clarification of costs associated with drug/alcohol rehabilitation at employees expense as a result of a positive drug/alcohol test
- Section 18 – Clarify costs associated with drug/alcohol rehabilitation at employees drug/expense as a result of a positive drug/alcohol test

Attachments: City of Creve Coeur Personnel Policy and Procedures Manual (redlined /highlighted with changes)



CITY OF CREVE COEUR, MISSOURI

PERSONNEL POLICY AND PROCEDURES MANUAL

August 11, 2014

Ordinance #5384

Amended _____, 2015

Ordinance #

Mark C. Perkins
City Administrator

Formatted: Space After: 0 pt

TABLE OF CONTENTS

INTRODUCTION	1
SECTION 1 PURPOSE	2
SECTION 2 DEFINITIONS	4
SECTION 3 ADMINISTRATION OF RULES	6
3.1 RESPONSIBILITY FOR ADMINISTRATION.....	6
3.2 DEPARTMENTAL RULES AND PROCEDURES	6
3.3 PERSONNEL APPEALS COMMITTEE.....	6
3.4 APPLICABILITY	6
3.5 ELIGIBILITY FOR USE OF THE GRIEVANCE PROCEDURE, LEAVE, HOLIDAYS, AND OTHER BENEFITS.....	7
3.6 APPOINTING AUTHORITY.....	7
3.7 MANAGEMENT RIGHTS.....	7
3.8 ADMINISTRATIVE RULES AND PROCEDURES	7
3.9 REFERENCE TO GENDER.....	8
SECTION 4 CLASSIFICATION PLAN	9
4.1 CLASSIFICATION OF POSITIONS	9
4.2 JOB EVALUATION.....	9
4.3 DEVELOPMENT OF NEW CLASSIFICATIONS OR POSITIONS.....	9
4.4 RECLASSIFICATION	9
4.5 MAINTENANCE OF THE PLAN.....	10
SECTION 5 PAY PLAN	11
5.1 ESTABLISHMENT OF THE PLAN	11
5.2 ADMINISTRATION OF THE PAY PLAN	11
5.3 NEW EMPLOYEE PLACEMENT.....	11
5.4 PROMOTIONS, DEMOTIONS AND TRANSFERS	12
5.5 MERIT INCREASES.....	12
5.6 FREQUENCY OF MERIT INCREASE.....	13
5.7 LONGEVITY PAY	13
5.8 PERFORMANCE MANAGEMENT.....	13
5.9 CALCULATION OF PAY RATES.....	14
5.10 DIRECT DEPOSIT	14

SECTION 6 QUALIFICATIONS FOR EMPLOYMENT	16
6.1 MERIT PHILOSOPHY	16
6.2 EQUAL OPPORTUNITY.....	16
6.3 NEPOTISM	16
6.4 RESIDENCY REQUIREMENTS.....	17
6.5 PERSONAL CONDUCT.....	17
SECTION 7 APPOINTMENTS AND VACANCIES	19
7.1 FILLING OF POSITIONS.....	19
7.2 EMERGENCY APPOINTMENTS.....	19
7.3 PUBLICITY.....	19
7.4 APPLICANT SCREENING PROCESS	20
7.5 INTER-DEPARTMENT TRANSFERS.....	20
7.6 REEMPLOYMENT OF A FORMER CITY EMPLOYEE	20
7.7 LAID OFF/DEMOTED EMPLOYEES.....	21
7.8 PART TIME/TEMPORARY/SEASONAL APPOINTMENTS.....	21
7.9 PROMOTIONS	21
7.10 GENERAL EXAMINATION PROVISIONS.....	21
7.11 PROBATIONARY PERIOD	22
7.12 TERMINATION DURING PROBATION	23
SECTION 8 HOURS OF WORK AND ATTENDANCE	24
8.1 HOURS OF WORK.....	24
8.2 SCHEDULING HOURS OF WORK	24
8.3 ATTENDANCE.....	24
8.4 ABSENCE WITHOUT LEAVE	24
8.5 OVERTIME.....	24
8.6 BOARDS AND COMMISSION MEETINGS.....	25
8.7 PUNCTUALITY AND REGULAR ATTENDANCE	26
8.8 PREMIUM PAY	26
8.9 POSITIONS EXEMPT FROM OVERTIME.....	27
SECTION 9 SEPARATION FROM EMPLOYMENT	28
9.1 TERMINATION DATE	28
9.2 RESIGNATION.....	28
9.3 DISABILITY	28

Deleted: 18

9.4	TERMINATION	29
9.5	RETURN OF CITY PROPERTY	29
9.6	REPAYMENT OF EDUCATIONAL BENEFITS	29
9.7	LAYOFF/REDUCTION OF WORK	29
9.8	ORDER OF LAYOFF AND RECALL	30
9.9	DEATH OF AN EMPLOYEE	30
SECTION 10	HOLIDAYS	31
10.1	SCHEDULE FOR CLASSIFIED SERVICE - OTHER THAN CERTAIN POLICE EMPLOYEES	31
10.2	PROCEDURE FOR OBSERVANCE OF A WEEKEND HOLIDAY	31
10.3	HOLIDAY ON A SCHEDULED WORK DAY	31
10.4	SCHEDULE OF HOLIDAYS FOR COMMISSIONED POLICE OFFICERS	31
10.5	HOLIDAY BONUS PAY AND OVERTIME	32
10.6	PERSONAL HOLIDAY	33
SECTION 11	LEAVE SYSTEM	34
11.1	POLICY AND DEFINITIONS	34
11.2	ELIGIBILITY FOR LEAVE	35
11.3	VACATION	36
11.4	SICK LEAVE AND MEDICAL LEAVE	38
11.5	OCCUPATIONAL INJURY OR ILLNESS LEAVE	42
11.6	RESTRICTED WORK	44
11.7	FAMILY LEAVE	45
11.8	FUNERAL LEAVE	46
11.9	JURY LEAVE	46
11.10	MILITARY LEAVE	47
11.11	VOTING TIME	53
11.12	LEAVE OF ABSENCE	54
11.13	PROCEDURE FOR REQUESTING LEAVE OF ABSENCE	54
11.14	BENEFITS WHILE ON LEAVE	54
SECTION 12	COUNSELING AND DISCIPLINE	56
12.1	COMMUNICATION OF RULES	56
12.2	PROGRESSIVE COUNSELING AND DISCIPLINARY STEPS	56
12.3	INVESTIGATION AND REPORT	57
12.4	GROUND FOR DISCIPLINARY ACTION	57

SECTION 13 PERSONNEL DISCIPLINARY APPEALS.....58

- 13.1 EMPLOYEE APPEAL OF DISCIPLINARY ACTION TO THE CITY ADMINISTRATOR.....58
- 13.2 SUBMISSION OF EMPLOYEE APPEAL TO THE PERSONNEL APPEALS COMMITTEE.....58
- 13.3 PROCEDURAL REVIEW MEETING.....59
- 13.4 HEARING.....60

SECTION 14 EMPLOYEE GRIEVANCE PROCEDURE.....64

- 14.1 POLICY64
- 14.2 DEFINITION.....64
- 14.3 EXCLUSIONS.....64
- 14.4 PROCEDURE TO RESOLVE COMPLAINTS64

SECTION 15 FRINGE BENEFITS66

- 15.1 GENERAL DESCRIPTION.....66
- 15.2 RETIREMENT PLANS AND DEFERRED COMPENSATION.....66
- 15.3 HEALTH INSURANCE COVERAGE UPON RETIREMENT.....66

15.4 PROFESSIONAL DUES70 Deleted: 69

15.5 TRAINING AND CONFERENCE ATTENDANCE.....70 Deleted: 69

15.6 TUITION REIMBURSEMENT PROGRAM.....70 Deleted: 69

15.7 UNIFORMS AND CLOTHING MAINTENANCE71 Deleted: 70

15.8 SOCIAL SECURITY71 Deleted: 70

15.9 USE OF AUTOMOBILES.....71 Deleted: 70

15.10 MEDICAL BENEFIT REIMBURSEMENT.....72 Deleted: 71

15.11 CITY SELF-INSURED PORTION OF HEALTH INSURANCE DEDUCTIBLE.....72 Deleted: 71

SECTION 16 EMPLOYEE RELATIONS73 Deleted: 72

16.1 EMPLOYEE SUGGESTIONS73 Deleted: 72

16.2 EMPLOYEE APPEARANCE.....73 Deleted: 72

16.3 OUTSIDE EMPLOYMENT.....73 Deleted: 72

16.4 ETHICAL CONDUCT.....73 Deleted: 72

16.5 HARASSMENT POLICY.....74 Deleted: 73

16.6 COMMUNITY RELATIONS.....76 Deleted: 75

16.7 EMPLOYEE SAFETY.....76 Deleted: 75

16.8 PERSONNEL RECORDS77 Deleted: 76

16.9 PAYROLL DEDUCTIONS.....77 Deleted: 76

16.10 REPORT CHANGE OF ADDRESS78 Deleted: 77

SECTION 17 SUBSTANCE ABUSE POLICY	79	Deleted: 78
17.1 POLICY STATEMENT	79	Deleted: 78
17.2 LEGAL DRUGS (excluding alcohol)	80	Deleted: 79
17.3 ILLEGAL DRUGS	80	Deleted: 79
17.4 ALCOHOL	80	Deleted: 79
17.5 PRE-EMPLOYMENT SCREENING	81	Deleted: 80
17.6 POST-HIRING TESTING	81	Deleted: 80
17.7 TESTING PROCEDURES	82	Deleted: 81
17.8 REHABILITATION	83	Deleted: 82
17.9 VOLUNTARY DISCLOSURE	84	Deleted: 83
17.10 EDUCATION AND TRAINING	84	Deleted: 83
17.11 CONFIDENTIALITY OF RECORDS	84	Deleted: 83
SECTION 18 ALCOHOL & CONTROLLED SUBSTANCE USE, ABUSE & TESTING POLICY FOR DRIVERS OF COMMERCIAL MOTOR VEHICLES	86	Deleted: 85
18.1 PURPOSE	86	Deleted: 85
18.2 APPLICABILITY	86	Deleted: 85
18.3 DEFINITIONS	86	Deleted: 85
18.4 POLICY ADMINISTRATOR	88	Deleted: 87
18.5 ALCOHOL & CONTROLLED SUBSTANCES PROHIBITIONS	88	Deleted: 87
18.6 CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROVISIONS	90	Deleted: 89
18.7 EMPLOYMENT ASSESSMENT	93	Deleted: 92
18.8 REHABILITATION	94	Deleted: 93
18.9 EDUCATION AND TRAINING	94	Deleted: 93
18.10 CONFIDENTIALITY OF RECORDS	94	Deleted: 93
18.11 REFERENCE	95	Deleted: 94
SECTION 19 REPEAL AND AMENDMENT	96	Deleted: 95

INTRODUCTION

The City of Creve Coeur was incorporated on December 21, 1949. In 1976, the citizens of Creve Coeur adopted a Home Rule Charter for their City. The Charter sets forth the basic organization of the City, provides the legal municipal powers of the City and stipulates that employment be based on merit and regulated by personnel rules. The Charter calls for a Mayor and eight members of a City Council elected by the residents to govern the City. The Council approves the budget and adopts ordinances and resolutions establishing City laws and policies including personnel procedures. The Charter provides for a City Administrator appointed by the Mayor and City Council to administer the affairs of the City. The City Administrator is responsible to the Mayor and Council for enforcing City laws, implementing City policies, appointing and directing employees, and directing the day-to-day operations of the local government.

SECTION 1 PURPOSE

In accordance with Section 8.2 of the City Charter, it is the purpose of these rules to establish normal policies and procedures which will serve as guides to administrative actions concerning various personnel activities and transactions. These rules are intended to indicate the customary and the most reasonable methods whereby the aims of the personnel program can be carried out.

The City's goal is to provide all employees: fair management; competitive salaries and benefits; opportunities for personal growth and development; and a safe and pleasant work place.

This manual also outlines employee benefits provided by the City and provides general information regarding, among other items, the equitable/non-discriminatory standards for selection, classification and compensation; leaves of absence; and the fair and equitable settlement of disputes. The City is not granting to any employee any contractual commitment, expressed or implied, by the issuance of this manual. Employment with the City is "at will" unless otherwise provided by written contract; however, employees may not be discharged for unlawful reasons. This manual should provide most of the information about employment with the City. Specific questions should be addressed to the employee's Supervisor.

In addition to this policy manual, the City and its employees are subject to all applicable state and federal laws, as well as the City's Charter, ordinances, regulations and policies.

LEGISLATIVE HISTORY OF REVISIONS:

Ordinance 1475	Section 5	Pay Plan	8/26/1991	Formatted Table
	Section 10	Holidays		
	Section 11	Military Leave Policy		
Ordinance 1502	Section 11	Occupational Leave Policy	3/23/1992	
Ordinance 1599	Section 11	Leave Policy	7/26/1993	
Ordinance 1600	Section 6	Nepotism Policy	8/9/1993	
Ordinance 1622	Section 13	Personnel Disciplinary Appeals Policy	2/14/1994	
Ordinance 1765	Section 17	Substance Abuse Policy	12/11/1996	
	Section 18	Alcohol and Controlled Substance Abuse and Testing		
Ordinance 1861	N/A	Policy for Drivers of Commercial Motor Vehicles	5/12/1997	
		Introduction		
	Section 4	Classification Plan		
	Section 5	Pay Plan		
	Section 8	Hours of Work and Attendance		
	Section 11	Leave Policy		
	Section 12	Counseling and Discipline		
	Section 15	Fringe Benefits		
Ordinance 2117	Section 15	Fringe Benefits	4/9/2001	

Ordinance 2136	Section 5	Pay Plan	6/25/2001
	Section 7	Appointments and Vacancies	
	Section 11	Leave System	
Ordinance 2295	Section 5	Pay Plan	7/12/2004
Ordinance 3039	Section 15	Fringe Benefits	2/14/2005
Ordinance 4004	Section 11	Military Leave Policy	2/27/2006
	Section 15	Fringe Benefits	
Ordinance 4041	Section 11	Leave System	10/23/2006
Ordinance 5045		Comprehensive Update	6/9/2008
Ordinance 5091	Section 4	Classification Plan	6/22/2009
	Section 5	Pay Plan	
	Section 6	Qualifications	
	Section 11	Leave System	
	Section 14	Employee Grievance Procedures	
Ordinance 5116	Section 8	Premium Pay	11/23/2009
	Section 11	Military Leave	
	Section 16	Harassment Policy	
Ordinance 5193	Section 8.5	Overtime	5/23/2011
	Section 8.9	Overtime Exemptions	
	Section 10	Holiday and Holiday Pay	
	Section 11.10	Military Leave	
	Section 15.10	Medical Benefit Reimbursement	
Ordinance 5252	Section 5.8	Calculation of Pay Rates	6/11/2012
	Section 6.2	Equal Opportunity	
	Section 6.3	Nepotism	
	Section 11.10	Military Leave	
	Section 16.5	Harassment	
Ordinance 5384		Comprehensive Update	8/11/2014
<u>Ordinance ????</u>	<u>Section 2</u>	<u>Definitions</u>	<u>10/??/2015</u>
	<u>Section 3.3</u>	<u>Personnel Appeals Board</u>	
	<u>Section 8.9</u>	<u>Positions Exempt from Overtime</u>	
	<u>Section 11.4</u>	<u>Sick Leave and Medical Leave</u>	
	<u>Section 11.7</u>	<u>Family Leave</u>	
	<u>Section 11.10</u>	<u>Military Leave</u>	
	<u>Section 11.14.2</u>	<u>Unpaid Leave Exceeding 16 Calendar Days</u>	
	<u>Section 13</u>	<u>Personnel Disciplinary Appeals</u>	
	<u>Section 15.3</u>	<u>Health Insurance Coverage Upon Retirement</u>	
	<u>Section 15.10</u>	<u>Medical Benefit Reimbursement</u>	
	<u>Section 17.8</u>	<u>Rehabilitation</u>	
	<u>Section 18.5</u>	<u>Alcohol & Controlled Substances Prohibition</u>	
	<u>Section 18.6</u>	<u>Controlled Substance and Alcohol Testing</u>	
		<u>Provisions</u>	
	<u>Section 18.7</u>	<u>Employee Assessment</u>	

Formatted Table

SECTION 2 DEFINITIONS

"Acting" means serving temporarily in a position with all the authority, responsibility and duties of that position.

"Appointment" means the employment of an individual by the City Administrator.

"City" means the municipal corporation of Creve Coeur, Missouri.

"Commissioned Employee" means (see sworn employee defined below).

"Compensation" means either monetary payment or compensatory time in lieu thereof.

"Department Head" means the employee appointed to administer a Department of the City, including Administration, Community Development, Finance, Police, Public Works, Recreation, and the City Clerk's Office.

"Employee" means all full-time and part-time paid personnel who are appointed by the Mayor and City Council or the City Administrator, except members of Boards, Commissions and Committees, and elected officials.

"Full-Time Employee" means person duly employed by the City in a position for which employment with the City is at least 35 hours per seven-day work period, provided; however, as of January 1, 2014 for purposes of determining eligibility for health insurance benefits a person duly employed by the City who averages 30 hours per seven-day work period from ~~June 1 to May 31~~ as determined in compliance with applicable law as ~~a twelve (12) month~~ standard measurement period (or in the case of a new hire, is expected to), shall be considered full-time.

Deleted: during a City fiscal year,

Deleted: July

Deleted: June 30

Deleted: using the fiscal year

Deleted: the

"Management" means the Mayor and City Council, the City Administrator, and Department Heads. Ranked employees above the rank of Sergeant are also considered management employees.

"Nepotism" means the practice of hiring relatives, as prohibited by law and herein.

"Part-Time Employee" means a person employed by the City who works an average of less than 35 hours per seven-day work period (except for purposes of determining eligibility for health insurance benefits, see definition of Full-Time Employee).

"Overtime" means time worked in excess of the employee's daily work schedule, approved by the Department Head, which is of a benefit to the operations of the City, including at a minimum the number of hours worked in excess of 40 per work week.

"Personnel Officer" means the Assistant to the City Administrator.

“Regular Employee” means a person who has a position with the City which, by its nature, is continued from year to year, throughout the year, whether on a full-time or part-time basis and who is paid on a monthly basis.

“Seasonal Employee” means a person who has a position with the City, whether on a full-time or part-time basis which, by its nature, is temporary and is affected by a particular need or the availability of work at a defined time and is not meant to be continued uninterrupted from year to year. The duration is determined by the Department Head. Also a temporary employee.

“Supervisor” means an employee appointed by the Department Head, or another level of management within the department, to oversee the operations of subordinate personnel for a work unit within the department (i.e., shift, crew, division).

“Sworn Employee” means personnel of the Police Department who have taken the prescribed oath of office and have been granted full police powers.

SECTION 3 ADMINISTRATION OF RULES

3.1 RESPONSIBILITY FOR ADMINISTRATION

The responsibility to establish rules and procedures with regard to city employment lies with the City Council of the City of Creve Coeur.

Administration of these rules and regulations shall be the responsibility of the City Administrator. The Personnel Officer shall have the day-to-day responsibilities of administering the rules and regulations as set forth herein. The City Administrator shall interpret the rules and from time to time recommend to the City Council appropriate amendments in order to maintain a fair and equitable system of personnel rules and regulations.

3.2 DEPARTMENTAL RULES AND PROCEDURES

Department Heads may formulate written work rules necessary for the safe, efficient and effective administration of their department. These rules shall not supersede the provisions of this Manual nor shall they conflict with the provisions of these rules. A copy of all departmental rules shall be placed on file with the City Administrator.

3.3 PERSONNEL APPEALS ~~BOARD~~

Deleted: COMMITTEE

There is a Personnel Appeals ~~Board~~ established in Sections 130.020, 130.030, and 130.040 of the City Code of Ordinances. It is comprised of City residents, all of whom support the application of merit principles of public employment.

Deleted: Committee

The duties of the Personnel ~~Appeals Board~~ are to:

Deleted: Committee

- a. Hear employee appeals on disciplinary actions as set forth in the Code and ~~City of Creve Coeur Personnel Policy and Procedures Manual~~.
- b. Perform such other advisory activities as may be requested by the Mayor and City Council.

Deleted: p

Deleted: p

Deleted: m

3.4 APPLICABILITY

The rules and regulations set forth in this Manual shall be applicable to all employees of the City except the City Administrator and City Clerk.

3.5 ELIGIBILITY FOR USE OF THE GRIEVANCE PROCEDURE, LEAVE, HOLIDAYS, AND OTHER BENEFITS

Only full-time, regular employees shall be eligible for use of the disciplinary appeals process, leave, holidays and other city employee fringe benefits. All employees may utilize the grievance procedure. Employees having seasonal, part-time, temporary full-time or temporary part-time work with the City are not eligible for fringe benefits, leave, holidays, nor the exercise of the disciplinary appeals procedure.

3.6 APPOINTING AUTHORITY

Appointing authority is the City Administrator who shall appoint all employees of the City, except as otherwise provided by the City Charter, and the City Administrator shall have the authority to dismiss, reduce in pay, discipline, or suspend without pay, any employee appointed by him and under his supervisory direction as provided by the City Charter.

3.7 MANAGEMENT RIGHTS

The Management of the City shall exclusively:

- a. Determine the nature, scope and definition of the city organization including: classification, pay plan, selection, number, retention, promotion, reorganization, transfer, deployment, assignment, layoff, recall and scheduling of employees.
- b. Determine the methods, means, tools and equipment, and personnel by which operations are to be conducted, including the right to contract and subcontract existing and future work
- c. Direct employees.
- d. Discipline, suspend, demote and/or terminate employees.
- e. Require as a part of normal employee development that an employee fulfill the responsibility of the position and attain or maintain minimal skills of his classification.
- f. Take the necessary measures to attain and maintain optimum productivity in operations.
- g. Determine the necessity for and assignment of overtime.
- h. Determine the scope, priority, and amount of budget allocations.
- i. Determine eligibility for employee participation in bargaining unit activities.

3.8 ADMINISTRATIVE RULES AND PROCEDURES

The City Administrator or designees shall promulgate and establish administrative rules and procedures based on the general policies outlined herein covering such areas as:

- a. Hours of work/work schedules;
- b. Pay plan and pay periods;

- c. Performance appraisal systems;
- d. Personnel records and reports;
- e. Temporary work assignments and transfers;
- f. Use of city vehicles and mileage reimbursement;
- g. Outside employment;
- h. Seniority and impact of seniority;
- i. Safety procedures;
- j. Job related injury procedures;
- k. Other related internal administrative personnel matters.

3.9 REFERENCE TO GENDER

Any reference herein to gender shall be construed to mean male or female.

SECTION 4 CLASSIFICATION PLAN

4.1 CLASSIFICATION OF POSITIONS

The overall objective of the classification plan and the corresponding compensation plan is to provide fair and competitive compensation for positions in the city service which are sufficiently alike in duties and responsibilities to be called by the same job title, to be accorded the same pay range and to require substantially the same qualifications on the part of the incumbents.

No city employee shall be classified nor paid at a pay rate which is not established and recognized in the City's classification and pay plans.

4.2 JOB EVALUATION

The Personnel Officer, with the assistance of the Department Heads and approval of the City Administrator, shall maintain a current Classification Plan including a job evaluation for each classified position which shall include a job title, job purpose, essential knowledge and skills, any special requirements, suggested training and experience and related information.

The job evaluations are descriptive and not restrictive and are intended to indicate generally the requirements for the established position. Job evaluations are utilized to measure and rank a job's relative worth for compensation purposes. The job evaluation is also utilized to develop the job description and performance criteria designed to measure an employee's annual performance.

4.3 DEVELOPMENT OF NEW CLASSIFICATIONS OR POSITIONS

When, in the opinion of the City Administrator, Department Head or the Personnel Officer, there arises a need to establish a new position, the Department Head shall complete a job questionnaire and provide a recommended job evaluation to the Personnel Officer. The City Administrator shall review and approve all requests for new positions and refer the request to the City Council for final approval. Once the position has been approved and properly classified, a job description including the essential job functions and corresponding performance criteria for the position shall be developed by the Department Head and the Personnel Officer.

4.4 RECLASSIFICATION

A job reclassification occurs when a job is moved to a different pay grade because the essential job functions have significantly changed or because the market for a job has significantly changed such that the current pay grade is no longer appropriate. In order to ensure jobs are evaluated correctly, a periodic review by the Department Head and the Personnel Officer shall be made. Annually, certain positions will be reviewed as selected by the Personnel Officer or suggested by the Department Head. If

upon reevaluation of a position, it is determined that the position is still within the same pay range, no pay reclassification is required. If the job is reclassified to a new pay grade, the employee's pay will be adjusted to at least the minimum of the new pay grade. If the position is reclassified to a lower pay grade, the pay shall be adjusted below the maximum of the new grade but not by more than ten percent (10%) of the current pay. Appropriate changes will be made to reflect the new essential job functions and performance criteria.

4.5 MAINTENANCE OF THE PLAN

a. New Position

Before a new classification is established or before a new position is filled, a job evaluation shall be approved by the City Administrator and the City Council and incorporated into the existing Classification Plan. Likewise, an abolished classification shall be deleted from the Position Classification Plan. The classification plan shall be periodically reviewed by the City Administrator.

b. Review of Existing Position

An employee may request a review of his job evaluation annually during the time period established for such reviews. Specific requests must be addressed to the Department Head. The employee will submit information to his Supervisor regarding why he believes the current job evaluation is not accurate. The information shall be reviewed by the Supervisor, who will initiate a job questionnaire being completed by the employee. The Supervisor will add his own comments to the questionnaire. The Department Head shall review the job questionnaire and add comments necessary and forward this document to the Personnel Office. Any changes in the job description or performance criteria are required to be reviewed by the Personnel Officer. All changes in job evaluation which result in a change in the classification of the position require the approval of the City Administrator and the approval of the City Council. Once the position has been approved and properly classified, a job description including the essential job functions and corresponding performance criteria for the position shall be developed by the Department Head and the Personnel Officer.

SECTION 5 PAY PLAN

5.1 ESTABLISHMENT OF THE PLAN

Compensation established for a pay range is based on such factors as knowledge, experience, training, decision-making authority and responsibility, problem-solving, supervisory responsibility, environmental working conditions and external market factors. The actual placement of an employee within the job grade is based on individual productivity and merit. The pay policy is designed to stimulate excellence in both individual and organizational performance.

The City Administrator is responsible for presenting to the City Council for approval a uniform and equitable pay plan which consists of pay ranges of minimum, midpoint and maximum rates of pay for each job classification and provides reasonable progression in the pay range based on employee job performance. The pay plan shall reflect an equitable relationship among the job classifications and shall be made after review of prevailing rates for comparable work in other public and private business, the current cost of living, responsibilities of the position, and the budgetary policies of the City Council.

5.2 ADMINISTRATION OF THE PAY PLAN

Administration of pay rates within pay ranges and on the basis of merit is the responsibility of the Personnel Officer with approval of the City Administrator. All positions in the city service requiring similar qualifications and having similar duties and responsibilities shall be similarly compensated, insofar as possible, as established by the current classification plan.

The pay ranges will be competitive with the external market. Periodic review of the pay plan shall be made. Adjustments may be made to correct significant discrepancies between the City's level of pay and market pay levels for certain jobs. Actual adjustment amounts will be based on the City's capability to pay the adjustments as determined by the City Council and approved in the annual city budget. Individual job performance shall also be a determining factor.

If a particular job is increasingly difficult to retain and recruit because of compensation requirements, the Department Head may recommend to the City Administrator the job be placed in a range above the current range midpoint.

5.3 NEW EMPLOYEE PLACEMENT

Generally, a new employee shall be hired at the minimum rate in the appropriate classification unless his qualifications are such that it is to the City's advantage to offer a higher starting pay within the range. Hiring at an advanced rate shall be based upon years of experience or the skill qualifications of the individual and shall require the approval of the City Administrator. Appropriate documentation by the

Department Head that such action is to the benefit of the City shall be provided with the recommendation.

5.4 PROMOTIONS, DEMOTIONS AND TRANSFERS

1. Promotions

When an employee is promoted to a position in a higher pay range the employee's pay shall be increased to at least the minimum rate for the higher pay range to ensure a starting pay commensurate with that given to new hires with equivalent training and experience for that position.

2. Demotions

A demotion occurs when an employee is moved to a job evaluated at a lower pay grade due to poor performance, necessity of organizational change, or developmental assignment. An employee being demoted due to poor performance or employee choice will receive the lesser of a maximum ten percent (10%) reduction in pay or the reduction which adjusts the employee's pay to the new pay range maximum. The City will adjust the pay of an employee who is demoted solely due to organizational change as provided in Section 4.4.

3. Transfers

When an employee moves from one position to another in the same pay grade, either voluntarily or involuntarily, or voluntarily seeks a position at a lower pay classification than his current position, it is considered a transfer. When a police officer voluntarily or involuntarily moves between a patrol officer position and a special assignment officer position, it shall also be considered a transfer, and an adjustment in pay shall be made based on the officer's schedule in the new position. An employee who accepts an assignment in a different pay grade shall receive an increase or decrease to pay in order that actual pay is established within the new range. When an employee transfers between positions in the same pay grade, no adjustments to pay shall be made.

5.5 MERIT INCREASES

Advancement to a higher rate of pay within an established range shall be called a merit increase. All merit increases shall be based upon the performance of the individual in the position measured against established job performance criteria. Such criteria may include level of knowledge, skills, ability, work traits, compliance with established city or departmental rules and regulations or any other criteria which are indicative of performance.

Merit increases may be granted only upon approval by the City Administrator and after documentation by the appropriate Department Head, including, but not limited to, the most recently completed performance evaluation for the individual. Annually, guidelines shall be established regarding pay adjustments as they relate to performance ratings.

5.6 FREQUENCY OF MERIT INCREASE

An employee shall be eligible for a merit increase at the successful completion of the probationary period for the position. After the employee has been removed from probationary status, merit increases will normally be available at the beginning of the fiscal year and made effective each July 1. However, the City Administrator may authorize an earlier merit increase in the event of documented superior individual performance. Said merit increase shall be based on the same criteria as set forth in subsection 5.5. The initial July 1 merit increase shall be prorated according to the number of full pay periods the employee has worked since the employee's probation-completion merit increase date, if any.

5.7 LONGEVITY PAY

A full-time employee hired before August 1, 2004 shall receive an additional eight dollars per month of compensation for each completed year of service computed from the employee's latest date of employment. Notwithstanding any other provision of this Manual, no employee last hired on or after August 1, 2004 shall be entitled to this additional compensation. There is a parallel longevity provision in the pension plan.

5.8 PERFORMANCE MANAGEMENT

1. Frequency of Reviews

Performance reviews for a City employee, utilizing the performance management job description and performance criteria, shall be conducted during the employee's probationary period no less frequent than at six (6) months and at the one (1) year anniversary of employment. Thereafter, performance reviews shall be conducted at least once annually near the end of each fiscal year. An evaluation may, however, be conducted more frequently at the discretion of the Department Head or at the request of the Personnel Officer. Normally, no merit increase shall be granted unless a performance evaluation has taken place within sixty days prior to the effective date of the increase.

2. Annual Performance Cycle

Annually, at the beginning of the employee's performance cycle, or in the event of significant change in the City's or department's goals, the immediate supervisor shall conduct a performance planning session with the employee to discuss the essential job

functions, the individual employee's, the City's and the department's performance goals and the employee's job performance criteria.

Any changes in the existing job performance criteria shall be recorded on the job description form and approved by the Department Head and the Personnel Officer before taking effect.

3. *Performance Reviews and Coaching*

The employee's immediate supervisor will regularly monitor the employee's performance and on a periodic basis conduct a performance review meeting with the employee utilizing the performance management coaching forms to document individual performance.

4. *Completion of the Performance Cycle*

The supervisor shall provide non-probationary employees with copies of the self-appraisal form by April 20 of each year. The employee shall complete the self-appraisal form and provide it to his immediate supervisor by May 1. The supervisor shall complete the performance appraisal form in the most objective manner possible based on the performance data collected throughout the year, information contained on the self-appraisal form and the established performance criteria for the position. The immediate supervisor shall assign a total performance score which shall be reviewed and approved by the Department Head and submitted to the Office of the City Administrator by June 15. The supervisor shall meet with the employee and discuss the evaluation and future areas of development. The employee shall be given an opportunity to provide written comments and sign the form. The Department Head shall review and approve the form. A copy shall be provided to the employee and the original forwarded to the Personnel Officer with a completed personal action form.

5.9 CALCULATION OF PAY RATES

For salaried employees, when it is necessary to calculate an effective hourly or daily pay rate for purposes of administration of benefits (i.e. overtime), unless expressly provided otherwise in this manual (i.e. Section 11.3.4 pay-in-lieu of vacation), the City uses an assumed 80-hour semi-monthly pay period.

5.10 DIRECT DEPOSIT

All employees that are expected to be employed for longer than three months are required to participate in the City's Payroll Direct Deposit program as a condition of employment. Employees are allowed to select the financial institution(s) that will receive the direct deposits. The City Administrator may temporarily or permanently waive required participation for an employee, for good cause as determined in his discretion.

Employees must complete the City's Direct Deposit authorization form. This form authorizes deposits as well as adjustments (withdrawals) to correct for any overpayment or error. Direct deposits will be subject to all applicable banking and clearinghouse rules and laws.

An employee that does not wish to direct deposit to a checking or savings account may select the option of depositing to a payroll card account at the financial institution(s) selected by the City for such purpose. Such employee must complete the applicable additional forms and comply with the financial institution's fees and terms.

SECTION 6 QUALIFICATIONS FOR EMPLOYMENT

6.1 MERIT PHILOSOPHY

All appointments and promotions of City officers and employees except as otherwise provided by City Charter shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. All such action shall be taken wholly without favoritism or unlawful discrimination.

6.2 EQUAL OPPORTUNITY

In compliance with applicable law, 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 age, race, color, marital or familial status, national origin, ancestry, political affiliation, religion, sex, gender, gender identity, sexual orientation, genetic information, disability, or any other characteristic protected by law except where specific age, sex or physical requirements constitutes a bona fide occupational qualification. The City is committed to equal treatment of qualified individuals and meeting the requirements of applicable law including the ADA. The City encourages employees to discuss potentially necessary accommodation of a disability with the Personnel Officer, whether to facilitate continued work or return to work.

In compliance with applicable law, no person employed by the City or seeking employment from the City will be appointed, promoted, demoted, removed or in any way favored or discriminated against based on HIV infection or acquired immune deficiency syndrome (AIDS) status unless the individual poses a direct threat to the health or safety of others or is unable to perform required job duties.

No person seeking employment or promotion shall, either directly or indirectly, give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with an employment test, appointment, proposed appointment, promotion or proposed promotion.

Pursuant to 41.1005 RSMo, no member of the United States Coast Guard Auxiliary shall be discharged from employment because of being a member of the United States Coast Guard Auxiliary or holding any office, position, or appointment under the United States Coast Guard Auxiliary, nor otherwise discriminated against or dissuaded from joining or continuing such person's service in the United States Coast Guard Auxiliary by threat or injury to such person in respect to such person's employment, or of any other rights or benefits to which the employee would otherwise be entitled.

6.3 NEPOTISM

The following definitions apply to this policy:

"Affinity" means related by marriage or having a relationship by marriage.

"Consanguinity (eous)" means of the same blood or descended from the same ancestor.

"Nepotism" means the practice of hiring of relatives. This practice is prohibited in Article 7 of the Missouri Constitution as follows:

"Section 6. Any public officer or employee in this state who by virtue of his office or employment, names or appoints to public office or employment any relative within the fourth degree [within the first, second, third and fourth degrees] by consanguinity or affinity, shall thereby forfeit his office or employment."

In addition, it shall be the City's policy that no relative within the first and second degrees, by consanguinity or affinity, to any elected official of the City of Creve Coeur shall be employed in any capacity by the City.

No relative within the first and second degrees, by consanguinity or affinity, to any full-time City employee may be employed full-time in the same department. Under no circumstance shall any employee of the City be involved in the supervision, hiring, termination, discipline, promotion, or performance evaluation of another employee of the City who is a relative within the fourth degree by consanguinity or affinity.

Degrees of kindred shall be determined by consulting the English Background of Degrees of Kindred according to Civil Law. If further clarification is required, the City Attorney shall render a decision.

Degrees of kindred to the employee by blood or marriage:	
1st degree of relatives	Spouse, children & parents
2nd degree of relatives	Grandparents, grandchildren, brothers & sisters
3rd degree of relatives	Great grandparents, great grandchildren, uncles, aunts, nephews & nieces
4th degree of relatives	Great, great grandparents, great, great grandchildren, great uncles, great aunts, first cousins, grandnephews & nieces

6.4 RESIDENCY REQUIREMENTS

There shall be no residency requirement for any full-time city employee at the time of his employment or during the term of his employment unless otherwise provided by the City Charter or Ordinance.

Residents who are qualified will be given preferential consideration for part-time and seasonal positions.

Deleted:

The City and its employees will comply with all applicable laws regarding eligibility of non-citizens for employment and/or receipt of public benefits from the City.

6.5 PERSONAL CONDUCT

Whether during working hours or outside of working hours, conduct can reflect upon suitability and qualification for employment. Professional and courteous behavior is required at all times during working hours. (See also Section 16.6). Any illegal conduct or other conduct at any time that demonstrates an inability to fulfill assigned duties or interferes with the performance of other employees can result in discipline and/or termination. Inappropriate conduct can arise from public communications, including use of social media. Employees retain all constitutional and legal rights, which include the right to discuss the terms and conditions of employment and complain about illegal activity. Employees are not authorized to use their position or City logos, insignia, uniforms, or similar items to convey the impression they are acting for the City, except in connection with performance of assigned duties.

SECTION 7 APPOINTMENTS AND VACANCIES

7.1 FILLING OF POSITIONS

Department Heads shall notify the Personnel Officer as far in advance as possible of any requirements for authorized personnel, setting forth such information as requested to facilitate the filling of the position.

The Personnel Officer shall administer application and testing procedures, as approved by the City Administrator. He shall certify qualified applicants to Department Heads for interview and recommendation. The Chief of Police may determine the appropriate application and testing procedures for commissioned personnel, subject to the approval of the City Administrator.

Department Heads shall recommend to the City Administrator the appointment of the certified applicant acceptable for employment.

The City Administrator shall review and either accept or reject the recommendation. Once an employment recommendation is approved by the City Administrator, an offer or conditional offer of employment may be made.

7.2 EMERGENCY APPOINTMENTS

When a vacancy occurs in a position which is necessary to carry out City business without interruption, and no suitable list of candidates exists for selections, the Department Head may appoint an employee in an acting capacity with the approval of the City Administrator. In the event of a Department Head vacancy, the City Administrator may appoint an acting Department Head to fill the position. The duration of the appointment shall not exceed three months or until an appointment can be made through established procedures, whichever is shorter, unless the City Council approves continued acting status.

7.3 PUBLICITY

The Personnel Officer shall determine the nature and extent of publicity required to obtain a reasonable number of qualified applicants for each vacancy. All positions shall be announced to the public through standard announcement form, and/or by posting on city bulletin boards or by mass media advertising, at least seven calendar days in advance of the last date for filing applications. Vacancies which can be filled through promotion shall be announced, to eligible current city employees on city bulletin boards or by memorandum, for at least seven calendar days prior to the application closing date. Job announcements with "open" application submission dates must remain open at least seven calendar days, and may be closed by the Personnel Officer when sufficient applicant response has been achieved.

7.4 APPLICANT SCREENING PROCESS

The screening process for an applicant shall include an oral interview, evaluation of experience, education and training, all legally mandated inquiries, and a reference check. The process may also include, but not be limited to, one or any combination of the following as determined by the Personnel Officer in consultation with the Department Head and City Administrator:

- Written examinations
- Performance evaluations
- Medical examinations
- Substance abuse screening
- Psychological evaluations/intelligence tests
- Background investigations
- Physical agility-dexterity tests

Reasonable measures shall be taken by the Personnel Officer to confirm the reliability and validity of the various screening processes. Some screening measures shall be utilized after a conditional offer of employment has been made.

7.5 INTER-DEPARTMENT TRANSFERS

A current city employee who meets the minimum qualifications for a classification in which a vacancy exists in another department may request an inter-department transfer.

An inter-department transfer is defined as a lateral reassignment of an employee to another department. Any such transfer has to be approved by the receiving Department Head.

An employee working in his first probationary period is not eligible to request an inter-department transfer.

The Personnel Officer shall keep a list of city employees who have requested a transfer to another department and shall communicate the names of those interested in and qualified for a vacancy at the request of a Department Head to fill an applicable vacancy.

7.6 REEMPLOYMENT OF A FORMER CITY EMPLOYEE

A former employee shall be required to compete for a position with any other qualified applicants. Retroactive reinstatement of an employee's vacation or sick leave shall be given in the event a former employee is rehired within one year of his separation.

Eligibility for longevity pay shall begin with the last date of hire and not total time of service with the City. Retirement benefits from past service may be reinstated in accordance with the provisions of the applicable City of Creve Coeur Retirement Plan.

7.7 LAID OFF/DEMOTED EMPLOYEES

A full-time city employee laid-off or reduced to a lower classification due to a reduction in force, reassignment of priorities, duties, or projects, who was in good standing at the time the action was taken and remains in good standing, shall rank ahead of other individuals competing for the same position.

7.8 PART TIME/TEMPORARY/SEASONAL APPOINTMENTS

If a position is to be filled for a limited time only, appointments may be made from the list of eligible applicants interested in full-time work. A temporary or seasonal appointment shall not affect an applicant's eligibility for full-time positions.

Part-time, seasonal and temporary positions shall be filled in the manner described in Section 7.4 above. A former employee may be rehired to fill temporary positions without re-screening, subject to meeting legally mandated eligibility requirements.

All part-time, temporary and/or seasonal employee appointments must be approved by the Personnel Officer under the direction of the City Administrator and in accordance with budgetary authorization and limitations.

7.9 PROMOTIONS

All vacancies shall, whenever possible, be filled by promotion of a qualified employee within the city service. The Personnel Officer shall review the qualifications of employees who are receiving salaries lower than that of the class in which the vacancy exists to determine which employees will be eligible for consideration. A probationary employee is not eligible for promotion. A notice of the position shall be posted and distributed to the Departments.

Promotions may be rescinded by the City Administrator at any time during the probationary period, in which case the employee shall revert to the previously held position. Such rescission shall not be subject to the grievance process.

7.10 GENERAL EXAMINATION PROVISIONS

The Personnel Officer may disqualify an applicant and remove the name from further consideration if:

1. The applicant is found to be lacking in any of the preliminary requirements established for the position.
2. The applicant is disabled or inhibited to an extent which would render the individual unfit for performance of the duties as established for the position (subject to reasonable accommodations as required by applicable law).

3. The applicant has been found to have conflicting interests which may impair or compromise total effectiveness in a given classification including, but not limited to: criminal background; narcotic or alcoholic addictions; and/or personal business interests.
4. The applicant has made a false statement of material fact on the application in violation of the certificate made by the applicant on the application form.
5. The applicant has used or attempted to use political pressure or bribery to secure an advantage in the screening or appointment procedure.
6. The applicant has previously been discharged or has a documented, unsatisfactory service record with the City.
7. The applicant has presented an application and has failed to sign the application form.
8. The applicant requests such an action.
9. An ample number of better qualified candidates are available for the position.

An individual's application and examination records shall not be open to public inspection; however, the individual's record shall be available for inspection by that applicant. An applicant's records shall be maintained in accordance with the State of Missouri and federal record retention regulations.

The examination records of all persons who are appointed to positions shall be kept in the employee's personnel file and shall be retained throughout his employment and subsequent to their separation in accordance with the requirements of the State of Missouri and federal record retention regulations.

A new employee is required to pass a physical examination and be certified by the City's physician as physically qualified to perform the duties of the position he seeks before his appointment may be finalized.

The City Administrator may, when it is deemed in the best interest of the City, utilize an applicant's examination results established and administered by other agencies through cooperative or reciprocal arrangements for expediting recruitment and screening of applicants.

7.11 PROBATIONARY PERIOD

The probationary period shall be regarded as an integral part of the screening process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new, transferred or promoted employee to the position, and for replacing any employee whose performance does not meet the required work standards.

Every person transferred, promoted, appointed or reappointed to a full-time position with the City shall successfully complete a probationary or qualifying period of one year.

The probationary or qualifying period shall begin immediately upon appointment to a full-time position. The probationary period shall not be deemed to be successfully completed until the employee is notified, in writing, by the City Administrator that he has been released from probationary status. Such

notice shall not be unreasonably withheld and within ten (10) days following the one year anniversary date of the employee such notice shall be issued or the probationary period shall be extended.

The probationary period may be extended, if deemed necessary and supporting documentation is provided by the Department Head, after review and approval by the City Administrator.

Time spent in an acting capacity prior to receiving a permanent appointment to the same classification and department shall be considered as time spent as a probationary employee in that position.

An employee serving his first probationary period is eligible for sick and vacation benefits upon the Department Head's determination that the employee has successfully completed the first six months of probation. (Sections 11.3(3) and 11.4(2)) Persons terminated during the probationary period shall not be paid for unused vacation leave.

An employee who is promoted or transferred shall serve a probationary period of one year in the new position. Any sick leave and vacation leave benefits he had at the time of the promotion or transfer are not lost while he serves the probationary period.

7.12 TERMINATION DURING PROBATION

At any time during the initial probationary period the Department Head, with the approval of the City Administrator, may terminate an employee, with or without cause and with or without notice. An employee terminated during his initial probationary period cannot appeal such action.

An employee promoted into a position who does not successfully complete a probationary period may be demoted to his previous or similar classification, provided such position is vacant and authorized. If such a position is not available, the employee may be placed on priority reemployment or transfer lists for a position for which the employee is qualified, at the written request of the employee.

SECTION 8 HOURS OF WORK AND ATTENDANCE

8.1 HOURS OF WORK

The hours during which offices will be kept open for business shall be determined by the City Administrator. The number of hours per week or per month for full-time employment for each classification shall be considered an integral part of the pay plan, which shall specify the full-time work schedule for regular office, field, police, and recreation employees. Working hours are to be devoted to fulfillment of assigned duties and not to personal matters other than on a very incidental basis.

8.2 SCHEDULING HOURS OF WORK

All Departments shall observe and keep office and working hours necessary for the efficient transaction of services. The Department Head with the approval of the City Administrator shall determine appropriate hours of work. Full-time employees will generally be scheduled to work 40 hours in a seven day pay period. Police personnel will be scheduled to work according to the established Police Department scheduling policy.

8.3 ATTENDANCE

Employees shall be on time and in attendance at their work in accordance with these rules and departmental time-keeping practices. All department heads, or designees, shall keep attendance records of employees which shall be reported to the Finance Department on the form and on the dates specified. Employees must identify any perceived error in attendance records within seven days of receipt of pay for the period.

8.4 ABSENCE WITHOUT LEAVE

An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave under the provisions of these rules shall be deemed to be an absence without leave. Any such absence shall be subject to disciplinary action, including forfeiture of pay in non-exempt positions.

8.5 OVERTIME

1. Overtime Compensation

It is the policy of the City to minimize the necessity for overtime work. When overtime work is necessary and consistent with protection of the lives and property of the citizens of Creve Coeur, and efficient operations, such overtime shall be authorized in advance by the Department Head but shall be kept at a minimum. The rate of overtime compensation for employees shall be as follows:

OVERTIME RATES:

	<u>1-1/2 Times Normal Pay</u>	<u>Straight Time</u>	<u>Exempt</u>
EMPLOYEE	Street Maintenance	Golf Course**	See Section 8.9
GROUPS:	Park Maintenance		
	Inspections		
	Maintenance of Municipal Property		
	Office Clerical*		
	Commissioned Police Officers		
	Ice Arena		
	Golf Course**		

**Clerical staff are compensated for evening meetings and Saturday meeting work as per section 8.6 of this policy.*

***Non-exempt Golf Course employees qualify for the FLSA recreational exemption when during the preceding calendar year, average receipts at the golf course for any six months of the year are not more than 33 1/3 percent of its average receipts for the other six months of the year (29 U.S.C. § 213(a)(3)(A)-(B). Such qualifying golf course employees shall receive premium pay equal to 1-1/2 times their normal rate of pay for time worked beyond fifty-two (52) hours in a week (Sunday through Saturday), and shall receive straight time for time worked up to fifty-two (52) hours in a week (Sunday through Saturday).*

2. **Compensatory Time**

An employee may elect to earn compensatory time at the rate of 1-1/2 his normal pay for any overtime hours worked. The use of compensatory time is subject to the approval of the Department Head. Police Department employees shall accrue no more than 80 hours of compensatory time. All other City employees shall accrue no more than 40 hours of compensatory time. Temporary exceptions may be approved by the City Administrator or his designee.

Exempt employees shall not be eligible for compensatory overtime. In the event that a non-exempt employee is promoted or reclassified to an exempt position, said employee shall be paid for the remaining balance of his compensatory time at his non-exempt hourly rate prior to promotion or reclassification.

8.6 **BOARDS AND COMMISSION MEETINGS**

A member of the city secretarial staff who serves as a clerk of the Municipal Court, or a secretary to one of the various boards and commissions, which meet in the evening and/or on Saturday mornings, shall receive compensation in accordance with the approved pay plan. For weekday meetings which start on or after 6:00 pm and Saturday meetings, if the meeting lasts under two hours, the secretary shall receive a minimum of two hours of pay.

8.7 PUNCTUALITY AND REGULAR ATTENDANCE

Punctuality and regular attendance are essential if the city service is to accomplish its objective of providing efficient services to the public. If an employee is unable to arrive at work on time, he is either to notify his Supervisor or make arrangements for someone else to contact the Supervisor as soon as possible in accordance with established departmental rules and regulations. This will allow the Supervisor time to rearrange the work schedule with minimum possible inconvenience. Punctuality and attendance play an important role in an employee's probation, merit and promotional reviews.

In instances where tardiness is unavoidable or weather conditions preclude timely arrival at work, it is the Supervisor's responsibility to arrange for the employee to make up lost time at the regular pay rate. In other instances, of tardiness, vacation time will be docked by a corresponding amount of time, in 15 minute increments, unless the time is made up in the same week at the regular pay rate.

8.8 PREMIUM PAY

1. *Supervisory Premium Pay*

Regular full-time commissioned non-supervisory personnel requested by the Department Head to serve in a temporary supervisory capacity shall receive a premium per work shift at the rate established in the City's annual budget. Serving in a supervisory capacity shall mean that the employee is placed in effective charge of non-supervisory personnel and required to perform all normal supervisory functions for that work group during the assigned work shift.

Regular full-time non-commissioned non-supervisory personnel requested to serve in an acting supervisory capacity shall be upgraded to the entry level of the supervisor grade or shall receive a minimum ten percent (10%) increase in salary during the period in which the employee is serving as acting supervisor. When service in such an acting capacity extends beyond a pay period, it shall be considered a change to base pay. Otherwise, such premium pay is a bonus that is taxable in accordance with Internal Revenue Service regulations.

2. *Field Training Officer Premium Pay*

Police officers shall receive a premium per work shift as bonus pay at a rate established in the City's annual budget for each day assigned as a field training officer. Such assignments and pay shall be subject to the approval of the Chief of Police. Such premium pay is a bonus that is taxable in accordance with Internal Revenue Service regulations.

8.9 POSITIONS EXEMPT FROM OVERTIME

The City Administrator shall maintain a current listing of positions, including Department Head, administrative, technical and professional positions, which are required to work extra hours as a normal part of fulfillment of his employment responsibilities to the City. Such extra hours shall be considered in establishing annual pay grades for exempt positions in accordance with applicable law.

The following positions are considered to be exempt from the overtime requirements of applicable law:

City Administrator
 Assistant to the City Administrator
 Public Information Officer & Management Analyst
Human Resources Assistant
 Director of Finance
 Finance Manager/Accountant
 Information Systems Manager
 Director of Public Works
 City Engineer
 Civil Engineer
 Operations Superintendent
 Director of Community Development
 City Planner
 Police Chief
 Police Captain
 Police Lieutenant
 Police Administrative Sergeant
 Director of Recreation/Ice Arena Manager
 Assistant Recreation Director
 Golf Maintenance Superintendent
 City Clerk
 City Attorney
 Municipal Judge
 Prosecuting Attorney

Certain circumstances may warrant the payment of overtime to individuals who are otherwise exempt from overtime pay. The Department Head may review the situation which created the need for the overtime work and if he feels the situation warrants additional compensation may recommend to the City Administrator approval of overtime pay to an exempt employee.

SECTION 9 SEPARATION FROM EMPLOYMENT

9.1 TERMINATION DATE

The official termination date of employment with the City shall be the date of the employee's last day in attendance at work except as provided for in Section 9.2. All eligible accrued leave shall be paid through the date of termination. Payment shall be made on the next pay date following the date of termination; however, the Director of Finance may make payment sooner in extenuating circumstances as authorized by the City Administrator.

9.2 RESIGNATION

An employee resigning from the service of the City is expected to give written notice to his Supervisor at least ten (10) scheduled working days prior to the effective date of his resignation in order to leave in good standing unless other arrangements are approved by the City Administrator. Failure to comply with this rule shall be entered on the permanent personnel record of the employee.

The Department Head with City Administrator approval may elect to require or mutually agree with the employee that he use vacation time for some or all of his remaining scheduled working days prior to his effective date of resignation. In such cases, the effective date of resignation shall be the last date for which the employee receives vacation pay.

An employee retiring from service to the City is expected to give written notice to his supervisor and to the Director of Finance at least thirty (30) calendar days prior to the effective date of his retirement in order to provide adequate time to calculate and process the retirement benefit.

9.3 DISABILITY

An employee may be transferred, demoted or separated for disability when the employee cannot perform the essential job functions of the position because of physical or mental impairment, taking into account reasonable accommodations that do not create an undue hardship for the City. The City may require an employee to be examined by the City's physician for the purpose of determining an employee's ability to perform the essential job functions of his position. The City is committed to equal treatment of qualified individuals and meeting the requirements of applicable law including the ADA. The City encourages employees to discuss potentially necessary accommodation of a disability with the Personnel officer, whether to facilitate continued work or return to work.

An employee unable to perform the essential job functions of his position due to a disability, taking into account reasonable accommodations that do not create an undue hardship for the City, may be transferred or demoted to a position for which he is able to perform the essential job functions and shall be compensated in accordance with the rate for that position. If such a position is not available, the

employee may be placed on a priority reemployment list for a position for which the employee is qualified.

An employee who does not return to work and cannot perform the essential job functions of his position within one year of the occurrence of the disabling event, shall be separated from employment.

9.4 TERMINATION

An employee terminated by the City shall be removed from the position as promptly as possible and officially notified that such action is being taken, on or before the effective date of such action. A statement of the reasons for the termination shall be presented to the employee at the time of the discharge either in person or by certified mail to the last known address of record of the employee.

If an employee wishes to appeal the termination, he may do so as provided in these rules.

9.5 RETURN OF CITY PROPERTY

An employee leaving the city service for any reason and who has city-owned equipment or property in his possession shall return such equipment or property to his Department Head prior to receiving his last paycheck. Failure to return said property shall result in an amount being withheld from the employee's paycheck equal to the value of the property.

9.6 REPAYMENT OF EDUCATIONAL BENEFITS

An employee separating from the service shall repay in full all funds advanced under the educational program for college credit coursework during the previous 2 years preceding separation. A written agreement shall be executed by the employee prior to any payment being made for educational benefits.

9.7 LAYOFF/REDUCTION OF WORK

A Department Head may, with the City Administrator's approval, lay off an employee when it is deemed necessary by reason of shortage of work, funding, abolition of the position or change of duties or organizational structure or other reasons which are outside of the employee's control and which do not reflect discredit on the employee's performance. The duties performed by an employee laid off may be reassigned to other employees currently working who hold positions in appropriate classification. No regular employee shall be laid off while another person is employed on a probationary or temporary basis in the same classification and not laid off.

9.8 ORDER OF LAYOFF AND RECALL

Layoff and recall of an employee shall be made in inverse order of current performance ratings of employees in the classification involved. In the event current performance ratings are not available or the ratings of employees shall be equal, the order of layoff and recall shall be based on tenure. Employees laid off shall be placed on a priority recall list for a maximum of 180 calendar days. Employees separated because of layoff shall be given at least two weeks' prior notice of such layoff.

9.9 DEATH OF AN EMPLOYEE

In the event of the death of an employee, all compensation due in accordance with the policies of the City shall be paid to the legal representative of the employee's estate or any other properly designated individual.

SECTION 10 HOLIDAYS

10.1 SCHEDULE FOR CLASSIFIED SERVICE - OTHER THAN CERTAIN POLICE EMPLOYEES

The following holidays shall be considered a part of a full-time employee's normal work week (except certain police employees who are eligible for holiday bonus pay as set forth in Sections 10.4 and 10.5 of this policy), and such employees shall be excused without loss of pay on the following designated holidays:

New Year's Day	- January 1
Martin Luther King National Holiday*	- 3rd Monday in January
President's Day	- 3rd Monday in February
Memorial Day	- Last Monday in May
Independence Day	- July 4
Labor Day	- 1st Monday in September
Veterans Day*	- November 11
Thanksgiving Day	- 4th Thursday in November
Day after Thanksgiving Day	- Friday after 4th Thursday in November
From Noon Christmas Eve	- December 24
Christmas Day	- December 25

**May be substituted for day before Christmas when Christmas falls on Tuesday or for day after Christmas when Christmas falls on Thursday.*

10.2 PROCEDURE FOR OBSERVANCE OF A WEEKEND HOLIDAY

When any of the above holidays falls on a Sunday, the following Monday shall be observed as the holiday; or, when the holiday falls on a Saturday the previous Friday shall be observed as the holiday.

10.3 HOLIDAY ON A SCHEDULED WORK DAY

No employee (except for certain police employees as set forth in Sections 10.4 and 10.5 of this policy) shall be required to work on a holiday except when it is necessary to maintain essential services. Non-exempt employees who must work on approved holidays shall be compensated with compensatory time or overtime pay.

10.4 SCHEDULE OF HOLIDAYS FOR COMMISSIONED POLICE OFFICERS

The following holidays shall be considered a part of the normal work week for certain commissioned police officers who are eligible for holiday bonus pay under section 10.5:

New Year's Day	- January 1
Martin Luther King National Holiday	- 3rd Monday in January
President's Day	- 3rd Monday in February
Easter Sunday	
Memorial Day	- Last Monday in May
Independence Day	- July 4
Labor Day	- 1st Monday in September
Veterans Day	- November 11
Thanksgiving Day	- 4th Thursday in November
From Noon Christmas Eve	- December 24
Christmas Day	- December 25

10.5 HOLIDAY BONUS PAY AND OVERTIME

A holiday bonus will be paid for each holiday, in a lump sum once each year with the pay check issued on or about November 15; such bonus pay shall be equivalent to normal pay. Only commissioned police personnel are eligible for holiday bonus pay. Police Commanders including the positions of Police Chief, Captain, and Lieutenant are not eligible for holiday bonus pay and are excused without loss of pay on designated City holidays subject to the foregoing provisions of this Section 10.

To qualify for the holiday bonus pay for a given holiday, an employee must be employed on or before such holiday and, if scheduled, must work the holiday unless the absence is not due to illness and is approved by the Chief of Police. Employees absent from scheduled work on a holiday due to illness or unexcused absence will not receive bonus pay for that holiday.

The Chief of Police is responsible for determining necessary manpower staffing on all shifts, including holidays. The Chief may permit personnel the use of accumulated compensatory time, a vacation day, or a personal day on a holiday; such an absence will be considered an excused absence for the purpose of determining eligibility for holiday pay.

Employees terminating during the year shall receive holiday pay for all holidays for which the employee is eligible for pay during the calendar year through the date of termination.

If a holiday falls on a police officer's previously scheduled day off and circumstances necessitate a schedule change within sixty (60) days of the holiday resulting in the police officer working on that holiday due to the need to maintain necessary manpower levels, he shall be compensated with overtime pay at the rate of 1-1/2 times the normal pay for the overtime hours worked.

The holidays concerned would be any of the holidays which qualify for the holiday bonus pay in November of each year. This compensation for overtime on a holiday shall in no way affect the holiday bonus paid in November.

10.6 PERSONAL HOLIDAY

A full-time employee who has successfully completed his probationary period is eligible to accrue for that first year and each year thereafter one working day off with pay as a personal holiday. The day is to be taken at the election of the employee, subject to the approval of his Department Head. The employee is eligible to receive a personal holiday each calendar year after his first anniversary, including the calendar year in which the employee's first anniversary occurs. Up to five (5) unused personal holidays may be carried over from one calendar year to the next.

SECTION 11 LEAVE SYSTEM

11.1 POLICY AND DEFINITIONS

1. *Policy*

Leave requests shall be subject to approval by the Department Head, and when applicable the City Administrator, in conformance with the rules established in this policy for each type of leave. Each Department Head shall maintain appropriate records of all leaves requested and granted for the department's employees. The departments shall provide the necessary information to the Personnel Officer, who will maintain the permanent records of any such absence from duty for all City employees.

In compliance with the federal Family and Medical Leave Act, the City will grant, under certain circumstances, up to twelve (12) weeks of unpaid leave in a calendar year to an employee who has been with the City a minimum of twelve (12) months in the seven years preceding the commencement of leave and has worked a minimum of 1250 hours during the twelve (12) month period immediately preceding the leave. Family Leave relates to an event which increases the size of the employee's family by birth, adoption or the acceptance of a child for foster care. Medical Leave relates to a serious illness of the employee, or the employee's spouse, child, or parent. In no instance is an employee eligible for more than twelve combined weeks of Family and Medical Leave in a calendar year. In the case where both spouses are city employees, they are jointly entitled to a total of twelve (12) weeks of Family Leave. Each are also individually entitled to twelve (12) weeks of Medical Leave, less any Family Leave taken by them individually.

Additionally, the City will grant leave related to service in the armed forces and injuries sustained in such service, pursuant to the requirements of Public Law 110-181 enacted by the United States Congress in 2008, and related regulations, as set forth below regarding Military Caregiver Leave and Qualifying Exigency Leave.

2. *Definitions*

Some of the following words and phrases are also defined in other pertinent places in this policy, but the definitions are repeated here for convenience. Any inconsistency between these definitions and the ones set forth elsewhere in the policy is unintended and shall be resolved in favor of the definitions set forth elsewhere. Further, any inconsistency between these definitions and legal requirements is unintended and shall be resolved in favor of applicable law.

"Child, Son or Daughter" means natural, adopted, step, and foster children, a legal ward or the child of an employee "in loco parentis" (standing in place of a parent), who is under

the age of 18 years, or who is 18 years or older to the extent the person is incapable of caring for themselves due to mental or physical disability.

“Family Leave” means unpaid leave related to an event which increases the size of the employee’s family by birth, adoption or the acceptance of a child for foster care.

“Jury Leave” means leave with pay granted when an employee is required to be absent from work for jury duty or as a subpoenaed trial witness.

“Leave of Absence” means leave without pay for reasons other than those covered by the Family and Medical Leave policy which are considered in the best interest of the City.

“Medical Leave” means unpaid leave related to a serious illness of the employee or the employee’s spouse, child or parent.

“Occupational Injury or Illness Leave” means paid leave granted in the event of a bona fide occupational injury or illness incurred in the performance of an employee’s city job, which necessitates absence from assigned duties.

“Parent” means a natural parent of the employee or an individual who stood in as a parent for the employee when the employee was a child.

“Sick Leave” means paid leave granted to the full time employee for protection against endangering the employee’s health and that of fellow workers. Sick Leave is utilized for illness of the employee and/or to receive medical attention from a physician or a practitioner. Sick Leave may also be utilized for illness or injury to a member of the employee’s household or immediate family, up to a maximum of 15 days in a calendar year. “Immediate family” for the purposes of Sick Leave shall include the employee’s spouse, child, or parent.

“Spouse” means only the legally recognized marital partner of the employee.

“Vacation” means paid leave granted to an employee to provide a period of recreation and change from day-to-day routine in order that they may be better able to meet the obligations of their work.

11.2 ELIGIBILITY FOR LEAVE

Eligibility requirements pertaining to the various types of leave are set forth in the pertinent sections of this policy. Any inconsistency between the stated eligibility requirements and applicable law is unintended and shall be resolved in favor of such law.

11.3 VACATION

1. Policy

Vacation is paid leave granted to an employee to provide a period of recreation and change from day to day routine in order that they may be better able to meet the obligations of their work.

2. Vacation Administration

- a. A full time employee shall be eligible for Vacation as prescribed in section 3 below.
- b. Any accrued Vacation benefit in excess of the permitted total carry over limit as prescribed below which is neither used nor reimbursed under the "Pay in Lieu" provision prior to 11:59 PM on December 31, shall be forfeited and shall not be carried forward to the subsequent year, except that upon employee request made on or before the immediately preceding November 30, the City Administrator may waive this restriction in writing when unusual employee circumstances exist and it is in the best interest of city operations.

YEARS OF SERVICE	PERMITTED TOTAL CARRY OVER
1 to 4 yrs. (10 days annual accrual)	15 days
5 to 9 yrs. (15 days annual accrual)	20 days
10 to 19 yrs. (20 days annual accrual)	25 days
20 yrs. or more (25 days annual accrual)	30 days

Years of service shall mean total years of continuous full-time employment with the City as of December 31 of the year from which vacation leave will be carried from.

- c. If an employee is laid off, resigns, retires or is dismissed and the employee is eligible for Vacation which has not been taken, the employee will be entitled to a payment in lieu of the Vacation, except that new employees terminated before successfully completing the first six months of their probationary period shall not be paid for unused Vacation. If an employee dies and was eligible for Vacation which had not been taken, payment in lieu of Vacation shall be made to the legal representatives of the employee's estate or any other properly designated individual. Payment in lieu of vacation under this paragraph is calculated using an assumed 80-hour semi-monthly pay period.
- d. An employee shall be granted a day off with pay for an authorized holiday occurring during the employee's Vacation.

- e. An employee that uses two or fewer days of accrued Sick Leave in a calendar year shall be granted an additional day of Vacation in the following year.

3. Eligibility for Vacation

Any full-time employee serving the first probationary period and who observes the six month service anniversary shall thereafter be eligible to utilize accrued Vacation upon the Department Head's determination that the employee has successfully completed the first six months of probation.

Vacation accrues and is based upon years of continuous, full-time employment with the city. The rates of vacation accrual are:

- a. Any employee who has completed less than five (5) years of employment will accrue 3.34 hours per full pay period worked.
- b. Any employee who has completed five (5) years of employment but less than ten (10) years of employment will accrue 5.00 hours per full pay period worked.
- c. Any employee who has completed ten (10) years of employment but less than twenty (20) years of employment will accrue 6.67 hours per full pay period worked.
- d. Any employee who has completed twenty (20) or more years of employment will accrue 8.34 hours per full pay period worked.

If determined to be in the best interest of the City in order to recruit for a department head position or other position as deemed appropriate by the City Administrator, the City may negotiate a higher rate of vacation accrual than that prescribed in the above schedule in an amount not to exceed twenty (20) days per year or 6.67 hours per pay period work.

4. Pay in Lieu of Vacation

Pay in lieu of vacation is bonus pay permitted subject to the following annual maximums:

VACATION AVAILABLE*	PAY IN LIEU PERMITTED
0 to 4 days	0
5 to 9 days	5 days
10 or more days	10 days

**As of January 1 of the current fiscal year*

Requests for pay in lieu of vacation are subject to written approval by the City Administrator pursuant to the following guidelines:

- a. Any employee who fails to submit a request to his Supervisor by March 1 of the current fiscal year or other deadline as established by the City Administrator, may receive pay in lieu of vacation during the following city fiscal year only in the event sufficient funds for such purpose are budgeted and available.
- b. Normal payment of pay in lieu of vacation shall be made during the first pay period of the fiscal year following the fiscal year in which the request is timely made.
- c. Pay in lieu of vacation may be made at times other than the normal time, upon written approval of the City Administrator.
- d. Each day of paid-in-lieu-of-vacation shall be equal to eight hours of pay at the employee's hourly rate. Hourly rate shall be calculated by dividing base annual salary by total regular annual hours scheduled (i.e. 2080 hours for 5/2 scheduled employees or 1980 for 5/3 scheduled employees).
- e. In no event shall an employee be allowed to qualify for an amount of pay-in-lieu such that it would reduce his total vacation balance to fewer than five (5) days on the pay date in which payment of pay-in-lieu of vacation is made.

5. *Scheduling Vacation*

Requests to schedule vacation shall be subject to approval by the Department Head, to assure adequate staffing. An employee on scheduled vacation may not substitute sick leave or other forms of leave.

11.4 SICK LEAVE AND MEDICAL LEAVE

1. *Policy*

Sick Leave is paid leave granted to the full time employee for protection against endangering the employee's health and that of fellow workers. It is meant to be a protection in case of need and not a benefit to be used whenever wanted. Medical Leave is a federally-mandated benefit which grants eligible employees up to twelve (12) weeks of unpaid leave during a calendar year for a serious illness of the employee, their spouse, child or parent. Medical Leave is available to employees who have been employed by the City for a minimum of twelve (12) calendar months during the seven (7) years prior to the leave and who have worked a minimum of 1250 hours during the twelve months immediately preceding the leave. An employee shall be required to utilize available paid Sick Leave

Deleted:

concurrently with Medical Leave, if the situation qualifies for both forms of leave. When applicable Sick Leave is exhausted, the employee must then use available Vacation concurrently during Medical Leave. When available Vacation is exhausted, the employee must use any available personal days and/or Compensatory Overtime Leave, in that order. Once applicable Sick Leave, Vacation, personal days, and Compensatory Overtime Leave are exhausted, the remainder of the Medical Leave shall be unpaid leave. The use of Medical Leave is subject to the approval of the City Administrator, in accordance with applicable law. All allowances of Sick Leave and Medical Leave shall be in conformance with the stated purpose.

Sick leave and/or Medical Leave shall be granted to eligible employees under the following circumstances:

- a. When the employee is injured or is too ill to perform their duties.
- b. Medical or dental examinations or treatments for the employee. Each employee is expected to schedule routine medical and dental appointments on their own time. When this is impossible, Sick Leave time may be used with the advance permission of the Department Head.
- c. Pregnancy shall be treated as any other medical condition. Sick leave and/or Medical Leave may be utilized during pregnancy, childbirth and recuperation in accordance with the leave policy. Family Leave may be taken for a newborn son or daughter or after the placement of a son or daughter with the employee for adoption or foster care. (See Section 11.7)
- d. Serious health condition of the employee's son or daughter or the employee's spouse, or the employee's parent; when because of such condition the person needs care from the employee. Medical Leave use for such illnesses is subject to approval by the City Administrator.

Note: if husband and wife are both employed by the City, they are only able to take a combined total of 12 weeks to care for the same individual.

2. Sick Leave Administration

a. Eligibility

- i. An employee serving the first probationary period and who observes the six month service anniversary is eligible to utilize Sick Leave that has accrued to date upon the Department Head's determination that the employee has successfully completed the first six months of probation.

- ii. Each full-time employee shall accrue one day, equal to eight (8) hours, of Sick Leave for each full month of full-time service rendered to the City. Holidays, Vacation, Sick Leave, Occupational Injury or Illness Leave, Funeral Leave, and certain types of Military Leave as set forth in Section 11.10 of this policy shall not be deemed to be an interruption to a full month of full-time service.

However, in no event shall any employee accrue more than 132 days of Sick Leave, and at no time shall Sick Leave be considered a benefit convertible to compensation during employment or at the time of separation from employment.

3. Sick Leave Advanced

Sick Leave may be advanced over and above the Sick Leave accrual schedule only under special circumstances and with the written approval of the City Administrator, and only in instances where the employee has a superior record of performance and is expected to return to work.

4. Charging of Sick Leave

Saturdays, Sundays and paid holidays occurring during an approved Sick Leave shall not be considered as days of Sick Leave, unless the employee was scheduled to work on the specific day. Employees using Sick Leave shall be considered to be working for purposes of determining Vacation eligibility. In no case shall Sick Leave be used on scheduled "X days" (extra regularly scheduled) for police officers.

5. Advance Notice Required – When Practical

Thirty days advance notice by the employee of the intent to utilize Sick Leave or Medical Leave is required when practical and the extent of the leave is foreseeable. If the event is to begin in less than thirty days from the date of notice, the employee must provide as much notice as practicable.

6. Medical Certificate Required

The City requires a certification of the medical condition of the employee, spouse, child or parent from the health care provider when Medical Leave applies. The employee must obtain the required form to be completed by the health care provider from the City Administrator's Office, in compliance with applicable law.

Deleted: is requested for this purpose

Prior to returning to work after a period of leave related to their own medical condition, such employee shall obtain a physician's release that indicates whether or not the employee is under any physical restriction, and the nature and anticipated duration of any such restriction.

Formatted: Indent: Left: 0.75", Space Before: Auto, After: Auto

Deleted: ¶

7. *Second and Third Opinion of Condition*

If the City is not satisfied with the certification provided under subsection 6 above, a second opinion from a health care provider of the City's choice may be required regarding the employee, spouse, parent or child (as applicable) at the expense of the City. If the second opinion conflicts with the first one, the City may require a third opinion to be obtained from a provider jointly approved by the employee and the City at the expense of the City. The third opinion shall be binding on both the employee and the City.

8. *Sick Leave Absence Reports Required*

Sick Leave absence reports shall be completed on the first day of leave by the Department Head. An attempt will be made by the Department Head to ascertain when the employee may be expected to return to work.

9. *False Claims*

Claiming Sick Leave or benefits under any conditions other than those permitted by these regulations shall be cause for disciplinary action. Falsification of any written evidence pertaining to Sick Leave by any employee shall constitute grounds for dismissal and such employee shall be subject to all actions and remedies at law for recovery of all monies paid to such employee by reason of said false written evidence or affidavits.

10. *Leave Without Justification*

If it is determined that the illness or disability for which Sick Leave, Family Leave, Medical Leave, or Occupational Injury or Illness Leave is taken by an employee is feigned, such employee shall be subject to disciplinary action.

11. *Donation to Sick Leave Bank*

Any full-time employee who has completed one year of service and is no longer in probationary status, who is unable to do their job assignment because of illness or injury, and who anticipates that he will exhaust all accrued paid leave rights, may request a voluntary donation of unused Vacation or Compensatory Overtime Leave from other employees. Donated time shall not be applied until after the employee has exhausted all accrued paid leave. An employee may receive such donated leave for a maximum of 90 calendar days following their last day of paid time off.

Any full-time employee is eligible to voluntarily donate a portion of their accrued Vacation or Compensatory Overtime Leave to an employee requesting such donation. Donations shall only be made in four (4) hour increments. All donations shall be credited to the Sick Leave accrual bank of the recipient employee on an hour-for-hour basis.

The city shall provide the forms and maintain the necessary records to implement this donation program. The city shall not be responsible for the solicitation of such donations.

12. Status of Benefits While on Sick Leave and Medical Leave

See section 11.14 for an explanation of benefit status regarding Sick Leave and Medical Leave.

13. Return to Work

Upon returning to work on or before the expiration of Medical Leave, the employee will be reinstated to his/her original job or to an equivalent position and at the same rate of pay, without loss of service credit.

11.5 OCCUPATIONAL INJURY OR ILLNESS LEAVE

1. Policy

In the case of a bona fide occupational injury or illness incurred in the performance of an employee's city job, which necessitates absence from assigned duties, the policy of the City is that the state workers compensation program shall be the primary source of income maintenance subject to occupational injury pay provisions outlined in this section.

2. Compensation

The employee who is injured on the job or has a job-related illness shall be placed on Occupational Injury or Illness Leave and receive occupational injury leave pay in accordance with the provisions of this section. A full time employee injured on the job shall receive occupational injury pay which is the full time employee's regular compensation less any amount paid to the employee by the state workers compensation program from the date of the injury.

Employees must report earnings received from the Missouri Workers Compensation Division to the Finance Director who shall ensure all appropriate adjustments are made to the employee's compensation due from the City. In no case shall an employee receive a combination of workers compensation payments and occupational injury pay which exceeds the employee's regular compensation. In the event this occurs, the employee must repay to the City any excess occupational injury pay received from the City.

3. Duration of Leave

The maximum duration of Occupational Injury and Illness leave shall be 90 calendar days per injury in any single calendar year, except as provided in subsection 4. During this 90 calendar

day period utilization of Sick Leave and Vacation will not be required. However, concurrent use of available Medical Leave is required during Occupational Injury and Illness Leave.

Occupational injury pay shall be discontinued upon the earliest occurrence of any of the following events:

- a. the date such employee shall be determined to be permanently disabled pursuant to the State Workers' Compensation Law;
- b. the date such employee is determined and certified to be able to return to work by the City's appointed physician;
- c. the elapse of 90 calendar days after the date of the occurrence of the disabling event unless an extension has been granted by the City Administrator. (See sub section 4, Extension);
- d. the employee submits a fraudulent report;
- e. the employee fails to seek or take prescribed medication/treatments as directed by the attending physician;
- f. the employee fails to submit to examination by the City's appointed physician at the time and place prescribed by the City; or
- g. the employee refuses to sign a release of information authorizing the City to receive pertinent medical information from private care providers or hospitals.

4. Extension of Occupational Injury Pay Beyond Initial 90-Day Period

In the event an injured/ill employee is determined by a physician to be unable to return to work after the expiration of 90 calendar days, the City Administrator shall evaluate the situation, including the prognosis provided by the doctor and the progress which the individual has made to date, and make a determination about the likelihood and timing of the employee's eventual return to work. When the City Administrator determines it is in the best interest of the City, he/she may grant a 30 calendar day extension of occupational injury pay to the employee. At the expiration of an extension period, the City Administrator shall make a new evaluation and determination. A maximum of three such extensions, or a total of 90 calendar days, may be granted by the City Administrator. The City Administrator may require the concurrent use of Sick Leave and/or Vacation (without duplication of pay from any source) in conjunction with any such extension.

5. Options Upon Expiration of Occupational Injury Leave

- a. Utilization of Sick Leave, Medical Leave and Vacation benefits: after the expiration of the Occupational Injury and Illness Leave, the employee should consult the provisions of the Sick Leave, Medical Leave and Vacation sections of this policy.

- b. Leave of absence: once other benefits are exhausted, until the employee is determined to be able to return to work or is determined to be permanently disabled by the State Workers Compensation Division the employee may be placed on leave of absence.
- c. Pay: once paid leave benefits are exhausted, the employee shall only receive state-mandated workers compensation earnings.

6. *Reinjured Employee*

Deleted: y of the

For any one occupational injury/illness, an employee is granted the benefit of 90 calendar days of occupational injury pay in a calendar year unless an extension is granted by the City Administrator. Further occupational injury pay will not be paid by the City if an employee exhausts the benefit, returns to work, and is absent again for the same injury within the same calendar year.

7. *Authorization to Return to Work*

Prior to returning to work after Occupational Injury or Illness Leave, the employee must receive a release from the City's appointed physician authorizing the employee to return to duty. The release must state physical limitations, if any, the employee may have and the expected duration of such limitations. A full release must be provided to the City in order to release the employee to unrestricted duty (see section 11.6).

11.6 RESTRICTED WORK

1. *Job-Related Injury*

Employees sustaining job-related injuries will be returned to work as soon as possible when medically permissible. Work assignments are subject to the work restrictions determined by the City's physician. Employees returning to work with restrictions will be placed on limited-duty status. Limited duty work assignments may be within an employee's current job classification, or in a different classification.

2. *Non Job-Related Injury*

Employees seeking to return to work after non-job-related injury or illness may be allowed to return to work on restricted work status. Approval of restricted work status requires the recommendation of an employee's Department Head, the approval of the City Administrator, and a written statement from the employee's physician that the employee can reasonably be expected to return to unrestricted work within a reasonable period of time. Restricted work status for non-job related injuries will be limited to 90 calendar days. Restricted work assignments may be within an employee's current job classification, or in a different classification.

3. *Physical Activities*

Employees on a restricted work schedule may not engage in physical recreational activities, secondary employment, or other activities outside of work if such activities conflict with any restriction placed upon the employee by the physician.

11.7 FAMILY LEAVE

1. *Policy*

The City makes available up to twelve weeks of Family Leave per calendar year as required by Federal Law. Such leave shall be leave without pay, provided if the employee has paid Sick Leave, Vacation, personal days or Compensatory Overtime Leave, the employee shall utilize such paid time off concurrently during the Family Leave as provided above for Medical Leave.

Any leave request shall certify the employee's willingness to return to work and shall indicate the currently-anticipated duration of such leave. Approval must be obtained from the City Administrator prior to the granting of Family Leave, in accordance with applicable law.

2. *Eligibility*

Family Leave is available to employees who have been employed by the City for a minimum of twelve calendar months during the seven years prior to the leave and who have worked a minimum of 1250 hours during the twelve months immediately preceding the leave.

Family leave shall be granted under the following circumstances:

- a. the birth of a son or daughter of the employee;
- b. the placement of a son or daughter with the employee for adoption or foster care;
- c. incapacity due to pregnancy, prenatal medical, or child birth.

Note: if husband and wife are both employed by the City, they are able to take a combined total of 12 weeks for reasons (a) or (b) above.

3. *Advance Notice Required -- When Practical*

A thirty-day notice by the employee of the intent to utilize Family Leave is required when practical and the extent of the leave is foreseeable. If the event is to begin in less than thirty days from the date of notice, the employee must provide as much notice as practicable.

4. *Status of Benefits While on Family Leave*

See section 11.14 for an explanation of benefit status regarding Family Leave.

5. *Return to Work*

Upon returning to work on or before the expiration of Family Leave, the employee will be reinstated to his/her original job or to an equivalent position and at the same rate of pay, without loss of service credit.

6. *Maternity*

An employee shall be allowed reasonable unpaid break time to express breast milk for her nursing child for one year after the child's birth each time such employee has need to do so, in a place other than a bathroom that is shielded from view and free from intrusion.

7. *Other Parental Leave*

Pursuant to Section 105.271 RSMo, a foster or adoptive parent employed by the City may use accrued sick leave or any leave granted without pay to biological parents to take time off for purposes of arranging for the foster or adopted child's placement or caring for the child after placement, and a stepparent as defined in 453.015 RSMo may use accrued sick leave or any leave granted without pay to biological parents to take time off to care for their stepchild.

11.8 FUNERAL LEAVE

In the event of the death of an immediate family member, a full-time employee may be granted up to three (3) workdays of paid leave to attend the funeral of that family member. The amount of time granted will be based upon the recommendation of the Department Head and will take into account such factors as travel and day of the week on which the funeral is held. The purpose of this leave is for funeral attendance and related memorial services. Immediate family, for the purpose of this section, is defined as spouse, child, grandchild, brother, sister, parent, or their functional equivalent; father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparent of the employee, or relative whose place of residence was in the employee's home. Funeral leave and sick leave are separate and distinct. An employee's use of funeral leave will not reduce his sick leave balance.

11.9 JURY LEAVE

An employee will be granted leave with pay when required to be absent from work for jury duty or as a subpoenaed trial witness. Compensation for such leave shall be limited to the difference between pay received for jury or witness duty and the employee's regular pay. For purposes of gaining credit for

Vacation and Sick Leave, jury duty and time spent under witness subpoena shall be considered time worked. The employee must provide documentation of the absence from the appropriate source.

11.10 MILITARY LEAVE

1. *Temporary Annual Training Periods*

Military leave, without loss of time, pay, regular leave, impairment of efficiency rating, or any other right or benefits to which the employee would be entitled if the employee had not been activated, will be authorized for an employee who is a member or who may become a member of the National Guard, Air National Guard of Missouri, or any reserve component of the Armed Forces of the United States or other uniformed service as defined by federal law, for a period not to exceed 120 hours in each federal fiscal year (October 1 September 30), when the employee is ordered to training with such component. Military leave shall begin with the employee's next regularly scheduled shift after the employee is called to training. An employee shall receive pay for any work shifts the employee would have been scheduled to work up to 120 hours (RSMo 105.270; 38 USC 4301 et seq).

2. *Emergency Active Duty*

Military leave, without loss of time, pay, regular leave, impairment of efficiency rating, or any other right or benefits to which the employee would be entitled if the employee had not been activated, will be authorized for an employee who is a member or who may become a member of the National Guard, or Air National Guard of Missouri, or any reserve component of the Armed Forces of the United States or other uniformed service as defined by federal law, not to exceed 120 hours in each federal fiscal year (October 1 September 30), when the employee is called to active duty in emergencies declared by the President for short periods of time and for all periods of military service during which the employee is engaged in the performance of duty or training in the service of the state of Missouri at the call of the governor and as ordered by the adjutant general without regard to length of time (RSMo 105.270). Military leave shall begin with the employee's next regularly scheduled shift after the employee is called to such emergency duty. An employee shall receive pay for any work shifts the employee would have been scheduled to work up to 120 hours (RSMo 105.270, 38 USC 4301 et seq).

3. *Extended Active Duty Leave*

- a. Any employee who is or may become a member of the National Guard or Air National Guard of Missouri, or any reserve component of the Armed Forces of the United State or other uniformed service as defined by federal law and who is engaged in the performance of duty in the service of the United States under competent orders for an extended and indefinite period of time, shall be entitled to leave of absence from the

employee's respective duties until such military service is completed without loss of position, seniority, accumulated leave, impairment of performance appraisal, pay status, work schedule including shift, working days and days off assigned at the time leave commences, and any other right or benefit to which the employee is entitled, and no retirement benefit shall be diminished or eliminated because of such service. (RSMo 41.942).

- b. Military leave without loss of pay will be authorized for an employee who is a member or who may become a member of the National Guard, or Air National Guard of Missouri, or any reserve component of the Armed Forces of the United States or other uniformed service as defined by federal law, not to exceed 120 hours in each federal fiscal year (October 1 September 30), when the employee is called to active duty for an extended and indefinite period of time.
- c. A fulltime employee that has successfully completed a probationary period and that is involuntarily called to active duty for other than training may qualify for military differential pay. Full-time employees qualifying for differential pay shall be compensated in an amount that represents the difference between the employee's gross regular semi-monthly pay with the city and the employee's total military pay plus allowances, not including per diem and other expenses related to travel, if such military pay and allowances is less than the employee's regular semi-monthly city pay. Such activated employees, including employees who would otherwise qualify for differential pay but do not qualify as a result of the employee's total military pay being greater than the employee's gross City pay, shall continue to receive all benefits to which the employee would be entitled had the employee not been activated not including life insurance that excludes coverage for military service or any other insurance with a military exclusion and subject to the lawful specific provisions of any insurance policy or pension or retirement plan.
- d. An activated employee shall be entitled to receive military differential pay and benefits as described in subsection 3 subparagraph c of this policy for a period not to exceed one (1) cumulative year of extended active duty status per one (1) year of active employment with the city. Further, an employee must complete at least a one (1) cumulative year of active employment with the city in between each one (1) year period of extended active duty status in which said payments and benefits are received. Said period of active employment with the city shall be calculated as the time between reinstatement to active employment status as provided in section 11.9(6) and the return to extended active duty status. If said period of active employment is less than one (1) year on an employee's return to extended active duty status, the employee will be eligible for said payments and benefits for a period equal to the number of full months worked as an active employee since reinstatement from the last period of extended active duty status.

- e. The following authorized military operations are covered by this policy:

Operation Iraqi Freedom
 Operation Enduring Freedom
 Operation Joint Forge
 Operation Noble Eagle
 Operations Desert Falcon and Desert Focus
 Operation Intrinsic Action
 Operation Joint Guardian
 Camp X-Ray

The City Administrator may approve additional operations that are similar to these and that Congress has authorized.

- f. An employee who is a member of a reserve component shall be entitled to an authorized leave of absence to perform funeral honors duty under 38 USC 4316(e).
- g. Military leave shall begin with the employee's next regularly scheduled shift after the employee is called to active duty. An employee who qualifies for military differential pay as described in subsection three (3), subparagraph c shall be entitled to said pay and benefits from the date that his active military status becomes effective or following 120 hours of regular city pay for military leave as described in subsections one (1), two (2), and three (3) b of this policy. An employee may not qualify to receive military differential pay as described in subsection three (3) subparagraph c until up to 120 hours of regular city pay for military leave as described in subsections one (1), two (2), and three (3) b of this policy is exhausted. Military leave shall only be charged for hours that the employee would otherwise have been required to work had it not been for such military leave. The minimum charge shall be one hour and additional charges shall be in multiples of the minimum charge. (RSMo 105.270.4).
- h. City health insurance plans are subject to 38 USC 4317. While an employee is on paid military leave, including differential pay as provided above, or if the employee would otherwise qualify for differential pay but does not qualify because his military pay exceeds his City pay, the City shall continue to pay health insurance premiums in the manner that it was making such payments for the employee prior to commencement of the leave.
- i. City retirement plans are subject to 38 USC 4318.

3.5 Limit on Total Paid Military Leave

Total paid military leave for temporary annual training periods, emergency active duty periods, and extended active duty periods as described in subsections one (1), two (2), and

three (3) b of this policy shall not exceed a combined 120 hours in a federal fiscal year (October 1 – September 30).

4. Orders

A copy of orders must be attached to all requests for annual, emergency, and extended active duty military leave. Before any payment of salary is made covering the period of leave the employee shall file with the City Administrator an official order from the appropriate military authority as evidence of such duty, which order shall contain the certification of the employee's commanding officer of performance of duty in accordance with the terms of such order. (RSMo 105.270.2).

5. Other Leave During Military Leave

An employee on military leave may elect to utilize vacation or similar leave during temporary training periods or emergency active duty periods in excess of 120 hours and extended active duty in excess of one (1) year. The employee may not be required to utilize vacation or similar leave for military service (38 USC Sec. 4316(d)).

6. Reinstatement

- a. An employee who serves active duty in any branch of the Armed Forces for the United States or other uniformed service as defined by federal law for a period not to exceed five (5) years (unless such period is extended by law), not including service periods for temporary annual training and temporary emergency active duty, having given advance notice of such service or being excused by law from providing such notice, may request reinstatement to the employee's former position, or a comparable position with similar status, compensation and benefit entitlement, provided the employee has received an honorable discharge and is qualified to return to full-time duties. The time limits for returning to work are as follows (38 USC Sec. 4312(e)):
 - Less than 31 days service (or absence for purpose of an examination to determine fitness to perform service in the uniformed services regardless of duration): The employee must report for work by the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight hour rest period. If this is impossible or unreasonable, then as soon as possible.
 - 31 to 180 days service: The employee must apply for reemployment no later than 14 days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
 - 181 days of service or more: The employee must apply for reemployment no later than 90 days after completion of military service.

- Service-connected injury or illness: Reporting or application deadlines are extended for up to two years (or longer if required by law) for persons who are hospitalized or convalescing due to injury or illness incurred in or aggravated during the performance of service in the uniformed services.

The application for reinstatement shall be addressed to the City Administrator and shall include all documentation required by law. Reinstatement shall be evaluated in accordance with applicable law. A person who fails to report or apply for employment or reemployment within the appropriate period of time specified by law shall not automatically forfeit such person's entitlement to rights and benefits, but shall be subject to the conduct rules, established policy, and general practices of the City pertaining to explanations and discipline with respect to absence from scheduled work. (38 USC 4312(e)(3)).

- b. Any employee appointed to a vacancy created by the granting of military leave shall be designated as "military replacement" and the length of such appointment shall be limited to the length of military leave granted the incumbent.

7. Military Caregiver Leave

Military Caregiver Leave is unpaid leave available to employees who have been employed by the City for a minimum of 12 calendar months during the seven years prior to the leave (or such other period as may be required by applicable law) and who have worked a minimum of 1250 hours during the 12 months immediately preceding the leave and who are immediate family members or next of kin (i.e., closest blood relative) of a covered service member with a serious illness or injury incurred in the line of duty on active duty (including aggravation of preexisting injury or illness). A covered service member is an active member of the National Guard or Air National Guard of Missouri, or any reserve component of the Armed Forces of the United State or other uniformed service as defined by federal law, or a member who is on the temporary disability retired list, or a military member discharged or released under conditions other than dishonorable at any time during the five-year period before commencement of leave who needs care due to undergoing medical treatment, recuperation, or therapy for such a serious injury or illness. Eligible employees are allowed up to 26 workweeks of unpaid leave in a single 12-month period from the first day of such leave to care for the covered service member and their injury or illness. Military caregiver leave is an extension of Family Medical Leave. Combined Family Medical Leave and Military Caregiver Leave shall not exceed 26 workweeks per applicable 12-month period for a single employee. Appropriate certification is required.

8. Qualifying Exigency Leave

Employees may receive up to 12 weeks of unpaid Qualifying Exigency Leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active military duty, or has been notified of an impending call or order to active duty, in support of a contingency operation as a military member in the National Guard or Air National Guard of Missouri, or any reserve component of the Armed Forces of the United States or other uniformed service as defined by federal law.

Qualifying Exigency Leave is unpaid leave available to employees who have been employed by the City for a minimum of 12 calendar months during the seven years prior to the leave and who have worked a minimum of 1250 hours during the 12 months immediately preceding the leave. Qualifying Exigency Leave is subject to the procedural requirements of Family and Medical Leave and all such leave shall not exceed 12 workweeks per calendar year for a single employee.

Qualifying Exigencies include:

- Issues arising from a covered military member's short-notice deployment (i.e., less than seven days of notice) for a period of seven days from the date of notification;
- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American or call to active duty status of a covered military member;
- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Certain parental care for military member's parent who is incapable of self-care when care necessitated by the member's covered active duty, such as arranging for alternative care, providing immediate care, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility;
- Making or updating financial and legal arrangements to address a covered military member's absence;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, due to the duty or call to active duty status of the covered military member;
- Taking up to fifteen (15) days of leave to spend time with a covered military member on short-term temporary, rest and recuperation leave during deployment;

- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's active duty status and to address issues arising from the death of a covered military member while on active duty status; other activities arising out of the covered military member's active duty status or call to active duty as may be agreed by the City and the employee.

9. United States Coast Guard Auxiliary Leave

Pursuant to 41.1005 RSMo, any employee who is or may become a member of the United States Coast Guard Auxiliary shall be granted a leave of absence from their respective duties, without loss of time, regular leave, or of any other rights or benefits to which the employee would otherwise be entitled, for periods during which the employee is engaged in the performance of United States Coast Guard or United States Coast Guard Auxiliary duties, including travel related to such duties, when authorized by the Director of Auxiliary (DIRAUX) or other appropriate United States Coast Guard authority. Leave for such service shall be for no more than fifteen working days in any calendar year, or without regard to the length of time when responding to a state or nationally declared emergency in the state of Missouri or upon any navigable waterway within or adjacent to the state of Missouri. The City shall not be obligated to pay a salary to the employee during this leave of absence. The City shall have the right to request that the employee be exempted from responding to a specific mission.

Notice – both the City and the employee must comply with legal requirements concerning notice of leave and related rights and responsibilities.

11.11 VOTING TIME

An employee eligible and registered to vote in any election held within this state or the State of Illinois or any primary election held in preparation for such election, on the day of such election, shall upon making a request prior to the day of the election, be entitled to leave from duty (if on duty) which would allow three hours of voting time between the time of opening and the time of closing of the polls.

This section shall not apply to a voter on the day of election if there are three successive hours while the polls are open in which the employee is not on duty. Only the authorized Supervisor may specify the three hours between the time of opening and closing of the polls during which an employee may be granted voting leave.

Generally, unless the employee provides proof of actually voting, said leave shall not exceed one hour of paid on duty time for each election day for non-exempt employees. Exceptions may be arranged with the approval of the Department Head. The employee may be required to show a current eligible voter

registration card to his Supervisor prior to release for voting purposes; and no employee shall be granted time off with pay for voting who is not eligible to participate in a given election.

11.12 LEAVE OF ABSENCE

An employee may be granted leave of absence without pay for a period not to exceed 60 days in any one calendar year for reasons considered in the best interest of the City. The granting of a leave of absence under this section is to be used for circumstances that are not covered by the Family and Medical Leave policy (See Sections 11.4 and 11.7). A leave of more than 60 days may be granted only under exceptional circumstances. Leave of absence requires advance approval of the City Administrator.

11.13 PROCEDURE FOR REQUESTING LEAVE OF ABSENCE

An employee requesting leave of absence for any reason must fill out a request form thirty (30) days in advance of the date, when practical. In order to receive consideration, the requested leave shall be approved by the employee's Department Head and shall require the approval of the City Administrator.

11.14 BENEFITS WHILE ON LEAVE

1. Paid Leave

An employee on paid leave shall continue to receive all employee benefits including Sick Leave, Vacation, and paid holidays. Benefits, including retirement plan contributions, health, dental, life or any other insurance, shall be continued during paid leave.

An employee on paid leave, for periods exceeding thirty (30) days, shall receive no salary adjustments or pay raises while on such leave.

2. Unpaid Leave Exceeding 16 Calendar Days

Unless otherwise provided for in this policy, an employee on unpaid leave shall not accrue Sick Leave, or Vacation, or paid for holidays. Employer contributions under City retirement plans will cease during unpaid leave, unless otherwise provided in the plan documents.

Unless otherwise provided for in this policy, an employee exceeding sixteen (16) consecutive calendar days of unpaid leave shall be required to pay the entire cost of continuing employee benefits, including, but not limited to, health, dental, life and other insurances and fringe benefits throughout the remaining duration of the unpaid leave. Employee payments for such insurances and benefits are due on the same day as equivalent paycheck deductions for other employees. An employee on unpaid leave has a 30-day grace period in which to make premium payments. If payment(s) are not received by the City Finance Department within the grace period, group health, dental, life and other insurances and

Deleted: consecutive

Deleted: ,

Deleted: Benefits under City retirement plans are described in the plan documents. No Sick Leave shall accrue; however credited Sick Leave will remain on record. The employee shall not receive holiday pay. No Vacation shall accrue; however, credited Vacation will remain on record.

fringe benefits may be cancelled, provided the City will notify the employee in writing at least fifteen (15) days before the date that coverage(s) will lapse. Any amounts that have not been paid for coverage prior to such lapse shall remain due and owing from the employee.

3. Occupational Injury/Illness Leave

- a. An employee who has suffered an occupational injury/illness shall continue to receive the employee benefits provided by the City to its employees while on paid leave. Should the employee exhaust paid leave or become placed on an unpaid leave of absence, the employee shall be responsible for the health, dental and life insurance premiums. The extension of the health and dental coverages is governed by the federal law, COBRA.
- b. An employee receiving occupational injury pay may not receive Sick Leave pay or Vacation pay or receive pay in lieu of vacation while also receiving occupational injury pay.
- c. An employee on Occupational Injury or Illness Leave, for periods exceeding thirty (30) days, or on a leave of absence, shall receive no salary adjustments or pay raises while on such leave.

4. Family Leave and Medical Leave

During Family Leave and Medical Leave, the employee shall remain eligible for employee group benefits. The employee is responsible for the payment of the employee's normal share of the City's group medical insurance coverages during such approved leave. The employee is responsible for the payment of any voluntary individual insurance premiums in order for these coverages to be continued during the leave. Benefits under City retirement plans are described in the plan documents. The rules under subsections 1 and 2 of this section 11.14 apply.

SECTION 12 COUNSELING AND DISCIPLINE

12.1 COMMUNICATION OF RULES

Every effort will be made by all Supervisors to counsel employees on the purpose and intent of various rules and regulations in order to encourage genuine cooperation and corrective action.

12.2 PROGRESSIVE COUNSELING AND DISCIPLINARY STEPS

The following steps shall be followed with regard to disciplinary actions:

- a. Minor violations of city rules and regulations, and departmental rules and regulations established by the Department Head as provided for herein, shall be explained to the employee by his Supervisor in a counseling session, indicating the corrective steps to be taken to prevent recurring violations.
- b. Step "a" may be repeated by the Supervisor for a second violation, representing a warning that any further reoccurrence of the rule infraction will result in more severe discipline, up to and including termination. At the time this oral reprimand is given, it will be clearly explained to the employee that a written record of the oral reprimand shall be kept by the Supervisor.
- c. A written reprimand shall be issued by a Supervisor upon the occurrence of a violation of these or departmental personnel rules and regulations warranting such action. The report by the Supervisor shall indicate, but shall not be limited to: the date, time of the infraction of the rule involved, prior record of similar violations and efforts made by the Supervisor to correct the problem indicated. Written reprimands shall become part of the employee's departmental personnel file after the employee is notified and the infraction is reviewed with, and signed by, the employee or a witness upon the employee's refusal to sign.
- d. A suspension is a temporary separation from the city service for disciplinary purposes. An employee may be suspended by his Department Head without pay for a length of time determined appropriate, but not to exceed thirty working days. The Department Head shall provide a written copy of the notice of suspension to the affected employee at the time of the suspension. The City Administrator shall be furnished with a written statement setting forth the cause of such suspension. Suspensions may be effectuated immediately but they may be scheduled and administered at the convenience of the City.
- e. A demotion is a reduction in rank or classification. An employee may be demoted by his department head for disciplinary purposes. Such demotion shall cause the employee's salary to be reduced in accordance with section 5.4 (2). A demotion may only be effected when

there is a lower classification available and a position authorized in the same department for which the employee is qualified.

- f. A Department Head may terminate an employee in his department. The Department Head must give the employee a written notice of termination at the time of dismissal including the reasons therefore and his right of appeal and must furnish a copy of the notice to the City Administrator. A terminated employee will be given the opportunity to respond to the notice of termination.

The first offense of any rule violations may necessitate the by-pass of one or more steps outlined in the disciplinary procedure described above. Any written reprimand issued to an employee under Step "c", without the implementation of the two preceding steps, will require documentation to support the seriousness of the offense and the propriety of the action taken by the Supervisor. All such written reprimands will require the approval of the Department Head prior to issuance to the employee by the Supervisor.

12.3 INVESTIGATION AND REPORT

Reported violations of a city or departmental rule or regulation will be investigated by the Department Head. The investigation will be made with the purpose of ascertaining the facts of the alleged offense. Leave with pay may be required by the Department Head for investigatory periods not to exceed five days. The Department Head shall keep the City Administrator informed of all such investigations and decisions. The City Administrator may require additional disciplinary action.

12.4 GROUNDS FOR DISCIPLINARY ACTION

Any action which is a direct hindrance to the effective performance of the municipal government shall be grounds for disciplinary action against any employee of the City. Whenever and wherever people work together, people must conform to standards of reasonable conduct to maintain an orderly, efficient atmosphere. Accordingly, a city employee may be disciplined up to and including dismissal in order to protect the rights of others and to encourage correct conduct and cooperation.

SECTION 13 PERSONNEL DISCIPLINARY APPEALS

13.1 EMPLOYEE APPEAL OF DISCIPLINARY ACTION TO THE CITY ADMINISTRATOR

- a. An employee may appeal to the City Administrator for a reconsideration and rehearing of any disciplinary action taken by a Department Head involving:
 1. dismissal;
 2. demotion;
 3. suspension without pay and/or loss of compensatory time, singly or in combination, for more than three (3) days.

The employee's request shall be in writing and presented within seven (7) calendar days of the disciplinary action. The request shall fully set out the employee's basis for appeal and all facts pertinent to the matter including any previous written communication on the issue.

- b. After receipt of the request and after notice to the Department Head and affected employee, the City Administrator shall conduct a hearing at which time the employee may present witnesses or documents to support his position; technical rules of evidence shall not apply. The Department Head shall also be given the opportunity to present witnesses and documents supporting the disciplinary action taken. The employee may be represented by a representative of his choosing at the hearing.
- c. The City Administrator shall render a written decision to the employee, within seven (7) calendar days of the conclusion of the hearing.

13.2 SUBMISSION OF EMPLOYEE APPEAL TO THE PERSONNEL APPEALS

BOARD

Deleted: COMMITTEE

a. *Form of Request for An Appeal*

If the employee is dissatisfied with the City Administrator's decision in a disciplinary hearing involving dismissal, demotion, or suspension without pay and/or loss of compensatory time, singly or in combination, for more than three (3) days, or a Department Head or other employee is dissatisfied with the City Administrator's disciplinary action against them (unless otherwise provided by law, i.e. Section 106.273 RSMo subject to constitutional limitations) the employee may submit a request in writing for an appeal to the Personnel Appeals **Board** ("the **Board**"). Such request must be addressed to the "Personnel Appeals **Board** Chairperson" and delivered to the City Clerk at the Creve Coeur Government Center

Deleted: Committee

Deleted: Committee

Deleted: Committee

not later than seven (7) calendar days after the City Administrator issues and the employee receives a written decision.

b. Receipt of Request for An Appeal from Employee ("Appellant")

Upon receipt of a written request for an appeal, the City Clerk shall forward a copy of the request to the Chairperson of the Personnel Appeals Board. After receipt from the City Clerk, the Chairperson of the Board shall send an acknowledgment of the receipt of the request to the Appellant, and to the Appellant's attorney of record, if any. A copy of such acknowledgment shall be forwarded by the Chairperson to the City Administrator and the Department Head.

Deleted: Committee

Deleted: Committee

The Chairperson shall, at the same time as the acknowledgment is sent to the Appellant as required in (b 1) above, forward a copy of the request for appeal to the members of the Personnel Appeals Board and advise them of the receipt of the request and the need to establish dates for a procedural meeting and for a hearing on the appeal.

Deleted: Committee

c. Assignment of Legal Counsel

The Chairperson may at any time request the City Council to hire legal counsel for the Board. The purpose of legal counsel is to assist the Board with the conduct of hearings and the drafting of decisions, including any findings of fact and conclusions of law, to the extent required by Chapter 536 RSMo.

Deleted: Committee

Deleted: Committee

13.3 PROCEDURAL REVIEW MEETING

- a. The Chairperson may call a Procedural Review Meeting of the Board. The purpose of the Procedural Review Meeting is to review Board procedures for the conduct of the hearing and the preparation of the decision. The Board may consult with legal counsel, if appointed. A Procedural Meeting is an open meeting under the Open Meetings and Records Policy of the City of Creve Coeur in accordance with the laws of the State of Missouri.
- b. During a Procedural Review Meeting, reference should not be made by any Board member or other party to the underlying facts of a specific appeal before the Board. Further, no discussion should be held by any members of the Board concerning the particular facts of the case relating to an appeal. No access to personnel files shall be granted to the members of the Board. All evidence is to be presented at the hearing.

Deleted: Committee

Deleted: committee

Deleted: Committee

Deleted: committee

Deleted: Committee

Deleted: Committee

Deleted: Committee

13.4 HEARING

On an employee disciplinary appeal properly filed with the Board, the Personnel Appeals Board shall conduct a reconsideration and rehearing in accordance with the provisions of Chapter 536 RSMo and the City of Creve Coeur Personnel Policy and Procedures Manual, and shall render a written decision, including a findings of fact and conclusions of law to the extent required.

Deleted: Committee

Deleted: Committee

Deleted: Employee

Deleted:

a. Notification of Hearing Date

The Chairperson of the Board shall notify the Appellant, or the Appellant's attorney of record, in writing, by certified mail, of the date, time and place of the hearing. The City Administrator and Department Head shall also receive notice of the hearing. In accordance with Chapter 536 RSMo, a minimum of a 10-day notice shall be given prior to the hearing. The hearing notice shall comply in all respects with the requirements of Chapter 536 RSMo. Notice of the hearing shall also be posted on the main bulletin board at the Creve Coeur Government Center.

Deleted: Committee

b. Board Hearing Procedure

Deleted: Committee

1. Consistent with Chapter 536 RSMo, the hearing shall be conducted in the manner most conducive to determination of the truth and the Board shall not be bound by technical rules of evidence. However, fundamental rules of evidence are to be followed -- hearsay testimony or similar evidence, such as unsigned or unverified documents, do not qualify as competent and substantial evidence. The Board's decision is to be supported by substantial evidence on the whole record. Decisions made by the Board shall not be invalidated by any informality in the proceedings. The Chairperson shall preside over the hearing, subject to direction by a majority of those members that are present. However, with approval of the Board, the Chairperson may assign legal counsel to preside over the hearing as a hearing officer subject to direction by a majority of those members that are present.

Deleted: Committee

Deleted: -

Deleted: Committee's

Deleted: Committee

Deleted: Committee

2. Meetings of the Personnel Appeals Board shall be determined to be closed meetings under the Open Meetings and Records Policy of the City of Creve Coeur as provided for by the laws of the State of Missouri unless the employee requests the meeting remain open and the Board approves that request. Notice of the meeting must be posted in conformance with the above stated policy. The meeting is to be opened as a public meeting and the Board shall take a vote before closing the meeting for the hearing. The minutes shall reflect this action.

Deleted: Committee

Deleted: Committee

Deleted: Committee

3. The Board shall determine the relevancy, weight and credibility of testimony and evidence. The Board shall base its findings on the preponderance of evidence.

Deleted: Committee

Deleted: Committee

4. Each party shall be permitted to make an opening statement and closing argument. The City shall first present its witnesses and evidence (exhibits) in support of the charges and the appellant will then present his witnesses and evidence (exhibits) in defense. The City may respond with further evidence and the appellant may likewise reply. The Board may ask questions relevant to the matter after each witness testifies.

Deleted: Committee

5. Each party will be allowed to call and examine and cross-examine witnesses. A witness waiting to testify is to remain outside of the meeting room until called by the Board to testify.

Deleted: Committee

6. Both the City and the appellant may be represented by legal counsel.

7. The Board may request witnesses and/or production of other records or material evidence not previously introduced.

Deleted: Committee

8. A court stenographer shall be present to transcribe the meeting and to give an oath to witnesses giving testimony. A city staff member shall keep minutes of the proceedings.

9. The Board reserves the right to recess the hearing and reconvene at a later time and/or date. If this is done, the Board shall announce, during the hearing, that the hearing is recessed to a specific time and date. No additional posting of the reconvened hearing is required.

Deleted: Committee

Deleted: Committee

10. The Board shall meet in closed session to deliberate and to come to a decision concerning the matter. A majority of the Board members attending the entire hearing and/or reviewing the transcript and evidence must agree on the decision in the matter.

Deleted: 10. In accordance with Section 130.020(e) of the Municipal Code, the City Council Liaison is not a voting member of the Committee. The Liaison shall not participate in the hearing or the deliberations and shall not vote on the matter. ¶

11. Decisions of the Board shall be in writing and shall be issued within forty-five (45) days after conclusion of the hearing. The decision shall include findings of fact and conclusions of law to the extent required by law and shall include a concise statement of the findings on which the Board based its decision. The decision shall set forth the charges, if any, the Board finds to be sustained and the reasons therefore. A copy of the written decision shall be forward to the Appellant or the Appellant's attorney of record and to the City Administrator. The decision of the Personnel Appeals Board shall be final and binding on the City.

Deleted: 1

Deleted: Committee

Deleted: Committee

Deleted: 2

Deleted: Committee

Deleted: Committee

Deleted: Committee

Deleted: Committee

c. Procedures to be followed in accordance with Chapter 536 RSMo

1. All witnesses giving oral testimony shall be sworn.
2. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not the subject of the direct examination, to impeach or discredit any witness regardless of which party first called him to testify, and to rebut the evidence against him.
3. A party who does not testify in his own behalf may be called and examined as if under cross-examination.
4. The Board shall cause hearings before it to be suitably recorded and preserved by a certified court stenographer attending the hearing. The attendance will be paid for by the City. The transcript will be transcribed on request of the City, the Appellant, or the Board. The City will pay transcription costs. Minutes of the hearing will be kept for the Board's file.
5. Records and documents of the City may be offered in evidence by reference.
6. The Board shall take notice of all matters of which the courts take judicial notice (of undisputed facts of common knowledge which are universally accepted to be true) and, if these matters are relied upon in the Board's decision, the Board is to notify the appellant and allow the opportunity to contest such matters.
7. Evidence to which an objection is sustained by the Chairperson shall, at the request of the party seeking to introduce the same, or at the instance of the Board, nevertheless be heard and preserved in the record together with the cross-examination and the rebuttal.
8. Any evidence received without objection which has probative value (i.e. proving or tending to prove the point) shall be considered by the Board along with the other evidence in the case.
9. Copies of writings, documents and records shall be admissible without proof that the original thereof cannot be produced, if it shall appear by testimony or otherwise that the copy offered is a true copy of the original. If an objection to the evidence is sustained by the Chairperson, the party shall be given an opportunity by the Board to present the original evidence.
10. Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of an act, transaction, occurrence or event, shall be admissible

Deleted: Committee

Deleted: Committee

Deleted: Committee's

Deleted: Committee

Deleted: Committee's

Deleted: Committee

Deleted: Committee

Deleted: Committee

Deleted: Committee

as evidence of the act, transaction, occurrence or event, if it shall appear that it was made in the regular course of business, and that it was the regular course of business to make such memorandum or record at the time of such act, transaction, occurrence or event or within a reasonable time thereafter.

11. Statistical examinations, audits, studies, surveys, interviews with many people, including long complicated accounts, or a large number of figures, etc., may be admitted upon the testimony of a witness present at the hearing who testifies to the accuracy of the information.
12. Any party desiring to introduce an affidavit in evidence at a hearing may serve notice on all other parties including copies of the affidavit at the hearing. An objection may be filed by the other party. If notice was received less than eight days prior to the hearing, the objection may be filed at the hearing.

SECTION 14 EMPLOYEE GRIEVANCE PROCEDURE

14.1 POLICY

It shall be the policy of the City to ensure fair and just treatment of employee concerns; to foster good communications between personnel to ensure employee problems are recognized and reviewed in a timely manner; and to provide a procedure to handle concerns expressed by the employee. Employees shall receive the opportunity to discuss a complaint in order to find a mutually satisfactory solution as rapidly as possible. An employee utilizing the procedure in the presentation of grievances at any supervisory level is assured of freedom from undue restraint, unreasonable interference, or unlawful discrimination or reprisal. Employees shall not be afforded nor have legal counsel present at any level of the grievance procedure; however, a co-worker may be present as a witness.

14.2 DEFINITION

A “***grievance***” is a complaint by an employee concerning the interpretation or the application of city personnel policies, departmental rules and regulations, his working conditions, and his relationship with co-workers(s) or Supervisor(s).

14.3 EXCLUSIONS

An employee may not submit a grievance challenging the City's right to direct employees, adopt personnel practices, or determine the methods, means and resources to conduct city operations. An employee seeking to appeal a disciplinary action shall follow the procedure outlined in Section 13 of this manual.

14.4 PROCEDURE TO RESOLVE COMPLAINTS

- a. An employee who has a grievance shall present the grievance in writing by submitting form CA-2009-1 in a timely manner to the employee's immediate Supervisor. The immediate Supervisor shall attempt to resolve the matter promptly and fairly. Nothing in this policy shall prevent an employee from first attempting to resolve a complaint by informally meeting with his or her immediate supervisor without presenting written grievance (form CA-2009-1).
- b. If the immediate supervisor or a supervisor in the employee's chain of command receives a written grievance and is unable or fails to settle the issue, the supervisor shall forward form CA-2009-1 within seven (7) calendar days to the next supervisory level, which may be the Department Head. The employee may, in rare circumstances when the situation warrants, by-pass the immediate Supervisor and present his concern directly to the Department Head. By-passing the immediate Supervisor is not encouraged as the policy of the City. If the

employee is not satisfied with the decision at this level, he may appeal to the Department Head within seven (7) calendar days of the decision.

- c. The Department Head shall review the written report and shall confer with the employee and the Supervisor(s) involved before rendering a decision. Such decision shall be in writing and shall be delivered to the employee within fourteen (14) calendar days, exclusive of scheduled leaves or illness, of the date on which the written appeal was received by the Department Head. The Department Head shall audio record the conference. The Department Head's audio recording shall be the official and only audio recording of the conference.
- d. If appeal to the Department Head fails to settle the grievance, the employee may, within seven (7) calendar days of receipt of the Department Head's decision on the appeal, submit an appeal in writing to the City Administrator. Upon receipt of such appeal, the City Administrator shall review all facts pertinent and within fourteen (14) calendar days schedule and conduct a conference on matters pertinent to the grievance. The decision of the City Administrator shall be in writing and shall be delivered to the employee within seven (7) calendar days after the conference. The decision of the City Administrator shall be final with regard to grievance appeals.
- e. All grievances (form CA-2009-1) shall be forwarded through the chain of command to the Office of the City Administrator where a grievance file shall be maintained and reviewed annually.

SECTION 15 FRINGE BENEFITS

15.1 GENERAL DESCRIPTION

The following benefits are currently made available to regular, full-time employees of the City. The City reserves the right to alter, adjust or modify the benefits offered to its employees including the levels and availability of coverage based on budgetary considerations and costs of the benefit to the City:

- a. group medical and dental insurance;
- b. life insurance, accidental death and dismemberment insurance and disability insurance;
- c. retirement plans and deferred compensation plans;
- d. participation in employee development or training programs including tuition reimbursement;
- e. paid holidays;
- f. annual vacation;
- g. sick leave;
- h. other benefits as approved by the City Council.

15.2 RETIREMENT PLANS AND DEFERRED COMPENSATION

The City sponsors several different retirement and deferred compensation plans. Additional information is available from the Office of the City Administrator.

15.3 HEALTH INSURANCE COVERAGE UPON RETIREMENT

Whenever an employee meets the retirement conditions under the applicable City retirement plan(s)¹, the employee may elect to retire and receive applicable benefits.

Deleted: for his

Deleted: system

Deleted: earned

Deleted: under the applicable retirement system

¹ Under the 2006 Defined Contribution Plan: Normal Retirement Age shall be age ~~fifty-five (55)~~;

Under the Defined Benefit Plan: **Early Retirement Age** means the date on which the Participant first attains age fifty (50) and has completed at least twenty (20) years of Credited Service. Early Retirement Date means the date the Participant elects to receive his Retirement Benefits under the Plan where such date is the first day of any month coinciding with or following the Participant's attainment of his Early Retirement Age but is prior to the Participant's attainment of his Normal Retirement Age.

Formatted: Font: +Body (Calibri), 9 pt

Formatted: Font: +Body (Calibri), 9 pt

Formatted: Line spacing: single

Formatted: Font: 9 pt, Underline

Formatted: Font: 9 pt

Formatted: Underline

In addition the City makes available health insurance to a retired employee and qualified dependent(s) as follows:

a. For the Regular, Full-Time Employee Who Works Until Normal or Unreduced Early Retirement Date (as defined in the applicable retirement plan):

1. Employee Hired Before July 1, 2001:

The City will pay the same percentage of the employee and dependent health insurance premium as it is paying for an active employee until the retired employee becomes ineligible for this insurance, due to eligibility for Medicare coverage, which is a qualifying event under the federal Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). At the time the employee becomes ineligible for group coverage, the employee's dependents, who had City group coverage on the day before the qualifying event, shall be eligible to continue City group coverage under the provisions of COBRA.

Deleted: . This

2. Employee Hired On or After July 1, 2001:

The retired employee may purchase individual or family health coverage through the City's group policy, provided: (1) the City's health insurance carrier makes such coverage available; and (2) the employee timely pays the total actual monthly cost of the coverage to the City.

The coverage may continue until the retired employee becomes ineligible for this insurance, due to eligibility for Medicare coverage.

Alternatively, the retired employee may continue individual or family health insurance under the provisions of the federal Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA).

Regardless of the option chosen, when the retiree becomes eligible for Medicare, coverage for the retiree and then-covered dependents will end and this is a qualifying

Deleted: . T

Normal Retirement Age means (a) for a Participant who is a uniformed police officer, the date the Participant attains age fifty-five (55), and (b) for any other Participant, the date the Participant attains age sixty-five (65). Normal Retirement Date means the first day of the month coinciding with or next following the date the Participant attains his Normal Retirement Age. A Participant shall be one hundred percent (100%) vested in his Accrued Benefit upon the attainment of Normal Retirement Age.

Unreduced Early Retirement Age means the date that the sum of the Participant's age and years of Credited Service equals eighty-five (85). In determining the sum of a Participant's age and Credited Service, completed years and completed months of both age and Credited Service shall be used. Unreduced Early Retirement Date means the date the Participant elects to receive his Retirement Benefits under the Plan where such date is the first day of any month coinciding with or following the Participant's attainment of his Unreduced Early Retirement Age but is prior to the Participant's attainment of his Normal Retirement Age.

Formatted: Normal

Formatted: Font: 9 pt

event for the retiree's dependents as defined under the federal Consolidated Omnibus Budget Reconciliation Act or 1986 (COBRA). At the time the retired employee becomes ineligible for group coverage, dependents, who had City group coverage on the day before the qualifying event, shall be eligible to continue City group coverage under the provisions of COBRA.

b. For a Regular, Full-Time Employee, Who Shall Work Until Early Retirement (as defined in the applicable retirement plan):

1. Employee Hired before July 1, 2001:

Such termination of work is a qualifying event under the federal Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). The early-retired employee and/or eligible dependents, who had City group coverage on the day before the qualifying event, may continue as group participants under the provisions of COBRA. Once the maximum period of coverage provided under COBRA expires, participation in the City's group health insurance will end and they may not re-enroll at a later date.

Deleted: This

Alternatively, an early-retired employee may purchase individual health insurance through the City's group policy, provided: (1) the City's health insurance carrier makes such coverage available; and (2) the employee timely pays the total actual monthly cost of the coverage to the City, until the employee has reached normal retirement age (as defined in the applicable retirement plan) or becomes ineligible for this insurance due to eligibility for Medicare coverage.

Deleted: he

Once the early retired employee reaches such normal retirement date, the City will pay the premium for individual insurance for the early-retired employee at the same percentage for an active employee until the early-retired employee becomes ineligible for group coverage due to eligibility for Medicare coverage.

2. Employee Hired On or After July 1, 2001:

Such termination of work is a qualifying event under the federal Consolidated Omnibus Reconciliation Act of 1986 (COBRA). The early-retired employee and dependents, who had City group coverage on the day before the qualifying event, may continue as group participants under the provisions of COBRA. An early-retired employee may purchase h individual or family health insurance through the City's group policy provided: (1) the City's health insurance carrier makes such coverage available; and (2) the early-retired employee timely pays the total actual monthly cost of the coverage to the City.

Deleted: This

Deleted: his

The coverage may continue until the retired employee becomes ineligible for this insurance, due to eligibility for Medicare coverage.

c. One-Time Re-Enrollment Option

At the time a retired employee subject to Sections A or B above becomes ineligible for group coverage, his/her dependents who had City group coverage on the day before the qualifying event shall be eligible to continue City group coverage under the provisions of COBRA. A retired employee who drops his/her individual insurance through group coverage with the City while otherwise eligible shall also drop all family insurance, but may re-enroll for such individual coverage (and family coverage) provided the following conditions are met: (1) the retired employee dropped individual insurance through group coverage with the City because of enrollment for other group coverage, (2) the retired employee ceases to be covered under the other group coverage, and (3) the retired employee re-enrolls for individual insurance group coverage with the City within 31 days of the date the other group coverage ends and before becoming eligible for Medicare. This opportunity to re-enroll is limited to one time per lifetime. Upon successful re-enrollment, the retired employee will be subject to the provisions of Sections (a) and (b) above, as applicable. A retired employee who continues individual coverage may make changes in family coverage in the same manner as employees.

Formatted: Indent: Left: 0.75", Space Before: Auto, After: Auto

Deleted: e

Deleted: comes

Deleted: appropriate

Deleted: ¶

d. Medicare

When a retired employee subject to Sections (a) or (b) above becomes eligible for Medicare coverage, group coverage will terminate. The retired employee's dependents who had coverage on the day before such termination shall be eligible to continue group health insurance coverage with the City's group health insurer at the dependent's expense under the provisions of COBRA. Thereafter, once eligible dependents cease continuous participation in the City's group health insurance plan, they may not re-enroll at a later date.

Deleted: continuously covered

15.4 PROFESSIONAL DUES

Employees may, with the approval of the City Administrator, have professional municipal organization dues paid by the City provided that the membership benefits the City by assisting the employee with his assigned duties and responsibilities. Membership payments shall be subject to the availability of funds as provided in the annual budget.

15.5 TRAINING AND CONFERENCE ATTENDANCE

Training and Conference attendance expenses incurred for an employee's professional development and to assist in the development of his skills, knowledge, abilities and to assist him in staying abreast of his field and to perform more effectively the duties of his position in the city service, which shall be deemed beneficial to the City of Creve Coeur, shall be paid by the City, subject to the approval of the Department Head and the City Administrator and the limits of authorized appropriations.

15.6 TUITION REIMBURSEMENT PROGRAM

In order to be eligible for this program, an employee must have completed his probationary period and be a full-time employee of the City.

- a. Reimbursement for tuition during any one calendar year shall not exceed \$2,500. Courses at private schools will be reimbursed at the same level of tuition as charged at the nearest state public school offering an equivalent course.
- b. The course must be job-related and in the field of employment, including:
 1. Any course required in order to complete a baccalaureate degree will be approved.
 2. Approval for courses outside the normal field of employment but which are related to job positions in other areas of the city government will be considered based upon the employee's career development and job opportunities in other departments.
 3. In limited instances, courses beyond the baccalaureate degree level may be approved by the City Administrator.

- c. All courses must be approved, in advance of enrollment, by the Department Head and the City Administrator and subject to authorized and available appropriations.
- d. If letter grades are used by the educational institution, then a grade of "C" or better for baccalaureate level courses or a grade of "B" or better for graduate level courses must be attained in order to qualify for reimbursement by the City. If a pass/fail or satisfactory/unsatisfactory grading system is used by the educational institution, only grades of "pass" or "satisfactory" will qualify for reimbursement. Proper documentation must be presented by the employee to the Department Head and the Personnel Officer prior to any reimbursement being authorized.
- e. In conjunction with tuition reimbursement for a course or courses, the City will also reimburse up to \$200 annually for the cost of required course textbooks upon submission by the employee of the proper receipts for such books and proof the textbooks were required for the class.
- f. In order to receive reimbursement, the employee must execute an agreement which requires two years of service to the City by the employee or repayment of educational benefits received within the past two years will be required. (See Section 9.6)

15.7 UNIFORMS AND CLOTHING MAINTENANCE

Employees required to wear uniforms will be provided with such clothing allocations as deemed appropriate by the Department Head. In such case, the employee shall be required to wear the uniform clothing and to return the full allocation of garments upon separation from city service. The City shall replace uniform clothing damaged through natural wear on the job, but not due to negligence by the employee. The employee shall wear uniform clothing only ~~in route to and from work and while on duty.~~

Deleted: e

The City Council may establish clothing allowances where deemed appropriate in lieu of providing uniforms. Such clothing allowances are bonuses that are taxable in accordance with Internal Revenue Service regulations. In such instances, the employee shall be fully responsible for all maintenance and replacement of uniform or clothing.

15.8 SOCIAL SECURITY

All city employees shall participate in the Federal Old Age, Survivors, Disability, and Health Insurance program. Employees' contributions are deducted each pay day and are matched by the City pursuant to Federal law.

15.9 USE OF AUTOMOBILES

An employee who is required to use his personal automobile in the course of performing his duties for the City shall be paid an automobile allowance as established by city policy.

Any employee operating a motor vehicle while on duty shall comply with all applicable laws regarding such operation, including but not limited to licensing and insurance requirements. Employees shall refrain from any activity that distracts them from operating a motor vehicle with the highest degree of care, including texting and other use of hand-held communications devices.

15.10 MEDICAL BENEFIT REIMBURSEMENT

In order to incentivize employees to consider obtaining health insurance coverage outside of the City's plan when available and thereby reducing costs for the City, the City shall reimburse a full-time employee who qualifies to enroll in the City's health insurance plan for a portion of the cost they incur for such other coverage if the employee does not enroll in coverage with the City, or is eligible for spousal, child(ren), or family coverage, but elects to enroll in individual coverage only. This reimbursement shall not be available to employees whose spouse or dependent is also a full-time employee of the City, unless both employees do not enroll themselves and their dependents in coverage under the City's health insurance plan.

Deleted: of

Deleted: not

Deleted: himself and/or some or all of his qualifying dependents in the City's health insurance plan and thereby reduces cost to the City

The annual reimbursement amount shall not exceed \$600 per year per eligible employee. Employees are required to complete and submit the Medical Benefit Reimbursement Application (MBRA) to the Office of the City Administrator no later than November 15 of each year to be eligible for reimbursement.

Deleted: be

For the purposes of this section, qualifying dependents shall be defined as dependents of the employee that are eligible for coverage in the City's insurance plan as defined in the insurance plan document.

Reimbursements shall be paid in an annual lump sum to all eligible employees on the first payroll date of December each year. Payment shall be based on the number of months that the employee was eligible for the reimbursement over the preceding 12 month period ending on November 30 of the current year (December 1 through November 30). An employee not meeting the eligibility requirements stated above for the entire 12-month period shall be eligible for a prorated reimbursement amount based on the number of full months that the employee was eligible during the 12-month period.

Deleted: s

15.11 CITY SELF-INSURED PORTION OF HEALTH INSURANCE DEDUCTIBLE

As of July 1, 2013 the City self-insures up to \$1,100 of the \$1,500 individual deductible and up to \$2,200 of the \$3,000 family/dependent deductible in connection with employee enrollment in the City's health insurance plan. The employee is responsible for paying the first \$400 of the individual deductible and the first \$800 of the family/dependent plan deductible. Claims shall be submitted in accordance with procedures established by the City Administrator's office. Employees hired before July 1, 2001 who have retired and are receiving the benefit of City payment of a percentage of premium of the City health insurance plan are also eligible to participate in the City's self-insurance of the deductible on the same terms and conditions as an active employee. The City Council may amend these provisions by resolution at any time in its discretion, and such changes may be incorporated into this policy manual.

SECTION 16 EMPLOYEE RELATIONS

16.1 EMPLOYEE SUGGESTIONS

The City Administrator, all Department Heads, and supervisory personnel shall consider all employee suggestions concerning the improvement of city services. Employees are encouraged to bring suggestions to the City Administrator through Department Heads for discussion and consideration. The City Administrator, with the approval of the City Council, may offer recognition for employee suggestions.

16.2 EMPLOYEE APPEARANCE

All employees are required to attire themselves in a fashion that will reflect a positive image. Uniforms shall be required as and when specified. Business attire for non-uniformed employees shall conform to standards of good taste.

16.3 OUTSIDE EMPLOYMENT

For all regular, full-time employees, their job with the City shall be their primary employment. No employee of the City shall use his position to gain another position outside of the city service and no employee shall, in any way, allow such additional employment to interfere with or influence his obligations and duties to the City. No employee shall accept any other employment which results in a conflict of interest, or apparent conflict of interest or the appearance of impropriety, or which adversely affects or impacts upon the functions, activities, or reputation of the City. When working with any other public or private organization, no employee shall wear uniforms or clothing purchased by the City or identified with city employment unless prior approval is granted by his Department Head.

A full-time employee seeking to hold outside employment of more than forty (40) hours in one year or 8 hours during a given week, is required to submit a written request to his Department Head for approval prior to accepting such a position. This request shall include the name of the company or public agency by whom the individual will be employed, a brief description of the job and duties to be performed, plus all pertinent information regarding insurance, pension plans, other fringe benefits, hours worked per day, and per week, and other work scheduling information.

16.4 ETHICAL CONDUCT

To serve the best interests of the employees, taxpayers, and the city government, it is the policy of the City to restrict certain types of political activity without infringing upon the employees' rights to exercise their suffrage as citizens. The purpose is to safeguard the employee from political pressure to support financially or otherwise any political party, or person, and to safeguard the interest of the public whom all employees serve without regard to their political opinions or affiliations.

Restrictions on employee political activity, and other standards of ethical conduct, are set forth in the City's Code of Ordinances (130.050 and following sections). Employees should be respectful of each other's viewpoints and avoid unproductive debates at the workplace.

Responsibilities of employees for detecting and reporting fraud or suspected fraud, corruption, or dishonest activities are set forth in the City's Anti-Fraud and Corruption Policy.

Each new employee is required to read these policies and to sign a certification stating he has done so. The certification is made a part of the employee's personnel file.

16.5 **POLICY AGAINST HARASSMENT**

Deleted: POLICY

The City is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considering harassing, coercive, or disruptive, including but not limited to sexual harassment or any hostile, aggressive or violent conduct. Harassment of a City employee will not be tolerated, and necessary action will be taken to prevent harassment and to address appropriately any reported instances of harassment, sexual or otherwise. Further, any retaliation against an individual who has filed a complaint in good faith about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint will not be tolerated.

1. **Definitions**

"Harassment" means unwelcome conduct that is based on race, color, sex or gender, gender identity, sexual orientation, religion, national origin, ancestry, disability, age, family or marital status, and/or any other characteristic protected by law as well as sexual harassment or any hostile, aggressive or violent conduct. Harassment becomes unlawful where enduring the offensive conduct becomes a condition of continued employment; or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

"Sexual Harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

2. **Employee Responsibilities**

- a. No employee shall either explicitly or implicitly ridicule, mock, belittle or otherwise harass any person.

- b. Employees encountering harassment are encouraged to tell the person that their actions are unwelcome and offensive. Timely documentation of the incident is recommended.
- c. Any employee who has been harassed should report the incident(s) to the employee's Department Head or City Administrator as soon as possible to prevent further harassment and to expedite an appropriate investigation. If an employee is harassed by the City Administrator, the employee should report the incident to the Mayor. If an employee is harassed by the Mayor or a member of the City Council, the employee should report the incident to the City Administrator.

3. Supervisor's Responsibilities

- a. Each supervisor shall assume responsibility for preventing acts of harassment by:
 - 1. Monitoring the work unit for signs of harassment and taking appropriate steps to intervene and resolve the problem;
 - 2. Limiting the work contact between employees where there has been a complaint of harassment, pending investigation.
- b. Supervisors shall assist any person within the Department that comes to them with a complaint of harassment.
- c. Supervisory personnel at all levels shall not be permitted to date subordinates.

4. Investigation

- a. The City Administrator or his/her designee shall be responsible for investigating any complaint alleging workplace harassment that is brought to the City's attention. Employees refusing to cooperate in an investigation shall be subject to disciplinary action.
- b. Any investigation will be conducted by the City in such a way as to maintain confidentiality to the extent practical under the circumstances.

However, employees shall not be precluded from discussing an investigation with each other unless expressly instructed to refrain from such discussions for such period of time as determined necessary by the city to protect witnesses, avert destruction of evidence, avert fraudulent testimony, or prevent cover-up.

If a complaint of workplace harassment is sustained, then the employee committing the harassment will be subject to disciplinary action based on the nature and severity of the

harassment. The disciplinary action may include oral reprimand, written reprimand, suspension, demotion, or dismissal.

Upon completion of the investigation, the person filing the complaint, the person alleged to have committed the conduct, and the supervisor(s) of the involved employees will be advised of the results of that investigation.

Retaliation against either the person(s) who filed the complaint or any person involved in the investigation shall be grounds for additional disciplinary action. An employee determined to have made a false, malicious, or contrived allegation of harassment against another employee shall be subject to disciplinary action, which is not retaliation under such circumstances.

A file of harassment complaints shall be maintained in the City Administrator's office in a secure location.

This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.

16.6 COMMUNITY RELATIONS

Employees should afford every citizen courtesy and consideration. It is particularly important that a full, courteous explanation be given a citizen when it is necessary to refuse a request or when the action requested is outside the jurisdiction of the City. In dealing with citizens' complaints or questions beyond the authority of the employee having direct contact with the citizen, the employee is encouraged to direct the individual to his Supervisor for explanation or assistance.

16.7 EMPLOYEE SAFETY

Employees are expected to follow safety procedures established for their respective departments and to take an active part in protecting themselves, their fellow employees, other people, city equipment and property and private property from injury or destruction at all times.

Employees are encouraged to detect and report to their Supervisors any hazardous conditions or unsafe practices in the work place and to make suggestions for their correction. All employees share the responsibility of protecting themselves, their co-workers and the public from bodily injury and property damage. Accident prevention is a policy of the City of Creve Coeur. Safety procedures shall have the primary goal of eliminating specific hazards to reduce the potential of accidents.

Department Heads and Supervisors shall be responsible for reviewing working conditions and establishing safety rules which provide some means of protection to people and property.

Emphasis shall be placed upon conditions of facilities, equipment, and machines as well as implementation of an overall safety awareness program including:

- a. good housekeeping in the work area.
- b. use of prescribed protective equipment as a condition of employment.
- c. compliance with departmental work rules.
- d. condition of tools including: mechanical, electrical, hand, and power tools.
- e. proper use of a vehicle seat belt while on city business.
- f. proper maintenance of electrical equipment.
- g. proper guarding of open pits, ditches, tanks, etc., and powered equipment and machines
- h. proper storage and handling of flammable/combustible liquids.
- i. training in the use of portable fire equipment and first aid procedures.
- j. reduction of sources of excessive noise and dust through proper ventilation and personal protective equipment
- k. proper training in the elements of a task to identify and plan for any potentially hazardous conditions.

An employee shall report all work related accidents and injuries to his Supervisor as soon as possible after such incident. Failure to make timely reports could have serious consequences with relation to workers' compensation benefits should the injury later prove to be serious, and to claims made against the City by an individual suffering injury in the incident.

16.8 PERSONNEL RECORDS

Personnel Records of all employees shall be maintained in the Office of the City Administrator by the Personnel Officer and shall be available for an individual employee to review his personnel file upon request during normal office hours. The personnel files of Police Department employees may be maintained by the Chief of Police. A full disclosure of Police Personnel records shall be forwarded to the City Administrator's office upon request.

16.9 PAYROLL DEDUCTIONS

The only deductions made from an employee's payroll check are those required by law and those which the employee has authorized the City to make as a part of a benefit program. Any payroll deduction must be initially approved by the Personnel Officer before submission to the Finance Office.

16.10 REPORT CHANGE OF ADDRESS

An employee must report any change in address or phone number to his Department Head the next work day after such occurs. Each Department Head should report all changes in address or phone number to the Personnel Officer in a timely manner but in no case shall the notice be withheld longer than one week.

SECTION 17 ~~POLICY AGAINST~~ SUBSTANCE ABUSE

Deleted: POLICY

17.1 POLICY STATEMENT

The employees of the City of Creve Coeur are considered to be a valued resource and the services they provide to the community are essential to the maintenance of a high quality of life for our citizens. The City is committed to providing to its employees a safe and healthy work environment; and, to providing to its residents an organization which upholds the standards of integrity, professionalism, accountability and pride. These objectives would be compromised if substance abuse, which creates negative impacts on the work force and reduces the employee's ability to perform the requirements of his position as expected by the City, exists among employees. The use, abuse and/or dependency on alcohol and/or drugs can seriously affect the health of employees, jeopardize their own safety and the safety of others in the work place and the public with whom they have contact, cause damage to public and private property, erode the public trust, increase the cost of the provision of governmental services, and impair the individual's and co-worker's ability to satisfactorily perform their job duties. The City of Creve Coeur hereby adopts a policy to address this sensitive and potentially dangerous issue of substance abuse.

The policy provides a means for the City to protect itself, and others, from the negligent or irresponsible actions of an employee who has consumed or has in their system alcohol/drugs while working as an employee of the City. The policy requires an employee to submit to an alcohol/drug test when there is reasonable basis to suspect use or abuse has occurred.

Any employee who appears to have possession, to have consumed, to be impaired or to be under the influence of alcohol shall be removed from the work place and be required to undergo testing by a blood alcohol measuring device or other medically acceptable means.

Any employee who appears to be in possession of or to have consumed any illegal drug, or to be impaired or under the influence of any drug, narcotic, or controlled substance will be removed from the work place and be required to report to a designated medical facility to undergo examination.

Violation of this policy shall be deemed misconduct and may also result in suspension or termination of employment, subject to applicable law.

The refusal to submit to any required testing is a disciplinary offense and may result in disciplinary action, up to and including termination.

The policy provides employees having an abuse problem the opportunity to overcome the problem through rehabilitation and treatment.

Note: See Section 18 regarding drivers of commercial motor vehicles.

17.2 LEGAL DRUGS (excluding alcohol)

The use of any legally obtained drug, to the point where such use affects the employee's job performance is prohibited. No employee during work hours shall be under the effects of any drug which affects the employee's ability to perform his job, including the use of prescribed drugs under medical direction. In the event physician-directed use of drugs, including over the counter drugs, taken as directed by a physician, or voluntarily, affects job performance, it is in the best interest of the employee, co-workers and the City that sick leave be utilized, or leave without pay, if sick leave is not available. In the event treatment relates to disability, reasonable accommodations may be requested as discussed elsewhere in this manual.

17.3 ILLEGAL DRUGS

Definition of illegal drugs, for the purpose of this policy, includes:

1. drugs that are not legally obtainable; or,
2. drugs that are legally obtainable but have been obtained illegally.

The sale, possession, purchase, transfer, or use of illegal drugs by employees is prohibited.

No employee shall arrive on the City's premises under the influence of any illegal drug. This prohibition applies to any or all forms of drugs whose sale, purchase, transfer, possession, or use is prohibited or restricted by law.

Any employee engaging in the sale, purchase, transfer, possession or use of illegal drugs is subject to disciplinary action, up to and including in termination.

See Missouri Drug Free Work Force Act, Sections 105.1101 et seq. RSMo.

17.4 ALCOHOL

1. General

Employees shall not possess or consume an alcoholic beverage, have the odor of an alcoholic beverage on or about their person, or be under the influence of an alcoholic beverage during work hours to include lunch or break periods unless authorized or approved by the City Administrator or his designee. No alcoholic beverage shall be served or consumed on city premises or in vehicles owned by the city without permission of the City Administrator or his designee. The odor of an alcoholic beverage on or about any employee or other visible effects is sufficient cause to order an employee be tested for the presence of

alcohol and/or to order the employee to leave the work place. Any employee engaging in the misuse of alcoholic beverages is subject to disciplinary action.

2. *Employees - BAC*

No employee during working hours shall report for work or be on duty when he/she has a blood alcohol level of .02% or greater.

3. *Commissioned Police Officers*

Commissioned police officers shall not report for work, be on duty, or act in the capacity of police officer (to include off-duty details) when he/she has a blood alcohol level of .02% or greater.

17.5 PRE-EMPLOYMENT SCREENING

In an effort to minimize the potential adverse effects of substance abuse, all individuals to who a bona fide regular full-time, part-time, or seasonal conditional job offer has been made will be tested and the results reported prior to the acceptance of the applicant by the City (see section 17.7 Testing Procedures). Any individual receiving a positive drug test result will be disqualified from employment consideration after a confirmation test has confirmed the positive results. The applicant will not be reconsidered for a position with the City until they produce a negative test obtained from a city-approved laboratory, at the applicant's cost.

Former employees of the City may not be required to be tested if the time between their last date of previous employment with the City and the date of rehire is less than one year, at the discretion of the City Administrator's Office.

17.6 POST-HIRING TESTING

Any employee who exhibits behaviors which are associated with potential drug and/or alcohol use or abuse or whose behavior creates a reasonable suspicion (includes the odor of an alcoholic beverage on or about the person) to cause the Supervisor, based on personal observation or credible reports from others, to believe the employee may be under the influence of drugs and/or have consumed alcohol shall be escorted by the Supervisor for testing as outlined in Section 17.7.

The Supervisor shall as soon as practical, report the incident to the Department Head. A written report outlining the material facts of the incident shall be prepared by the Supervisor and approved by the Department Head in a form acceptable to the Office of the City Administrator.

Under no circumstances shall the employee be allowed to return to work prior to receipt of the drug/alcohol test result and a review of the incident by the Office of the City Administrator. Until such a

time as the employee is released to return to his job duties by the Office of the City Administrator, the employee shall be placed on, and shall remain on, leave with pay. The results of the test shall be held in strict confidence and shall only be released on a "need to know" basis as determined by the Office of the City Administrator. All test results and subsequent medical records, if any, shall be maintained in a separate administrative file and shall be stored in a secure location.

If the results of the test are negative, and the odor of alcohol is no longer noticeable, the employee shall be authorized to return to normal duties. The personnel file shall not reflect any information with regard to the incident.

Failure by the employee to comply with the request of the Supervisor to relinquish his/her duties and undergo testing when requested and failure by the employee to follow the procedures established herein with regard to such testing shall subject the employee to immediate termination.

All actions which affect the employment status of the employee shall be communicated to the employee in writing. Such notice shall be provided to the employee either in person, or by certified mail, promptly after the receipt of the results from the laboratory.

17.7 TESTING PROCEDURES

When a Supervisor suspects an employee has consumed or may be under the influence of alcohol, drugs, and/or a controlled substance, the following substance testing procedures shall be followed:

1. The employee shall be removed from the work place immediately.
- 2a. If a Supervisor has reason to believe the employee has consumed, is impaired, or is under the influence of alcohol, testing may be conducted by a certified operator of a blood alcohol measuring device certified by the State of Missouri Department of Health. The employee shall not operate a motor vehicle or leave the escort of a Supervisor.
- 2b. If a Supervisor has reason to believe the employee is impaired or under the influence of drugs, or has consumed or used an illegal drug the employee shall be escorted by a Supervisor to a medical facility or tested in a manner approved by the City of Creve Coeur. The employee shall not operate a motor vehicle or leave the escort of a Supervisor.
3. When a drug test (other than for alcohol) is required, the specimen collection shall be conducted by the medical staff in such a manner as to minimize the effects on the employee and with the employee's privacy as the primary concern, in accordance with applicable law including Section 288.045 RSMo.
4. An adequate sample will be collected at this time to ensure a second, confirmatory test may be performed, if required.

5. ~~Proper chain of custody procedures shall be followed by the laboratory or medical facility to safeguard the integrity of the sample.~~
- 6 The results of such tests shall be provided to the Office of the City Administrator within 24 hours of obtaining test results. The Personnel Officer is authorized to receive the written test results and shall distribute such information on a "need to know basis" only. The test results are considered a closed file and shall be maintained in such a manner so as to protect the confidentiality of the employee involved.

Deleted:

For provisions regarding test procedures and results, see Section 18.6c.

17.8 REHABILITATION

In the event of a positive test result, or a voluntary admission of an abuse problem, the employee may be required to obtain professional assistance from a source approved by the City. Participation in a professional assistance program will be at the employee's expense but may be covered by the group health insurance plan subject to the provisions of said plan.

If the employee is required to participate in a professional assistance program the successful completion of such a program is a prerequisite for a return to work authorization and/or continued employment.

Upon successful completion of an assistance program, the City retains the right to request that the employee undergo periodic medical examination and testing to verify he/she has remained substance free for a period of at least one year, at the employee's expense. Failure to successfully complete an assistance program; to submit to post-program testing as required; and, to remain substance free once a rehabilitation effort has been made may result in termination of employment with the City of Creve Coeur.

a. Rehabilitation Contract

If the City decides to retain an employee, it will require the employee to sign a rehabilitation contract. The rehabilitation contract shall include the following terms and conditions to be adhered to by the employee who is granted rehabilitation assistance:

1. the employee shall agree to undertake and successfully complete the rehabilitation assistance plan established for the employee by the substance abuse professional (SAP) or by a rehabilitation professional accepted by the City, at the employee's expense; and
2. the employee shall agree to refrain from any violation of the City's alcohol and substance abuse policies and the use of controlled substances and alcohol consistent with the plan of rehabilitation and the City's policies; and

3. the employee shall provide a release of all medical records for use and review by the City relating to the rehabilitation assistance plan for the assistance undertaken and compliance; and
4. the employee shall agree to unannounced random testing for periods of time determined by the City subsequent to the employee's return to work consistent with the City's alcohol and substance abuse policies; and
5. the employee shall agree to submit to return-to-work testing demonstrating that the employee is negative under controlled substance and/or alcohol tests standards, at the employee's expense; and
6. the employee shall agree that any future violations of the substance abuse policy shall be considered as a resignation of the employee from City service without recourse.

Deleted:

Deleted:

Deleted:

17.9 VOLUNTARY DISCLOSURE

Any employee who voluntarily admits to having a substance abuse problem and seeks the assistance of the City to deal with the problem shall be expected to successfully complete an authorized rehabilitation program in order to maintain continued employment. (See Section 17.8 Rehabilitation.)

17.10 EDUCATION AND TRAINING

In order to effectively carry out the policy and procedures outlined herein, Supervisors will be trained to make the appropriate observations of the symptoms associated with drug and alcohol use and abuse. Substance abuse education is a form of prevention and early intervention. Employee health and emotional well-being are essential to the ability of the individual to perform his job duties. Education and training efforts will be designed to assist the Supervisor with fulfilling their responsibilities under this policy.

17.11 CONFIDENTIALITY OF RECORDS

All records developed and/or acquired pursuant to this policy shall be maintained under strict confidentiality by the City, the testing laboratory, the Medical Review Officer and the Substance abuse professional. Within the City, the records shall be maintained separately from other personnel and administrative records and shall be kept in a secured location.

Materials from these records shall not be released to others without the written consent of the affected employee, except under provisions provided for by law, as needed with regard to the rehabilitation contract, in litigation or quasi-judicial and administrative proceedings related to positive test results and/or matters initiated by the employee.

Applicants may request the results of pre-employment tests within sixty (60) days of learning the disposition of the employment application.

Employee alcohol and drug testing results and records are maintained as required by law.

SECTION 18 ALCOHOL & CONTROLLED SUBSTANCE USE, ABUSE & TESTING POLICY FOR DRIVERS OF COMMERCIAL MOTOR VEHICLES

18.1 PURPOSE

The purpose of the Omnibus Transportation Employee Testing Act of 1991 (the Act) and this policy is to establish a program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles; to assure covered employee fitness for duty; and, to protect City employees and the public from the risks posed by the use of alcohol and controlled substances. It is also the purpose of this policy to comply with all applicable federal regulations governing work place alcohol and controlled substance abuse programs which are mandated under the above noted Act. The Act mandates urine drug testing and breathalyzer alcohol tests for safety sensitive positions and prevents performance of safety sensitive functions when there is a positive test result. Federal law has also established standards for the: collection and testing of urine and breath specimens, the reporting of certain drug related offenses, protective measures, the preservation of confidentiality, and for certain reporting requirements.

18.2 APPLICABILITY

This policy applies to all employees who perform safety sensitive functions defined in the Act and its implementing regulations including persons who are required to possess a commercial driver's license (CDL) license for the operation of a commercial vehicle as defined and regulated under state law. All other city employees are governed by the policy outlined in Section 17 of this manual.

18.3 DEFINITIONS

"Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

"Alcohol Concentration" means the concentration of alcohol in a person's breath expressed as in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

"Alcohol Use" means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

"Commercial Motor Vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property and defined as a commercial motor vehicle by state law (302.700 RSMo) and the Act:

- a. has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds, or

- b. has a gross vehicle weight rating of 26,001 or more pounds; or
- c. is designed to transport 16 or more passengers, including the driver; or
- d. is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

“Confirmation Test” means a second test conducted after an initial alcohol or drug test to confirm the presence of alcohol or drug metabolites in an employee’s system. Confirmation tests for alcohol will be conducted using an approved evidential breath testing device and for drugs by testing urine by means of gas chromatography and mass spectrometry (GC/MS).

“Controlled Substance” means the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated for testing in 49 CFR Part 40 including: opiates, amphetamines, cocaine, marijuana and phencyclidine.

“Screening Test” (initial test) means the initial drug or alcohol test to determine whether an employee has controlled substances or prohibited concentration of alcohol in his/her system. Screening tests for alcohol are by breath test and, for controlled substances, a urine test by immunoassay, enzyme process or other method approved by 49 CFR 40.

“Commercial Driver’s License” (CDL) means a license issued pursuant to state law which authorizes an individual to operate a commercial motor vehicle.

“Medical Review Officer” (MRO) means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer’s drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant biomedical information.

“Substance Abuse Professional” (SAP) means a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances -related disorders.

“Safety Sensitive Functions Relating to the Operation of Commercial Motor Vehicles” means all time that a commercial motor vehicle driver is performing, ready to perform, or immediately available to perform the following tasks:

1. waiting to be dispatched, unless the driver has been relieved from duty;
2. inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. driving time;
4. remaining in or upon any commercial motor vehicle, while not driving, except time spent resting in a sleeper berth;

5. loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle or in giving or receiving receipts for shipments loaded or unloaded.
6. performing the driver requirements relating to accidents.
7. repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

18.4 POLICY ADMINISTRATOR

The City Administrator, or his/her designee, shall be the controlled substance and alcohol policy administrator for the City. Any inquiries concerning this policy, its application, administration or its interpretation shall be made to the policy administrator or his/her designee.

The policy administrator shall maintain a current list of the City positions that are governed by this policy. This list shall be available for inspection by any individual who is applying for a position with the City, any current City employee, or the public. Current city employees shall be notified if they are subject to this policy.

The policy administrator shall develop any forms necessary to carry out the provisions of this policy, unless the forms are provided under the federal regulations. (Part 40 CFR) The forms shall be provided to appropriate persons who are responsible for the implementation and management of this policy.

18.5 ALCOHOL & CONTROLLED SUBSTANCES PROHIBITIONS

The following are prohibited acts by an employee covered by this policy:

a. Performance of Safety Sensitive Functions.

An employee is prohibited from performing any safety sensitive functions and from engaging in any work related functions: 1) while consuming alcohol; 2) while having an alcohol concentration of 0.02 or greater; 3) within four (4) hours after consuming alcohol; and/or 4) after refusing to submit to an alcohol test. An employee is prohibited from consuming alcohol within eight (8) hours after an accident for which the employee is subject to post accident testing as specified in this policy.

b. Unauthorized Use and/or Possession of a Controlled Substance.

Duty to inform physician of performance of safety sensitive functions and obtain release. An employee is prohibited from the unauthorized use and/or possession of a controlled substance at any time, whether on or off duty. In the event an employee is authorized to use a controlled substance by medical prescription, it is the employee's duty to inform the prescribing doctor that they perform safety sensitive functions while at work and to obtain from that doctor a release to perform such work while taking or using the prescribed

substance. The employee is prohibited from using the prescribed substances other than in the amount and manner prescribed.

c. *Notification of Side Effects of Prescribed Controlled Substance.*

Any employee who is consuming a prescribed or authorized controlled substance or other drug of any kind whose side effects may inhibit or impair the employee's performance shall notify the supervisor of such consumption upon reporting to work and prior to engaging in any work related activity.

d. *Unauthorized Possession of Alcohol on Duty.*

An employee is prohibited from the unauthorized possession of alcohol while on duty.

e. *Requirements for Employee to Notify of Violation/Conviction.*

Any employee whose job performance requires the possession of a valid CDL must notify the policy administrator of any conviction for a violation of any state or local law relating to motor vehicle traffic control (other than parking violations) within thirty (30) days of the conviction. In addition, such an employee who loses the CDL for a violation of or as a consequence of the law or any administrative action shall notify the policy administrator immediately of the loss of the CDL.

f. *Consequences of Testing Positive.*

An employee testing positive on an alcohol and/or controlled substance test will be removed from duty immediately. The City is not required to return employees to duty that have tested positive or otherwise violated this policy, to a safety sensitive position or to retain them as employees. A positive test will be deemed misconduct and may result in suspension or termination of employment subject to applicable law. Moreover, in accordance with federal law, an employee cannot be returned to safety sensitive duties until he or she has been evaluated by a substance abuse professional, has complied with recommended rehabilitation, and has received a negative result on the return to duty test, at the employee's expense.

An employee who violates any of these provisions or tests positive for drugs or alcohol may be subject to disciplinary action up to and including termination subject to applicable law.

18.6 CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROVISIONS

a. Testing

Employees subject to this policy shall be subject to controlled substances and alcohol testing including the following types of tests: pre-employment, random, reasonable suspicion, post-accident, return-to-work, and follow-up testing.

1. Pre-Employment Testing

Pre-employment urine drug testing and alcohol testing, if mandated by federal regulations, shall be required of all applicants for positions covered by this policy as a condition of the application procedure. Receipt of satisfactory test results is required prior to commencement of employment and/or engaging in safety sensitive functions for the first time. The failure of a controlled substance or alcohol test disqualifies an applicant from appointment to City employment for a period of at least 120 days. A negative controlled substance and alcohol test shall be required prior to further consideration for any employment. An applicant who tests positive will not qualify for rehabilitation services through the City.

2. Reasonable Suspicion Testing

Reasonable suspicion urine and/or breath alcohol testing shall be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance use. The determination that reasonable suspicion exists must be based on specific contemporaneous, articulable observations concerning the appearance, behavior, speech and body odors of the employee. The observations for controlled substances may include indications of the chronic and withdrawal effects of controlled substances. Reasonable suspicion observations and reports can only be made by supervisory or management personnel who are trained to detect the signs and symptoms of controlled substance and alcohol use and who may reasonably conclude that an employee may be adversely affected or impaired in the employee's work performance due to the use of the controlled substance or alcohol. The observing supervisor or manager is required to complete the appropriate required documentation within twenty four (24) hours of the observed behavior or before the results of a controlled substance test are released, whichever is sooner.

Reasonable suspicion testing shall be required and completed whenever possible within two (2) hours of the observation, but in any case no later than before eight (8) hours after the observation for breath alcohol testing and thirty-two (32) hours for controlled substance testing. The City will document the reasons for not promptly conducting the required tests.

3. *Post-Accident Testing*

Federal Highway Administration regulations require alcohol and controlled substance testing following an accident for any employee who was performing safety sensitive functions if the accident involved a fatality or for any employee who receives a citation for a moving traffic violation. The City also may require testing for all employees whose performance may have contributed to the accident, as well as the employee(s) who was (were) involved in the accident when injury to a person requires transport to a medical treatment facility, or disabling damage to one or more vehicles requires towing from the accident site to occur.

Post-accident testing shall be required and completed whenever possible within two (2) hours of the accident occurrence, but in any case, no later than before eight (8) hours after the accident or until the employee undergoes a post-accident alcohol test, whichever occurs first. The City will document the reasons for not promptly conducting the required tests.

Any employee who leaves the scene of an accident without appropriate authorization prior to submission to controlled substance and alcohol testing shall be considered to have refused the tests and the employee's employment may be terminated for such action. This does not require the delay of medical attention or other assistance necessary in responding to the accident.

4. *Random Testing*

Random testing shall be conducted on employees performing safety sensitive functions. Random testing shall be unannounced and conducted with unpredictable frequency throughout the year using an established scientifically based selection method. Random testing shall occur no less frequently than required by federal law and shall result in the employee test rate required by federal regulation.

5. *Return to Duty Testing*

Return to duty urine drug and/or breath alcohol testing shall be required for an employee who has previously tested positive for either category of substance or who admitted alcohol or substance abuse and received treatment for such abuse, at the employee's expense. To return to work, the employee must test negative and be evaluated and released to return to work by a SAP.

6. *Follow-Up Testing*

Follow-up testing of any employee allowed to return to work will be required. The employee will be required to submit to frequent unannounced random urine drug

and/or breath alcohol testing for at least six (6) times in the following twelve (12) months after return to work, at the employee's expense. Follow up testing may be continued for a period of up to sixty (60) months from the employee's return to work date, at the employee's expense.

7. *Confirmatory Testing*

Any employee who questions the results of a required urine drug test under this policy may request that an additional test be conducted. The test must be conducted on a split sample that was provided at the same time as the original sample, and the test analysis may be conducted at a different qualified laboratory than where the original test was conducted. All costs for employee requested testing shall be paid by the employee unless the second test invalidates the original test. An employee's request for a retest must be made to the Medical Review Officer (MRO) within seventy-two (72) hours of the notice to the employee of the initial test result. Requests made after the seventy-two (72) hour limit will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

b. *Failure to Test*

Any employee who:

- fails to report immediately to the test site and/or
- fails to submit to the required testing, including all required testing procedures and/or
- fails to provide an adequate sample of urine for controlled substance testing or breath for alcohol testing without medical justification and/or
- provides an altered sample of urine

is considered to have refused to test and shall be subject to disciplinary action up to and including termination. An employee who states at the time of the test that he/she is physically unable to provide an adequate urine or breath sample shall be evaluated by a licensed physician selected by the City.

c. *Testing Procedures and Results*

1. Alcohol

Alcohol tests are conducted on evidential breath testing devices that measure the concentration of alcohol in breath. An initial screening test will be conducted. Any result that is less than 0.02 alcohol concentration is considered negative. If the alcohol concentration is 0.02 or greater, a second confirmatory test must be conducted. Any

employee who tests with an alcohol concentration of 0.02 or greater shall be removed from safety sensitive duties for at least twenty-four (24) hours.

If the alcohol concentration is .04 or greater, the test is considered positive. Any employee who is found to have engaged in prohibited alcohol conduct under this policy shall be immediately removed from work related activity and the employee shall not be permitted to resume work, if at all, until the employee is (1) evaluated by a SAP, and (2) complies with the rehabilitation contract if such is required, and (3) has tested negative in the return to duty test. All costs associated with evaluation by a SAP, a rehabilitation contract and applicable testing shall be paid by the employee.

2. Controlled Substances

Controlled substance testing is conducted for the following controlled substances: (1) Marijuana (THC metabolite), (2) Cocaine, (3) Amphetamines, (4) Opiates (including heroin), and (5) Phencyclidine (PCP).

Individuals tested under this policy must provide a urine specimen that will be tested at a laboratory selected by the City. Adequate chain of custody methods will be followed to assure that the security, integrity and identification of each specimen is protected. The actual testing for controlled substances is a two stage process. An initial screening test is conducted. If the screening test is positive for one or more of the controlled substances, a confirmatory test is conducted for each identified controlled substance. The confirmatory test is a gas chromatography/mass spectrometry (GS/MS) analysis.

Any employee who tests positive on the confirmatory test shall be interviewed by the City's Medical Review Officer (MRO). The MRO will attempt to determine if there is an alternative medical explanation for the test result. The employee will be notified of the results, whether positive or negative. As discussed above, an employee may request a confirmation test of a positive result.

18.7 EMPLOYEE ASSESSMENT

Deleted: MENT

An employee who participates in testing and tests positive shall be removed from safety sensitive functions for a minimum of twenty-four hours and until evaluated by an SAP as outlined below. (Part 382.505 and 382.605 CFR) An employee who tests positive for either the presence of controlled substances or alcohol above the minimum thresholds set forth in the federal regulations shall be evaluated by a SAP. The SAP shall evaluate each employee who tests positive to determine what assistance, if any, the employee needs in resolving problems associated with the controlled substance or alcohol abuse. All costs associated with evaluation by a SAP and employee assistance in resolving problems associated with the controlled substance or alcohol abuse shall be paid by the employee.

Assessment by a SAP does not protect an employee from disciplinary action or guarantee continued employment or reinstatement by the City. An employee violating this policy or other applicable drug and alcohol rules may be subject to disciplinary action up to and including termination and, further, an employee who is engaging in an illegal activity shall be subject to prosecution under applicable criminal law.

18.8 REHABILITATION

Deleted: _____ Page Break _____

Section 17.6 of this manual contains the City's policy on rehabilitation and Section 17.8 contains provisions relating to the voluntary admission of an alcohol or controlled substance abuse problem.

18.9 EDUCATION AND TRAINING

The City shall provide all employees with a copy of this policy and shall display and distribute materials related to the effects of the use and/or abuse of alcohol and controlled substances. The City shall also provide information to employees regarding available treatment and rehabilitation.

All supervisors and managers who are responsible for the administration and enforcement of this policy shall receive at a minimum sixty (60) minutes of training for each topic (alcohol and substance abuse) on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators on the effects of alcohol and controlled substance use and abuse, the side effects of abuse, and the consequences of prohibited work-related activity involving alcohol and controlled substance consumption. The training shall include an overview of this policy and its implementation and application to employees. Training shall also include a component related to objective observation for reasonable suspicion testing, documentation and record keeping.

18.10 CONFIDENTIALITY OF RECORDS

All records developed and/or acquired pursuant to this policy shall be maintained under strict confidentiality by the City, the testing laboratory, the MRO and the SAP. Within the City, the records shall be maintained separately from other personnel and administrative records and shall be kept in a secured location.

Materials from these records shall not be released to others without the written consent of the affected employee, except under provisions provided for by law, as needed with regard to the rehabilitation contract, in litigation or quasi-judicial and administrative proceedings related to positive test results and/or matters initiated by the employee.

Applicants may request the results of pre-employment tests within sixty (60) days of learning the disposition of the employment application.

Employee alcohol and drug testing results and records are maintained as required by law.

Formatted: Normal, Space Before: Auto, After: Auto

Deleted: ¶

18.11 REFERENCE

The following reference materials may be consulted for guidance in administering this policy:

1. Omnibus Transportation Employee Testing Act of 1991
2. 49 CFR 40 (Testing Procedures)
3. 49 CFR 382 (Testing of CDL drivers)

SECTION 19 REPEAL AND AMENDMENT

The City Council may from time to time repeal or amend the Personnel Policies of the City as deemed necessary.

Standard policies and procedures concerning the relationship between the City and its employees will be produced in writing and will be made available to all concerned. When the need for new or revised rules and regulations is indicated, it will be referred to the City Administrator to consider the establishment of such policy. The City Administrator shall recommend changes to the City Council for review and approval.



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/26/15 07:00 PM
Department: City Council
Category: Report
Prepared By: Andrea Muskopf
Department Head: Sharon Stott

SCHEDULED

RESOLUTION

Resolution No. 1188 - Approval of Distribution of Domestic Violence Funds for the Calendar Year 2016

City staff recommends the City equally distribute funds in 2016 to six non-profit domestic violence shelters.

Resolution

Meeting of October 26, 2015

RESOLUTION NO. 1188

APPROVAL OF DISTRIBUTION OF DOMESTIC VIOLENCE FUNDS FOR THE CALENDAR YEAR 2016

WHEREAS, Ordinance 5404, passed in November, 2014, authorizes the Municipal Court to assess a fee of \$3 to each defendant who pleads guilty or is found guilty, on all ordinance violations for the purpose of providing operating expenses for shelters for battered persons, and

WHEREAS, the city issued a press release and mailed a copy to past recipients of funds soliciting applications for funding during calendar year 2016, and

WHEREAS, the city received applications from six qualified agencies as follows: Alive, Inc., Saint Louis Crisis Nursery, International Crisis Aid – Safe Home, Lydia's House, The Women's Safe House, and The Salvation Army Midland Division Family Haven.

WHEREAS, it is the recommendation of the City Administrator, that the allocation of funds during calendar year 2016 be equally distributed to the six applicants.

WHEREAS, Shalom House, a recipient of funds during calendar year 2015, closed its doors prior to receiving its final payment.

WHEREAS, it is the recommendation of the City Administrator that the allocation of the remaining funds for the Shalom House be equally distributed to the six applicants which were the same recipients of funds in 2015.

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

1. Domestic violence funds for calendar year 2016 shall be distributed equally to the six agencies applying for funding. These funds will consist of monies collected from July to December 2015, which will be distributed in or after January 2016, and funds collected from January to June 2016, which will be distributed in or after July 2016.
2. The remaining calendar year 2015 funds for the Shalom House shall be distributed equally to the six agencies applying for funding.
3. This Resolution shall take effect from and after its adoption and execution.

Adopted this 26th day of October, 2015.

Barry Glantz, Mayor

ATTEST:

Deborah Ryan, MRCC, City Clerk



CITY OF CREVE COEUR

Memo

To: Mark Perkins, City Administrator
From: Sharon Stott, Assistant to the City Administrator
Date: October 26, 2015
Re: Domestic Violence Shelter Court Fund Distribution for CY2016

Each September the City accepts applications for the Domestic Violence Shelter Court Fund allocation for the next calendar year. A press release was distributed August 25, 2015 to local media and to the current and past recipients advising of the program and request for applications.

Applications were received from six (6) area providers of shelter services for consideration of funding from the Domestic Violence Shelter Court Fund. Each of the organizations have been funded by the City in the past. The City equally funded applicants in 2015, consistent with past funding allocation decisions.

Each of the applicants have provided evidence of non-profit status, a listing of the directors and trustees, a budget for 2016, a summary of services and an estimate of the individuals served.

During 2015, the Shalom House closed its doors prior to receiving its final distribution. Staff recommends Shalom's final distribution of \$1,204.50 (which should have been distributed in July/August 2015) be equally distributed among the other applicants. The recipients for 2015 distribution are the same as those recommended for 2016. The shared distribution would total \$200.75 per organization.

Staff, therefore, recommends the City equally distribute funds in 2016 to the following applicants:

ALIVE, Inc.

- Provides an emergency shelter program called "Nights of Safety"
- Estimates serving 300 adults and 400 children in the St. Louis area including 8 adults and children from Creve Coeur
- Expense breakdown from previous year's audit: Program 96.0%; General Administration 3.5%; and Fundraising 0.5%

- Estimates revenue of \$237,452 and expenses of \$213,487

Lydia's House

- Provides transitional housing and support services for abused women and their children in a confidential location; offers a comprehensive family support services program
- 51 women and 65 children were housed through the program in the previous year
- Expense breakdown from previous year's audit: Program 74.0%; General Administration 4.0%; and Fundraising 22.0%
- Estimates revenues of \$1,146,773 and expenses of \$1,112,751

St. Louis Crisis Nursery

- Provides safe care for children, birth through age 12, while assisting the parent with admission to a local domestic violence shelter
- 24-hour care provided to children by trained professional staff and volunteers
- Provided safe haven to 436 children from 229 families affected by domestic violence
- Expense breakdown from previous year's audit: Program 88.0%; General Administration 7.0%; and Fundraising 5.0%.
- Estimates revenues of \$3,960,568 and expenses of \$3,958,329

The Salvation Army – Family Haven

- Provides emergency shelter and supportive services to single women and homeless families in a 20-room, 74-bed shelter located in St. Louis County
- Families remain at Family Haven for an average of 120 days
- Served and estimated 823 individuals and emergency services served 5,029; of those served approximately 10 were from zip codes in or near Creve Coeur
- Expense breakdown from previous year's audit: Program 86.1%; General Administration 5.3%; and Fundraising 8.4%.
- Proposed revenues of \$1,146,559 and expenditures of \$1,420,188

The Women's Safe House

- Provides the county with the largest emergency domestic violence shelter for women and children
- Services include 24-hour Crisis Intervention Hotline, emergency shelter and support services, a children's program, aftercare, volunteer opportunities and community education
- Served 437 women and children in 2014; of those served, less than 1% were from Creve Coeur
- Expense breakdown from previous year's audit: Program 81.4%; General Administration 3.5%; Fundraising 15.1%
- Estimates revenues of \$1,725,851 and expenses of \$1,725,850

International Crisis Aid – Safe Home

- Provides holistic specialized services and shelter for female sex trafficking victims who may reside anywhere from a few days up to 12 months based on individual needs
- Served 75 women in Missouri since the home opened in December 2012
- Partners with other agencies to provide comprehensive services for victims such as medical, dental, and mental health care and substance abuse treatment
- Receives referrals from federal and local law enforcement and other local agencies for female minors
- Expense breakdown from previous year's audit: Program 92%; General Administration 7%; Fundraising 1%
- Estimates revenues of \$540,000 and expenses of \$531,258

A Resolution is attached to allocate the funds for CY-2016. A suggested allocation for CY-2016 is equal distribution to the six applicants. Funds will be distributed in the first and third quarters of 2016.

Distributions from the fund to date are listed in the chart below. Changes to court procedures, such as the discontinuation of the Photo Enforcement Program, have resulted in decreased court costs and are reflected in the FY2016 budget document; therefore available funding distributed to shelters has followed the same trend.

1996	\$5,278	2006	\$14,446
1997	\$5,097	2007	\$18,267
1998	\$4,735	2008	\$18,264
1999	\$4,993	2009	\$18,276
2000*	\$6,313	2010	\$18,068
2001	\$9,576	2011	\$18,295
2002	\$13,083	2012	\$19,170
2003	\$15,718	2013	\$19,788
2004	\$16,884	2014	\$18,511
2005	\$17,917	2015**	\$17,480

*January 2000, the City Council authorized an increase in the fee from \$1.00 to \$2.00, per Ordinance 2044.

**November 2014, the City Council authorized an increase in the fee from \$2.00 to \$3.00 effective January 1, 2015, per Ordinance 5404.

cc: Dan Smith, Finance Director



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/26/15 07:00 PM
Department: Finance Department
Category: Report
Prepared By: Sherry Hall
Initiator: Dan Smith
Sponsors:
DOC ID: 1605

SCHEDULED

BILLS LISTING (ID # 1605)

▪

A report of bills payable dated October 21, 2015 in the amount of \$203,711.75 has been provided for Council review. No vote is required.



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

DATE: October 21, 2015

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance

SUBJECT: Bills Payable

For your information and transmittal to the City Council, is a list of bills payable dated October 21, 2015 in the amount of \$203,711.75.



**CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING**

10/21/2015

NO DEPT - NO DIV

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
02585		050815	08-May-15	BETTY KIEFFER	SEWER LATERAL REPAIR REIMB	02-00-00-1901	2,824.00
02589		100715	07-Oct-15	BURGESS, BRECK	SEWER LATERAL REPAIR REIMB	02-00-00-1901	1,440.00
00066		252778	06-Oct-15	FROESEL OIL	8001 GAL UNLEADED GASOLINE	01-00-00-1651	14,751.52
02590		081315	13-Aug-15	JUANG, ANDREW	SEWER LATERAL REPAIR REIMB	02-00-00-1901	1,499.20
02582		033115	31-Mar-15	KNABE, KENT	SEWER LATERAL REPAIR REIMB	02-00-00-1901	5,440.00
02586		071515	15-Jul-15	NIEDRINGHAUS, MARCIA	SEWER LATERAL REPAIR REIMB	02-00-00-1901	3,279.20
00217		976875167	02-Oct-15	NIKE USA INC	GOLF BAG FOR RESALE	06-00-00-1623	82.52
00217		976884634	29-Sep-15	NIKE USA INC	GOLF BALLS FOR RESALE	06-00-00-1625	689.00
00217		976925648	01-Oct-15	NIKE USA INC	GOLF BALLS FOR RESALE	06-00-00-1625	85.20
00332		100615	06-Oct-15	ST LOUIS COUNTY AND MUNICIPAL POLICE ACADEMY	KENESIC INTERV/PD CYCL COURSE	01-00-00-2411	85.00
02583		080515	05-Aug-15	T AND C PROPERTIES	SEWER LATERAL REPAIR REIMB	02-00-00-1901	2,000.00
02584		090415	04-Sep-15	TSIAKLIDES, VICKIE	SEWER LATERAL REPAIR REIMB	02-00-00-1901	3,580.00
Sum of Invoices							35,755.64



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

LEGISLATIVE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
02266		INV-ACC14336	01-Oct-15	ACCELA, INC.	SUBSCRIPTION FEE-OCT 2015	01-11-13-9504	945.70
01940		073725	24-Jul-15	ADVERTISING PREMIUM SALES, INC.	T-SHIRTS	01-11-12-7315	264.34
01648		070115	01-Jul-15	CITY OF RICHMOND HEIGHTS	RHOADES LEGISLATIVE UPDATE SVC	01-11-13-6203	375.00
00137		100715	07-Oct-15	CREVE COEUR PARKS & REC	2015 CITY INVITATIONAL	01-11-12-7315	476.87
00019	P002226	112561	02-Oct-15	CURTIS, HEINZ, GARRETT & O'KEEFE	LEGAL FEES-CITY ATTY-SEPT 2015	01-11-12-6201	10,660.50
00080		1365-106-5	12-Oct-15	DIERBERGS	FOOD WORK SESSION/ETHICS TNG	01-11-12-6264	101.61
02113		BILL00018861	05-Oct-15	GENERAL CODE	CODE SUPPLEMENT	01-11-13-6203	2,805.64
Sum of Invoices							15,629.66



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

Administration

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
02443		91238	15-Oct-15	BENEFLEX HR RESOURCES, INC.	MONTHLY COBRA ADMIN.	01-12-11-6203	35.90
01997		654VC11811	30-Sep-15	EQUIFAX INFORMATION SERVICES	INFORMATION SERVICES	01-12-11-6202	21.72
00528	P002270	7258	01-Oct-15	MAILWORKS	HANDLING/MAILING-OCTOBER 2015	01-12-11-6203	228.06
00053		MULTIPLE	05-Oct-15	MERCY CORPORATE HEALTH	INV #271488 PREPLACEMENT PHYS	01-12-11-6271	110.00
00053		MULTIPLE	05-Oct-15	MERCY CORPORATE HEALTH	INV #271712 PREPLACEMENT PHYS	01-12-11-6271	110.00
00053		MULTIPLE	05-Oct-15	MERCY CORPORATE HEALTH	INV #271403 D.O.T. TESTING	01-12-11-6271	82.00
00053		MULTIPLE	05-Oct-15	MERCY CORPORATE HEALTH	INV #271480 PREPLACEMENT PHY	01-12-11-6271	110.00
00189		101915	19-Oct-15	MIRIKITANI & ASSOCIATES	SVCS PROVIDED 10/13 & 10/15/15	01-12-11-6203	540.00
02518	P002230	2597	01-Oct-15	PREFERRED RESOURCE NETWORK, INC.	EAP SVCS 10/1 - 12/31/15	01-12-11-6203	817.50
02520	P002264	65776	30-Sep-15	SWIFT PRINT COMMUNICATIONS	RESIDENT NEWSLETTER-OCT 2015	01-12-11-6203	1,677.00
01048		9753182325 GF	01-Oct-15	VERIZON WIRELESS	CELL PHONES-SEPTEMBER 2015	01-12-11-6253	52.18
Sum of Invoices							3,784.36



**CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING**

a

10/21/2015

IT

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00195		P4297	12-Oct-15	ALARM 24, INC.	NET2 SERVER INSTALL/UPGRADE	01-12-51-6213	170.00
00073		ZK23120	30-Sep-15	CDW-G	MONITORS FOR NEW EMPLOYEES	01-12-51-7331	290.24
01048		9753182325 GF	01-Oct-15	VERIZON WIRELESS	CELL PHONES-SEPTEMBER 2015	01-12-51-6253	52.18
Sum of Invoices							512.42



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

FINANCE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00191		2247806	09-Oct-15	BUCK CONSULTANTS LLC	GASB 45 OPEB VALUATION	01-13-11-6202	5,100.00
00016		092915	29-Sep-15	COLLECTOR OF REVENUE	SALES TAX REPORT-SEPT 2015	01-13-11-6202	20.00
00046		CIV0193913	01-Oct-15	OFFICE ESSENTIALS	REFERENCE DISPLAY RACK	01-13-11-7304	170.72
01568		11-0645	01-Oct-15	TRACKER	ANNUAL SUBSCRIBING-INV. SFTWR	01-13-11-6202	2,820.00
01048		9753182325 GF	01-Oct-15	VERIZON WIRELESS	CELL PHONES-SEPTEMBER 2015	01-13-11-6253	52.18
Sum of Invoices							8,162.90



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

MUNICIPAL COURT

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
02562	P002267	00109606	04-Oct-15	OFFICE EXPRESS, INC.	6000 9X12 BOOKLET ENVELOPES 28	01-13-14-7304	834.00
00050		INV0044434	15-Oct-15	REJIS	SUBSCRIPTION FEES-OCT 2015	01-13-14-6202	1,671.51
Sum of Invoices							2,505.51



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

INTERDEPARTMENTAL

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
02514	P002255	022025670	29-Sep-15	2nd WIND EXERCISE EQUIPMENT INC	LIFE FITNESS 97Ti TREADMILL	01-13-15-6272	2,963.00
00014		0215116 10/15.	06-Oct-15	CHARTER COMMUNICATIONS	SVC @ SHOP 10/16 - 11/15/15	01-13-15-6255	77.23
00080		3310-103-5	12-Oct-15	DIERBERGS	ITEMS FOR 10/12 LUNCH N LEARN	01-13-15-6272	123.62
02591		417125	07-Oct-15	GABRIEL, ROEDER, SMITH & COMPANY	SVCS PROVIDED 8/14/15	01-13-15-6203	832.00
02298		7819	05-Oct-15	INTEGRITY FITNESS SERVICES	TREADMILL/ELLIPTICAL SVC	01-13-15-6213	150.00
00045		799143734001	12-Oct-15	OFFICE DEPOT	TONER FOR SHOP	01-13-15-7312	78.43
00045		799622716001	13-Oct-15	OFFICE DEPOT	TONER FOR P.D.	01-13-15-7312	73.46
00045		797829231001	03-Oct-15	OFFICE DEPOT	BADGE CLIPS, FOLDERS, LABELS	01-13-15-7312	52.54
00045		7.97829E+11	05-Oct-15	OFFICE DEPOT	VARIOUS OFFICE SUPPLIES	01-13-15-7312	179.79
00046		CIV0195510	06-Oct-15	OFFICE ESSENTIALS	STAPLERS, BOOKENDS, DESK ACCES	01-13-15-7312	88.19
00046		CIV0197237	09-Oct-15	OFFICE ESSENTIALS	LAMINATE POUCHES, LABELS, PAPER	01-13-15-7312	59.97
00076		25095909	13-Oct-15	PEPSI-COLA	SODA FOR VENDING	01-13-15-7304	398.35
02575	P002287	2015-57	09-Oct-15	RETIREMENT PLAN ADVISORS LLC	ADMIN SVCS 401/457 PLANS	01-13-15-6203	5,000.00
00116		8142	10-Oct-15	SAM'S CLUB	ITEMS FOR 10/12 LUNCH N LEARN	01-13-15-6272	39.66
01169		3280817768	10-Oct-15	STAPLES ADVANTAGE	CREDIT MEMO-RETURNED MDSE	01-13-15-7312	(55.85)
01169		3280817769	10-Oct-15	STAPLES ADVANTAGE	LEGAL FILE FOLDERS, RUBBERBANDS	01-13-15-7312	60.02
01048		9753182325 GF	01-Oct-15	VERIZON WIRELESS	HOT SPOT (TO BE RETURNED)	01-13-15-6253	40.01

Sum of Invoices 10,160.42



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

ICE ARENA

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01940		074285	10-Sep-15	ADVERTISING PREMIUM SALES, INC.	FT/PT STAFF SHIRTS	06-14-31-7308	295.34
01940		074075	25-Aug-15	ADVERTISING PREMIUM SALES, INC.	SHIRTS FOR DIRECTOR	06-14-31-7308	52.57
01940		074074	25-Aug-15	ADVERTISING PREMIUM SALES, INC.	RINK GUARD TACKETS	06-14-31-7308	485.54
00195		P4275	02-Oct-15	ALARM 24, INC.	REPAIR ALARM TRANSMITTER	06-14-31-6212	145.00
01550		452-314421	13-Oct-15	ARAMARK UNIFORM SERVICES	MOP RENTAL (10/13/15)	06-14-31-7301	1.56
01550		452-314421	13-Oct-15	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (10/13/15)	06-14-31-7308	4.78
00014		0136635 10/15	23-Sep-15	CHARTER COMMUNICATIONS	TV/VOICE SVC-OCTOBER 2015	06-14-31-6255	56.07
02159		3359	25-Sep-15	CTM SOLUTIONS	REPLACEMENT RUNNERS, BOARD BRU	06-14-31-6211	743.09
00081		MULTIPLE	29-Sep-15	GRAINGER	9854454445-EMERGENCY LIGHTS	06-14-31-6212	36.84
00081		MULTIPLE	29-Sep-15	GRAINGER	9851380742-FLUORESCENT BTRY PK	06-14-31-6212	55.41
00081		MULTIPLE	29-Sep-15	GRAINGER	9852154393-LITHIUM BATTERY	06-14-31-6212	3.34
00039		978802	06-Oct-15	INDUSTRIAL SOAP	FOAM SOAP	06-14-31-7301	276.96
00039		979258	08-Oct-15	INDUSTRIAL SOAP	URINAL SCREEN W/ENZYMES	06-14-31-7301	18.71
00082		0339912	24-Sep-15	METROLIFT PROPANE	PROPANE FOR OLYMPIA (9/24/15)	06-14-31-7307	239.02
00082		0357804	08-Oct-15	METROLIFT PROPANE	PROPANE FOR OLYMPIA (10/8/15)	06-14-31-7307	99.04
00867		64642	13-Sep-15	MURPHY	LOOKING INTO ICE RINK ISSUES	06-14-31-6212	256.00
01025		683377	30-Sep-15	NATIONAL FIRE SUPPRESSION	FIRE SUPPRESSION SYSTEM REPRS	06-14-31-6212	362.00
00045		794515480001	17-Sep-15	OFFICE DEPOT-BUSINESS DIV	CASH BAGS	06-14-31-6213	14.37
00970		MULTIPLE	01-Oct-15	O'REILLY AUTO PARTS	1388161569 AIR FILTER	06-14-31-6211	3.67
00970		MULTIPLE	01-Oct-15	O'REILLY AUTO PARTS	1388160848 TUNE UP PARTS-OLY	06-14-31-6211	58.00
00970		MULTIPLE	01-Oct-15	O'REILLY AUTO PARTS	1388160783 TUNE UP PARTS-OLY	06-14-31-6211	70.81
01777		3204069-1	05-Oct-15	STARBEAM SUPPLY CO.	BATTERIES FOR EMERG. EXIT LITE	06-14-31-6212	196.63
01777		324069	30-Sep-15	STARBEAM SUPPLY CO.	BATTERIES FOR EXIT LITES	06-14-31-6212	81.27
00711		348879809	09-Sep-15	TERMINIX	PEST CONTROL SERVICE	06-14-31-6212	35.00
01048		9753182325 EF	01-Oct-15	VERIZON WIRELESS	CELL PHONES-SEPTEMBER 2015	06-14-31-6253	54.51
Sum of Invoices							3,645.53



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

GOLF MAINTENANCE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01415		INV0016520	29-Sep-15	GREENSPRO, INC.	FUNGICIDE FOR GREENS	06-14-32-7303	660.50
02084		235253234	07-Oct-15	HELENA CHEMICAL CO.	FUNGICIDE FOR FAIRWAYS	06-14-32-7307	285.00
00175		1035020-00	22-Sep-15	MTI DISTRIBUTING, INC.	ROLLER PARTS FOR 4500-D	06-14-32-6211	14.47
00175		1037859-00	24-Sep-15	MTI DISTRIBUTING, INC.	LIFT VALVE ASSEMBLY FOR GM3100	06-14-32-6211	268.48
00175		1038896-00	29-Sep-15	MTI DISTRIBUTING, INC.	ROLLER MOUNTS/SKID BRACKET	06-14-32-6211	115.33
00175		1038257-00	24-Sep-15	MTI DISTRIBUTING, INC.	IRRIGATION SWING JOINT	06-14-32-6212	19.50
00970		1388-161686	08-Oct-15	O'REILLY AUTO PARTS	TEST LAMP	06-14-32-7302	12.99
01084		CD1954450	29-Sep-15	R&R PRODUCTS, INC.	REAR TIRES FOR LF-3400	06-14-32-6211	160.19
00173		IN130296	29-Sep-15	SUPREME TURF PRODUCTS	FESCUE SEED FOR ROUGH	06-14-32-6212	708.00
00173		IN130297	29-Sep-15	SUPREME TURF PRODUCTS	DYE FOR SPRAY TANK	06-14-32-7303	170.00
01048		9753436249 EF	04-Oct-15	VERIZON WIRELESS	TABLET FOR GOLF SUPT.	06-14-32-6202	50.00
Sum of Invoices							2,464.46



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

PRO SHOP

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01140		59089	29-Sep-15	ARCHWAY BOWLING & TROPHY	TROPHIES FOR CITY INVITATIONAL	06-14-33-7304	134.50
01140		56079	21-Sep-15	ARCHWAY BOWLING & TROPHY	TOURNAMENT TROPHIES	06-14-33-7304	66.00
00014		0136635 10/15	23-Sep-15	CHARTER COMMUNICATIONS	TV/VOICE SVC-OCTOBER 2015	06-14-33-6255	18.70
00953		101230	02-Oct-15	GATEWAY GOLF CARS, LTD	CART RENTAL FOR TOURNAMENT	06-14-33-6266	215.00
00217		976884634	29-Sep-15	NIKE USA INC	SHIPPING FEE	06-14-33-8325	1.69
00217		976925648	01-Oct-15	NIKE USA INC	SHIPPING FEE	06-14-33-8325	0.01
00711		348879809	09-Sep-15	TERMINIX	PEST CONTROL SERVICE	06-14-33-6212	35.00
Sum of Invoices							470.90



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

SNACK BAR

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550		452-314421	13-Oct-15	ARAMARK UNIFORM SERVICES	WIPING TOWELS (10/13/15)	06-14-34-7301	3.63
01491		62463213 SO	30-Sep-15	FARMER BROS. COFFEE	COFFEE FOR RESALE	06-14-34-8317	110.14
01471		98770	12-Oct-15	RL MUELLER NATIONAL DIST., INC.	SNACKS FOR RESALE	06-14-34-8319	278.27
01471		98792	14-Oct-15	RL MUELLER NATIONAL DIST., INC.	SNACKS FOR RESALE	06-14-34-8319	32.00
01471		98780	13-Oct-15	RL MUELLER NATIONAL DIST., INC.	SNACKS FOR RESALE	06-14-34-8319	12.24
00116		9998	02-Oct-15	SAM'S CLUB	FOOD FOR RESALE	06-14-34-8315	69.51
Sum of Invoices							505.79



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

BUILDING MAINTENANCE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00090		2015-3302	09-Oct-15	AMERICAN WATER TREATMENT	WATER TREATMENT 10/1-12/31/15	01-16-11-6212	509.27
01550		452-289093	06-Oct-15	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (10/6/15)	01-16-11-7308	4.38
01550		452-314420	13-Oct-15	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (10/13/15)	01-16-11-7308	4.38
00010		973110	09-Oct-15	BRANNEKY HARDWARE	PLEXIGLASS	01-16-11-6212	7.96
00128		S3562601.001	09-Oct-15	FROST ELECTRIC	OUTDOOR LIGHT BULBS	01-16-11-6212	176.96
00081		9858798854	05-Oct-15	GRAINGER	BELT FOR EXHAUST FAN IN P.D.	01-16-11-6212	24.10
00117		2026108	09-Oct-15	HOME DEPOT	ITEMS FOR BLDG MAINTENANCE	01-16-11-6212	47.26
00039		979118	07-Oct-15	INDUSTRIAL SOAP	PAPER PRODUCTS	01-16-11-6212	552.60
00116		4144408715	12-Oct-15	SAM'S CLUB	LOUNGE SUPPLIES	01-16-11-7304	633.03
00968	P002214	81758834	23-Sep-15	SIMPLEX GRINNELL	LABOR/MATERIAL TO REPLACE 2 DU	01-16-11-6212	1,616.00
01048		9753182325 GF	01-Oct-15	VERIZON WIRELESS	CELL PHONES-SEPTEMBER 2015	01-16-11-6253	32.29
00054		02261998	01-Oct-15	WALTER KNOLL FLORIST	ATRIUM FLORAL MAINT-NOV 2015	01-16-11-6212	80.00

Sum of Invoices 3,688.23



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

POLICE-ADMIN

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01068		AR18280	30-Sep-15	DNT	REC ROOM QTRLY COPIER MAINTEN	01-21-11-6213	128.79
01068		AR20181	07-Oct-15	DNT	CHIEF'S OFFICE COPIER MAINT	01-21-11-6213	15.74
01068		155695	09-Jul-15	DNT	MNTHY COPIER MAINT-CHIEF OFFIC	01-21-11-6213	33.27
02094		812HP026M42309	05-Oct-15	MISSOURI STATE HIGHWAY PATROL	(2)CRIMINAL RECORD SEARCHES	01-21-11-6203	24.00
00113	P002250	497138 RI	06-Oct-15	MISSOURI VOCATIONAL ENTERPRISES	CHAIRS FOR RECORDS CLERKS	01-21-11-9504	1,222.00
01726		81967	01-Oct-15	ST LOUIS COUNTY DOH	2000 NO PARKING SIGNS	01-21-11-7304	95.00
00092		76838	01-Oct-15	ST LOUIS COUNTY TREASURER	OCTOBER CARE CONTRACT FEES	01-21-11-6202	23.91
01425		289358657	09-Oct-15	US BANK	OCT/NOV LEASING FEES CHIEF OFF	01-21-11-6266	274.00
01048		9753182325 GF	01-Oct-15	VERIZON WIRELESS	CELL PHONES-SEPTEMBER 2015	01-21-11-6253	84.47
01048		9753436249	04-Oct-15	VERIZON WIRELESS	MOBILE BROADBAND-CHIEF'S IPAD	01-21-11-6253	40.01
Sum of Invoices							1,941.19



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

POLICE-INVESTIGATIONS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
02119		226177	13-Oct-15	DAVE SINCLAIR LINCOLN-MERCURY, INC.	CAR 2425 3000 MILE SVS	01-21-21-6210	42.95
00080		2063-111-5	15-Oct-15	DIERBERGS	LUNCH CRIMINAL EXCHGE MEETING	01-21-21-6264	16.95
01228		1432814-2015930	30-Sep-15	LEXISNEXIS	(2) SEPTEMBER USER FEES	01-21-21-6202	180.34
01048		9753182325 GF	01-Oct-15	VERIZON WIRELESS	CELL PHONES-SEPTEMBER 2015	01-21-21-6253	213.63
Sum of Invoices							453.87



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

POLICE-PATROL

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00007		379-656248	08-Oct-15	BATTERIES PLUS BULBS	AGM BATTERY FOR CAR 2406	01-21-22-6210	185.45
00007		379-656245	08-Oct-15	BATTERIES PLUS BULBS	(6) CR123 BATTERIES	01-21-22-7302	16.99
02119		225809	01-Oct-15	DAVE SINCLAIR LINCOLN-MERCURY, INC.	CAR 2404 3000 ML SERVICE	01-21-22-6210	42.95
02119		225797	30-Sep-15	DAVE SINCLAIR LINCOLN-MERCURY, INC.	CAR 2410 FRNT END ALIGNMENT	01-21-22-6210	69.95
02119		226007	07-Oct-15	DAVE SINCLAIR LINCOLN-MERCURY, INC.	CAR 2424 3000 MILE SERVICE	01-21-22-6210	42.95
02119		226028	07-Oct-15	DAVE SINCLAIR LINCOLN-MERCURY, INC.	CAR 2411 REPLACE RF TIRE	01-21-22-6210	15.00
00080		9796156	06-Oct-15	DIERBERGS	6 BAGS KITTY LITTER	01-21-22-7304	17.94
00095		302811	07-Oct-15	DOBBS TIRE & AUTO	(1) FORD EXPLORER TIRE	01-21-22-6210	126.95
00234		437313	05-Oct-15	ED. ROEHR SAFETY PRODUCTS	(4) CANS MK9 OC SPRAY	01-21-22-7302	200.00
00096		151258	30-Sep-15	EVS	VARIOUS VEH EQUIPMENT REPAIRS	01-21-22-6210	61.56
00117		W417119800	12-Oct-15	HOME DEPOT	12 PK MARKING PAINT, LEVEL	01-21-22-7302	206.37
00147		511933	07-Oct-15	INTOXIMETERS	REPAIRED BREATH MACHINE	01-21-22-6211	114.00
00098		3130	05-Oct-15	McCLAIN RADAR SERVICE	17 RADAR CALIBRATIONS	01-21-22-6211	680.00
00098		3134	06-Oct-15	McCLAIN RADAR SERVICE	5 LASER CALIBRATIONS	01-21-22-6211	350.00
02532		6085895	11-Sep-15	MERLO AUTOMOTIVE GROUP	CAR 2417 A/C PROBLEM	01-21-22-6210	198.38
00970		1852-496038	12-Oct-15	O'REILLY AUTO PARTS	HEX KEY SET, TIRE PRES GAUGE	01-21-22-7302	15.93
01048		9753182325 GF	01-Oct-15	VERIZON WIRELESS	CELL PHONES-SEPTEMBER 2015	01-21-22-6253	342.79
Sum of Invoices							2,687.21



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

PUBLIC WORKS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
02169		402182	30-Sep-15	DREXEL TECHNOLOGIES, INC.	COPIER SERVICE CONTRACT	01-31-11-6213	18.29
00303		742402016	02-Oct-15	MISSOURI LAWYERS MEDIA	REQ FOR BIDS-STRIPING PROJ.	01-31-11-6260	509.60
01048		9753182325 GF	01-Oct-15	VERIZON WIRELESS	CELL PHONES-SEPTEMBER 2015	01-31-11-6253	337.79
Sum of Invoices							865.68



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

STREETS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550		452-289090	06-Oct-15	ARAMARK UNIFORM SERVICES	MOP RENTAL (10/6/15)	01-31-41-6212	4.19
01550		452-314417	13-Oct-15	ARAMARK UNIFORM SERVICES	MOP RENTAL (10/13/15)	01-31-41-6212	4.19
01550		452-289090	06-Oct-15	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (10/6/15)	01-31-41-7308	46.54
01550		452-314417	13-Oct-15	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (10/13/15)	01-31-41-7308	60.97
01793	P002240	459231	01-Oct-15	BEELMAN LOGISTICS, LLC	FY16 HAULING & DELIVERY OF SAL	01-31-41-7310	3,812.92
00712	P002269	W16970	01-Oct-15	BOBCAT COMPANY	SERVICE ON BOBCAT FOR COOLANT	01-31-41-6211	3,362.18
00010		972927	06-Oct-15	BRANNEKY HARDWARE	RAKES FOR LEAF SEASON	01-31-41-7302	100.06
00099		1387481	30-Sep-15	CEEKAY SUPPLY	WELDING GAS/TANKS-SEPT 2015	01-31-41-7307	51.11
00843		1016717	28-Sep-15	CHART DISTRIBUTION GROUP	99 GAL BULK 15W40	01-31-41-6210	940.78
00235	P002239	IN118563-20	06-Oct-15	CITY OF CHESTERFIELD	212.15 TONS SALT	01-31-41-7310	10,444.14
00235	P002239	IN118516-15	01-Oct-15	CITY OF CHESTERFIELD	268.07 TONS SALT	01-31-41-7310	13,197.09
00826		2276359	05-Oct-15	CREST INDUSTRIES, INC.	REELS FOR TRUCK PLUG-IN SHOP	01-31-41-6210	216.57
00826		2276883	07-Oct-15	CREST INDUSTRIES, INC.	TELESCOPING POLES	01-31-41-6212	63.59
00826		2273246	16-Sep-15	CREST INDUSTRIES, INC.	HOSE CRIMP	01-31-41-6212	530.00
00141		103104	15-Oct-15	ELECTRO BATTERY	3 TRUCK BATTERIES FOR STOCK	01-31-41-6210	155.00
00049		38335	07-Oct-15	EMPLOYEE STAFFING GROUP	TEMP PERSONNEL W/E 10/4/15	01-31-41-6207	2,077.66
00023		503414	30-Sep-15	FRED WEBER	ASPHALT FOR CORP. SQUARE	01-31-41-7305	330.00
00023		505116	06-Oct-15	FRED WEBER	ASPHALT FOR VILLA HILL	01-31-41-7305	385.00
00023		505882	08-Oct-15	FRED WEBER	ASPHALT FOR VILLA HILL	01-31-41-7305	385.00
00023		504347	02-Oct-15	FRED WEBER	ASPHALT FOR CORPORATE SQ.	01-31-41-7305	385.00
00128		S3560571.001	06-Oct-15	FROST ELECTRIC	LIGHT BULBS FOR OLIVE	01-31-41-6212	91.06
00128		S3562491.001	09-Oct-15	FROST ELECTRIC	MATERIALS FOR ELECTRICAL SUBPN	01-31-41-9501	625.39
00128		S3561508.001	07-Oct-15	FROST ELECTRIC	MATERIALS FOR ELECTRICAL SUBPN	01-31-41-9501	108.26
00128		S3560607.001	06-Oct-15	FROST ELECTRIC	MATERIAL FOR ELECTRICAL SUBPN	01-31-41-9501	59.73
00128		S3561608.001	07-Oct-15	FROST ELECTRIC	MATERIAL FOR ELECTRICAL SUBPN	01-31-41-9501	8.56
00128		S3560427.001	06-Oct-15	FROST ELECTRIC	MATERIAL FOR ELECTRICAL SUBPN	01-31-41-9501	7.63
00081		9856863585	01-Oct-15	GRAINGER	PARTS FOR ELECTRIC BOXES-SHOP	01-31-41-9501	159.00
02402		6219-253504	22-Sep-15	HANDY AUTOMOTIVE	BRAKE FLUID	01-31-41-6210	27.27
02402		6219-255108	06-Oct-15	HANDY AUTOMOTIVE	ANTI-FREEZE	01-31-41-6210	145.26
02402		6219-253467	22-Sep-15	HANDY AUTOMOTIVE	CREDIT MEMO-MDSE RETURN	01-31-41-6210	-48.00
02402		6219-255314	07-Oct-15	HANDY AUTOMOTIVE	BACK BRAKE REPAIRS-TRK 207	01-31-41-6210	358.31
02402		6219-255365	07-Oct-15	HANDY AUTOMOTIVE	PARKING BRAKE KIT TRK 207	01-31-41-6210	23.98
02402		6219-255355	07-Oct-15	HANDY AUTOMOTIVE	TEST & BLEED KIT	01-31-41-7302	29.17
00117		3174965	08-Oct-15	HOME DEPOT	CREDIT MEMO-MDSE RETURN	01-31-41-6212	-44.34
00117		3174966	08-Oct-15	HOME DEPOT	CREDIT MEMO-MDSE RETURN	01-31-41-6212	-3.81



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

STREETS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00117		5025586	06-Oct-15	HOME DEPOT	MAILBOX REPAIR	01-31-41-7305	24.97
00117		0024994	01-Oct-15	HOME DEPOT	ELECTRICAL SUPPLIES	01-31-41-9501	229.22
00117		8411801	13-Oct-15	HOME DEPOT	MATERIAL FOR ELECTRICAL SUBPN	01-31-41-9501	207.17
00117		4025707	07-Oct-15	HOME DEPOT	PARTS FOR PWR TO S. WALL SHOP	01-31-41-9501	23.78
00117		6020243	15-Oct-15	HOME DEPOT	MATERIAL FOR ELECTRICAL SUBPN	01-31-41-9501	36.26
02322		0347-000183002	30-Sep-15	JOHNNY ON THE SPOT #347	2 EA RENTAL UNITS	01-31-41-6266	82.11
02588		19393/6	06-Oct-15	KIRKWOOD MATERIAL CHESTERFIELD	TOPSOIL FOR TREE REPLACEMENT	01-31-41-6212	14.67
00156		67552	30-Sep-15	L & C TRUCK REPAIR, INC.	BRAKE REPAIRS-TRK 206	01-31-41-6210	1,751.37
00042		150045	14-Oct-15	MPR SUPPLY	IRRIGATION REPAIR PARTS	01-31-41-6211	3.70
00040		867653	02-Oct-15	MILBRADT	BAR OIL, 2-CYCLE OIL	01-31-41-6211	27.14
00042		149414	02-Oct-15	MPR SUPPLY	GLOBE FOR BALLAS IRRIGATION	01-31-41-6211	173.28
00042		149775	08-Oct-15	MPR SUPPLY	IRRIGATION REPAIR PARTS	01-31-41-6211	181.99
00796		SVC/469737	30-Sep-15	OVERHEAD DOOR COMPANY OF ST. LOUIS	REPAIR DOOR AT GARAGE	01-31-41-6212	313.00
00047		W40130	25-Sep-15	PAT KELLY EQUIPMENT	TOOL RETAINER BOLT SVC	01-31-41-7311	200.35
00491		128713	25-Sep-15	SCHMITTEL'S NURSERY	REPLACE DAMAGED TREE	01-31-41-6212	354.00
01275		82233	06-Aug-15	SCOTT'S POWER EQUIPMENT, INC.	SOLENOID KIT-LEAF VAC	01-31-41-6211	26.06
01779		002929-12-15	01-Oct-15	ST LOUIS COUNTY TREASURER	ANNUAL TEST-HYDRAULIC LIFTS	01-31-41-6202	60.00
00692		548731	13-Oct-15	ST LOUIS SAFETY, INC.	SPILL KIT FOR SHOP	01-31-41-7308	412.50
01878		I504536	02-Oct-15	TAPCO	PARTS FOR STREET SIGN INSTALL.	01-31-41-7311	528.24
01878		I505325	09-Oct-15	TAPCO	SIGN MOUNTING KIT	01-31-41-7311	29.82
00270		54764-00	30-Sep-15	TERMINAL SUPPLY CO.	LIGHT BAR FOR TRK 211	01-31-41-6210	313.02
00270		55665-00	05-Oct-15	TERMINAL SUPPLY CO.	FLEET SUPPLIES	01-31-41-6210	36.79
00270		56088-00	06-Oct-15	TERMINAL SUPPLY CO.	LAMPS FOR FLEET VEHICLES	01-31-41-6210	87.48
01048		9753182325 GF	01-Oct-15	VERIZON WIRELESS	CELL PHONES-SEPTEMBER 2015	01-31-41-6253	84.47

Sum of Invoices

43,300.85



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

HEALTH & WELFARE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01836		107487	07-Oct-15	CRITTER CONTROL OF ST. LOUIS	DEAD ANIMAL REMOVAL	01-31-42-6214	450.00
01048		9753182325 GF	01-Oct-15	VERIZON WIRELESS	CELL PHONES-SEPTEMBER 2015	01-31-42-6253	32.29
Sum of Invoices							482.29



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

PARKS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550		452-289090	06-Oct-15	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (10/6/15)	01-31-43-7308	46.53
01550		452-314417	13-Oct-15	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (10/13/15)	01-31-43-7308	20.33
00102		100508	08-Oct-15	BEYERS LUMBER	LUMBER-TAPPMeyer HSE ARTWORK	01-31-43-6224	22.56
00010		972867	07-Oct-15	BRANNEKY HARDWARE	TOOLS FOR WORK AT TAPPMeyer	01-31-43-6224	32.90
00010		972927	06-Oct-15	BRANNEKY HARDWARE	RAKES FOR LEAF SEASON	01-31-43-7302	33.35
00099		1387481	30-Sep-15	CEEKAY SUPPLY	WELDING GAS/TANKS-SEPT 2015	01-31-43-7307	17.04
00843		1016717	28-Sep-15	CHART DISTRIBUTION GROUP	99 GAL BULK 15W40	01-31-43-6210	313.60
00455		18568	08-Oct-15	CHECKER BAG COMPANY	TRASH BAGS FOR PARKS	01-31-43-6212	344.00
00826		2276359	05-Oct-15	CREST INDUSTRIES, INC.	REELS FOR TRUCK PLUG-IN SHOP	01-31-43-6210	72.19
00141		103104	15-Oct-15	ELECTRO BATTERY	3 TRUCK BATTERIES FOR STOCK	01-31-43-6210	51.67
00049		38335	07-Oct-15	EMPLOYEE STAFFING GROUP	TEMP PERSONNEL W/E 10/4/15	01-31-43-6207	692.56
02402		6219-253504	22-Sep-15	HANDY AUTOMOTIVE	BRAKE FLUID	01-31-43-6210	9.09
02402		6219-255108	06-Oct-15	HANDY AUTOMOTIVE	ANTI-FREEZE	01-31-43-6210	48.42
02402		6219-253467	22-Sep-15	HANDY AUTOMOTIVE	CREDIT MEMO-MDSE RETURN	01-31-43-6210	-16.00
02402		6219-255314	07-Oct-15	HANDY AUTOMOTIVE	BACK BRAKE REPAIRS-TRK 207	01-31-43-6210	119.44
02402		6219-255365	07-Oct-15	HANDY AUTOMOTIVE	PARKING BRAKE KIT TRK 207	01-31-43-6210	7.99
02402		6219-255355	07-Oct-15	HANDY AUTOMOTIVE	TEST & BLEED KIT	01-31-43-7302	9.73
00117		9014075	02-Oct-15	HOME DEPOT	PARKS SUPPLIES	01-31-43-6212	107.22
00117		2034442	09-Oct-15	HOME DEPOT	CONCRETE SUPPLIES-TAPPMeyer	01-31-43-6224	83.75
00117		2065062	09-Oct-15	HOME DEPOT	CONCRETE SUPPLIES-TAPPMeyer	01-31-43-6224	34.38
02322		0347-000183002	30-Sep-15	JOHNNY ON THE SPOT #347	2 EA RENTAL UNITS	01-31-43-6266	82.11
00156		67552	30-Sep-15	L & C TRUCK REPAIR, INC.	BRAKE REPAIRS-TRK 206	01-31-43-6210	583.79
00040		867653	02-Oct-15	MILBRADT	BAR OIL, 2-CYCLE OIL	01-31-43-6211	9.05
00047		W40130	25-Sep-15	PAT KELLY EQUIPMENT	TOOL RETAINER BOLT SVC	01-31-43-6211	66.78
01275		82233	06-Aug-15	SCOTT'S POWER EQUIPMENT, INC.	SOLENOID KIT-LEAF VAC	01-31-43-6211	8.69
00692		548731	13-Oct-15	ST LOUIS SAFETY, INC.	SPILL KIT FOR SHOP	01-31-43-7308	137.50
00173		IN130462	05-Oct-15	SUPREME TURF PRODUCTS	WEED KILLER-CONWAY LAKE	01-31-43-7303	530.00
00270		54764-00	30-Sep-15	TERMINAL SUPPLY CO.	LIGHT BAR FOR TRK 211	01-31-43-6210	104.34
00270		55665-00	05-Oct-15	TERMINAL SUPPLY CO.	FLEET SUPPLIES	01-31-43-6210	12.27
00270		56088-00	06-Oct-15	TERMINAL SUPPLY CO.	LAMPS FOR FLEET VEHICLES	01-31-43-6210	29.16
00260		27690	29-Sep-15	TOTAL LOCK & SECURITY	GATE KEEPERS FOR DOG PARK	01-31-43-6212	113.00
01048		9753182325 GF	01-Oct-15	VERIZON WIRELESS	CELL PHONES-SEPTEMBER 2015	01-31-43-6253	37.64

Sum of Invoices

3,765.08



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

COMMUNITY DEVELOPMENT - PLANNING

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
02169		402182	30-Sep-15	DREXEL TECHNOLOGIES, INC.	COPIER SERVICE CONTRACT	01-32-11-6213	18.29
00303		742394947	29-Sep-15	MISSOURI LAWYERS MEDIA	PUB HRG NOTICE-TEXT AMENDMENT	01-32-11-6260	44.08
00303		742394946	29-Sep-15	MISSOURI LAWYERS MEDIA	PUB HRG NOTICE-P&Z	01-32-11-6260	37.12
01048		9753182325 GF	01-Oct-15	VERIZON WIRELESS	CELL PHONES-SEPTEMBER 2015	01-32-11-6253	144.37

Sum of Invoices 243.86



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

10/21/2015

COMMUNITY DEVELOPMENT - BUILDING

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
02169		402182	30-Sep-15	DREXEL TECHNOLOGIES, INC.	COPIER SERVICE CONTRACT	01-32-61-6213	18.29
02324	P002238	105696	01-Oct-15	MYGOV, LLC	MONTHLY FEE-PERMITS/INSP SOFTW	01-32-61-6262	300.00
02547		202258	05-Oct-15	NJC PRINTING	PRINTING OF RETAINING WALL PER	01-32-61-7304	63.00
02547		202145	17-Sep-15	NJC PRINTING	APT RE-OCC INSPECTION SHEETS	01-32-61-7304	201.11
02547		202273	07-Oct-15	NJC PRINTING	INSPECTION REQUEST FORMS	01-32-61-7304	442.59
01048		9753182325 GF	01-Oct-15	VERIZON WIRELESS	CELL PHONES-SEPTEMBER 2015	01-32-61-6253	252.85
01048		9753436249	04-Oct-15	VERIZON WIRELESS	INSPECTORS TABLETS	01-32-61-6253	240.06
Sum of Invoices							1,517.90



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/21/2015

CAPITAL IMPROVEMENTS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00788	P002050	39461	30-Sep-15	DON BROWN CHEVROLET	2015 DIESEL 3WD 1 TON DUMP TRU	02-61-71-9516	61,168.00
Sum of Invoices							61,168.00
Total of All Invoices							203,711.75



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/26/15 07:00 PM
Department: Planning and Zoning Commission
Category: Report
Prepared By: Whitney Kelly
Department Head: Jason Jaggi

SCHEDULED

ORDINANCE

Bill No. 5564 - an Ordinance Authorizing the Issuance of a New Conditional Use Permit for a 1,644 Square Foot Eating and Drinking Establishment at 11615 Olive Boulevard, Unit 9C Within the CityPlace Mixed-Use/Retail Development. Final Reading and Passage

Jillian Tedesco, of Fit-Flavors, has submitted a conditional use permit application for a new Fit-Flavors location, with a juice bar, at 11615 Olive Boulevard Unit 9C within the CityPlace Retail in a portion of the space formerly occupied by Creve Coeur Camera. Fit Flavors offers healthy prepared meals to go, and smoothie/juice bar. The new location is 1,644 square feet with 8-10 seats. All Snack and Nonalcoholic Beverage Bars (NAICS 722515) are permitted as a conditional use with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission in all commercial districts. Planning and Zoning has recommended approval.

Ordinance

Meeting of October 26, 2015

BILL NO. 5564

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE
PERMIT FOR A 1,644 SQUARE FOOT EATING AND DRINKING ESTABLISHMENT
AT 11615 OLIVE BOULEVARD, UNIT 9C WITHIN THE CITYPLACE MIXED-
USE/RETAIL DEVELOPMENT**

WHEREAS, under Section 405.370(C), all eating and drinking places in the “CB”, Core Business zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, an application was submitted by Jillian Tedesco , of Fit-Flavors for a conditional use permit for a 1,644 square-foot eating and drinking place, with 8-10 seats, at Unit 9C, at 11615 Olive Boulevard within the CityPlace Retail development; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, October 5, 2015, beginning at 7:00 p.m. or immediately following the close of the previous public hearing, on said application for the conditional use permit as provided by Section 405.1070(D)(2); and

WHEREAS, notice of 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 7-0 vote, recommended approval of the conditional use permit, subject to the conditions contained herein, at its meeting on October 5, 2015; 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: A Conditional Use Permit is authorized to be issued pursuant to Section 3 hereof for the operation of a snack and beverage bar located at 11615, Unit 9C Olive Boulevard, in the “CB”

BILL NO. 5564

ORDINANCE NO. _____

Core Business zoning district, within the CityPlace Retail Development, whose legal description is as follows:

PARCEL 7: Unit 2 of CITYPLACE CONDOMINIUM, a Retail Center Condominium, according to the plat thereof recorded in Plat Book 274, pages 48 and 49 of the St. Louis County, Missouri Records, together with the undivided share of the common elements appurtenant thereto, all according to and more particularly described in the Declaration of Condominium and By-Laws recorded in Book 8297, page 734, and subsequent amendments recorded in Book 8314, page 437, Book 8735, page 285, Book 8735, page 298, and Book 13541, page 182.

Section 2: The Conditional Use Permit granted shall be subject to all applicable statutes, ordinances, rules and regulations, and the following conditions:

1. The Conditional Use Permit shall be for the operation of a 1,644 square foot snack and nonalcoholic beverage bar (NAICS 722515) at 11615 Olive Boulevard, Unit 9C.
2. Maximum seating permitted is limited to 16 seats. A minimum four foot wide, unobstructed and clear pedestrian path must be maintained at all times if outdoor seating is placed adjacent to the building.
3. Hours of operation shall be 8:00 a.m. to 8:00 p.m., Monday through Thursday, Friday 8:00 a.m. to 7:00 p.m., and Saturday and Sunday 10:00 a.m. to 6:00 p.m. Additional business hours may be permitted with the Zoning Administrator's approval including, but not limited to, the catering of special events.
4. Employee parking, delivery and company vehicles shall be parked behind the complex within the service area or structured parking deck in conformance with the CityPlace management's operational requirements.
5. Outdoor speakers may be used in the patio area only and shall not produce any sound exceeding 60dB at a straight-line distance of 100 feet or greater.
6. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code, and in substantial compliance with the CityPlace Master Sign Plan as provided by Ordinance No. 5386, or as may be amended.
7. Any mechanical equipment installed for the site shall be properly screened with approved materials.
8. 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.
9. 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.
10. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.
11. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved

BILL NO. 5564

ORDINANCE NO. _____

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

Section 3: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 2 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

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

ADOPTED THIS ____ DAY OF _____, 2015.

DAVID KREUTER
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2015.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



city of CREVE COEUR

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

APPLICATION TO PLANNING AND ZONING COMMISSION #15-023 FOR A CONDITIONAL USE PERMIT FOR A FIT-FLAVORS AND SMOOTHIE BAR WITHIN CITYPLACE RETAIL AT 11615 OLIVE BOULEVARD, UNIT 9C

FOR THE MEETING OF: October 5, 2015

LOCATION: 11615 Olive Boulevard, within CityPlace Retail development.

REQUEST: Jillian Tedesco, of Fit-Flavors, has submitted a conditional use permit application for a new Fit-Flavors location, with a juice bar, at 11615 Olive Boulevard Unit 9C within the CityPlace Retail in a portion of the space formerly occupied by Creve Coeur Camera. Fit Flavors offers healthy prepared meals to go, and smoothie/juice bar. The new location is 1,644 square feet with 8-10 seats.

ADDITIONAL INFORMATION: The subject property is zoned CB (Core Business) District. All Snack and Nonalcoholic Beverage Bars (NAICS 722515) are permitted as a conditional use with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission in all commercial districts. The Applicant is not pursuing any changes to the exterior of the building or site.

Key Issues:

- Does the request integrate with the existing surrounding uses?
- Does the request further or implement the goals of the Comprehensive Plan?
- Is the request consistent with the required findings for a conditional use permit?

Comp. Plan References

- Community Health and Connectivity

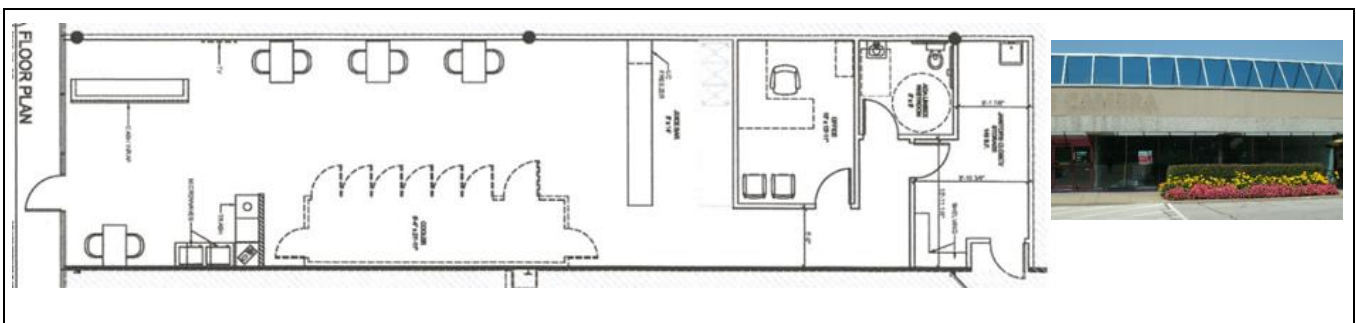
Zoning Code References

- Section 405.210: Regulation of Uses
- Section 405.370: "CB" Core Business District
- Section 405.470 Conditional Uses
- Section 405.820 Required Off-Street Parking Spaces

APPLICANTS: Jillian Tedesco
 Fit-Flavors
 15109 Woodsbluff Dr.
 Chesterfield, MO 63017

**PROPERTY
 OWNER:**

RNSI
 One Towne Square, Suite 1600
 Southfield, MI 48076



REPORT PREPARED BY: Whitney Kelly, AICP, City Planner
DATE: 09/28/2015
ATTACHMENTS: Applicant's Materials received September 9, 2015
 Draft Ordinance

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Office Buildings	"CB" Core Business	N/A
South	Retail	"CB" Core Business	Olive Boulevard
East	Retail	"CB" Core Business	City Place Drive
West	Retail	"CB" Core Business	NA

COMPREHENSIVE PLAN REVIEW

The subject property is located within the Central Business District that encourages a mix of uses, including retail, residential, government, and park uses. The goals listed under the Community Health and Connectivity of the Comprehensive Plan include requiring new commercial, institutional, and multi-family development or redevelopment to include public amenities such as pedestrian connections, bicycle facilities, public sitting/gathering areas, and open space, as appropriate (page 22). The proposed use is integrated into the existing, multi-tenant facility that offers a variety of retail, restaurant, and service uses. So to that extent, it appears that the request meets with the applicable Goals and Objectives of the Comprehensive Plan, in as much as this project can provide.

ZONING REVIEW

Smoothie and Juice Bars are permitted with conditions in all commercial zoning districts within the city, and the applicant is leasing an existing tenant space within the CityPlace Retail/Mixed-Use Development that includes a mixture of retail and second floor offices. No changes to the exterior of the building or site have been requested.

Use Intensity:

Section 405.470(14)(b) limits food services and drinking places to no more than 40% of the building square footage collectively in the "CB", "PO", "PC" and "LI" Districts for properties that are less than two acres. The CityPlace Mixed-Use/Retail site is 4.29 acres, thus the limit on restaurant square footage within the building does not apply.

Parking:

In November of 2009, the owners of CityPlace entered into a campus-wide comprehensive reciprocal easement agreement (REA) providing for shared parking amongst all CityPlace subdivided parcels. The Retail/Mixed Use complex parking is provided through the operational requirements where all tenants within the retail/mixed use complex require employees to park behind the complex where there are three structured parking facilities within 100 feet, easily accessible to employees and patrons, where no less than 62 available spaces are designated for the retail use. The parking decks for CityPlace 1 (West) and CityPlace 3 have a combined 918 parking spaces, and the parking deck for CityPlace 1 (East) holds an additional 447 parking spaces.

Parking regulations for restaurants are discussed under Section 405.820(F)(5) Required Off-Street Parking Spaces, where parking for limited-service restaurants of 16 seats or less is equivalent to that of general retail or four spaces per 1,000 square feet of floor area. The floor layout only shows seating for eight. However, the request includes 8-10 seats. Since the parking ratio allows for up to 16 seats without increasing the number of parking spaces required, a

condition of the ordinance includes a maximum of 16 seats permitted, should this tenant or any future tenant wish to include additional seating without the need to amend the conditional use permit. Should the tenant wish to include outdoor seats, a minimum width of four feet shall be maintained to allow for pedestrian and ADA pathway.

The surface lot in front of the retail development provides for 281 parking spaces for the retail customers and there are the 62 spaces available in the parking garages under the REA. The applicant has submitted photographic evidence showing the availability of parking in the front during the noon timeframe. Also, delivery and company vehicles of the Retail/Mixed Use development are required to park behind the complex within the parking decks. Finally, it is anticipated that many of the lunch time patrons would be employees of the offices within the CityPlace complex, and parking for those individuals are accounted for within the REA. As was the discussion and prior approval of the conditional use permit for the Crushed Red that was approved on February 9, 2015, and 5 Star Burger, approved on September 28, 2015, the complex nature of the shared parking dynamic makes it difficult to account for each tenant's parking allotment, but the significant quantity of parking, the parking ratio for this use of the equivalent to any permitted general retail use, and Staff observations of the site indicate that there will not be a problem created by this tenant.

RECOMMENDATION

Based on the above analysis, the request for a conditional use permit meets all of the requirements, in the same degree or greater than the prior use, of the Comprehensive Plan and Zoning Ordinances. Staff recommends approval subject to the conditions below which are included in the draft ordinance:

1. The Conditional Use Permit shall be for the operation of a 1,644 square foot eating and drinking establishment at 11615 Olive Boulevard, Unit 9C.
2. Maximum seating permitted is limited to 16 seats. A minimum four foot wide, unobstructed and clear pedestrian path must be maintained at all times if outdoor seating is placed adjacent to the building.
3. Hours of operation shall be 8:00 a.m. to 8:00 p.m., Monday through Thursday, Friday 8:00 a.m. to 7:00 p.m., and Saturday and Sunday 10:00 a.m. to 6:00 p.m. Additional business hours may be permitted with the Zoning Administrator's approval including, but not limited to, the catering of special events.
4. Employee parking, delivery and company vehicles shall be parked behind the complex within the service area or structured parking deck in conformance with the CityPlace management's operational requirements.
5. Outdoor speakers may be used in the patio area only and shall not produce any sound exceeding 60dB at a straight-line distance of 100 feet or greater.
6. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code, and in substantial compliance with the CityPlace Master Sign Plan as provided by Ordinance No. 5386, or as may be amended.

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 Application #15-023 for a Conditional Use Permit for Fit-Flavors with a Smoothie Bar located at 11615 Olive Boulevard, Unit 9C subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of Oct 5, 2015” (conditions may be added, eliminated, or modified by preceding motion).

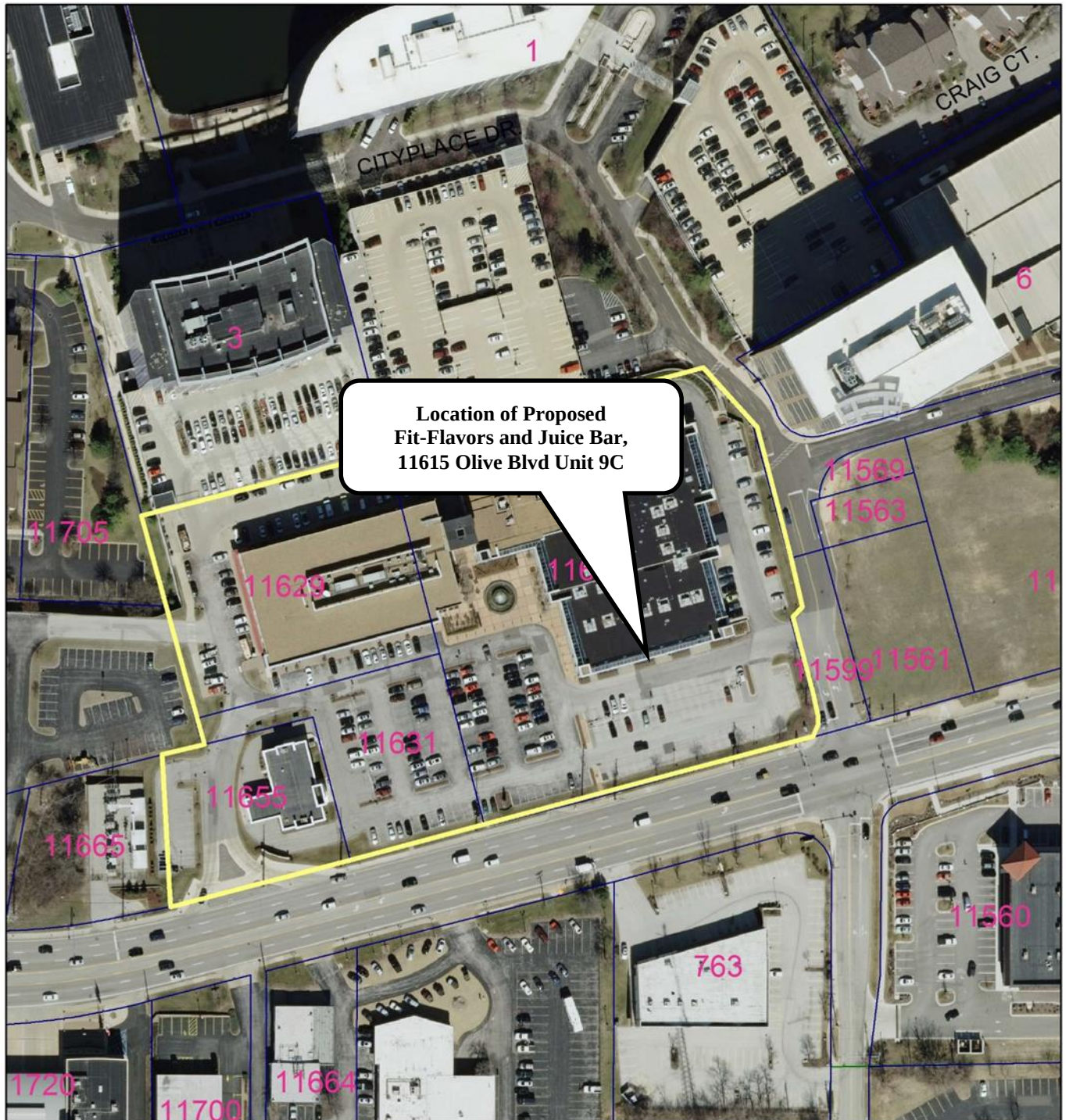
APPENDIX 1: COMPREHENSIVE PLAN, INCLUDING DESIGN GUIDELINES

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.

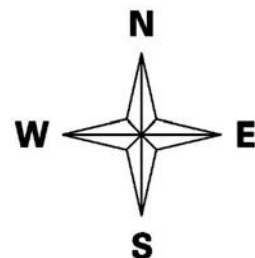
APPENDIX 3: AERIAL PHOTO



Property lines



CityPlace Mixed-Use / Retail Development



APPENDIX 4: SITE PHOTOGRAPHS

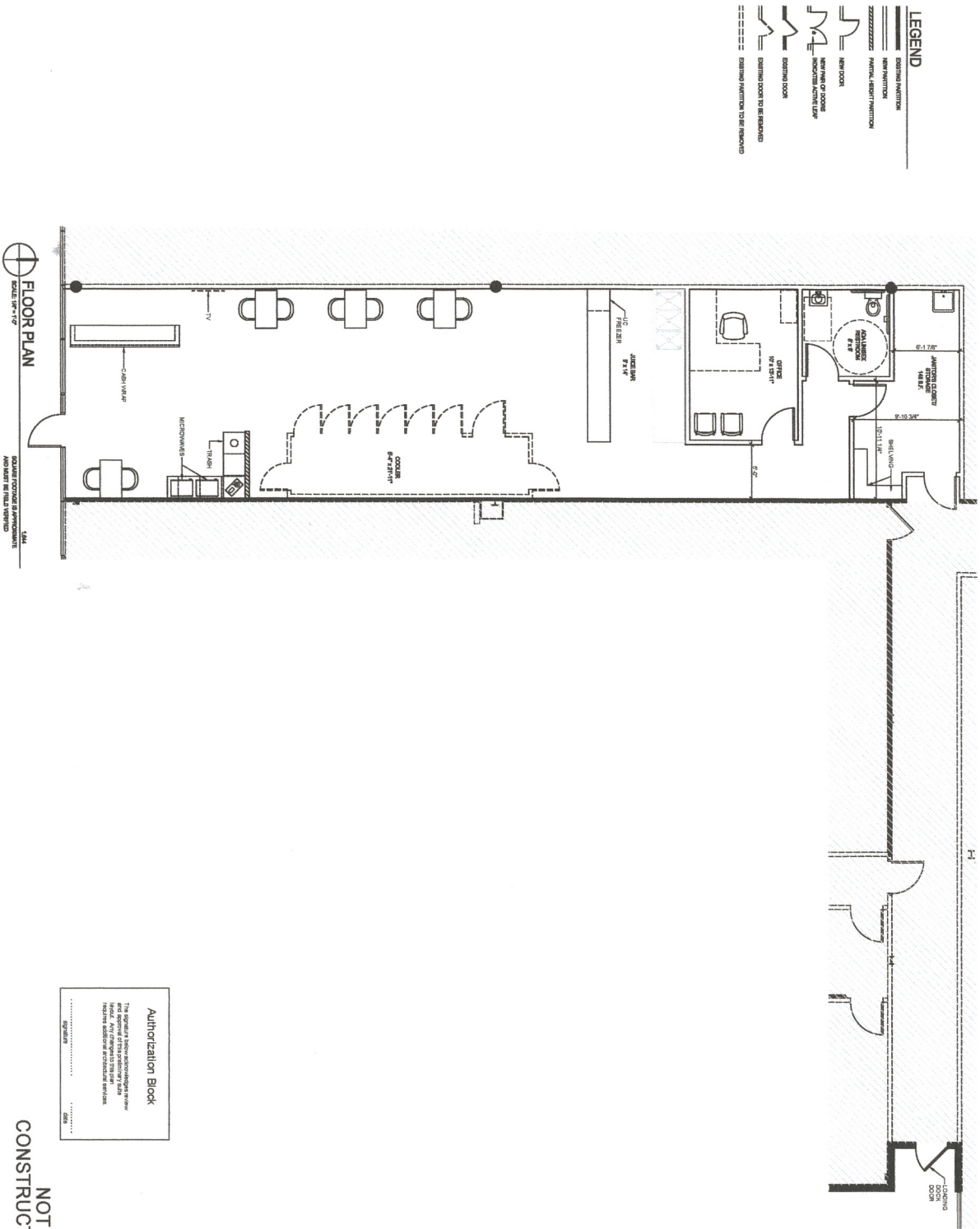
Photo Date:9/4/2015



Description: View looking northeast from Olive Boulevard at the former Creve Coeur Camera location.



Description: Close-up view of the tenant space looking north.



Authorization Block

This signature block is required for all drawings of a project. It is a legal document that authorizes the use of the drawings for the project. It is a legal document that authorizes the use of the drawings for the project.

NOT FOR
CONSTRUCTION
P1R2

gray.

SPACE PLAN

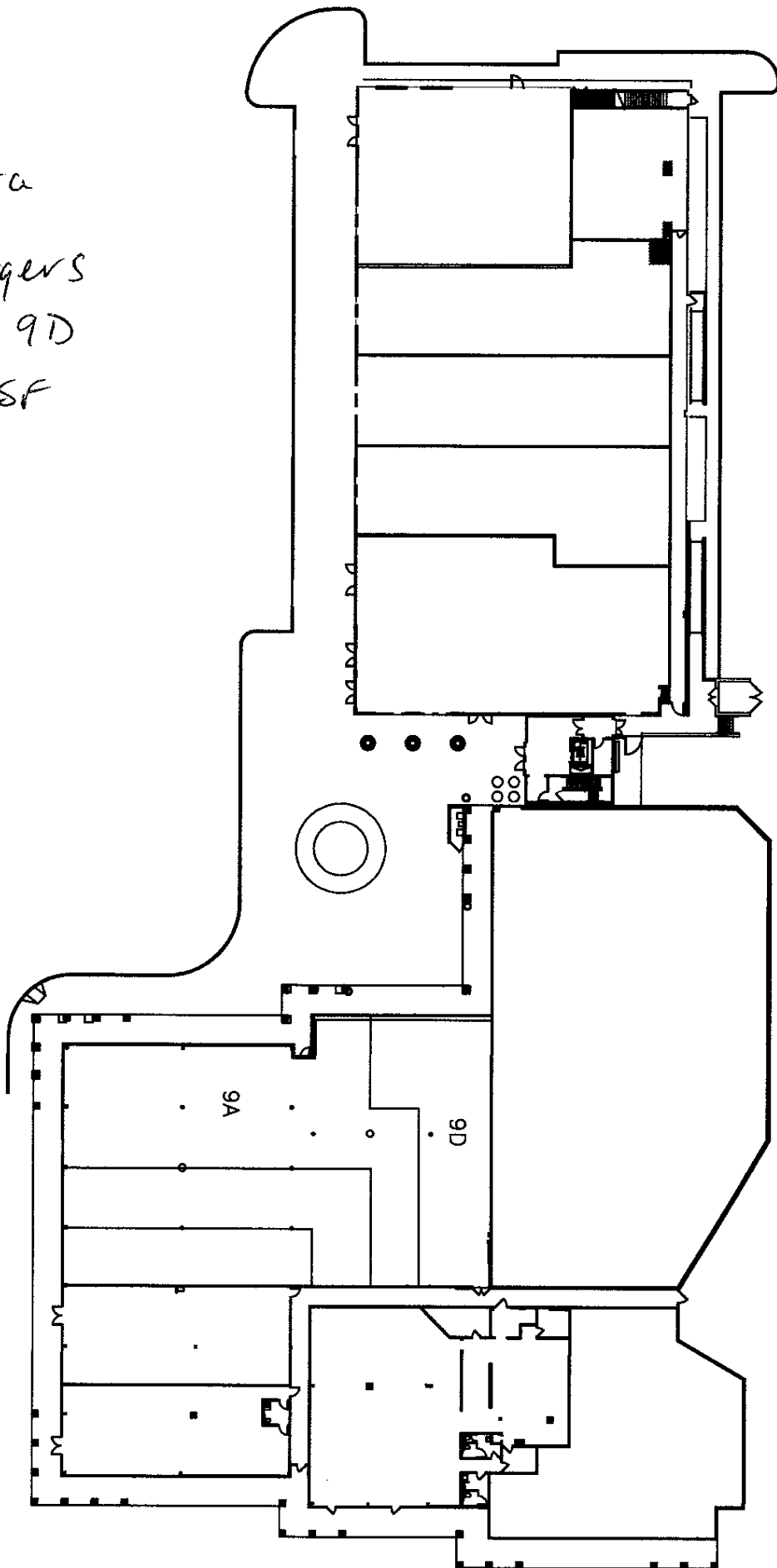
Preliminary Space Plan For:
FIT FLAVORS
11615 OLIVE BLVD. *gc*
CREVE COEUR, MISSOURI

GRAY DESIGN GROUP
Gray Design Group, Inc. © 2015
All rights reserved. No part of this document may be reproduced without written permission from Gray Design Group, Inc.
9 Belmont Drive, Suite 110
St. Louis, MO 63105
Telephone 314.444.4444
www.graydesigngroup.com
Contact: Emily Murphy
Produced By: Emily Murphy
Reviewed By: Emily Murphy
Date: 08/07/15
Drawn By: Emily Murphy
Title: Floor Plan

Exhibit Ga

5 STAR Burgers
space is 9D
= 2734 SF

9A = 5,363 SF
9D = 2,734 SF



PLANNING AND ZONING COMMISSION PUBLIC HEARING

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

MONDAY, OCTOBER 5, 2015

7:00 P.M.

PUBLIC HEARINGS 15-023 & 15-025

THOSE IN ATTENDANCE:

Ms. Beth Kistner, Chair
Mr. Tim Carney
Mr. James Faron
Mr. Ken Howard
Mr. Charles Pullium
Mr. Gene Rovak
Ms. Muriel Hall
Mr. Carl Lumley, City Attorney
Mr. Jason Jaggi, Director of Community Development
Ms. Whitney Kelly, City Planner
Ms. Jessica Stutte, Administrative Assistant

McLaughlin Court Reporting Services, Inc.

Deborah K. McLaughlin, RPR, MO-CCR #314, IL-CSR, KS-CCR
4772 Gatesbury Drive
St. Louis, MO 63128
(314) 487-2259

1 CHAIRMAN KISTNER: Call our meeting to order.

2 Start with our roll call.

3 Mr. Pullium?

4 MR. PULLIUM: Present.

5 CHAIRMAN KISTNER: Mr. Rovak?

6 MR. ROVAK: Present.

7 CHAIRMAN KISTNER: Mr. Faron?

8 MR. FARON: Present.

9 CHAIRMAN KISTNER: Mr. Howard?

10 MR. HOWARD: Present.

11 CHAIRMAN KISTNER: Mr. Carney?

12 MR. CARNEY: Present.

13 CHAIRMAN KISTNER: And Ms. Hall?

14 MS. HALL: Present.

15 CHAIRMAN KISTNER: And the Chair is present.

16 All right. Our first item of New Business is a
17 public hearing.

18 Application No. 15-023: Approval of a
19 Conditional Use Permit for Fit-Flavors and Smoothie Bar
20 Within CityPlace Retail at 11615 Olive Boulevard, Unit 9C.

21 So whoever is going to be speaking during that
22 hearing, if you could come up to be sworn in.

23 (Speakers were sworn in by the court reporter.)

24 CHAIRMAN KISTNER: Good evening.

25 JILLIAN TEDESCO: Hi.

1 CHAIRMAN KISTNER: Feel free to share your plan.

2 JILLIAN TEDESCO: Sure.

3 So I, basically, started my business about six
4 years ago out of my house. It was a meal service, like a
5 professional chef service, and then we went on to open up
6 a storefront where you could walk in and purchase healthy
7 ready-to-go meals. They're ready to heat and eat. You
8 just throw them in the microwave. They're already
9 measured in portion in single serving containers with all
10 the nutritional profiles on them.

11 And we opened a second location earlier this
12 year in Brentwood. And we're trying to open one here in
13 Creve Coeur.

14 In addition to the healthy meal service, we
15 wanted to add in like a smoothie bar to kind of go with
16 the meals and have that there as well.

17 CHAIRMAN KISTNER: Excellent.

18 MS. KELLY: I'm sorry, could you state your name
19 and address, just for the record.

20 JILLIAN TEDESCO: Oh, sure.

21 Jillian Tedesco. You want my business address
22 or my home address?

23 MS. KELLY: Either one is fine.

24 JILLIAN TEDESCO: Okay. My home address 15109
25 Woodsbluff Drive, Chesterfield, Missouri 63017.

1 CHAIRMAN KISTNER: Thank you.

2 All right. Whitney, do you have something you
3 want to add?

4 MS. KELLY: I'll just do it from here.

5 As this applicant is seeking less than sixteen
6 seats, there's no impact on parking. They are taking up a
7 portion of the space left by Creve Coeur Camera.

8 And we recommend approval.

9 CHAIRMAN KISTNER: Is there any questions from
10 Commission?

11 Mr. Faron.

12 MR. FARON: Are the other locations basically
13 identical to this in terms of minus the smoothie bar, I
14 guess --

15 JILLIAN TEDESCO: Actually, no, we don't have a
16 smoothie bar in the other locations right now.

17 We're expanding our Chesterfield location.
18 That's where our kitchen is. It's like our commissary.

19 So with taking on the more space, we're going
20 to, hopefully, put a smoothie bar in there. We don't have
21 room in Brentwood, so.

22 MR. FARON: And all the requests for approval,
23 are you in agreement with, I think there were six or
24 seven, no issues there that you --

25 JILLIAN TEDESCO: Yeah.

1 MR. FARON: -- stand by? Okay. Thank you.

2 JILLIAN TEDESCO: Thank you.

3 CHAIRMAN KISTNER: Is anybody else or --

4 Okay. And do we have any questions or

5 commenters from the audience?

6 Okay. Seeing none. I think we'll be ready for
7 a vote.

8 I have to disclose, I am a customer and a happy
9 one.

10 JILLIAN TEDESCO: Awesome.

11 CHAIRMAN KISTNER: Putting it out there.

12 So before we close our public hearing, you want
13 to add our exhibits.

14 MR. LUMLEY: Offer the following exhibits into
15 the record of this public hearing: Documentation in
16 possession of the City Clerk reflecting the public notice,
17 the staff's report, the City Code of Ordinances and
18 Charter, the City's Comprehensive Plan and the public file
19 regarding the application.

20 (This ends the public hearing.)

21

22

23

24

25

Hearing is closed.

(This ends the public hearing.)

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

I, Deborah K. McLaughlin, Registered Professional
Reporter, Missouri Certified Court Reporter, Illinois
Certified Shorthand Reporter and Kansas Certified Court
Reporter, do hereby certify that I reported the Planning
and Zoning public hearings stenographically and later
reduced to typewriting; and that this is a true and
accurate transcript of the public hearings.

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



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/26/15 07:00 PM
Department: Planning and Zoning Commission
Category: Report
Prepared By: Whitney Kelly
Department Head: Jason Jaggi

SCHEDULED

ORDINANCE

Bill No. 5565 - an Ordinance Authorizing the Issuance of a New Conditional Use Permit for a Psychic Services Office at 11628 Old Ballas Road Within the Centerco Office Suites Building. Final Reading and Passage

Nancy Fleming, of Readings by Nancy, has submitted an application for a conditional use permit for psychic and medium readings, and intuitive guidance advising services within the Centerco Office Suites, located at 11628 Old Ballas Road, Suite 207. The Applicant will be renting a 120 sq. ft. Office space within the building to offer one-on-one new age services of reiki, meditation, intuitive guidance and advising for the entertainment value of one's mind, body and soul. . Psychic Services are categorized as NAICS 812990 All Other Personal Services and are permitted as a conditional use with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission in all commercial districts. The Applicant is not pursuing any changes to the exterior of the building or site. Planning and Zoning has recommended approval.

Ordinance

Meeting of October 26, 2015

BILL NO. 5565

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE
PERMIT FOR A PSYCHIC SERVICES OFFICE AT 11628 OLD BALLAS ROAD
WITHIN THE CENTERCO OFFICE SUITES BUILDING**

WHEREAS, under Section 405.370(C), NAICS 812990 All Other Personal Services, including Psychic Services, require the issuance of a conditional use permit in the "CB", Core Business zoning district as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, an application was submitted by Nancy Fleming, of Readings by Nancy, to provide for psychic and medium readings, intuitive guidance advising services for entertainment value, in a 120 square foot office space within the Centerco Office Suites, located at 11628 Old Ballas Road; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, October 5, 2015, beginning at 7:00 p.m. or immediately following the close of the previous public hearing, on said application for the conditional use permit as provided by Section 405.1070(D)(2); and

WHEREAS, notice of 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 7-0 vote, recommended approval of the conditional use permit, subject to the conditions contained herein, at its meeting on October 5, 2015; 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: A Conditional Use Permit is authorized to be issued pursuant to Section 3 hereof for the operation of psychic services office, located at 11628 Old Ballas Road, whose legal description is as follows:

BILL NO. 5565

ORDINANCE NO. _____

A tract of land being part of Section 3, Township 45 North, Range 5 East of the Fifth Principal Meridian, St. Louis County, Missouri, and being more particularly described as follows:

Beginning at the Southwest corner of a tract of land conveyed to Village Park LTD per Deed recorded in Book 6998 Page 2497 of St. Louis County Records; thence along the West line of said Village Park LTD property South 00 degrees 19 minutes 49 seconds East 396.18 feet to a point at the Southwest corner thereof; thence North 88 degrees 51 minutes 49 seconds West 111.11 feet to a point on the Eastern line of a tract of land recorded as Coeur De Royale Easement Plat, Plat Book 158 Pages 68 and 69 of said records thence along said line, North 00 degrees 19 minutes 49 seconds West 396.18 feet to a point on the Southern right-of-way line of Old Ballas Road (variable width) as widened by Document recorded in Book 6974 Page 156 of the St. Louis County Records; thence along said right-of-way line South 88 degrees 51 minutes 49 seconds East 111.11 feet to the point of beginning.

Section 2: The Conditional Use Permit granted shall be subject to all applicable statutes, ordinances, rules and regulations, and the following conditions:

1. The Conditional Use Permit shall be for the operation of psychic and medium readings, intuitive guidance advising services in a 120 sq. ft. office space within the Centerco Office Suites, located at 11628 Old Ballas Road.
2. No exterior signage is allowed.
3. Hours of operation shall be 10:00 a.m. to 8:00 p.m., Monday through Friday. Additional business hours may be permitted with the Zoning Administrator's approval.
4. 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.
5. 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.
6. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.
7. 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 3: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 2 of this

BILL NO. 5565

ORDINANCE NO. _____

ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

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

ADOPTED THIS ____ DAY OF _____, 2015.

DAVID KREUTER
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2015.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



city of CREVE COEUR

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

**APPLICATION TO PLANNING AND ZONING COMMISSION
 #15-025 FOR A CONDITIONAL USE PERMIT FOR
 PSYCHIC SERVICES OFFICE AT 11628 OLD BALLAS ROAD WITHIN
 THE CENTERCO OFFICE SUITES BUILDING**

FOR THE MEETING OF: October 5, 2015

LOCATION: Centerco Office Suites, 11628 Old Ballas Road.

REQUEST: Nancy Fleming, of Readings by Nancy, has submitted an application for a conditional use permit for psychic and medium readings, and intuitive guidance advising services within the Centerco Office Suites, located at 11628 Old Ballas Road, Suite 207. The Applicant will be renting a 120 sq. ft. office space within the building to offer one-on-one new age services of reiki, meditation, intuitive guidance and advising for the entertainment value of one's mind, body and soul.

ADDITIONAL INFORMATION: The subject property is zoned CB (Core Business) District. Psychic Services are categorized as NAICS 812990 All Other Personal Services and are permitted as a conditional use with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission in all commercial districts. The Applicant is not pursuing any changes to the exterior of the building or site. Centerco Office Suites operates as a business enterprise center consisting only of individual, full wall enclosed, lockable, small offices with an average square footage of no more than 150 square feet per office suite, for start-up or part-time, small businesses, satellite offices, or virtual offices and related shared or common resources.

Key Issues:

- Does the request integrate with the existing surrounding uses?
- Does the request further or implement the goals of the Comprehensive Plan?
- Is the request consistent with the required findings for a conditional use permit?

Comp. Plan References

- NA

Zoning Code References

- Section 405.120 Definition of Terms
- Section 405.210: Regulation of Uses
- Section 405.370: "CB" Core Business District
- Section 405.470 Conditional Uses
- Section 405.820 Required Off-Street Parking Spaces

APPLICANT: Nancy Fleming
 Readings by Nancy
 48 Appaloosa Way
 Wright City, MO 63390

**PROPERTY
 OWNER:**

Centerco Office Suites
 11628 Old Ballas Road
 Creve Coeur, MO 63141



Google Image

REPORT PREPARED BY: Whitney Kelly, AICP, City Planner
DATE: 09/30/2015
ATTACHMENTS: Applicant's Materials received August 19, 2015
 Draft Ordinance

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Vacant Lot; Old Ballas Village Condominium	CB Core Business	Old Ballas Road
South	Villas At Golfview Condominium	CB Core Business	N/A
East	Village Park Condominium	CB Core Business	N/A
West	Coeur De Royale Condominium	CB Core Business	Coeur De Royal Dr.

COMPREHENSIVE PLAN REVIEW

The subject property is located within the Central Business District that encourages a mix of uses, including retail, residential, offices, government, and park uses. The proposed use is integrated into the existing, multi-tenant facility that office building. So to that extent, it appears that the request meets with the applicable Goals and Objectives of the Comprehensive Plan, in as much as this use can provide.

ZONING REVIEW AND HISTORY

The property was originally developed in 1975. In 2010, the property owners proposed to remodel the existing building to include 53 office suites, a reception area, a work station area, a coffee area, a conference room and workout facilities to operate as a business enterprise center, where those leasing the space would be on a part-time, or limited basis. The 19,700 square foot building has 49 parking spaces available on site. Classification of the use as professional offices, the parking requirement on site would be 66 parking spaces. The concept of the Centerco Office Suites received approval for a text amendment in 2010 to include the operation of a business enterprise center in the definition of terms, and included a new parking requirement for the use. Below is the definition of the Business Enterprise Center:

Section 405.120 Definition of Terms

BUSINESS ENTERPRISE CENTER: A business office center consisting only of individual, full wall enclosed, lockable, small offices with an average square footage of no more than one hundred fifty (150) square feet per office suite, for start-up or part-time, small businesses, satellite offices, or virtual offices and related shared or common resources and services, including, but not limited to, receptionist, answering service, conference room, teleconferencing, office equipment, administrative facilities, copy services, shipping and receiving, corporate record storage space, and building management, where no single tenant occupies more than fifteen percent (15%) of the total office center. Any resource or service which is made available to the public, rather than just occupants of the office center, shall be regulated under this Zoning Code as a separate use.

Psychic Services are categorized as NAICS 812990 All Other Personal Services and are permitted as a conditional use in all commercial districts in the City, and the Applicant is leasing an existing 120 square foot office space on a part-time basis (two-to-three times a week) for one-on-one readings. Thus, the use is consistent with the purpose of the business enterprise center, and fully incorporated within the building.

Parking:

As stated above, due to the unique part-time nature of an enterprise center requiring less parking than for general office a revised parking ratio was also included at a parking rate standard of 0.85

parking spaces per office suite for the business enterprise center. Thus, Centerco Office Suites requires a total of 46 parking spaces (53 office suites x 0.85= 45.05). A total of 49 parking spaces are available on site. Therefore, Staff does not foresee a parking issue with this tenant.

RECOMMENDATION

Based on the above analysis, the request for a conditional use permit meets all of the requirements of the Comprehensive Plan and Zoning Ordinance. Staff recommends approval subject to the conditions below which are included in the draft ordinance:

1. The Conditional Use Permit shall be for the operation of psychic and medium readings, intuitive guidance advising services in a 120 sq. ft. office space within the Centerco Office Suites, located at 11628 Old Ballas Road, Suite 207.
2. No exterior signage is allowed.

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:

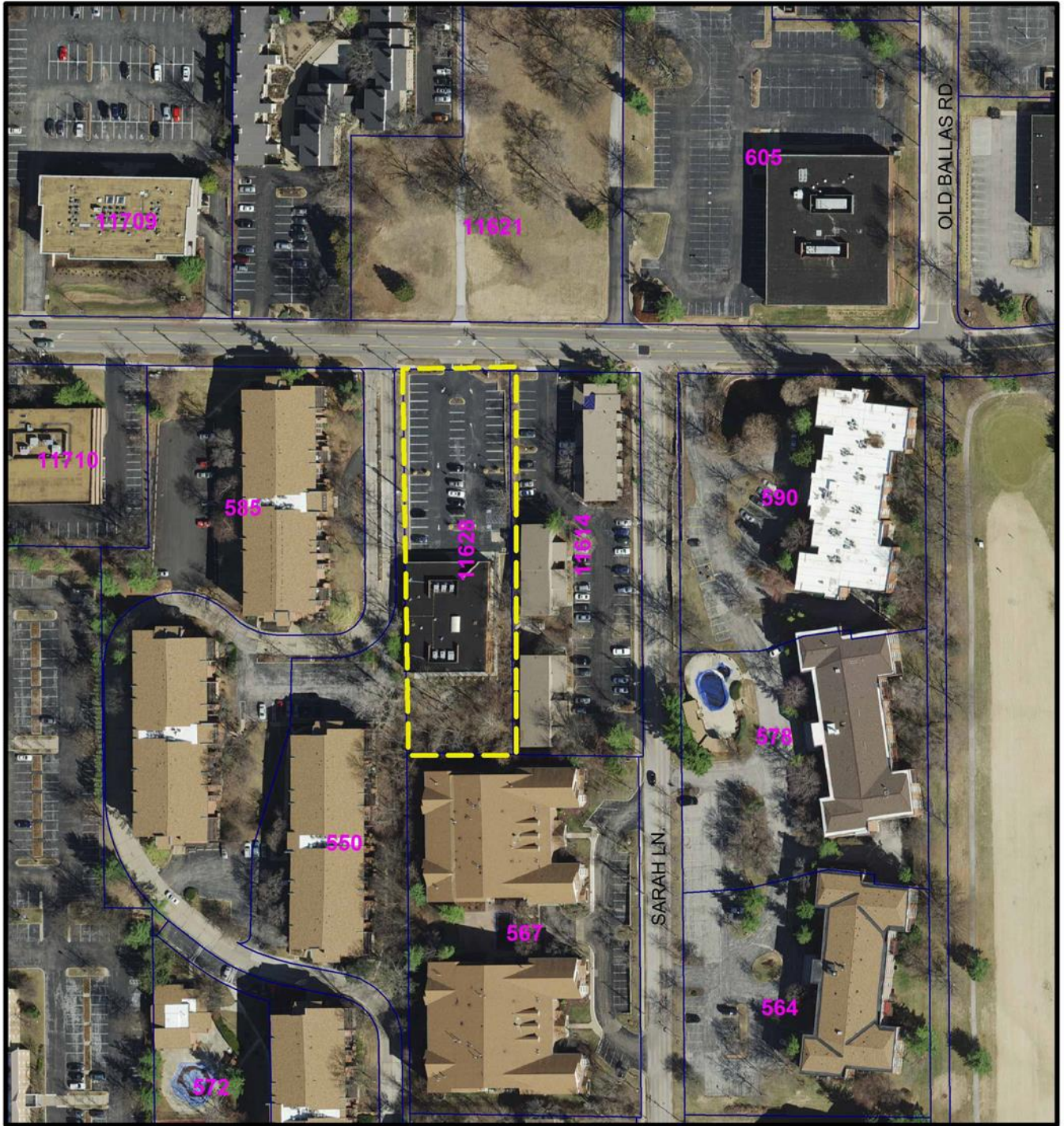
“I move to recommend approval of Application #15-025 for a Conditional Use Permit for Readings by Nancy, psychic and meditative services, 120 square foot office, within the Centerco Office Suites Building at 11628 Old Ballas Road, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of October 5, 2015” (conditions may be added, eliminated, or modified by preceding motion).

APPENDIX 1: COMPREHENSIVE PLAN, INCLUDING DESIGN GUIDELINES

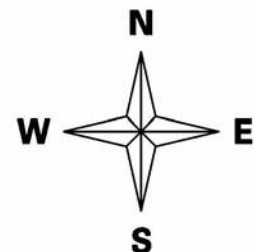
Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

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



 11628 Old Ballas Road
 Property Lines



APPENDIX 4: SITE PHOTOGRAPHS

Photo Date: 9/30/2015



Description: View of the building looking southeast from the west property line.



Description: View of the building looking southwest from the parking lot.



city of CREVE COEUR

PLANNING DIVISION

300 North New Ballas Road Creve Coeur, Missouri 63141

Tel. (314) 872-2501 • Fax (314) 872-2505

PLANNING AND ZONING COMMISSION AGENDA APPLICATION CONDITIONAL USE PERMIT

PLEASE COMPLETE FRONT AND BACK PAGES

Applicant:	Applicant's Representative (if applicable):
Name <u>Nancy Fleming</u>	Name <u>N/A</u>
Company (If Applicable) <u>Readings by Nancy</u>	Company (If Applicable) _____
Address <u>48 Appaloosa Way</u>	Address _____
Address <u>Wright City, MO 63390</u>	Address _____
Telephone # <u>636-459-5468</u>	Telephone # _____
Fax # _____	Fax # _____
Email: <u>nancythepsychic@gmail.com</u>	Email: _____
<u>Nancy Fleming</u> Applicant's Signature	_____ Applicant's Representative's Signature

Property Information:	Owner's Acknowledgement (if different from applicant):
Address <u>11628 Old Ballas Road</u>	Name <u>Debi Blanchard, President Centerco</u>
Address <u>St. Louis, MO 63141</u>	Company (If Applicable) <u>Properties, L.L.C. agent company for</u>
Development Name (if any) _____	Company (If Applicable) <u>Guild Building, L.L.C.</u>
Current Zoning <u>Business Enterprise Center</u>	Address <u>11628 Old Ballas</u>
Prior CUP Approvals (if known) _____	Address <u>Suite 200</u>
_____	Telephone # <u>314-579-9955</u>
_____	Fax # <u>314-395-9210</u>
_____	Email: <u>dblanchard@centercoprop.com</u>
_____	<u>Debi Blanchard,</u> Owner's Signature

Description of Requested Use (attach additional sheets as needed)

General Description of Business: To offer one on one new
age services of Reiki, Meditation, Intuitive Guidance
& advising for the entertainment value of ones
mind, body & spirit.

Gross Floor Area – Existing and Proposed: 120 Sq. Foot area

Number of Seats (for restaurant only): _____

Number of Employees at the busiest shift: 1

Hours of Operation: Part Time basis on Mon-Fri 10AM-8pm (2 days)

Current or Most Recent Use of the Property: _____

Will the applicant apply for a liquor license: Yes _____ No X

Rationale

Please describe in detail, on an attached sheet, the reasons why you believe the request for a conditional use permit should be approved and what steps are being taken to lessen any impacts on surrounding residences and businesses. An explanation of the building and landscape designs (if changes are proposed) should also be included.

Submittal Checklist

☒ Rationale	☐ Building elevations for new construction
☐ Site plan <u>& Legal Description</u>	☐ Photographs of existing structures
☐ Access and parking plan; (may be shown on site plan)	☐ Materials samples
☐ Landscape plan	☒ Fees: \$250 (non-refundable)
☐ Floor plan	\$2000 (refundable deposit)
☐ Electronic copies of all materials	☐ Other items as requested by staff

Preferred Public Hearing Date: Monday, _____, 20____.

****See attached schedule and confirm available meeting dates with Planning Division staff****

Office Use Only

_____ All Sections Complete	Received By: _____
_____ All Documents, incl. e-Copies	_____
_____ Fees Paid	Date: _____

Paul Langdon, AICP, Planning Director
Whitney Kelly, AICP, City Planner
Julie Lowery, Administrative Assistant (872-2501)

Revised: 11/11

Rationale
August 20, 2015

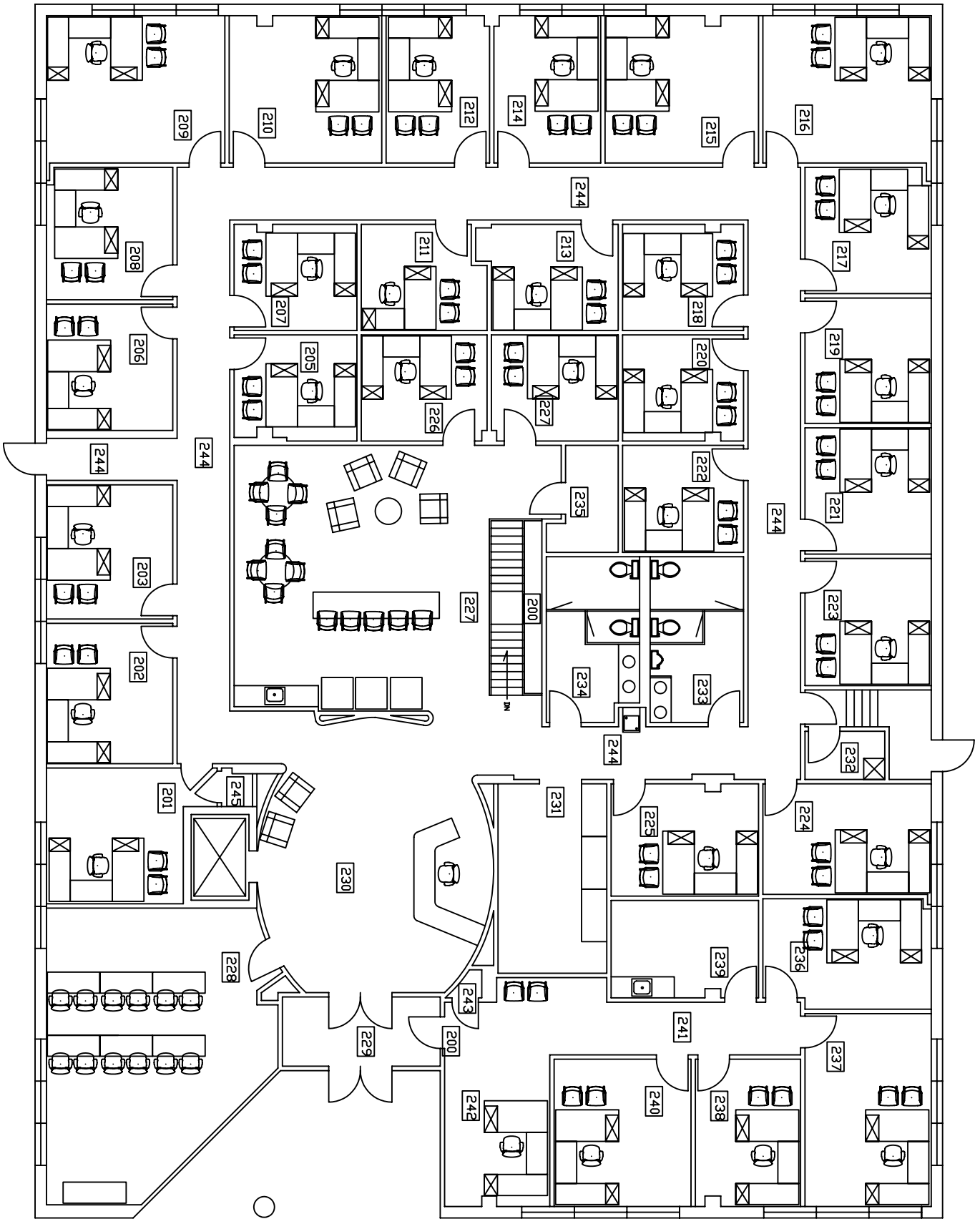
I believe the Conditional Use Permit should and can be approved to allow old and new clients a warm and inviting office in a good neighborhood. My clientele doesn't want a store front shop with neon lights and palm reading signs. You see the average client ranges in age 30-60, affluent men and women with successful careers, family and respectable reputations.

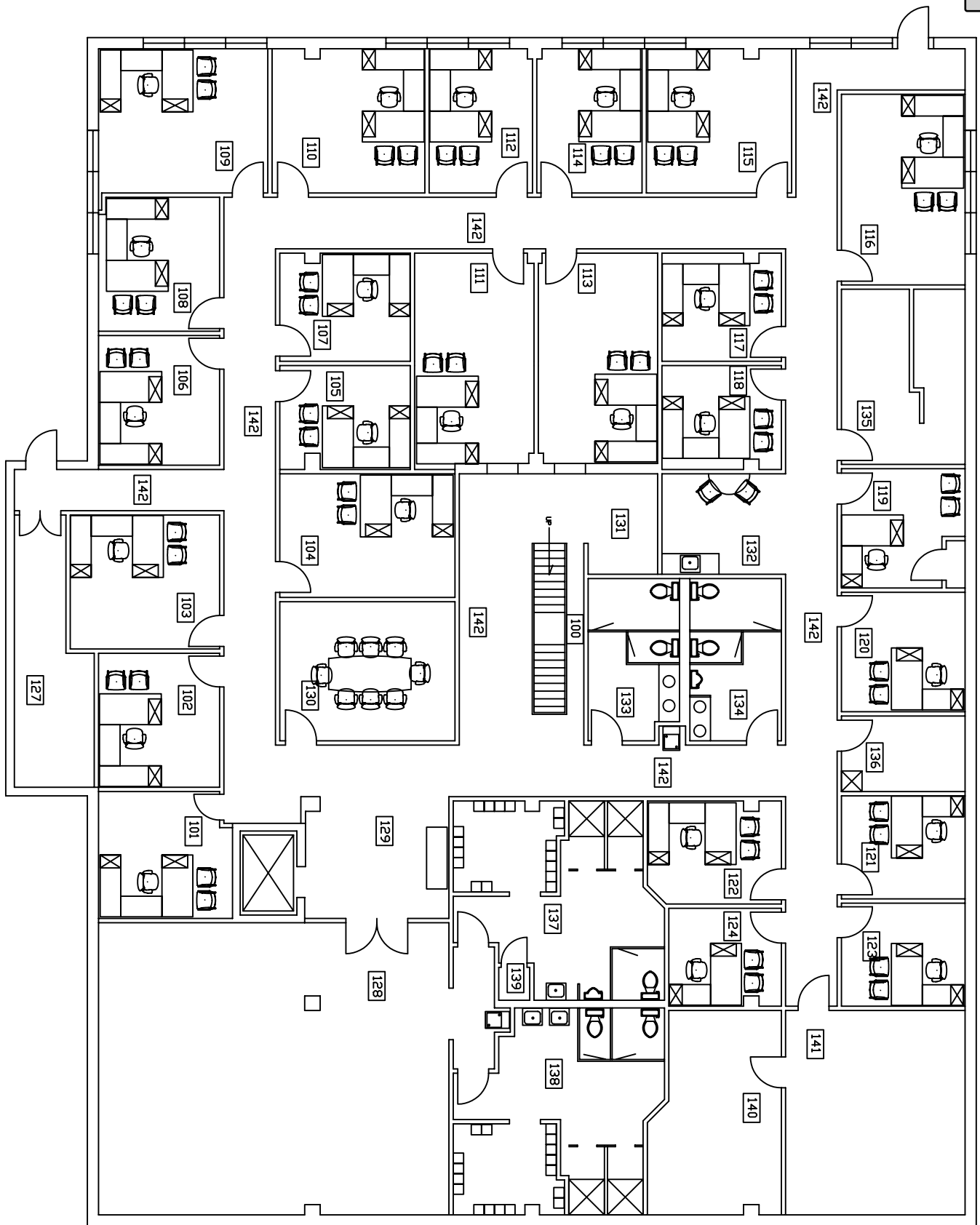
Clients will enjoy the energy work of reiki and meditation. Spiritual guidance, education and entertainment. I know they will appreciate a safe, comfortable and legitimate place to entertain connecting with higher self. I will have no signage, nor will parking be an issue as I intend to see clients on a one on one bases and only a couple days a week here.

I'm a legitimate business person with integrity and have earned the respect of others. I have built a successful business and reputation out of my home and traveled to clients homes for 4+ years and realize it's time to offer my services in a broader capacity that is both centrally located and easy access for future clients and growth. I want to be a productive and successful part of your community.

In the new age area we are in an experience with me is fun, uplifting and insightful. I share a different perspective into living a fulfilled life. Allowing my clients to feel good, positive, powerful and at peace with mind, body and soul.

Sincerely,
Nancy Feranec Fleming





Sheet No. of	Date 2/10/12	File Name:	Centerco 1st Floor	revisions:			New Paradigm Interiors, Inc. 1610 Larkin Williams Rd. Fenton, MD 63026 636-717-0045 Fax: 636-717-0151	 N

Kelly, Whitney

From: aquaria <aquaria@att.net>
Sent: Saturday, September 26, 2015 6:58 AM
To: Kelly, Whitney
Subject: Readings by Nancy

Semi legitimate businesses, like massage parlors and psychics, degrade neighborhoods. I do not want "Readings by Nancy" less than a block from my door!!! It is actually shocking to me that this woman wants to rent in Creve Coeur. Please, make it clear that no one wants this "business" in our area. Thank you!

Linda Kottler
550 Coeur de Royale
#205
569 9004

Happy Connecting. Sent from my Sprint Samsung Galaxy S® 5

Kelly, Whitney

From: Stutte, Jessica
Sent: Monday, September 28, 2015 4:32 PM
To: Jaggi, Jason; Kelly, Whitney
Subject: FW: Application #15-025 for a Conditional Use Permit

From: Debby Faust [mailto:faustdeb@yahoo.com]
Sent: Monday, September 28, 2015 4:24 PM
To: Stutte, Jessica
Subject: Application #15-025 for a Conditional Use Permit

I am unable to attend the meeting Oct. 5.

I don't believe Psychic Services 'integrates with the existing surrounding uses', nor do I see that it will 'further...the goals of the Comprehensive Plan'.

Further more, the internet site lists 11628 Old Ballas as the operation's current address. Is it legal to be operating w/o the Conditional Use Permit?

Debby Faust

Kelly, Whitney

From: Chris <CTP855@aol.com>
Sent: Friday, October 02, 2015 6:50 AM
To: Kelly, Whitney
Subject: Business License (Nancy Feranec Fleming)

Mrs Kelly,

My name is Chris Pappas, and I'm sending you this email as a character reference with regard to Nancy Feranec Fleming, who is applying for a business license in Creve Cour.

I'm a recently retired St Louis Police Detective. Since retirement I have worked for the Federal Reserve Bank Law Enforcement Unit, and most recently the St Louis County Sheriff's Department.

I have known Nancy for many years, and she is an upstanding person, of impeccable character! She is a consummate professional in her work, and would be a positive asset to the city of Creve Cour!

I sincerely hope that all consideration be given to Nancy, as she is very passionate about her work, and always conducts herself in a professional manner.

Respectfully and Sincerely,

Chris Pappas
CTP855@aol.com

Sent from my iPhone

Kelly, Whitney

From: Joan Kerker <kerker@centurytel.net>
Sent: Friday, October 02, 2015 10:15 AM
To: Kelly, Whitney
Subject: Nancy Feranec Fleming

Dear Ms. Kelly,

My name is Joan Kerker and I have been a small business owner for the last 30 years. I owned and operated a nail salon in Warrenton, MO for 26 years and I have been a professional longarm quilter for the past 11 years.

I am pleased to write this email as a character reference for Nancy Feranec Fleming, who has applied for a business license in Creve Coeur.

I have known Nancy for many years personally and professionally. She has the highest integrity and is the utmost professional. She is very well known in her field. She has trained from professionals nationally and internationally. She gives back to the community in many ways through her charitable work and her love of helping people.

I am confident that Nancy would be a great asset to your community.

Sincerely,

Joan Kerker
Doxsun Longarm Quilt Studio



Kelly, Whitney

From: Monique Waldman <moniquew@wisperhome.com>
Sent: Friday, October 02, 2015 12:04 PM
To: Kelly, Whitney
Subject: Readings by Nancy

Follow Up Flag: Follow up
Flag Status: Flagged

Counsel Members,

My name is Monique Waldman and I am writing this letter on behalf of Nancy Feranac. I have been a client of Nancy's for more than 2 years. I am a Radio Host for SOUL SCHOOL at KTRS, The Big 550 and a licensed Mental HealthCounselor who works with Parents who are grieving the loss of their children.. This work is difficult because there is No cure for Grief,Parents stay stuck in their grief cycle and cannot get out.. I refer these clients to Nancy because she brings a sense of acceptance and peace to their lives. She is a Professional and is passionate about serving others. Nancy will be a wonderful asset to the growing Creve Coeur Business Community.

Thank you,

Monique Waldman
1-636-775-0944

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Any use, copying, disclosure, distribution, or action taken in reliance on the contents of this email is strictly prohibited. If you have received this email in error, please notify the sender immediately and delete this email and all attachments from your system.

Please be aware that all inbound and outbound email from this email address may be monitored. EC -LLC

Kelly, Whitney

From: Nicole Hall <nicolehall6@gmail.com>
Sent: Friday, October 02, 2015 1:29 PM
To: Kelly, Whitney
Subject: Readings by Nancy

Hi Whitany

My name is Nicole Hall. I am Nancy's personal assistant. I talk with every person before they get an appointment with Nancy. I know from personal experience the type of clients Nancy has. Nurses, doctors, lawyers, police chiefs, teachers, authors, ext. Nancy deals with very high end clients that have nothing but amazing things to say about her and what she does. There isn't a day that I don't get an amazing review from one of them about Nancy. Creve Couer would be lucky to have her. I hope the city honestly considers allowing Nancy to keep her business there.

Thank you
Nicole Hall

Kelly, Whitney

From: Kelly, Whitney
Sent: Monday, October 05, 2015 9:43 AM
To: Kelly, Whitney
Subject: FW: Business License Nancy Feranec

From: "John R. Vlasich" <kalua_healer@yahoo.com>
Date: October 2, 2015 at 8:42:40 AM CDT
To: "wkelly@ci.creve-coeur.mo.us.com" <wkelly@ci.creve-coeur.mo.us.com>
Subject: Business License Nancy Feranec
Reply-To: "John R. Vlasich" <kalua_healer@yahoo.com>

Hi Whitney,

I am a friend and have known Nancy Feranec for several years. I am writing to express my support for her business in Creve Coeur. She is a representative of a new understanding in self empowerment referred to as intuitive life coach...Through her vast knowledge of human traits and motives, she is able to assist and suggest paths that allow the individual to be the best they can be. This in effect is life coaching. There is a need for this approach since many people simply need suggestions to move into their best and highest good.

Today, the growth of life coaching is growing and accepted accross the general public. Intuitive coaching is a new method to reach many who in the past simply could not move forward. Those that ask for advice about life issues, which emcompass all humanity, are growing. The demographics of this intrest group is varied and extensive. We find professionals, blue collar workers, and average people are lead to know more of how they can be intuitively supported. This is where Nancy excells. She has a trust and ability to transcende blockages that keep people stuck and unsupported in changing their life situation.

There are many examples of how her work has helped. In general she listens to the issue and suggests various approaches to empower the person to change the way they approach the issue. This new way of looking at the issue can deveop a winning attitude and the knowledge that they can do it...

Nancy is sincere and honest. Her loving heart is a genuine example of the successful intuitive life coach that she is. I support her in receiving a business license and know she will be an asset to the Creve Couer community. Please feel free to call or write me should you require any further information.

Blessings, John Vlasich, RMT, IARP Advance Health, LLC 107 Roy Lane,
 Wentzville, MO 63385 636-614-6564

Kelly, Whitney

From: Justina M. Sharp <sharpj@andersonhospital.org>
Sent: Monday, October 05, 2015 9:30 AM
To: Kelly, Whitney
Cc: nursejustina@yahoo.com
Subject: Concerning

Hello Mrs. Kelly,

My name is Justina Sharp. I am sending you this email in regards to Nancy Feranec Fleming, who is applying for a business license in Creve Coeur. I have been a Registered Nurse for the last 13years and in the medical field for the last 20years. I hold state licensures in 30 states currently, all active and with no limitations.

I have known Nancy for the last 3years and she is amazing. She has been a true shining light to myself as well as many others. I drive over an hour to see her. I would drive 4hours if I had to be able to receive the positive encouragement she offers me with each encounter. I have referred several individuals that also live in the state of Illinois, as far North as Springfield. They too will drive long distance to meet with her.

I also have nurses and physicians that live in the Creve Coeur area and are incredibly excited to potentially have the opportunity to visit with Nancy very close to their homes and places of employment.

Nancy has a true gift from God that few people have. She is a "light" to so many when they need it most.

I sincerely hope you will give her sincere consideration. You will not be sorry you did. I encourage you as well if you need a friend to listen, a moment of encouragement to meet with Nancy as well.

Thank you

Justina M. Sharp RN

Care Coordination

nursejustina@yahoo.com<mailto:nursejustina@yahoo.com>

sharpj@andersonhospital.org<mailto:sharpj@andersonhospital.org>

**** Smile and Have a Great Day****

Confidentiality Notice:

This email, including any attachments is the property of Anderson Hospital and is intended for the sole use of the intended recipient(s). It may contain information that is privileged and confidential. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please reply to the sender that you have received the message in error, then delete this message.

Kelly, Whitney

From: Allison Vandersand <avandersand97@yahoo.com>
Sent: Sunday, October 04, 2015 11:28 PM
To: Kelly, Whitney
Cc: nancythepsychic@gmail.com
Subject: Readings by Nancy

Hello Ms. Kelly,

It was brought to my attention earlier this weekend that Nancy Ferenac's new business is being disputed at her new location. I am writing to give my testimony about Nancy and her work to you and your colleagues.

Allow me to first introduce myself. My name is Allison Vandersand, RPh. I own my own pharmacy in Illinois and met Nancy a couple of years ago at a spiritual retreat in Missouri.

Nancy and I and some other girls from the retreat instantly hit it off and spent a lot of time together that weekend. She gave me a reading where my grandfather who had passed while I was in high school came through to me. My twin brother I had lost in a car accident and my father I had lost a year prior to brain cancer also came through during this reading by Nancy.

As you can see, I had suffered much loss in my life up to that point, and Nancy was able to give me some peace in my life knowing that my loved ones were very much okay.

I know that Nancy's business is not for everyone. I'm sure there are more skeptics than not about her services, but I can assure you- she is the real deal. She told me things about my loved ones that no one could have known.

Are her intentions good? Without a doubt, she has nothing but the best of intentions to help hurting people heal from loss, or whatever situation they may find themselves in.

Does she have integrity? This is her livelihood- this is how she supports herself and her family. She trusts in The Lord 100% to see her through each day and to guide her from above. Her integrity is what makes her so successful at what she does. If she didn't believe in herself, she would not be doing this work.

About Nancy's reputation- I have never heard a negative word about Nancy from her friends or peers. I never tire of hearing her stories of healing she has brought to so many.

I can see your legitimate concerns for this type of business to take place at this property- and I would be very questioning as well. I commend you for doing your due diligence to keep your community safe and clear of scams and con artists. I would not speak so highly of Nancy if I didn't know her any better. But she is exactly what she says she is, and is probably the most brutally honest person I've ever known. A liar is one thing she is not.

Lastly, I must admit that tarot card readings is something that I personally have never been comfortable with. Nancy is an expert in this area and I think most people who see her desire these services. But for others like myself who just need a healing message from Heaven from a lost loved one I have to say, that Nancy's mediumship abilities are undeniable. She doesn't need those cards to do her job, she functions just fine without them. They are there for those who request them, but absolutely not necessary for her to do her job.

I'm delighted to now be able to call Nancy my friend. She is very loyal, trustworthy, and honest. What you see is what you get.

Sincerely,
Allison Vandersand, RPh

Sent from my iPhone

Kelly, Whitney

From: Amanda Hrabusicky <ahrabusicky999@gmail.com>
Sent: Sunday, October 04, 2015 8:58 PM
To: Kelly, Whitney
Cc: nancythepsychic@gmail.com
Subject: Regarding Nancy Feranec

To whom it may concern,

My name is Amanda Hrabusicky, I live in Belleville Illinois. I am a medical assistant in good standing with my employer and community. I met Nancy earlier this year and have kept in contact with her through the phone and social media. I am writing this e-mail to share my experience and knowledge of Nancy Feranec's Professional services. I have patronized her business twice. Once in person, and once over the phone. On both occasions she was an honest and professional business woman. I was very satisfied with the reading she gave me and thought it was a fair price that she quoted up front before I booked the appointment and before the reading. My experiences with her have been pleasant and honest. I feel she is a person of integrity and would recommend her to anyone I know . Thank you for your time. Feel free to contact me with any questions you may have via e-mail.

Sincerely,

Amanda Hrabusicky

Kelly, Whitney

From: Soehnlín, Monica <Monica.Soehnlín@slps.org>
Sent: Sunday, October 04, 2015 4:32 PM
To: Kelly, Whitney
Cc: Nancythephysic@Gmail.com
Subject: Creve Coeur Business Readings By Nancy

To Whom It May Concern:

My name is Monica Soehnlín and I am a 5th grade teacher at Mason Elementary School in the St. Louis Public School District. On behalf of Nancy Feranec and her business, Readings by Nancy, I would like to share my positive experience. When I asked Nancy to donate a certificate to our silent auction to benefit our elementary school in the St. Louis Public School District she very kindly agreed. Not only did she provide a very generous donation, she encouraged her friends to donate as well. Which they did. It's not always easy to find local businesses who are willing to support their community in such a generous way.

We asked Nancy to donate because she is listed as one of the top 10 physics in St. Louis and has an excellent reputation. She's as real as they come and we are very thankful for her services to her clients and to her community.

Thank you for your time.

Sincerely,
Monica Soehnlín

Kelly, Whitney

From: Tara Leavitt <tara.leavitt77@gmail.com>
Sent: Sunday, October 04, 2015 3:39 PM
To: Kelly, Whitney
Subject: Character reference for Nancy Feranac

Dear Ms. Kelly,

My name is Tara Leavitt and I'm writing today to provide a character reference for Nancy Feranac.

I'm a Technical Applications Scientist at EMD Millipore and I have known Nancy for 3 years. I have had 3 readings with Nancy and each time I have been amazed by her talent and her positive outlook. She is very professional and respectful with all of her clients. Each time I leave a reading with Nancy, my soul feels lighter and refreshed. The messages she gives are always to help me grow and she offers great advice on how to focus on the important areas of my life and live life with passion. She is full of love and support for all of her friends and clients.

I feel that Creve Couer can benefit from Nancy's business. She is a kind, wonderful person and a very responsible business owner.

Sincerely,

Tara Leavitt

Kelly, Whitney

From: Heather Wefel <hwefel@stchlibrary.org>
Sent: Sunday, October 04, 2015 10:47 AM
To: Kelly, Whitney
Cc: Nancy
Subject: Letter in support of Nancy Feranec
Attachments: nancy feranec.docx

Dear Whitney Kelly

I am an Adult Services Librarian at the St. Charles City-County Library in O'Fallon, MO. Part of my job is creating programming for adult patrons. This is how I met Nancy Feranec over six months ago. I believed having a class on learning to read tarot cards might be something that my patrons would enjoy. After doing extensive research and reading online reviews, I contacted Nancy. I was impressed that she graciously agreed to teach a class for free. I have a tiny programming budget that does not allow me to pay for presenters.

The class was a huge hit. We had over 60 people in attendance. Typically, library programs draw between 10-15 people. As with all my programs, I asked attendees to fill out program evaluations after the class. Nancy Feranec received rave reviews. The only complaint patrons had was they wished the class was smaller so they could have more one-on-one time with Nancy. Most of the comments focused on what a great speaker she is. Indeed, I was impressed how comfortable she made the audience. While being completely professional, she was able to get strangers to have real conversations with each other. After having done many adult programs, I can attest this is a very hard thing to do!

Nancy Feranec is the only speaker that I had come to the library that patrons still ask when she is coming back months after the program. Indeed, Nancy and I still have an ongoing professional relationship. She did another program at my library in September and we have another one scheduled for this month. An unusually large number of patrons have signed up for this class as well. Many of the patrons that came to the first program are bringing their friends to successive programs. This would not happen if they felt pressured, mistreated or manipulated by Nancy. I have never seen Nancy be anything less than professional. She is welcome back at my library anytime!

Heather Wefel
 Public Service Librarian
 Middendorf-Kredell Branch
 St. Charles City-County Library District
 2750 Hwy. K
 O'Fallon, MO 63368
 636-978-7997

youranswerplace.org

"The opinions expressed are personal and not those of the St. Charles City-County Library District."
 I am currently reading Sisters in Law: How Sandra Day O'Connor and Ruth Bader Ginsburg Went to the Supreme Court and Changed the World.

Kelly, Whitney

From: Robert Rubin <txrobt@aol.com>
Sent: Monday, October 05, 2015 3:20 PM
To: bglantz@ci.cree-coeur.mo.us; Kelly, Whitney
Subject: Psychic Services

I am unable to be there tonight but want to go on record as opposing the approval of Psychic Services next door to Coeur De Royale Condominiums.

We have a number of small children living here and they wait for the school bus on Old Ballas near Centerco Office Suites. I believe the type of people who pay for such a service as psychic readings are not the element that we need around children or even the older adults which reside in our condominium complex. Please consider this at the meeting this evening.

Thank you

Robert Rubin
Registered voter and
President of Coeur De Royale Condominiums

Kelly, Whitney

From: Nancy <readingsbynancyferanec@gmail.com>
Sent: Monday, October 05, 2015 4:25 PM
To: Kelly, Whitney
Subject: Fwd: Creve Coeur Business Readings By Nancy

A copy of a letter I received.

Nancy

Psychic Medium
 Readings by Nancy
 (636) 459~5468

Begin forwarded message:

From: "Soehnlín, Monica" <Monica.Soehnlín@slps.org>
Date: October 4, 2015 at 4:38:27 PM CDT
To: "<Readingsbynancyferanec@gmail.com>" <Readingsbynancyferanec@gmail.com>
Subject: Creve Coeur Business Readings By Nancy

To Whom It May Concern:

My name is Monica Soehnlín and I am a 5th grade teacher at Mason Elementary School in the St. Louis Public School District. On behalf of Nancy Feranec and her business, Readings by Nancy, I would like to share my positive experience. When I asked Nancy to donate a certificate to our silent auction to benefit our elementary school in the St. Louis Public School District she very kindly agreed. Not only did she provide a very generous donation, she encouraged her friends to donate as well. Which they did. It's not always easy to find local businesses who are willing to support their community in such a generous way.

We asked Nancy to donate because she is listed as one of the top 10 physics in St. Louis and has an excellent reputation. She's as real as they come and we are very thankful for her services to her clients and to her community.

Thank you for your time.

Sincerely,
 Monica Soehnlín

Kelly, Whitney

From: Patrick.McClanahan@mutualofomahabank.com
Sent: Tuesday, October 06, 2015 11:18 AM
To: Kelly, Whitney
Subject: Readings by Nancy

Ms. Kelly,

I work for the Community Association Banking Division of Mutual of Omaha Bank as a Regional Vice President that supports and assists Homeowners Associations (HOA) with their Banking needs and HOA loans for large capital improvements for the Midwest region.

I have hired Nancy Ferance "Readings by Nancy" for 3 of my "Ladies Night Out" events for Association Managers in the HOA industry once in 2013, 2014 and this year. Each event had 80 to 90 women every year. My clients have requested her to return because she is friendly, entertaining and professional. During my verification and research process about Nancy, I learned that Nancy is in the TOP 10 Psychic's in St. Louis, and she has graduated from the Lisa Williams School of Spiritual development. On KMOV they have a list of Top Fortune tellers in St. Louis, <http://stlouis.cbslocal.com/top-lists/top-fortune-tellers-in-st-louis/> I believe she was figured on a Television show as well.

She is a professional and trusting person. I recommend her company to you and others. Please consider this email as an endorsement of Nancy Feranec personally and professionally.

Please feel free to call me with any of your questions.

Patrick McClanahan
 Vice President
 Mutual of Omaha Bank
 Community Association Banking/CondoCerts
 Cell: 636 352 3826 | Fax: 800-296-9803 | Toll Free: 866-800-4656 ext 7575
Patrick.McClanahan@MutualofOmahaBank.com | www.CABanc.com | www.CondoCerts.com

This e-mail and any files transmitted with it are confidential and are solely for the use of the addressee. It may contain material that is legally privileged, proprietary or subject to copyright belonging to the sender and its affiliates, and it may be subject to protection under federal or state law. If you are not the intended recipient, you are notified that any use of this material is strictly prohibited. If you received this transmission in error, please contact the sender immediately by replying to this e-mail and delete the material from your system. The sender may archive e-mails, which may be accessed by authorized persons and may be produced to other parties, including public authorities, in compliance with applicable laws.

PLANNING AND ZONING COMMISSION PUBLIC HEARING

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

MONDAY, OCTOBER 5, 2015

7:00 P.M.

PUBLIC HEARINGS 15-023 & 15-025

THOSE IN ATTENDANCE:

Ms. Beth Kistner, Chair
Mr. Tim Carney
Mr. James Faron
Mr. Ken Howard
Mr. Charles Pullium
Mr. Gene Rovak
Ms. Muriel Hall
Mr. Carl Lumley, City Attorney
Mr. Jason Jaggi, Director of Community Development
Ms. Whitney Kelly, City Planner
Ms. Jessica Stutte, Administrative Assistant

McLaughlin Court Reporting Services, Inc.

Deborah K. McLaughlin, RPR, MO-CCR #314, IL-CSR, KS-CCR
4772 Gatesbury Drive
St. Louis, MO 63128
(314) 487-2259

1 CHAIRMAN KISTNER: Okay. Our second item is
2 also a public hearing.

3 Application No. 15-025: Conditional Use Permit
4 for Readings by Nancy, Psychic Services Office at 11628
5 Old Ballas Road within the Centerco Office Suites
6 Building.

7 So anybody who's going to be speaking to that
8 matter, if you could stand up now to be sworn in,
9 including any other audience members.

10 (The speakers were sworn in by the court
11 reporter.)

12 CHAIRMAN KISTNER: We'll start with you, if you
13 could, state your name and address for the record, please.

14 NANCY FLEMING: My name is Nancy Feranec
15 Fleming. I live at 48 Appaloosa Way, Wright City,
16 Missouri 63390.

17 I'm requesting to open a psychic service. I
18 will tell you this came to me, this was not a plan. It
19 just happened.

20 I am a psychic median. I'm an intuitive guide.
21 I help people. I am not -- my clients are affluent.
22 They're not looking for a neon sign. They're not looking
23 for a metaphysical shop. Looking for a reputable place
24 that they can come to for a good service.

25 I've been doing this for five years. I will

1 tell you, prior to that I was banker for twenty. I'm very
2 professional. I have integrity. The people that come to
3 me, and I've made a list of just since August 1st, when I
4 requested to be placed here, just since August 1st my
5 clients have included an OBGYN, a refinery engineer, a
6 registered nurse, a minister, a police sergeant, a grief
7 counselor, a lawyer, a college professor, a high school
8 teacher, a domestic violence shelter board member, an
9 author and a writer.

10 I've also interviewed all the news anchors for
11 Channel 2, 11, 5 and Quincy, Illinois, a CEO of a big
12 company. I just completed a bucket list request last
13 night, and for a teacher at a library.

14 The organizations that I am a part of and have
15 helped include Stray Rescue of St. Louis, St. Louis Public
16 Schools, Habitat for Humanity, The Turning Point Women's
17 Shelter in Warren County, St. Louis Blues Hockey, Rotary
18 Club of St. Charles, Major Brand Distributor, Boys & Girls
19 Town of Missouri, Peabody Opera House, the Chesterfield
20 Mall, Channel 2, 11 and Quincy, Illinois, Levi's Children
21 Charity, The Clayton Book Club and Project Graduation.

22 I am very charitable. I give back to the
23 community.

24 I understand there could be concern of signage.
25 I do not want any outside signage.

1 Parking is not a problem because I also will
2 do -- I do parties; I do events; I go to peoples' homes.
3 They come to my home. So it will be a part-time basis.

4 As far as what I charge, I don't go out looking
5 for business, they come to me. My -- my price is based
6 upfront. You don't have to worry about the clientele. My
7 fee is \$120 per session.

8 People that can afford me are affluent, and they
9 want to be able to come into a place that's discrete or
10 they can get guidance.

11 I stand tall in what I do. I stand proud of
12 what I do.

13 If you can't approve me, I will go somewhere
14 else because I know what I'm doing, I know it's the right
15 thing.

16 CHAIRMAN KISTNER: Okay. Thank you very much.

17 Are there any questions for Nancy before we move
18 on to our City staff?

19 MR. FARON: You had mentioned part-time, so like
20 two or three days a week I thought I saw on the agenda.

21 NANCY FLEMING: Yes.

22 MR. FARON: Is that expected to --

23 NANCY FLEMING: Yes.

24 MR. FARON: -- possibly grow or --

25 NANCY FLEMING: No, because I do live in Wright

1 City, which is about 45 minutes. I really don't want to
2 do more than two days, three at the most here. And it
3 would be three readings, four at the most, on those days,
4 so you're looking at about eight readings a week.

5 MR. FARON: So do you see people at your
6 residence and farther out? This is kind of like a
7 satellite office or something?

8 NANCY FLEMING: Yes, I -- I am considered one of
9 St. Louis' top ten physics and one of Chicago's, so my
10 business goes into Illinois and St. Louis area, so this is
11 kind of a mid point for the clients that don't want to
12 travel all the way to Wright City.

13 MR. FARON: I saw a floor plan in there. I
14 guess you're just located in the middle of the building in
15 there? That seemed like there's a lot of different
16 offices. You're just in there with the --

17 NANCY FLEMING: There is --

18 MR. FARON: -- mix of everybody else,
19 professional services.

20 NANCY FLEMING: There's quite a variety.
21 There's doctors in there, there are therapists, there are
22 dieticians. The office is full and from -- I'm very
23 welcomed. I fit in.

24 MR. FARON: Thank you, ma'am.

25 CHAIRMAN KISTNER: Anybody else?

1 The City -- Whitney, do you want to add
2 anything?

3 MS. KELLY: Yes.

4 Whitney Kelly, City Planner, on behalf of the
5 City of Creve Coeur.

6 Psychic services are categorized as all other
7 personal services by the North American Industrial
8 Classification System, and therefore requires a
9 conditional use.

10 The applicant is leasing 120 square feet within
11 the Centerco Office Suites that was set up to be for
12 part-time and start-up businesses. And her practice seems
13 to fit in with that. She is requesting no changes to the
14 building or the site and no outdoor signage.

15 And, therefore, we recommend approval.

16 We have received several public comments since
17 those in the packet that are on your dais.

18 There's a total, including those in the packet
19 and on the dais, there's a total of fifteen; three against
20 and twelve for.

21 CHAIRMAN KISTNER: Okay.

22 Were there any members of the audience that
23 wanted to address this matter?

24 You have -- you need to be sworn in though,
25 Mr. Klearman.

1 MEL KLEARMAN: Mel Klearman --

2 CHAIRMAN KISTNER: You need to be --

3 MEL KLEARMAN: -- 739 Bergerac Drive.

4 CHAIRMAN KISTNER: You need to be sworn --

5 excuse me. Excuse me. You need to be sworn in --

6 MEL KLEARMAN: Oh.

7 CHAIRMAN KISTNER: -- since this is a public
8 hearing.

9 (Mr. Klearman was sworn in by the court
10 reporter.)

11 MEL KLEARMAN: I have a question.

12 CHAIRMAN KISTNER: And now -- now your name and
13 address.

14 MEL KLEARMAN: Now, okay, thank you. I
15 appreciate it.

16 How many questions can you ask the applicant and
17 what range of question can you ask the applicant?

18 And I hope the applicant will forgive me for --
19 I don't want to cast any aspersions on you. But,
20 background. Where did you come from? How many businesses
21 have you had? How many locations have you had? Have you
22 had any problems?

23 Creve Coeur is an older city. What
24 responsibility do you have in that vein to find out, I
25 guess we call it character, in this kind of business?

1 We've heard so many stories about her.

2 And, again, I apologize to the applicant. But
3 what do you -- what can you know before you vote on --
4 what must you know, and you have an attorney sitting right
5 next to you, and I actually addressing this to the
6 attorney on that. What is your duty?

7 That's all -- that's all I'm asking.

8 CHAIRMAN KISTNER: Mr. Klearman, our duty is
9 to --

10 MEL KLEARMAN: I can't hear you very well. I
11 apologize.

12 CHAIRMAN KISTNER: Our duty is to treat this
13 applicant like all other applicants. To take all the
14 pertinent information and to review the -- the proposed
15 use of the site, and that's -- that's what we'll do.

16 Thank you.

17 MEL KLEARMAN: I know you're restricted by law.
18 I know that. Where do we go -- who and where do we go to
19 get additional information?

20 That's all I'm asking. If you welcome it, in my
21 mind, you welcome it -- I better just watch what I say. I
22 don't mean to.

23 THE COURT: Thank you for your comments.

24 MEL KLEARMAN: Thank you.

25 CHAIRMAN KISTNER: Okay.

1 Do we have any other members of the audience who
2 want to address this application?

3 This is a public hearing, so you'll need to be
4 sworn in.

5 (Margaret Schicker was sworn in by the court
6 reporter.)

7 MARGARET SCHICKER: My name is Margaret
8 Schicker, and I live at 539 Coeur De Royale, Creve Coeur.

9 CHAIRMAN KISTNER: And your comments?

10 A I just wanted to say that I'm open to this. I
11 know that a lot of my neighbors are worried because there
12 is some bias and stereotypes that go along with this kind
13 of business.

14 I'm personally -- I'm a clinical therapist, and
15 I know that the services that can be offered are helpful.
16 I know a lot of people who take advantage of those
17 services so.

18 I was wishing more of my neighbors would have
19 been here to hear her background and who her clients are,
20 cause I think that's what the concern is, is who are the
21 clients going to be, and, you know, what kind of element
22 is this going to bring into our area. And I just want to
23 say, you know, I think it brings another service that's
24 very helpful to a lot of people.

25 CHAIRMAN KISTNER: Thank you.

1 MARGARET SCHICKER: Yes.

2 MR. FARON: Brief comment.

3 Just to address that briefly, I think our
4 meeting is, you know, you can access it on our website, so
5 you can hear the audio. So there is options for people
6 who have other concerns to go and listen to her
7 presentation at a later date to settle some, you know,
8 concerns or issues or other further questions about the
9 applicant.

10 So just a point of reference.

11 MARGARET SCHICKER: That's on the government
12 website?

13 MR. FARON: It is accessible on our website to
14 hear audio of our meetings so.

15 CHAIRMAN KISTNER: Do we have any other
16 discussion before we close the hearing?

17 Okay.

18 Mr. Lumley.

19 MR. LUMLEY: Offer the following exhibits into
20 the record of this public hearing: Documentation in
21 possession of the City Clerk reflecting the public notice,
22 the staff's report, City's Code of Ordinances and Charter,
23 the City's Comprehensive Plan and the public file
24 regarding the application.

25 CHAIRMAN KISTNER: All right.

Hearing is closed.

(This ends the public hearing.)

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

I, Deborah K. McLaughlin, Registered Professional
Reporter, Missouri Certified Court Reporter, Illinois
Certified Shorthand Reporter and Kansas Certified Court
Reporter, do hereby certify that I reported the Planning
and Zoning public hearings stenographically and later
reduced to typewriting; and that this is a true and
accurate transcript of the public hearings.

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



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/26/15 07:00 PM
Department: Legislative /City Clerk
Category: Litigation
Prepared By: Debbie Ryan
Department Head: Debbie Ryan

SCHEDULED

ORDINANCE

Bill No. 5567 - an Ordinance for the Holding of a General Election in the City of Creve Coeur, Missouri, on the 5Th Day of April, 2016, for the Election of One Council Member from the First Ward for a Full Two-Year Term, One Council Member from the Second Ward for a Full Two-Year Term, One Council Member from the Third Ward for a Full Two-Year Term, and One Council Member from the Fourth Ward for a Full Two-Year Term, for the Conduct of Said Election by the Board of Election Commissioners of St. Louis County, Missouri, and for Other Matters Relating and Pertaining to Such Election.
Final Reading and Passage

Annual ordinance to allow the City to hold an election in April.

Ordinance

Meeting of October 26, 2015

BILL NO. 5567

ORDINANCE NO. _____

AN ORDINANCE FOR THE HOLDING OF A GENERAL ELECTION IN THE CITY OF CREVE COEUR, MISSOURI, ON THE 5TH DAY OF APRIL, 2016, FOR THE ELECTION OF ONE COUNCIL MEMBER FROM THE FIRST WARD FOR A FULL TWO-YEAR TERM, ONE COUNCIL MEMBER FROM THE SECOND WARD FOR A FULL TWO-YEAR TERM, ONE COUNCIL MEMBER FROM THE THIRD WARD FOR A FULL TWO-YEAR TERM, AND ONE COUNCIL MEMBER FROM THE FOURTH WARD FOR A FULL TWO-YEAR TERM, FOR THE CONDUCT OF SAID ELECTION BY THE BOARD OF ELECTION COMMISSIONERS OF ST. LOUIS COUNTY, MISSOURI, AND FOR OTHER MATTERS RELATING AND PERTAINING TO SUCH ELECTION.

WHEREAS, pursuant to the City Charter an election must be held in April 2016 to elect one council member for each of the four wards of the City, each to serve a full two-year term; and

WHEREAS, application procedures regarding such election need to be established;

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

SECTION 1: Pursuant to applicable law, a general municipal election shall be held in the City of Creve Coeur, Missouri on the 5th day of April, 2016, for the election of one council member from the first ward for a full two-year term, one council member from the second ward for a full two-year term, one council member from the third ward for a full two-year term, and one council member from the fourth ward for a full two-year term.

SECTION 2: The general municipal election shall be conducted by the Board of Election Commissioners of St. Louis County, Missouri pursuant to the applicable statutes of Missouri and the regulations of said Board of Election Commissioners for the conduct of municipal elections.

SECTION 3: Nominating petitions and acceptances of nomination shall be filed with the City Clerk of the City of Creve Coeur after the passage and approval of this ordinance beginning at 8:00 a.m. on December 15, 2015 through January 19, 2016, at 5:00 p.m. The City Clerk shall record the date and time of each filing. Names shall be placed on the ballot and election notice in order of filing for respective offices as provided in section 10.3 of the city charter. Filings shall be accepted on a first-come, first-served, walk-in basis when the City Clerk is available at the reception desk in the main lobby, upper level of the Creve Coeur Government Center, 300 North New Ballas Road. All candidates must provide proof of identity to the City Clerk.

SECTION 4: Notwithstanding the foregoing, in the case of candidates who deliver their nominating petitions and acceptances of nomination to the City Clerk prior to 5:00 p.m. on the first day for filing, the City Clerk shall determine by random drawing the order in which such declarations shall be deemed to have been filed. Any such drawing shall be conducted so that each candidate may draw a number at random at the time of delivery of the petition and acceptance. The City Clerk shall record the number drawn with the candidate's petition and acceptance. If such drawing is conducted, the names of the candidates filing on the first day of filing for each office on each ballot shall be listed in ascending order of the numbers so drawn.

BILL NO. 5567

ORDINANCE NO. _____

SECTION 5: Candidates filing for office shall present themselves at the reception desk in the main lobby, upper level of the Creve Coeur Government Center, 300 North New Ballas Road to sign a sworn acceptance of nomination before the City Clerk. A filing shall not be accepted without such sworn acceptance.

SECTION 6: The City Clerk shall determine the sufficiency of each submittal as provided in Section 10.2(c) of the City Charter but shall not investigate the qualifications of any candidate.

SECTION 7: Notice of said general municipal election shall be published according to law in a newspaper of general circulation published in the County of St. Louis, Missouri.

SECTION 8: All candidates shall be nominated by petition and acceptance thereof as provided for in Section 10.2 of the City Charter. Nominating petitions and acceptances of nomination shall be substantially in the same form as the "nominating petition" and "acceptance of nomination" forms attached hereto as specimens of designated appropriate forms as required by Section 10.2 (a) of the City Charter.

SECTION 9: Upon the passage and approval of this ordinance, a certified copy thereof shall be promptly transmitted to the Board of Election Commissioners by the City Clerk.

SECTION 10: This ordinance shall become effective pursuant to section 3.11(g) of the City Charter.

ADOPTED BY THE CITY COUNCIL THIS ____ DAY OF _____, 2015.

DAVID KREUTER
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2015.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



CANDIDATE FILING CHECKLIST

Name _____

Date _____

- _____ 1.) Completed Nominating Petition with at least 50 signatures (for Council candidate) of registered voters.
- _____ 2.) Acceptance of Nomination
- _____ 3.) DOR 5120

NOTE: CANDIDATES ARE NOW REQUIRED TO SUBMIT AN AFFIDAVIT REGARDING PAYMENT OF TAXES TO THE MISSOURI DEPARTMENT OF REVENUE UNDER SECTION 115.306 RSMO. WHILE THE LAW IS UNCLEAR, OUT OF AN ABUNDANCE OF CAUTION CANDIDATES MAY WANT TO FILE A COPY OF THAT AFFIDAVIT WITH THEIR ACCEPTANCE OF NOMINATION.

- _____ 4.) MEC Notice to Candidates: Personal Financial Disclosure (aka Financial Interest Statement)
- _____ 5.) Plain English Summary of **Missouri Ethics Laws for Candidates for Election to Office in Missouri** pamphlet – see also City Ordinances 130.050 et seq.
- _____ 6.) Financial Disclosure Statement
- _____ 7.) MEC pamphlet: When to Form & Register a Committee
- _____ 8.) MEC flyer: Register for Candidate Training
- _____ 9.) Creve Coeur Election Sign Regulations (please make copies of regulations to give to anyone placing signs)
- _____ 10.) MoDOT flyer: Keep Unauthorized signs off roadsides
- _____ 11.) Candidate Biography sheet
- _____ 12.) St. Louis County Board of Elections Important dates for the April 5, 2016 election

_____ 13.) City Ordinance No. _____ regarding candidate filing
procedures

I have received all of the above information for the April 5, 2016 General Election.

Signed

Witness



CITY OF CREVE COEUR
ACCEPTANCE OF NOMINATION

NO. _____ Date/Time Received _____

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

I, _____ BEING DULY SWORN, STATE UPON MY OATH
ON THE _____ DATE SET FORTH BELOW THAT I RESIDE AT
_____, CITY OF CREVE COEUR, COUNTY OF ST. LOUIS,
STATE OF MISSOURI, THAT I AM A QUALIFIED VOTER THEREIN, THAT I ACCEPT
NOMINATION AND AM A CANDIDATE FOR THE ELECTION OF COUNCIL MEMBER, WARD
_____ FOR FULL TWO-YEAR TERM, TO BE VOTED UPON AT THE GENERAL ELECTION
TO BE HELD ON TUESDAY, APRIL 5, 2016, THAT I SHALL HAVE RESIDED IN THE CITY OF
CREVE COEUR FOR AT LEAST ONE YEAR AS OF THE DATE OF THE ELECTION AND WILL
BE A RESIDENT OF THE AFORESAID CITY AND WARD AT THAT TIME, THAT I HAVE FILED
ALL REQUIRED CAMPAIGN DISCLOSURE REPORTS FOR ALL PRIOR ELECTIONS AND
PAID ALL FEES ASSESSED BY THE MISSOURI ETHICS COMMISSION, AND THAT I AM
OTHERWISE ELIGIBLE FOR SAID OFFICE AND WILL REMAIN SO THROUGH THE
ELECTION DATE (OR WILL DISCLOSE OTHERWISE).

I HEREBY REQUEST THAT MY NAME AS FOLLOWS _____
BE PRINTED UPON THE OFFICIAL BALLOT FOR ELECTION BY GENERAL ELECTION AS A
CANDIDATE FOR THE OFFICE OF COUNCIL MEMBER. WARD _____ FOR THE TERM
INDICATED ABOVE AND STATE THAT I WILL SERVE AS SUCH OFFICER, IF ELECTED.

IN FILING FOR PUBLIC OFFICE, I SWEAR AND AFFIRM THAT I WILL UPHOLD AND
DEFEND THE CONSTITUTION AND LAWS OF THE UNITED STATES, THE CONSTITUTION
AND LAWS OF THE STATE OF MISSOURI AND THE CHARTER AND ORDINANCES OF THE
CITY OF CREVE COEUR, MISSOURI.

DATE: _____

TIME: _____

SIGNATURE OF CANDIDATE

Address: _____

Email: _____

Telephone: _____

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

**NOTE: CANDIDATES ARE NOW REQUIRED TO SUBMIT AN AFFIDAVIT REGARDING
PAYMENT OF TAXES TO THE MISSOURI DEPARTMENT OF REVENUE UNDER SECTION
115.306 RSMO. WHILE THE LAW IS UNCLEAR, OUT OF AN ABUNDANCE OF CAUTION
CANDIDATES MAY WANT TO FILE A COPY OF THAT AFFIDAVIT WITH THEIR
ACCEPTANCE OF NOMINATION.**

**NOMINATING PETITION**

PURSUANT TO SECTION 10.2 OF THE CHARTER OF THE CITY OF CREVE COEUR, WE, THE UNDERSIGNED PETITIONERS, BEING REGISTERED AND QUALIFIED VOTERS OF WARD _____, AND ENTITLED TO VOTE FOR CANDIDATES FOR COUNCIL MEMBER OF SAID WARD, DO HEREBY NOMINATE _____ FOR THE OFFICE OF COUNCIL MEMBER OF WARD _____, FOR A TERM OF TWO YEARS AND RESPECTFULLY REQUEST THAT SUCH PERSON'S NAME BE INCLUDED ON THE BALLOT FOR SAID OFFICE FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 5, 2016.

NOTICE TO SIGNERS: Please sign in ink or indelible pencil.

<u>NAME (SIGNATURE)</u>	<u>NAME PRINTED</u>	<u>REGISTERED VOTING ADDRESS</u>	<u>DATE SIGNED</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
13. _____	_____	_____	_____
14. _____	_____	_____	_____
15. _____	_____	_____	_____
16. _____	_____	_____	_____
17. _____	_____	_____	_____
18. _____	_____	_____	_____
19. _____	_____	_____	_____
20. _____	_____	_____	_____

**NOMINATING PETITION**

PURSUANT TO SECTION 10.2 OF THE CHARTER OF THE CITY OF CREVE COEUR, WE, THE UNDERSIGNED PETITIONERS, BEING REGISTERED AND QUALIFIED VOTERS OF WARD _____, AND ENTITLED TO VOTE FOR CANDIDATES FOR COUNCIL MEMBER OF SAID WARD, DO HEREBY NOMINATE _____ FOR THE OFFICE OF COUNCIL MEMBER OF WARD _____, FOR A TERM OF TWO YEARS AND RESPECTFULLY REQUEST THAT SUCH PERSON'S NAME BE INCLUDED ON THE BALLOT FOR SAID OFFICE FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 5, 2016.

NOTICE TO SIGNERS: Please sign in ink or indelible pencil.

<u>NAME (SIGNATURE)</u>	<u>NAME PRINTED</u>	<u>REGISTERED VOTING ADDRESS</u>	<u>DATE SIGNED</u>
21. _____	_____	_____	_____
22. _____	_____	_____	_____
23. _____	_____	_____	_____
24. _____	_____	_____	_____
25. _____	_____	_____	_____
26. _____	_____	_____	_____
27. _____	_____	_____	_____
28. _____	_____	_____	_____
29. _____	_____	_____	_____
30. _____	_____	_____	_____
31. _____	_____	_____	_____
32. _____	_____	_____	_____
33. _____	_____	_____	_____
34. _____	_____	_____	_____
35. _____	_____	_____	_____
36. _____	_____	_____	_____
37. _____	_____	_____	_____
38. _____	_____	_____	_____
39. _____	_____	_____	_____

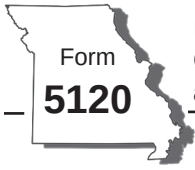
**NOMINATING PETITION**

PURSUANT TO SECTION 10.2 OF THE CHARTER OF THE CITY OF CREVE COEUR, WE, THE UNDERSIGNED PETITIONERS, BEING REGISTERED AND QUALIFIED VOTERS OF WARD _____, AND ENTITLED TO VOTE FOR CANDIDATES FOR COUNCIL MEMBER OF SAID WARD, DO HEREBY NOMINATE _____ FOR THE OFFICE OF COUNCIL MEMBER OF WARD _____, FOR A TERM OF TWO YEARS AND RESPECTFULLY REQUEST THAT SUCH PERSON'S NAME BE INCLUDED ON THE BALLOT FOR SAID OFFICE FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 5, 2016.

NOTICE TO SIGNERS: Please sign in ink or indelible pencil.

40.	_____	_____	_____	_____
41.	_____	_____	_____	_____
42.	_____	_____	_____	_____
43.	_____	_____	_____	_____
44.	_____	_____	_____	_____
45.	_____	_____	_____	_____
46.	_____	_____	_____	_____
47.	_____	_____	_____	_____
48.	_____	_____	_____	_____
49.	_____	_____	_____	_____
50.	_____	_____	_____	_____
51.	_____	_____	_____	_____
52.	_____	_____	_____	_____
53.	_____	_____	_____	_____
54.	_____	_____	_____	_____
55.	_____	_____	_____	_____

Note: City Charter requires the signature of not less than 50 registered qualified voters of the ward. Additional signature spaces are provided as a convenience. Candidates must determine for themselves how many signatures to obtain to avoid missing the required minimum due to potential for unqualified signatures.



Missouri Department of Revenue
**Candidate's Affidavit of Tax Payments
 and Bonding Requirements**

[Reset Form](#)
[Print Form](#)
Candidate Information

First Name		Middle Name		Last Name	
Social Security Number		County of Residence		Telephone Number*	
Street Address*		City		State	Zip Code
Elected Office Candidate is Seeking		E-mail Address			

* Please update the Department should any information change

Signature

Declaration under [115.306, RSMo](#): 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, municipal taxes, real property taxes on the place of residence, as stated on my declaration of candidacy, or that I am not 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. I declare under penalties of perjury that I am not aware of any information that would prohibit me from fulfilling any bonding requirements for the office for which I am filing.

Signature	Date (MM/DD/YYYY)

Notary Information

Embossed or black ink rubber stamp seal	Subscribed and sworn before me, this		
	day of year		
	State	County (or City of St. Louis)	My Commission Expires (MM/DD/YYYY)
Notary Public Signature			
Notary Public Name (Typed or Printed)			

Please review 115.306, RSMo. A failure to comply may disqualify you from the ballot. Upon request by the Department of Revenue, the candidate shall provide a copy of tax receipts for the candidate's personal property, municipal, and real property taxes, and any other information necessary to demonstrate compliance with 115.306, RSMo.

Form 5120 (Revised 08-2015)

Mail to: Missouri Department of Revenue
 General Counsel's Office
 P.O. Box 475
 Jefferson City, MO 65105

Phone: (573) 751-4450
TTY: (800) 735-2966
Fax: (573) 751-7151

Visit <http://dor.mo.gov/personal/candidates/>
 for additional information.





City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/26/15 07:00 PM
Department: Police Department
Category: Agreement
Prepared By: Pam Manning
Department Head: Glenn Eidman

SCHEDULED

ORDINANCE

**Bill No. 5569 - an Ordinance Authorizing the City of Creve
Coeur to Enter into a Contract with St. Louis County to
Continue to Provide a Police Officer to the St. Louis County
Bureau of Drug Enforcement. First Reading**

A multi-jurisdictional task force is an efficient and effective way to investigate drug crimes that occur within Creve Coeur and neighboring cities. In support of this effort, a Creve Coeur Police Detective was assigned to the St. Louis County Multi-Jurisdictional Drug Task Force in February of 2014. The contract needs to be renewed.

Ordinance

Meeting of October 26, 2015

BILL NO. 5569

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE CITY OF CREVE COEUR TO ENTER INTO A
CONTRACT WITH ST. LOUIS COUNTY TO CONTINUE TO PROVIDE A POLICE
OFFICER TO THE ST. LOUIS COUNTY BUREAU OF DRUG ENFORCEMENT**

WHEREAS, it has been determined by the City of Creve Coeur that detaching a detective to the St. Louis County Multijurisdictional Drug Task Force Group is in the best interest of the City of Creve Coeur and the St. Louis County Police Department and is both an efficient and cost effective way to manage said drug investigations; and

WHEREAS, St. Louis County is willing to enter into this agreement and the City of Creve Coeur, upon such consideration, has determined that it wishes to participate in said drug task force.

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

Section 1. The City Administrator of the City of Creve Coeur is hereby authorized to enter into a contract with the St. Louis County to continue to provide one (1) police officer to the St. Louis County Bureau of Drug Enforcement for undercover drug operations in accordance with the contract which is attached as Exhibit "1" and made apart hereof as if fully set out herein. The Agreement as executed shall be consistent with the provisions and intent of this Ordinance with such changes as may be necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Ordinance, the matters herein authorized, and the rights and duties of the City under the Agreement.

Section 2. Decisions regarding continuation or termination of said contract as provided in paragraph 6 of Exhibit "1" shall be made by the City Administrator.

Section 3. This Ordinance shall become effective pursuant to the provisions of Section 3.11(g) of the Charter.

ADOPTED THIS ____ DAY OF _____, 2015.

DAVID KREUTER
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2015.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN
CITY CLERK



CREVE COEUR POLICE DEPARTMENT INTEROFFICE MEMO

DATE: 9/23/2015
 TO: Chief Eidman
 FROM: Lt. Romas DSN 516
 SUBJECT: Multi-jurisdictional Drug Enforcement Task Force Participation

Chief,

It is common knowledge that drug crimes are transient, not limited to any one jurisdictional border. Drug use is directly related to other crimes, such as thefts, assaults and property damage. These crimes impact Creve Coeur as well as the surrounding area.

A multi-jurisdictional task force is an efficient and effective way to investigate drug crimes that occur within Creve Coeur and neighboring cities. In support of this effort, a Creve Coeur Police Detective was assigned to the St. Louis County Multi-Jurisdictional Drug Task Force in February of 2014.

There are several advantages in having a detective serve on the task force:

Training: The detective has received extensive training in drug detection, drug investigations and case building. In turn, he has provided in-service training to CCPD officers, relaying intelligence and information that would have otherwise not been available.

CCPD officers have put this training to good use, routinely making arrests and efficiently handling calls from concerned citizens in regards to drug related concerns. Arrest statistics bear this out:

Year	Drug Related Arrests
2013	65
2014	82
2015*	100+

* projected

Information: The task force specializes in developing information through street level sources. This not only includes information on the current drug trends, but also on crime trends and effective ways to combat drug related crimes.

Resource Availability: A task force member is available at all times, day and night, to interview drug suspects and assist in drug investigations. Additionally, the entire task force is available to support the Police Department in special operations, such as civil demonstrations.

Partnerships: Participation in this multi-jurisdictional enforcement effort serves as a positive example of the City's commitment to the fight against drugs, keeping our community safe, and the partnership with other municipalities toward the improvement of the St. Louis County area as a whole.

The St. Louis County Police Department has proposed to continue this relationship through January 2017 and has provided a new contract to this effect. The contract must be returned to St. Louis County no later than November 13, 2015.

It is my recommendation that we continue to participate in this multi-jurisdictional task force and renew the contract.

Please let me know if you have any questions.

Respectfully submitted,

Lt. J. Romas DSN 516

Lt. J. Romas DSN 516
Commander
Criminal Investigations Division



**ST. LOUIS COUNTY
MULTI-JURISDICTIONAL
DRUG TASK FORCE**



CONTRACT

THIS AGREEMENT is entered into as of the ____ day of November, 2015, by and between ST. LOUIS COUNTY, MISSOURI on behalf of the St. Louis County Department of Police (herein after "County"), and the CITY OF CREVE COEUR, MISSOURI (herein after "CITY").

WHEREAS, County's Police Department maintains a Multijurisdictional Drug Task Force which, among other things, engages in undercover activities; and

WHEREAS, City wishes to continue to assign one of its detectives to County's Multijurisdictional Drug Task Force upon the terms stated herein; and

WHEREAS, County is authorized to enter into this agreement pursuant to County's Ordinance Number 15,025, 1990; and

WHEREAS, City is authorized to enter into this agreement pursuant to City's Ordinance Number ____.

NOW THEREFORE, in consideration of the premises and promises contained herein, the parties agree as follows:

1. The City agrees to continue to provide County with the services of one (1) detective, mutually agreeable to both parties (hereinafter "Detective"), through January 14, 2016 and for a period of one (1) year thereafter, beginning January 15, 2016 and ending on January 15, 2017, subject to the provisions of paragraph 6 below.
2. The Detective will be under the direct supervision and control of the St. Louis County Police Department.
3. The Detective will be subject to the St. Louis County Police Department's rules and regulations, including, but not limited to, random drug testing.
4. The Detective will be deputized under the St. Louis County Police Deputation Manual.
5. City remains responsible for Detective's salary, benefits, overtime accrued, and worker's compensation benefits.
6. This Agreement will automatically renew on a year-to-year basis until cancelled. Either party to this agreement may cancel this agreement with thirty (30) days' written notice. Notice to County shall be deemed delivered if deposited postage prepaid, addressed to the Chief of Police, St. Louis County Police Department, 7900 Forsyth Boulevard, Clayton, Missouri 63105. Notice to City shall be deemed delivered if deposited postage prepaid, addressed to the City's Chief of Police, Creve Coeur Police Department, 300 N. New Ballas Rd, Creve Coeur, Missouri 63141.
7. City shall be entitled to a portion of assets forfeited federally as a result of the Multijurisdictional Drug Task Force operations conducted during the period Detective is assigned to the County's Multijurisdictional Drug Task Force, regardless of location where such assets were seized. The portion shall be computed as of the time of seizure and not the time of distribution. The portion shall be determined by multiplying the value of assets forfeited by the following ratio:

(number of detectives assigned to County's Multijurisdictional Drug Task Force by City, that is, 1)

(Total number of detectives assigned to County's Multijurisdictional Drug Task Force from all sources.)

The County may increase or decrease the number of detectives assigned to the Multijurisdictional Drug Task Force without approval of City. The County may also enter into similar agreements with other municipalities which will affect the number of undercover officers assigned to the Multijurisdictional Drug Task Force from all sources and thereby affect the portion of the forfeited assets to which City will be entitled.

8. City will cooperate with County in preparing the proper documentation for the courts, prosecutors and other law enforcement agencies so that the monies payable for forfeited assets owed to the City are not deposited in a general revenue account of County, but are paid directly to the City instead.
9. St. Louis County will provide the necessary specialized equipment for undercover activities, including radio equipment, and other specialized surveillance equipment.
10. All necessary evidentiary and expense funds will be provided by St. Louis County.
11. The Commander of the County's Multijurisdictional Drug Task Force will submit a performance evaluation to the City regarding the performance of the participating City detective once every twelve (12) months.
12. The City shall provide proof of Commercial General Liability Insurance in compliance with the sovereign immunity limits for Missouri public entities, which are calculated by the Missouri Department of Insurance and published annually in the Missouri register within three days of request by St. Louis County. This coverage shall also be applied to Civil Rights Claims that may arise. St. Louis County shall remain self-insured regarding claims. The City shall maintain during duration of this agreement Worker' Compensation Insurance. If the City should become self-insured prior to the termination of this Agreement, the City shall provide the County a letter of self-insurance with the unencumbered balances that meets the statutory cap on a per occurrence basis in lieu of a Certificate Letter of Self-Insurance.

IN WITNESS WHEREOF, officials of the parties have affixed their signatures and official seals below.

ST. LOUIS COUNTY, MISSOURI

By _____
County Executive

Attest:

Administrative Director

ST. LOUIS COUNTY BOARD OF POLICE COMMISSIONERS

By _____
Chairman

Approved:

Chief of Police

Approved as Legal Form:

County Counselor

Approved:

Accounting Officer

Formatted: Font: Bold

THE CITY OF CREVE COEUR, MISSOURI

By _____
Chief Administrative Officer

By _____
Director of Finance Department

Attest:

City Clerk

Approved:

Chief of Police



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/26/15 07:00 PM
Department: Planning and Zoning Commission
Category: New Business
Prepared By: Whitney Kelly
Department Head: Jason Jaggi

SCHEDULED

ORDINANCE

Bill No. 5570 - an Ordinance Amending Ordinance No. 5376 to Remove the Condition Three of Section Three Regarding the Orientation of the Home on Lot 4 of the Creekside at Mason Subdivision on North Mason Road. First Reading

Ordinance No. 5376, enacted on June 23, 2014, approved the Creekside at Mason Subdivision zoned B-RDD, Residential Designed Development. A condition of the approval included that the Lot 4 setback was reduced to 15 feet with the home being parallel to the street. Larry Butts and Matthew Segal, of Pulte Homes of St. Louis, have requested that this condition on Lot 4 be revised so that the home may be built at an angle to the road.

Ordinance

Meeting of October 26, 2015

BILL NO. 5570

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 5376 TO REMOVE THE
CONDITION THREE OF SECTION THREE REGARDING THE ORIENTATION
OF THE HOME ON LOT 4 AND REVISING SECTION TWO FOR THE
CREEKSIDE AT MASON SUBDIVISION ON NORTH MASON ROAD**

WHEREAS, Ordinance No. 5376, approved on June 23, 2014 authorized the Creekside at Mason Subdivision zoned B-RDD, Residential Designed Development that included a condition that Lot 4 setback was reduced to 15 feet with the home being parallel to the street:

WHEREAS, Larry Butts and Matthew Segal, of Pulte Homes of St. Louis, have submitted and application requesting that this condition on Lot 4 be revised to allow for the home to be built at an angle to the road; and

WHEREAS, On October 19, 2015, the Planning and Zoning Commission conducted a public hearing on the amendment request regarding Lot 4; and

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

WHEREAS, the Planning and Zoning Commission reviewed and, by a 6-0 vote, recommended approval for the revision of the condition on Lot 4.

WHEREAS, all persons who presented themselves and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance was made available for public inspection prior to its further consideration by the City Council; and this Bill having been read by title in open meeting one time by the City Council; and

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

SECTION 1: The provisions of Section 3 of Ordinance 5376 shall be amended as follows:

1. House exterior shall be of brick and/or stone along with high quality forms of siding, such as fiber-cement ("Hardi-board"), or natural wood siding from a renewable source. The Zoning Administrator shall verify conformance of all exterior materials with this condition prior to the issuance a building permit for any residence.
2. Any house side walls abutting a street shall be finished entirely with the same materials, and with the same design and aesthetic continuity, as the front façade, including the home on Lot 4, subject to Zoning Administrator approval.
3. The front yard setback on Lot 4 is reduced to 15 feet ~~and the structure shall be parallel to the street.~~
4. The subdivision improvement plan shall include a minimum five-foot detached sidewalk along both sides of the proposed street.
5. All street lighting shall meet with 405.680; Lighting, of the Zoning Ordinance.
6. The Landscape Plan shall be in substantial conformance with the Landscape plan revised June 9, 2014 subject to the requirements of Sections 410.300 and 410.320 of the Subdivision and Land Development Standards.
7. The development of the trail shall be built to the recommended guidelines of the Americans with Disabilities Act and remain open to the public. A public access

BILL NO. 5570

ORDINANCE NO. _____

easement over the entire west portion of the common ground shall be provided. The type of construction and design of the trail shall be completed prior to the final plat approval.

8. Prior to issuance of any building permits, the applicant shall prepare and record the final subdivision plat as approved by the City Council and the indentures requiring public access for the trail and related maintenance, insurance, funding, maintenance of the stormwater basin, and common ground area and landscaped easement areas, as approved by the City Attorney.

SECTION 2: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS _____ DAY OF _____, 2015

DAVID KREUTER
PRESIDENT OF CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 2015

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



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

**APPLICATION TO PLANNING AND ZONING COMMISSION
#15-029 FOR AN AMENDMENT TO THE ORDINANCE FOR THE
CREEKSIDE AT MASON SUBDIVISION REGARDING LOT 4**

FOR THE MEETING OF: October 19, 2015

LOCATION: 853 N. Mason Road

REQUEST: Ordinance No. 5376, approved on June 23, 2014 approved the Creekside at Mason Subdivision zoned B-RDD, Residential Designed Development. A condition of the approval included that Lot 4 setback was reduced to 15 feet and the home shall be parallel to the street. Larry Butts and Matthew Segal, of Pulte Homes of St. Louis, have requested that the provision on Lot 4 be eliminated from the ordinance. So that the home may be built at an angle to the road.

ADDITIONAL INFORMATION: Review of all RDD designations includes review against the City's Design Guidelines and Comprehensive Plan regarding compatibility with the surrounding neighborhood with regarding to lot frontage, building setback and orientation, and to prevent residential streets from being dominated by garage doors. The subdivision is currently under construction.

Key Issues:

- Does the request integrate with the existing surrounding uses?
- Does the request further or implement the goals of the Comprehensive Plan?

Comprehensive Plan References

- Residential Preservation and Economic Development
- Design Guidelines

Zoning Code References

- Zoning Code References
- Section 405.260: B Single Family Residential
- Section 405.450.C: Residential Designed Development Procedure

**APPLICANT/
PROPERTY OWNER:** Pulte Homes of St. Louis
c/o Larry Butts and Matthew Segal
17107 Chesterfield Airport Road,
Suite 120
Chesterfield, MO 63005

**APPLICANT'S
REPRESENTATIVE:** George M. Stock, P.E.,
Stock & Associates Consulting
Engineers, Inc.
257 Chesterfield Business
Parkway
Chesterfield, MO 63005



REPORT PREPARED BY: Whitney Kelly, AICP, City Planner
DATE: October 16, 2015
ATTACHMENTS: Applicant's materials submitted on September 18, 2015
Draft Ordinance
Ordinance No. 5376
Public Comment

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Nursery/Single-family detached residence	D Single-Family Residential	N/A
South	Single-family detached residences	A Single-Family Residential	N/A
East	Hope Montessori School	C Single-Family Residential	Mason Road
West	Single-family detached residences	D Single-Family Residential	NA

COMPREHENSIVE PLAN ANALYSIS

Goals and Strategies

Under the overall Goals and Strategies of the Comprehensive Plan, the section titled “Community Image and Identity” states:

4. *Maintain the City’s strong low-density residential image and character (p. 23).*

The lot clustering allowed within an RDD overlay offers smaller lots in exchange for preserving these areas. As such, this proposal may represent a transitional land use that may not be the same as what is around it, but is an asset to those developments by maintaining a significant amount of greenspace and limiting the overall density to one that is significantly under the D Single Family District standard already in place to the north, but greater than the A Single Family District standard of the properties to the south.

Residential Neighborhoods

The section titled “Residential Preservation and Economic Development,” within the chapter on Residential Neighborhoods, contains the following goal, specific for residential development and was part of the approval for the rezoning and residential design development designation:

3. *When lots are consolidated and re-subdivided for residential uses, the gross density permitted by existing zoning should not be exceeded. However, smaller individual lots could be considered, provided that they are no smaller than 75% of the area required under zoning. The remaining land should be preserved as open space, either as a buffer to surrounding areas or as part of a greenway system or stream corridor that connects to adjacent greenways or pedestrian facilities (p.44).*
6. *Require that new development or redevelopment be compatible with the character of the surrounding neighborhood with regard to lot frontage, building setbacks, building lines, building scale, and lot coverage (p.45).*
7. *Consider the creation of residential design standards for new construction. These standards could include provisions for building design, building placement on lots, tree preservation, land disturbances and other issues associated with residential quality (p. 45).*

During the review for the rezoning of the property with the orientation of this lot was discussed. As with other subdivision that receive RDD designation, the Planning and Zoning Commission and Council raised several concerns regarding the architectural quality of the houses, including the visual impact of the garages and the appearance of the houses from the road, and the Council provided specific criteria for the front entry garages and other features that are seen mostly in high value residences with high level of curb appeal. The proposed development for Creekside provides for side entry garages. However, the proposed orientation of Lot 4, the garages would be most visible from the road right-of-way, and the entire orientation of the house will be visibly irregular when traveling along the new subdivision road. In order to create a more uniform subdivision the front setback was adjusted to allow for a consistent orientation.

As the rendering indicates the side of the home and the garages will be the predominate view from the road.



In addition to the requirement of Lot 4, condition number 3, of Section 3 of Ordinance 5376 states that any house with side walls abutting a street shall be finished entirely with the same materials and with the same design and aesthetic continuity, as the front façade, subject to the Zoning Administrator approval. These were intended for the two homes that would be along Mason Road. If the Commission wishes to allow for the proposed orientation of the building, then Staff recommends that the house would need to meet. However, the Applicant could meet with the existing condition, by simply adjusting the floor plan would allow for the rear yard that the new homeowners are seeking, while also be in keeping with the Comprehensive Plan, and Design Guidelines, and the conditions of the original ordinance.

MOTION

If the Commission wishes to approve to allow for the orientation of the home as proposed, the following is an example for this action:

“I move to recommend approval of the amendment to Ordinance 5376 eliminating the condition on Lot 4 that it shall be parallel to the street, as submitted with Application #15-029 and presented to the Planning and Zoning Commission on October 19, 2015, provided it meets with the condition two that the side wall shall be finished entirely with the same materials and with the same design and aesthetic continuity as the front façade”

If the Commission wishes to adhere to the existing condition required last year, the Commission need only vote against the motion and the existing approval will remain in effect.

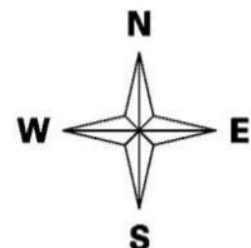
APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE (CHAPTER 405 OF THE CREVE COEUR MUNICIPAL CODE)

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

APPENDIX 5: AERIAL MAP





CHANGE OF ZONING APPLICATION

This application should be prepared and submitted in consultation with Planning Division staff. Rezoning applicants must appear before the Planning and Zoning Commission and the City Council at a regular meeting.

Return To: The Department of Community Development
Government Center
300 N. New Ballas Road
Creve Coeur, Missouri, 63141

APPLICANT INFORMATION

Applicant Name: Pulte Homes of St. Louis, c/o Mr. Larry Butts/Mr. Matthew Segal

Applicant Address: 17107 Chesterfield Airport Road, Suite 120
Chesterfield, Missouri 63005

Phone Number: (636) 537-7128

Fax Number: (636) 537-9952

Email: (Larry.Butts@pultegroup.com) (Matthew.Segal@PulteGroup.com)

RELATIONSHIP OF THE APPLICANT TO THE PROPERTY

Owner: ☒ _____ Tenant: _____

BUILDING/SITE OWNER INFORMATION

Owner Name: Pulte Homes of St. Louis, LLC

Owner Address: 17107 Chesterfield Airport Road, Suite 120

Phone Number: (636) 537-7128

Fax Number: (636) 537-9952

PROPERTY INFORMATION

Property Address: 853 N. Mason Road

Existing Use: Developed Infrastructure

Zoning District: Residential Designed Development (RDD) - Ordinance #5376

AREA DATA

Zoning of Area Properties

North: Single Family Residential East: Single Family Residential
South: Single Family Residential West: Single Family Residential

Land Use of Area Properties

North: Residential East: Residential
South: Residential West: Residential

REQUEST

an Amendment to Ordinance #5376

The applicant hereby requests _____ for the above described property from RDD zoning district to RDD zoning district.

If the applicant proposes an entirely new zoning district be incorporated into the Zoning Code, please describe in detail, on an attached sheet, the nature and regulations of the proposed new zoning district.

The proposed use(s) underlying the request for a change of zoning district are (on attached sheet if necessary):

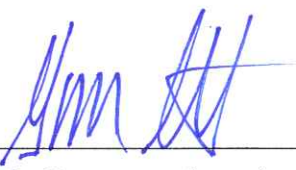
12 Single Family Residential Homes. Our request is to delete the wording "Structure shall be parallel
to the street" in Section 3, #3.

RATIONALE

Please describe in detail, on an attached sheet, the reasons why the applicant believes the request for rezoning should be approved by the Planning Commission and City Council. Document the statement with all of the necessary supporting evidence.

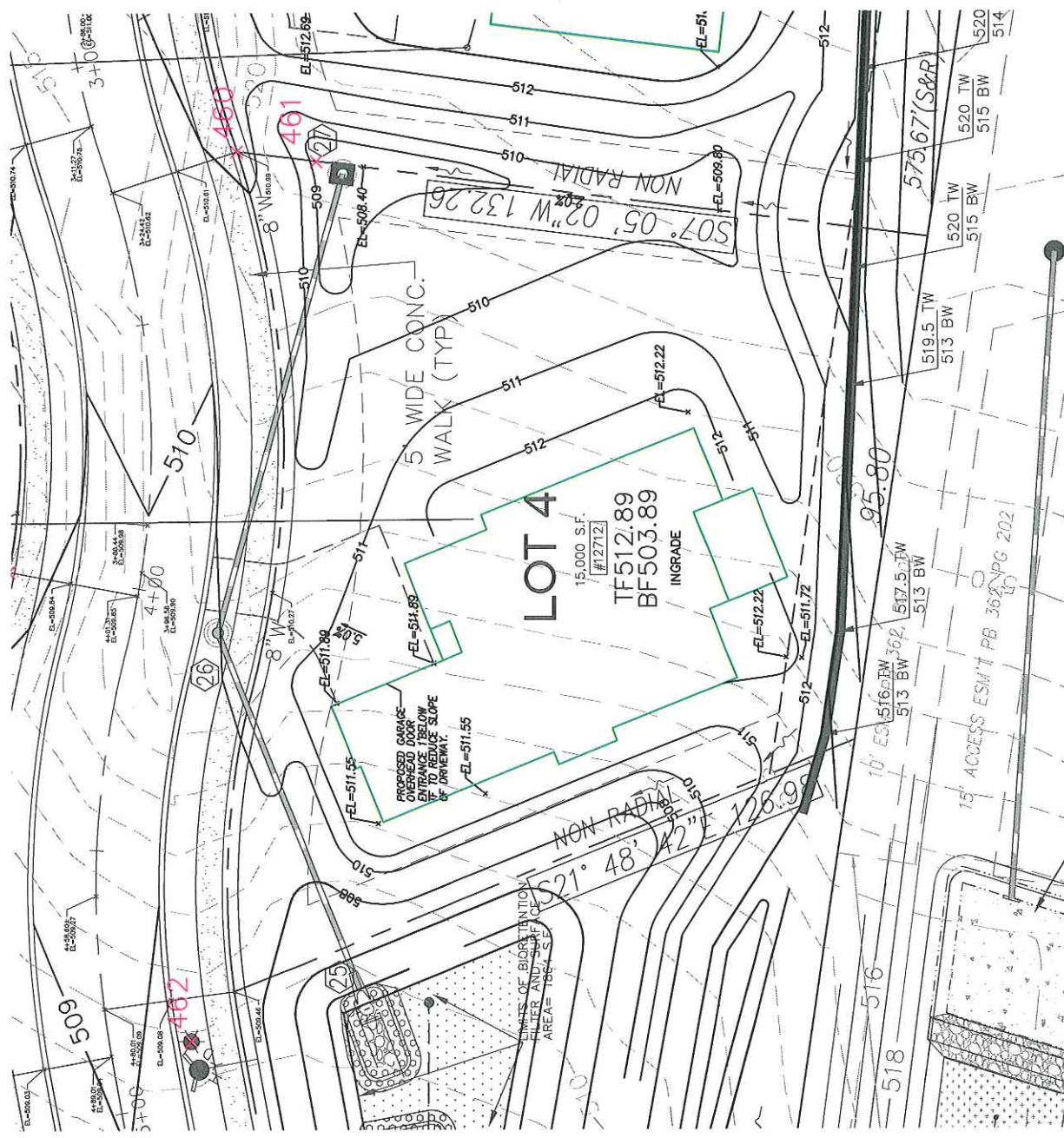
SIGNATURES


 Applicant MAHHEW SEGAL Date 9-16-15

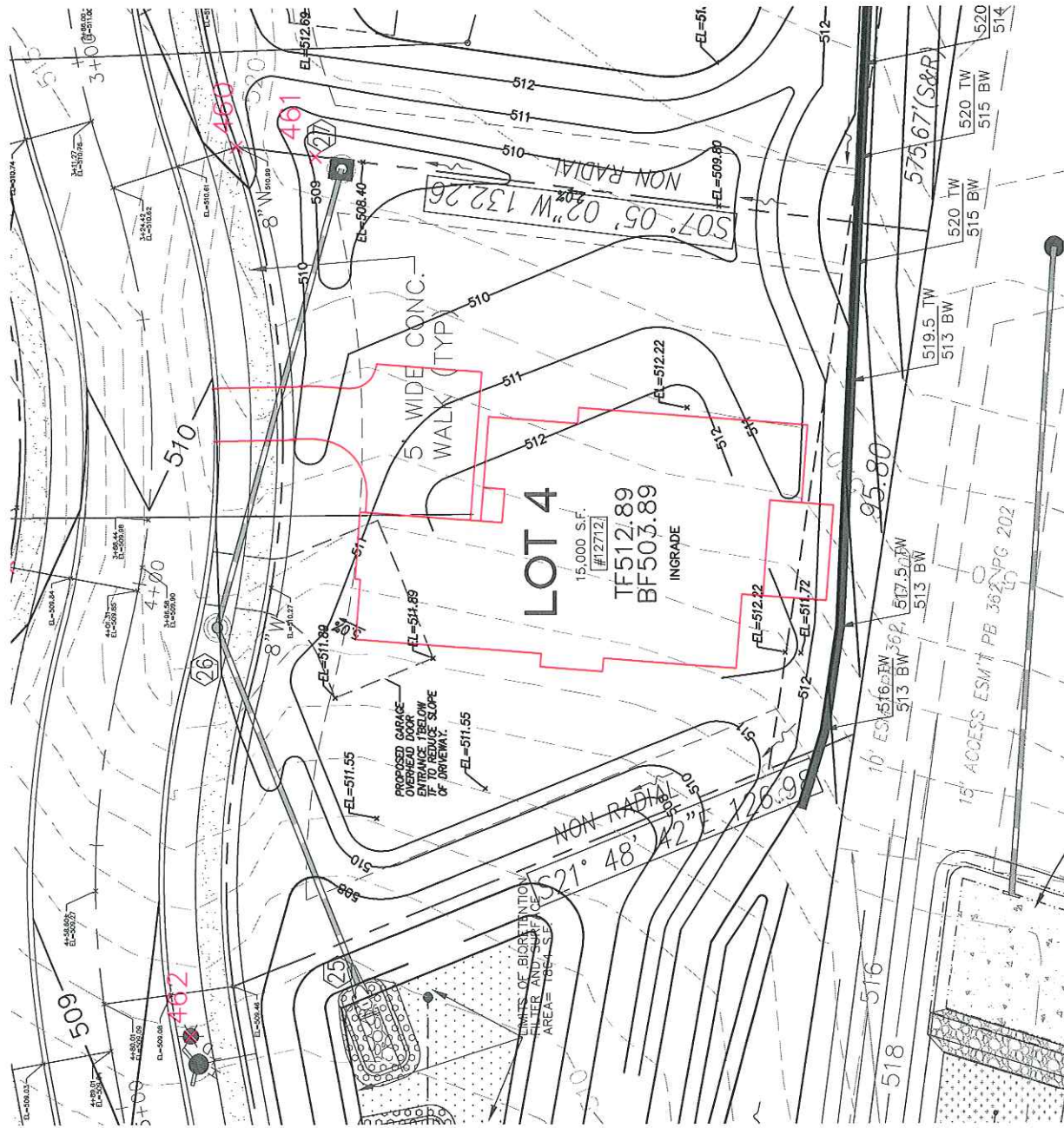

 Property Owner or Agent George M. Stock, P.E. Date 9/16/15
 (if different from applicant) Stock & Associates Consulting Engineers, Inc.

REQUIRED MATERIALS TO SUBMIT WITH THIS APPLICATION

- Supplemental Request Information (if needed)
- Rationale (see above)
- Legal description of all properties involved
- Plan/survey of existing conditions on site
- Plan of proposed conditions on site (if different)
- Elevations of proposed buildings
- Elevations of proposed signs
- Electronic copy of all materials



2015-09-15 NAPLES MODEL -
AS DESIRED BY THE
PURCHASER OF LOT 4 FROM
PULTE.



2015-09-15
NAPLES MODEL -
ORD. 5376,
SECTION 3, NO. 3

5220

BILL NO. 5482ORDINANCE NO. 5371q

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CREVE COEUR TO REZONE 8.49 ACRES OF LAND FROM "A" SINGLE-FAMILY RESIDENTIAL DISTRICT TO "B" SINGLE-FAMILY RESIDENTIAL DISTRICT AND AUTHORIZING A RESIDENTIAL DESIGNED DEVELOPMENT (RDD) WITH ACCOMPANYING PRELIMINARY SUBDIVISION PLAT AND SITE DEVELOPMENT PLAN FOR THE PROPOSED CREEKSIDE AT MASON SUBDIVISION, FOR THE PROPERTY CURRENTLY ADDRESSED AS 853 NORTH MASON ROAD.

WHEREAS, Chris Matteo, of Pulte Homes of St. Louis, LLC, has submitted an application for the rezoning of the 8.49 acres located at 853 N. Mason Road, from "A" Single Family Residential to "D" Single Family Residential with "RDD" Residential Design Development designation and the applicant revised the request to "B" Single Family Residential with RDD at the Planning and Zoning Commission meeting on April 21, 2014; and

WHEREAS, in accordance with Sections 405.280, 405.450(C), and 405.1080 of the Zoning Ordinance, the applicant has submitted a Site Development Plan (hereafter referred to as the "subdivision improvement plan") and Preliminary Plat to the Department of Planning for the Creekside at Mason subdivision, including 16 lots on the 8.49 acres, with residential designed development (RDD); and

WHEREAS, On February 18, 2014, the Planning and Zoning Commission conducted a public hearing on the rezoning and RDD request and accompanying Preliminary Plat; and

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

WHEREAS, the Planning and Zoning Commission reviewed and, by a 1-4 vote, did not recommend approval of the rezoning and RDD request but, by a 5-0 vote, recommended approval of the accompanying site development plan at its meeting on April 21, 2014; and,

WHEREAS, the applicant subsequently revised their proposal to reduce the number of lots in the subdivision from 16 lots to 12 lots and increase the minimum lot size to 15,006 square feet with an average lot size of 15,240 square feet; and

WHEREAS, in its consideration of the Bill by the City Council, the City Council voted 7-0 (1 absence), prior to the conclusion of the first reading, to request further review of the revised proposal by the Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission reviewed the revised proposal and, by a 2-4 vote, recommended denial of the rezoning and RDD request but, by a 6-0 vote, recommended approval of the accompanying site development plan at its meeting on June 16, 2014 on the condition that the property be developed in accordance with the Subdivision Improvement Plan and Preliminary Plat for "Creekside at Mason," last revised June 9, 2014, or as further revised as required by the City of Creve Coeur and on other conditions, at its meeting on June 16, 2014; and,

WHEREAS, all persons who presented themselves and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance was made available for public

BILL NO. 5482ORDINANCE NO. 53710

inspection prior to its further consideration by the City Council; and this Bill having been read by title in open meeting one time by the City Council; and

WHEREAS, the City Council being fully informed finds that rezoning the property would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest and in good zoning practice; and

WHEREAS, the City Council finds that the Residential Designed Development proposal, as submitted on June 9, 2014 and when subject to certain conditions set forth herein, is consistent with good planning practice, consistent with good site landscape planning, is not detrimental to the existing and permitted uses in the surrounding area, is deemed desirable to provide the purpose of Section 405.450 of the Zoning Code and is in accordance with the criteria of Section 405.450(C)(1-3) of the Zoning Code regarding minimum project area, gross acreage, yards, and site and building coverage;

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

SECTION 1: The Official Zoning Map of the City of Creve Coeur shall be amended to rezone the property addressed as 853 North Mason Road from A Single-family Residential to D Single-family Residential zoning district, subject to the conditions stated herein, which property is more specifically described as follows:

A tract of land in U.S. Survey 1923 Township 45 North Range 5 east and being a part of Lot 2 of the JOHN HEZEL ESTATE and described as follows: Beginning at a point in the center line of Mason Road being the northeast corner of property conveyed by Elizabeth Hezel to Otto R. Dauster and Lydia M. Dauster by deed recorded in Book 988 Page 462 of the St. Louis County Recorder's Office, thence north along the center line of Mason Road 355.35 feet to a point in the center line of Mason Road, thence west and parallel to the northern line of property conveyed by Elizabeth Hezel to Otto R. Dauster and Lydia M. Dauster by deed recorded in Book 988 Page 462 of the St. Louis County Recorder's Office to a point in the west line of said Lot 2 of the JOHN HEZEL ESTATE, thence south along the western line of said Lot 2 of the JOHN HEZEL ESTATE 326.61 feet to the northwest corner of said property conveyed to Dauster in Book 988 Page 462 of the St. Louis County Records, thence east along the north line of said property so conveyed to Dauster in Book 988 Page 462 to the point of beginning containing 8.56 acres more or less.

AND BEING FURTHER DESCRIBED AS:

BEGINNING at the intersection of the Western line of Mason Road (30' wide) with the Northern line of a tract of land described in a deed to William Aldrich Trustee in Deed book 20127, Page 1076 of the St. Louis County, Missouri Records; thence along the Northern line of said Aldrich tract and the Northern line of a tract of land described in a deed to Stephen Lieber Trustee as recorded in Deed Book 9605, Page 1740 of said records North 81 degrees 26 minutes 00 seconds West, a distance of 1094.50 feet to the Western line of Lot 2 of the John Hezel Estate; thence along said Western line North 01 degree 05 minutes 00 seconds East, a distance of 326.52 feet to an found Iron Axle marking the Southwest corner of a tract of land described in a deed to John and Mary Duever Trustees as recorded in Deed book 16518, Page 26 of the aforesaid records;

BILL NO. 5482ORDINANCE NO. 5371p

thence along the Southern line of said Duever tract South 82 degrees 56 minutes 06 seconds East, a distance of 1090.82 feet to the aforesaid Western line of Mason Road; thence along said Western line South 01 degree 02 minutes 06 seconds West, a distance of 355.39 feet to the Point of Beginning and containing 369,927 square feet or 8.492 acres more less as per a survey by Stock & Associates Consulting Engineers, Inc. during the month of December, 2013.

SECTION 2: A residential designed development (RDD) permit is hereby granted for the Creekside at Mason Subdivision, to be located on the land described in Section 1 of this ordinance, subject to the conditions contained herein.

SECTION 3: The Creekside at Mason RDD shall conform to the Site Improvement Plan, the Preliminary Plat and the Landscape Plan, last revised June 9, 2014, or as further revised as required and approved by the City of Creve Coeur, and are further subject to the following conditions:

1. House exterior shall be of brick and/or stone along with high quality forms of siding, such as fiber-cement ("Hardi-board"), or natural wood siding from a renewable source. The Zoning Administrator shall verify conformance of all exterior materials with this condition prior to the issuance a building permit for any residence.
2. Any house side walls abutting a street shall be finished entirely with the same materials, and with the same design and aesthetic continuity, as the front façade, subject to Zoning Administrator approval.
3. The front yard setback on lot 4 is reduced 15 feet and the structure shall be parallel to the street.
4. The subdivision improvement plan shall include a minimum five-foot detached sidewalk along both sides of the proposed street.
5. All street lighting shall meet with 405.680; Lighting, of the Zoning Ordinance.
6. The Landscape Plan shall be in substantial conformance with the Landscape plan revised June 9, 2014 subject to the requirements of Sections 410.300 and 410.320 of the Subdivision and Land Development Standards.
7. The development of the trail shall be built to the recommended guidelines of the Americans with Disabilities Act and remain open to the public. A public access easement over the entire west portion of the common ground shall be provided. The type of construction and design of the trail shall be completed prior to the final plat approval.
8. Prior to issuance of any building permits, the applicant shall prepare and record the final subdivision plat as approved by the City Council and the indentures requiring public access for the trail and related maintenance, insurance, funding, maintenance of the stormwater basin, and common ground area and landscaped easement areas, as approved by the City Attorney.

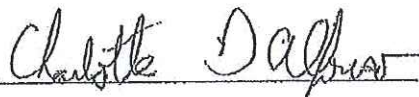
SECTION 4: As set forth in Section 405.1080 of the Zoning Ordinance of the City of Creve Coeur, Site Development Plans approved by the City of Creve Coeur shall be valid for a period of up to one (1) year from the date it is approved. After one year, a Site Development Plan will no longer be valid unless an extension is granted. The City of Creve Coeur may grant one, one (1) year extension prior to the expiration of the Site Development Plan upon written request of the applicant submitted to the City at least 180 days prior to the expiration date and granted prior to the expiration date.

BILL NO. 5482

ORDINANCE NO. 53710

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

ADOPTED THIS 23rd DAY OF June, 2014



PRESIDENT OF CITY COUNCIL

APPROVED THIS 23rd DAY OF June, 2014


BARRY GLANTZ
MAYOR

ATTEST:



DEBORAH RYAN, MPCC
CITY CLERK

LEGEND	
	BENCH MARK
	FOUND IRON ROD
	FOUND IRON PIPE
	RIGHT OF WAY MARKER
	UTILITY POLE
	SUPPORT POLE
	UTILITY POLE WITH LIGHT
	LIGHT STANDARD
	ELECTRIC METER
	ELECTRIC MANHOLE
	ELECTRIC PEDESTAL
	ELECTRIC SPLICE BOX
	GAS DROP
	GAS METER
	GAS VALVE
	TELEPHONE MANHOLE
	TELEPHONE PEDESTAL
	TELEPHONE SPLICE BOX
	CABLE TV PEDESTAL
	FIRE HYDRANT
	FIRE DEPARTMENT CONNECTION
	WATER MANHOLE
	WATER METER
	WATER VALVE
	POST INDICATOR VALVE
	CLEAN OUT
	STORM MANHOLE
	GRADED MANHOLE
	STORMWATER INLET
	GRADED STORMWATER INLET
	SANITARY MANHOLE
	TREE
	BUSH
	TRAFFIC SIGNAL
	PARKING METER
	STREET SIGN
	SPRINKLER
	MAIL BOX

184

CREEKSIDE AT MASON

PART OF US SURVEY 1923
TOWNSHIP 45 NORTH, RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI

ABBREVIATIONS

C.O.	CLEANOUT
D.B.	DEED BOOK
E	ELECTRIC
FL	FLOWLINE
FT	FEET
FND.	FOUND
G	GAS
M.H.	MANHOLE
N/O	NOW OR FORMERLY
P.B.	PLAT BOOK
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.V.C.	POLYVINYL CHLORIDE PIPE
R.C.P.	REINFORCED CONCRETE PIPE
SQ.	SQUARE
T	TELEPHONE CABLE
V.C.P.	VERIFIED CLAY PIPE
W	WATER
(S&W)	RIGHT-OF-WAY WIDTH
M.B.	MAIL BOX

ST. LOUIS COUNTY BENCHMARK

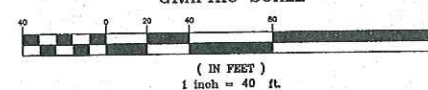
BENCHMARK # 13-144 ELEV.=552.25
7" on southwest corner of northern footing for pillar in (masonry) [25'x25'] stone and granite wall on northwest corner of Hiram Cemetery along Mason Rd. 0.8 mile south of Olive Street Rd. (31') [45'] east of centerline of Mason Road and (285') [243'] south of Mason Manor Drive [road produced].

2014121600184
PLAT: BK: 362, PG: 529-530
FILED FOR RECORD
Dec 15, 2014 1:11 PM
RECORDED OF DEEDS
ST. LOUIS COUNTY, MO.
Witness my hand and official seal
on the day and year aforesaid.

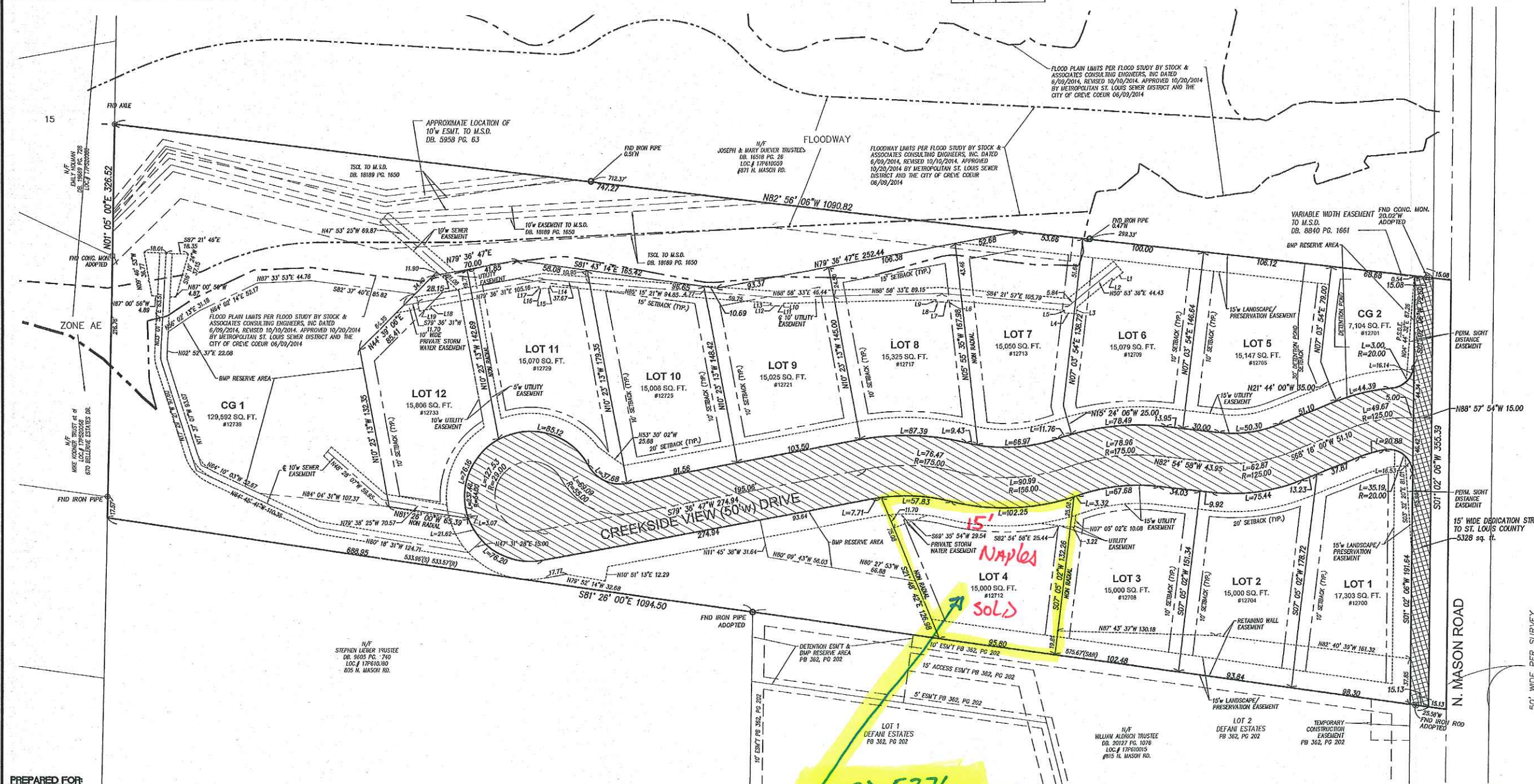
Carol E. Smith
County Recorder, CO#2

Line #	Length	Direction
L1	10.00	N50° 53' 36"E
L2	2.00	S39° 05' 24"E
L3	5.73	S09° 38' 03"W
L4	10.00	N84° 21' 57"W
L5	2.00	S09° 38' 03"W
L6	2.00	S09° 38' 03"W
L7	4.67	N84° 21' 57"W
L8	4.74	S88° 58' 53"W
L9	2.00	S01° 01' 27"E
L10	2.00	S01° 01' 27"E
L11	5.25	S88° 58' 53"W
L12	5.25	N85° 15' 21"W
L13	2.00	S04° 44' 39"W
L14	2.00	S04° 44' 39"W
L15	4.38	N85° 15' 21"W
L16	4.28	N79° 36' 31"E
L17	2.00	S10° 23' 29"E
L18	2.00	S10° 23' 29"E
L19	10.00	N78° 36' 31"E

GRAPHIC SCALE



529



CREEKSIDE AT MASON

CITY OF CREVE COEUR, MISSOURI

REVISIONS:
1 10/09/14 MSD COMMENTS
2 11/10/14 MSD COMMENTS
3 11/18/14 MSD COMMENTS

50' WIDE PER SURVEY
BY ST. LOUIS COUNTY
HIGHWAYS AND TRAFFIC DATED 5-18-2010

PREPARED FOR:
PULTE HOMES OF ST. LOUIS, LLC
17107 Chesterfield Airport Rd, Suite 120
Chesterfield, MO 63005
Phone: (636) 537-7128
Fax: (636) 537-9952

ORD. 5376
SECTION 3: (3) THE FRONTYARD SETBACK ON LOT 4 IS
REDUCED TO 15 FEET & THE STRUCTURE SHALL BE PARALLEL
TO THE STREET.

RECORD PLAT
SHEET 1

OWNER CERTIFICATE

We, the undersigned, owners of the tract of land herein platted and further described in the foregoing surveyors' certificate have caused the same to be surveyed and sub-divided in the manner shown on this plat, which subdivision shall hereafter be known as:

CREEKSIDE AT MASON

Creekside View Lane (50' wide) as shown hatched  hereon along with its roundings and cut de sac, as shown on this plat is hereby dedicated to the City of Creve Coeur for public use forever.

The widening strip along N. Mason Road as shown hatched  hereon is hereby dedicated to St. Louis County, Missouri for public use forever.

All easements shown on this plat, unless designated for other specific purposes, are hereby dedicated to the City of Creve Coeur, Missouri American Water Company, Ameren UE Company, Lacoste Gas Company, AT&T Corporation, Metropolitan St. Louis Sewer District, Charter Communication, their successors and assigns as their interests may appear for the purpose of constructing, maintaining, and repairing of public utilities, sewer sewers, storm water improvements and drainage facilities, with the right of temporary use of adjacent ground not occupied by improvements for the excavation and storage of materials during installation, repair, or replacement of said utilities, sewer or sewers, storm water improvements and drainage facilities. It is hereby certified that all existing easements are shown on this plat as of the time and date of recording of this plat.

BMP Reserve areas as shown on this plat is are for the stormwater management features, also known as BMPs (Best Management Practices). The BMP Reserved areas hereby established are irrevocable and shall continue forever, subject to a "Maintenance Agreement" dated 6TH day of November 2014, as recorded in the Recorder of Deeds Book 21819, Page 463, or as amended thereafter.

The Retaining Wall Easement, as shown on this plat, is hereby given, granted, extended and conveyed to the Homeowners Association of the aforementioned subdivision for the purpose of construction, maintenance, repair and replacement of retaining walls.

The Permanent Sight Distance Easement (P.S.D.E.) as shown on this plat is hereby dedicated to the City of Creve Coeur, Missouri and St. Louis County, Missouri to ensure and protect the clear and unobstructed view of motorists on and entering the adjacent roadway. No part of said easement shall be built on in a manner whatsoever, nor shall the grade of the land within the easement be changed, nor shall any structure (including sign, fence or pole) be built, or planting (including trees, shrubs, grasses or weeds) within said easement unless directly approved by the City of Chesterfield, LAURENCE, AND THE ST. LOUIS COUNTY DEPARTMENT OF HIGHWAYS & TRANSPORTATION. ANY STRUCTURES OR PLANTINGS MAINTAINED TO PROVIDE SIGHT DISTANCE, ANY STRUCTURES, PLANTS OR GRASS, WHICH IS NOT APPROVED BY THE DIRECTOR, ON WHICH IS NOT MAINTAINED, SHALL BE REMOVED OR CORRECTED.

The area shown as Common Ground on this plat, has been conveyed to the Homeowners Association of this Subdivision by General Warranty deed recorded in Book , Page of the St. Louis County Recorder's Office.

Building lines as shown on this plat are hereby established.

It is hereby certified that all existing easements are shown on this plat as of the time and date of recording of this plat.

Permanent and/or semi-permanent monuments will be set, as required to aid in later recovery, within twelve months of the recording of this subdivision plat, in accordance with 10 CSR 30-2.090 of the Missouri Department of Natural Resources, and 4 CSR 30-16.090 of the Missouri Department of Economic Development. In addition, other survey monuments indicated on this subdivision plat, required by the subdivision ordinance of the City of Ladue, Missouri will be set.

IN WITNESS THEREOF, I have hereunto set my hand this 20th day of November, 2014

Pulte Homes of St. Louis, L.L.C.
a Nevada limited liability company

By: Curtis Van Hyfte
Curtis Van Hyfte
PRINT NAME
Division President
PRINT TITLE

STATE OF MISSOURI)
COUNTY OF ST. LOUIS) SS.

On this 20th day of November, 2014, before me appeared Curtis Van Hyfte to me personally known, who, being by me duly sworn, did say that he/she is the Division President of Pulte Homes of St. Louis, L.L.C., a Nevada limited liability company, and that said instrument was signed and sealed in behalf of said limited liability company, and said Curtis Van Hyfte acknowledged said instrument to be the free act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

My commission expires: 4-19-2017

Koleen Jamison
Notary Public

CREEKSIDE AT MASON

PART OF US SURVEY 1923

TOWNSHIP 45 NORTH, RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI

PROPERTY DESCRIPTION

A tract of land in U.S. Survey 1923 Township 45 North Range 5 East and being a part of Lot 2 of the JOHN HEZEL ESTATE and described as follows: Beginning at a point in the center line of Mason Road being the northeast corner of property conveyed by Elizabeth Hezel to Otto R. Dauster and Lydia M. Dauster by deed recorded in Book 988 Page 462 of the St. Louis County Recorder's Office, thence north along the center line of Mason Road 355.35 feet to a point in the center line of Mason Road, thence west and parallel to the northern line of property conveyed by Elizabeth Hezel to Otto R. Dauster and Lydia M. Dauster by deed recorded in Book 988 Page 462 of the St. Louis County Recorder's Office to a point in the west line of said Lot 2 of the JOHN HEZEL ESTATE, thence south along the western line of said Lot 2 of the JOHN HEZEL ESTATE 326.61 feet to the northwest corner of said property conveyed to Dauster in Book 988 Page 462 of the St. Louis County Records, thence east along the north line of said property so conveyed to Dauster in Book 988 Page 462 to the point of beginning containing 8.56 acres more or less.

AND BEING FURTHER DESCRIBED AS:

BEGINNING at the intersection of the Western line of Mason Road (30' wide) with the Northern line of a tract of land described in a deed to William Aldrich Trustee in Deed book 20127, Page 1076 of the St. Louis County, Missouri Records; thence along the Northern line of said Aldrich tract and the Northern line of a tract of land described in a deed to Stephen Lieber Trustee as recorded in Deed Book 9605, Page 1740 of said records North 81 degrees 28 minutes 00 seconds West, a distance of 1094.50 feet to the Western line of Lot 2 of the John Hezel Estate; thence along said Western line North 01 degree 05 minutes 00 seconds East, a distance of 326.52 feet to an found Iron Axle marking the Southwest corner of a tract of land described in a deed to John and Mary Duver Trustee as recorded in Deed book 16518, Page 26 of the aforesaid records; thence along the Southern line of said Duver tract South 82 degrees 56 minutes 06 seconds East, a distance of 1090.82 feet to the aforesaid Western line of Mason Road; thence along said Western line South 01 degree 02 minutes 00 seconds West, a distance of 355.39 feet to the Point of Beginning and containing 369,927 square feet or 8.492 acres more less as per a survey by Stock & Associates Consulting Engineers, Inc. during the month of December, 2013.

Notes:

(1) Stock and Associates Consulting Engineers, Inc. used exclusively First American Title Insurance Company, Commitment No. MO-048938, with an effective date of September 11, 2013 at 12:00 a.m. for research of easements and encumbrances. No further research was performed by Stock and Associates Consulting Engineers, Inc.

(2) Title to the estate or interest in the land described or referred to in the above commitment and covered therein is fee simple, and title thereto is a the effective date thereof vested in:

Alvin L. Hardt and Catherine E. Hardt, Co-Trustees of an Indenture of Trust dated the 28th day of March, 1991, as to an undivided one-half interest; and Alvin L. Hardt, Virginia Diltmar and Richard A. Hardt, Co-Trustees of the Residual Trust pursuant to the Indenture of Trust of Alvin L. Hardt and Catherine E. Hardt dated March 29, 1991, as to an undivided one-half interest.

(3) Title Commitment No. MO-048938 with Schedule B-Section 2 exceptions:

(a) Item No. 8. Easement to Fee Fee Truck Sewer, Inc., as set forth in instrument recorded in Book 5958, Page 63. Approximate Location "SHOWN"

(b) Item No. 9. Sanitary Sewer Maintenance Agreement as set forth in instrument recorded in Book 6491, Page 580. "NOT SHOWN" Not survey related.

(c) Item No. 10. Easement granted to The Metropolitan St. Louis Sewer District by instrument recorded in Book 8840, Page 1661. "SHOWN"

(d) Item No. 11. Easement granted to Metropolitan St. Louis District by instrument recorded in Book 18189, Page 1650. "SHOWN"

GENERAL NOTES:

1) Subject property lies within Shaded Zone A (areas inundated by 100-year flood) no base flood elevations determined and Flood Zone X (areas determined to be outside the 600-year flood) according to the National Flood Insurance Rate Map Number 29189C0161 H with an effective date of August 2, 1995.

Note: the Floodplain and Floodway limits shown on this survey are as per a flood study performed by Farnsworth Group dated January 16, 2014.
Stock and Associates Consulting Engineers, Inc., Dated 6/9/14, Revised 10/10/14.
2.) Subject property is Zoned "B" Single-Family Residential District with an "RDD" Residential Design Development per Ordinance 5378.

3.) Basis of Bearings adopted from Deed Book 9605, Page 1740.

CITY OF CREVE COEUR

I, Deborah Ryan, MRCC, City Clerk for and within the City of Creve Coeur, Missouri, do hereby certify that this Final Subdivision Plat of "Creekside at Mason" was approved by the City Council of the City of Creve Coeur on the 8th day of September, 2014, pursuant to Ordinance No. 5388.

CITY OF CREVE COEUR, MISSOURI

By: Deborah Ryan
Deborah Ryan, MRCC, City Clerk

It is hereby certified that this Final Subdivision Plat was recommended for approval by the City of Creve Coeur, Planning and Zoning Commission on the 8th day of September, 2010, pursuant to the Subdivision and Land Development Regulations of the City of Creve Coeur, Missouri.

CITY OF CREVE COEUR, MISSOURI
Planning and Zoning Commission

By: Deborah Ryan Chairman

SURVEYOR'S CERTIFICATION

This is to certify that Stock and Associates Consulting Engineers, Inc. have, during July, 2014, by order of and for the use of Pulte Homes of St. Louis, L.L.C., executed a Property Boundary Survey and Record Plat of a tract of land being U.S. Survey 1923 Township 45 North, Range 5 East of the Fifth Principal Meridian, City of Creve Coeur, St. Louis County, Missouri and that the results of said survey and Record Plat are shown hereon. We further certify that the above plat was prepared from an actual survey, according to the records available and recorded, and said survey meets or exceeds the current minimum standards for Property Boundary Surveys for "Class Urban Property" as defined in Chapter 16, Division 2030 Missouri Minimum Standards for Property Boundary Surveys as adopted by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects.

STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC.
LC NO. 222-D

By: Daniel Ehlmann 11/10/14
Daniel Ehlmann, Missouri P.L.S. No. 2215

PREPARED FOR:
PULTE HOMES OF ST. LOUIS, LLC
17107 Chesterfield Airport Rd, Suite 120
Chesterfield, MO 63005
Phone: (636) 537-7128
Fax: (636) 537-9952

PREPARED BY:

257 Chesterfield Business Parkway
St. Louis, MO 63005 PH: (636)
538-9000 FAX: (636) 538-9380
e-mail: general@stockassoc.com
Web: www.stockassoc.com

STOCK & ASSOCIATES
Consulting Engineers, Inc.

RECORD PLAT

CREEKSIDE AT MASON

CITY OF CREVE COEUR, MISSOURI

Daniel Ehlmann P.L.S.
MO. P.L.S. # 2215
CERTIFICATE OF AUTHORITY
LC-222-D

REVISIONS:

1 10/09/14 MSD COMMENTS
2 11/10/14 MSD COMMENTS
3 11/15/14 MSD COMMENTS

DRAWN BY: J.K.
DATE: 7/10/14
JOB NO: 213-5220
BASE L.P. A
P-30152-00
S.L.C. HAT #
XXXX
U.S. &
MO-XXXXXXX
SHEET TITLE:

RECORD PLAT

SHEET NO:
SHEET 2



October 1, 2015

RE: Home Site #4 Creekside at Mason Variance:

I am writing on behalf of the buyers of home site 4 Creekside at Mason regarding an approval of a variance of the positioning of this home on the home site. Brondy Leung and Marty Cheng wrote a purchase agreement for a Naples plan which is the home that they have been working towards buying since late spring. Home site 4 was their favorite home site based on having common ground on one side providing an open feel. Brondy and Marty have two children and look forward to having a yard for their two girls to play in.

In order to utilize this home site in the best way possible while still having their dream floorplan, they would like for the home to be positioned on an angle. This angle will provide the homeowner and community with a variety of benefits:

1. Brondy and Marty will have additional yard space in the rear corner of the home for the children to play. Without this variance, they will not have a place in the backyard for their children to play.
2. The positioning of the home provides Brondy and Marty maximum usability of the home site giving room for entertaining and children playing on the back and side yards.
3. This positioning would give a more open feel to the community as a whole with a larger open area between homes. This will give all of the future homeowners a better looking community with a more spacious feel.
4. Without this modification, the home will have no backyard and any entertaining would need to take place on the side yard. In addition, Marty and Brondy would have a retaining wall mere feet from their patio door and no opportunity for space in their back yard at all.
5. The positioning of the home also provides them some privacy so that their courtyard garage does not face directly at the courtyard garage of home site 3.

Please consider this variance for Marty and Brondy. For months they have worked to sell their current home with the hopes of building their dream home on home site 4. They look forward to a space where their children can play and the family can spend together enjoying their yard.

Amy Stuart
Sales Consultant-Certified Field Trainer
Creekside at Mason



BILL NO. 5482ORDINANCE NO. 5371q

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CREVE COEUR TO REZONE 8.49 ACRES OF LAND FROM "A" SINGLE-FAMILY RESIDENTIAL DISTRICT TO "B" SINGLE-FAMILY RESIDENTIAL DISTRICT AND AUTHORIZING A RESIDENTIAL DESIGNED DEVELOPMENT (RDD) WITH ACCOMPANYING PRELIMINARY SUBDIVISION PLAT AND SITE DEVELOPMENT PLAN FOR THE PROPOSED CREEKSIDE AT MASON SUBDIVISION, FOR THE PROPERTY CURRENTLY ADDRESSED AS 853 NORTH MASON ROAD.

WHEREAS, Chris Matteo, of Pulte Homes of St. Louis, LLC, has submitted an application for the rezoning of the 8.49 acres located at 853 N. Mason Road, from "A" Single Family Residential to "D" Single Family Residential with "RDD" Residential Design Development designation and the applicant revised the request to "B" Single Family Residential with RDD at the Planning and Zoning Commission meeting on April 21, 2014; and

WHEREAS, in accordance with Sections 405.280, 405.450(C), and 405.1080 of the Zoning Ordinance, the applicant has submitted a Site Development Plan (hereafter referred to as the "subdivision improvement plan") and Preliminary Plat to the Department of Planning for the Creekside at Mason subdivision, including 16 lots on the 8.49 acres, with residential designed development (RDD); and

WHEREAS, On February 18, 2014, the Planning and Zoning Commission conducted a public hearing on the rezoning and RDD request and accompanying Preliminary Plat; and

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

WHEREAS, the Planning and Zoning Commission reviewed and, by a 1-4 vote, did not recommend approval of the rezoning and RDD request but, by a 5-0 vote, recommended approval of the accompanying site development plan at its meeting on April 21, 2014; and,

WHEREAS, the applicant subsequently revised their proposal to reduce the number of lots in the subdivision from 16 lots to 12 lots and increase the minimum lot size to 15,006 square feet with an average lot size of 15,240 square feet; and

WHEREAS, in its consideration of the Bill by the City Council, the City Council voted 7-0 (1 absence), prior to the conclusion of the first reading, to request further review of the revised proposal by the Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission reviewed the revised proposal and, by a 2-4 vote, recommended denial of the rezoning and RDD request but, by a 6-0 vote, recommended approval of the accompanying site development plan at its meeting on June 16, 2014 on the condition that the property be developed in accordance with the Subdivision Improvement Plan and Preliminary Plat for "Creekside at Mason," last revised June 9, 2014, or as further revised as required by the City of Creve Coeur and on other conditions, at its meeting on June 16, 2014; and,

WHEREAS, all persons who presented themselves and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance was made available for public

BILL NO. 5482ORDINANCE NO. 5376

inspection prior to its further consideration by the City Council; and this Bill having been read by title in open meeting one time by the City Council; and

WHEREAS, the City Council being fully informed finds that rezoning the property would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest and in good zoning practice; and

WHEREAS, the City Council finds that the Residential Designed Development proposal, as submitted on June 9, 2014 and when subject to certain conditions set forth herein, is consistent with good planning practice, consistent with good site landscape planning, is not detrimental to the existing and permitted uses in the surrounding area, is deemed desirable to provide the purpose of Section 405.450 of the Zoning Code and is in accordance with the criteria of Section 405.450(C)(1-3) of the Zoning Code regarding minimum project area, gross acreage, yards, and site and building coverage;

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

SECTION 1: The Official Zoning Map of the City of Creve Coeur shall be amended to rezone the property addressed as 853 North Mason Road from A Single-family Residential to D Single-family Residential zoning district, subject to the conditions stated herein, which property is more specifically described as follows:

A tract of land in U.S. Survey 1923 Township 45 North Range 5 east and being a part of Lot 2 of the JOHN HEZEL ESTATE and described as follows: Beginning at a point in the center line of Mason Road being the northeast corner of property conveyed by Elizabeth Hezel to Otto R. Dauster and Lydia M. Dauster by deed recorded in Book 988 Page 462 of the St. Louis County Recorder's Office, thence north along the center line of Mason Road 355.35 feet to a point in the center line of Mason Road, thence west and parallel to the northern line of property conveyed by Elizabeth Hezel to Otto R. Dauster and Lydia M. Dauster by deed recorded in Book 988 Page 462 of the St. Louis County Recorder's Office to a point in the west line of said Lot 2 of the JOHN HEZEL ESTATE, thence south along the western line of said Lot 2 of the JOHN HEZEL ESTATE 326.61 feet to the northwest corner of said property conveyed to Dauster in Book 988 Page 462 of the St. Louis County Records, thence east along the north line of said property so conveyed to Dauster in Book 988 Page 462 to the point of beginning containing 8.56 acres more or less.

AND BEING FURTHER DESCRIBED AS:

BEGINNING at the intersection of the Western line of Mason Road (30' wide) with the Northern line of a tract of land described in a deed to William Aldrich Trustee in Deed book 20127, Page 1076 of the St. Louis County, Missouri Records; thence along the Northern line of said Aldrich tract and the Northern line of a tract of land described in a deed to Stephen Lieber Trustee as recorded in Deed Book 9605, Page 1740 of said records North 81 degrees 26 minutes 00 seconds West, a distance of 1094.50 feet to the Western line of Lot 2 of the John Hezel Estate; thence along said Western line North 01 degree 05 minutes 00 seconds East, a distance of 326.52 feet to an found Iron Axle marking the Southwest corner of a tract of land described in a deed to John and Mary Duever Trustees as recorded in Deed book 16518, Page 26 of the aforesaid records;

BILL NO. 5482ORDINANCE NO. 5374

thence along the Southern line of said Duever tract South 82 degrees 56 minutes 06 seconds East, a distance of 1090.82 feet to the aforesaid Western line of Mason Road; thence along said Western line South 01 degree 02 minutes 06 seconds West, a distance of 355.39 feet to the Point of Beginning and containing 369,927 square feet or 8.492 acres more less as per a survey by Stock & Associates Consulting Engineers, Inc. during the month of December, 2013.

SECTION 2: A residential designed development (RDD) permit is hereby granted for the Creekside at Mason Subdivision, to be located on the land described in Section 1 of this ordinance, subject to the conditions contained herein.

SECTION 3: The Creekside at Mason RDD shall conform to the Site Improvement Plan, the Preliminary Plat and the Landscape Plan, last revised June 9, 2014, or as further revised as required and approved by the City of Creve Coeur, and are further subject to the following conditions:

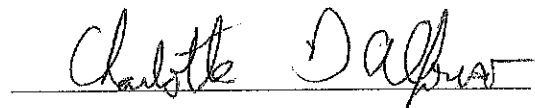
1. House exterior shall be of brick and/or stone along with high quality forms of siding, such as fiber-cement ("Hardi-board"), or natural wood siding from a renewable source. The Zoning Administrator shall verify conformance of all exterior materials with this condition prior to the issuance a building permit for any residence.
2. Any house side walls abutting a street shall be finished entirely with the same materials, and with the same design and aesthetic continuity, as the front façade, subject to Zoning Administrator approval.
3. The front yard setback on lot 4 is reduced 15 feet and the structure shall be parallel to the street.
4. The subdivision improvement plan shall include a minimum five-foot detached sidewalk along both sides of the proposed street.
5. All street lighting shall meet with 405.680; Lighting, of the Zoning Ordinance.
6. The Landscape Plan shall be in substantial conformance with the Landscape plan revised June 9, 2014 subject to the requirements of Sections 410.300 and 410.320 of the Subdivision and Land Development Standards.
7. The development of the trail shall be built to the recommended guidelines of the Americans with Disabilities Act and remain open to the public. A public access easement over the entire west portion of the common ground shall be provided. The type of construction and design of the trail shall be completed prior to the final plat approval.
8. Prior to issuance of any building permits, the applicant shall prepare and record the final subdivision plat as approved by the City Council and the indentures requiring public access for the trail and related maintenance, insurance, funding, maintenance of the stormwater basin, and common ground area and landscaped easement areas, as approved by the City Attorney.

SECTION 4: As set forth in Section 405.1080 of the Zoning Ordinance of the City of Creve Coeur, Site Development Plans approved by the City of Creve Coeur shall be valid for a period of up to one (1) year from the date it is approved. After one year, a Site Development Plan will no longer be valid unless an extension is granted. The City of Creve Coeur may grant one, one (1) year extension prior to the expiration of the Site Development Plan upon written request of the applicant submitted to the City at least 180 days prior to the expiration date and granted prior to the expiration date.

BILL NO. 5482ORDINANCE NO. 5376

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

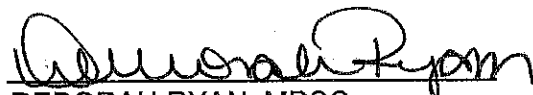
ADOPTED THIS 23rd DAY OF June, 2014



PRESIDENT OF CITY COUNCIL

APPROVED THIS 23rd DAY OF June, 2014
BARRY GLANTZ
MAYOR

ATTEST:


DEBORAH RYAN, MPCC
CITY CLERK

Kelly, Whitney

From: Lieber, Steve <scl@heliinc.com>
Sent: Friday, October 16, 2015 8:10 AM
To: Kelly, Whitney
Subject: Creekside at Mason

Given the results of the last neighbors' protest of this project, I for one feel my input is probably not worth the time it would take to give it. I do find it strange that the compelling reasons for Amy's request are based on how close the wall is ,as well as the close proximity of the houses .

I did meet with city representatives ,along with those from Pulte , at city hall after the commission granted the change of zoning to assess my legal position in challenging that decision. In that meeting I learned that I could file a suit but that while it would have little chance of success it would delay the project from going forward until it was heard. I believed a compromise was reached where I would receive a utility and construction access easement across 20 feet +/- of their property to build a recreation building on my property. That new building would block my view of the closest house in their new development. I also agreed and granted a cross grading easement for excess dirt to be move onto my property. I did make it clear that I did not want a berm . I also expected any fences that would be removed would also be replaced after the grading.

I spent considerable money having an engineering firm draft multiple easements , each time making changes Pulte requested. Pulte opted not to cross grade without creating a berm and turned down my offer to place excess earth on another part of my property.

An easement has never been granted and the lots in their development are nearly complete.

I will complement the developers and their sub contractors on the methods and manner in which they have performed the work so far.

I am merely trying to protect my property and investment in my home. Few would debate the fact that this project will not be a "plus" for me ,but , it is what it is. Granting this amendment to turn the house is also not a "plus" for me as it would give me a broadside view of the new home. That being said it might make for a better product for the new owners and perhaps that is what should be done. While I like it better as it is I will not voice any objections.

I think if you check with others at the city and Pulte representatives you will find my facts are substantially correct. I'm sorry the easements never came to fruition but that's the way it goes .

I really don't have "sour grapes" nor am I mad . I have no animosity toward the Putle team. They have all been cordial and polite. I realize that it is just business for them. This easement means nothing to them, nor does it cost them anything financially. I guess all I can say is I'm just disappointed.

Stephen C Lieber

Sent from my iPad



city of

CREVE COEUR

5220

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

APPLICATION TO PLANNING AND ZONING COMMISSION #15-029 FOR AN AMENDMENT TO THE ORDINANCE FOR THE CREEKSIDE AT MASON SUBDIVISION REGARDING LOT 4

FOR THE MEETING OF: October 19, 2015

LOCATION: 853 N. Mason Road

REQUEST: Ordinance No. 5376, approved on June 23, 2014 approved the Creekside at Mason Subdivision zoned B-RDD, Residential Designed Development. A condition of the approval included that Lot 4 setback was reduced to 15 feet and the home shall be parallel to the street. Larry Butts and Matthew Segal, of Pulte Homes of St. Louis, have requested that the provision on Lot 4 be eliminated from the ordinance. So that the home may be built at an angle to the road.

ADDITIONAL INFORMATION: Review of all RDD designations includes review against the City's Design Guidelines and Comprehensive Plan regarding compatibility with the surrounding neighborhood with regarding to lot frontage, building setback and orientation, and to prevent residential streets from being dominated by garage doors. The subdivision is currently under construction.

Key Issues:

- Does the request integrate with the existing surrounding uses?
- Does the request further or implement the goals of the Comprehensive Plan?

Comprehensive Plan References

- Residential Preservation and Economic Development
- Design Guidelines

Zoning Code References

- Zoning Code References
- Section 405.260: B Single Family Residential
- Section 405.450.C: Residential Designed Development Procedure

**APPLICANT/
PROPERTY OWNER:** Pulte Homes of St. Louis
c/o Larry Butts and Matthew Segal
17107 Chesterfield Airport Road,
Suite 120
Chesterfield, MO 63005

**APPLICANT'S
REPRESENTATIVE:** George M. Stock, P.E.,
Stock & Associates Consulting
Engineers, Inc.
257 Chesterfield Business
Parkway
Chesterfield, MO 63005



REPORT PREPARED BY: Whitney Kelly, AICP, City Planner
DATE: October 16, 2015
ATTACHMENTS: Applicant's materials submitted on September 18, 2015
Draft Ordinance
Ordinance No. 5376
Public Comment

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Nursery/Single-family detached residence	D Single-Family Residential	N/A
South	Single-family detached residences	A Single-Family Residential	N/A
East	Hope Montessori School	C Single-Family Residential	Mason Road
West	Single-family detached residences	D Single-Family Residential	NA

COMPREHENSIVE PLAN ANALYSIS

Goals and Strategies

Under the overall Goals and Strategies of the Comprehensive Plan, the section titled “Community Image and Identity” states:

4. *Maintain the City's strong low-density residential image and character (p. 23).*

The lot clustering allowed within an RDD overlay offers smaller lots in exchange for preserving these areas. As such, this proposal may represent a transitional land use that may not be the same as what is around it, but is an asset to those developments by maintaining a significant amount of greenspace and limiting the overall density to one that is significantly under the D Single Family District standard already in place to the north, but greater than the A Single Family District standard of the properties to the south.

Residential Neighborhoods

The section titled “Residential Preservation and Economic Development,” within the chapter on Residential Neighborhoods, contains the following goal, specific for residential development and was part of the approval for the rezoning and residential design development designation:

3. *When lots are consolidated and re-subdivided for residential uses, the gross density permitted by existing zoning should not be exceeded. However, smaller individual lots could be considered, provided that they are no smaller than 75% of the area required under zoning. The remaining land should be preserved as open space, either as a buffer to surrounding areas or as part of a greenway system or stream corridor that connects to adjacent greenways or pedestrian facilities (p.44).*
6. *Require that new development or redevelopment be compatible with the character of the surrounding neighborhood with regard to lot frontage, building setbacks, building lines, building scale, and lot coverage (p.45).*
7. *Consider the creation of residential design standards for new construction. These standards could include provisions for building design, building placement on lots, tree preservation, land disturbances and other issues associated with residential quality (p. 45).*

During the review for the rezoning of the property with the orientation of this lot was discussed. As with other subdivision that receive RDD designation, the Planning and Zoning Commission and Council raised several concerns regarding the architectural quality of the houses, including the visual impact of the garages and the appearance of the houses from the road, and the Council provided specific criteria for the front entry garages and other features that are seen mostly in high value residences with high level of curb appeal. The proposed development for Creekside provides for side entry garages. However, the proposed orientation of Lot 4, the garages would be most visible from the road right-of-way, and the entire orientation of the house will be visibly irregular when traveling along the new subdivision road. In order to create a more uniform subdivision the front setback was adjusted to allow for a consistent orientation.

As the rendering indicates the side of the home and the garages will be the predominate view from the road.



In addition to the requirement of Lot 4, condition number 3, of Section 3 of Ordinance 5376 states that any house with side walls abutting a street shall be finished entirely with the same materials and with the same design and aesthetic continuity, as the front façade, subject to the Zoning Administrator approval. These were intended for the two homes that would be along Mason Road. If the Commission wishes to allow for the proposed orientation of the building, then Staff recommends that the house would need to meet. However, the Applicant could meet with the existing condition, by simply adjusting the floor plan would allow for the rear yard that the new homeowners are seeking, while also be in keeping with the Comprehensive Plan, and Design Guidelines, and the conditions of the original ordinance.

MOTION

If the Commission wishes to approve to allow for the orientation of the home as proposed, the following is an example for this action:

“I move to recommend approval of the amendment to Ordinance 5376 eliminating the condition on Lot 4 that it shall be parallel to the street, as submitted with Application #15-029 and presented to the Planning and Zoning Commission on October 19, 2015, provided it meets with the condition two that the side wall shall be finished entirely with the same materials and with the same design and aesthetic continuity as the front façade”

If the Commission wishes to adhere to the existing condition required last year, the Commission need only vote against the motion and the existing approval will remain in effect.

APPENDIX 1: COMPREHENSIVE PLAN

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

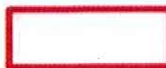
APPENDIX 2: ZONING CODE (CHAPTER 405 OF THE CREVE COEUR MUNICIPAL CODE)

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

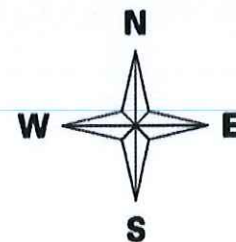
APPENDIX 5: AERIAL MAP



Property lines



853 N. Mason Road



Cheri Evans

From: George Stock
Sent: Thursday, October 01, 2015 12:57 PM
To: Cheri Evans
Subject: FW: Lot 4 - Creekside at Mason (5220)
Attachments: 201510011248.pdf

print

-----Original Message-----

From: George Stock
Sent: Thursday, October 01, 2015 12:56 PM
To: Jaggi, Jason; Kelly, Whitney; George Stock
Subject: FW: Lot 4 - Creekside at Mason (5220)

Dear Jason and Whitney, Attached is a supplemental narrative and Rendering showing the Home placed on Lot 4 to go along with our Ordinance Amendment. Following this email I will send another email with a clearer version of the Rendering, should you have any questions please call. Thanks, George



October 1, 2015

RE: Home Site #4 Creekside at Mason Variance:

I am writing on behalf of the buyers of home site 4 Creekside at Mason regarding an approval of a variance of the positioning of this home on the home site. Brondy Leung and Marty Cheng wrote a purchase agreement for a Naples plan which is the home that they have been working towards buying since late spring. Home site 4 was their favorite home site based on having common ground on one side providing an open feel. Brondy and Marty have two children and look forward to having a yard for their two girls to play in.

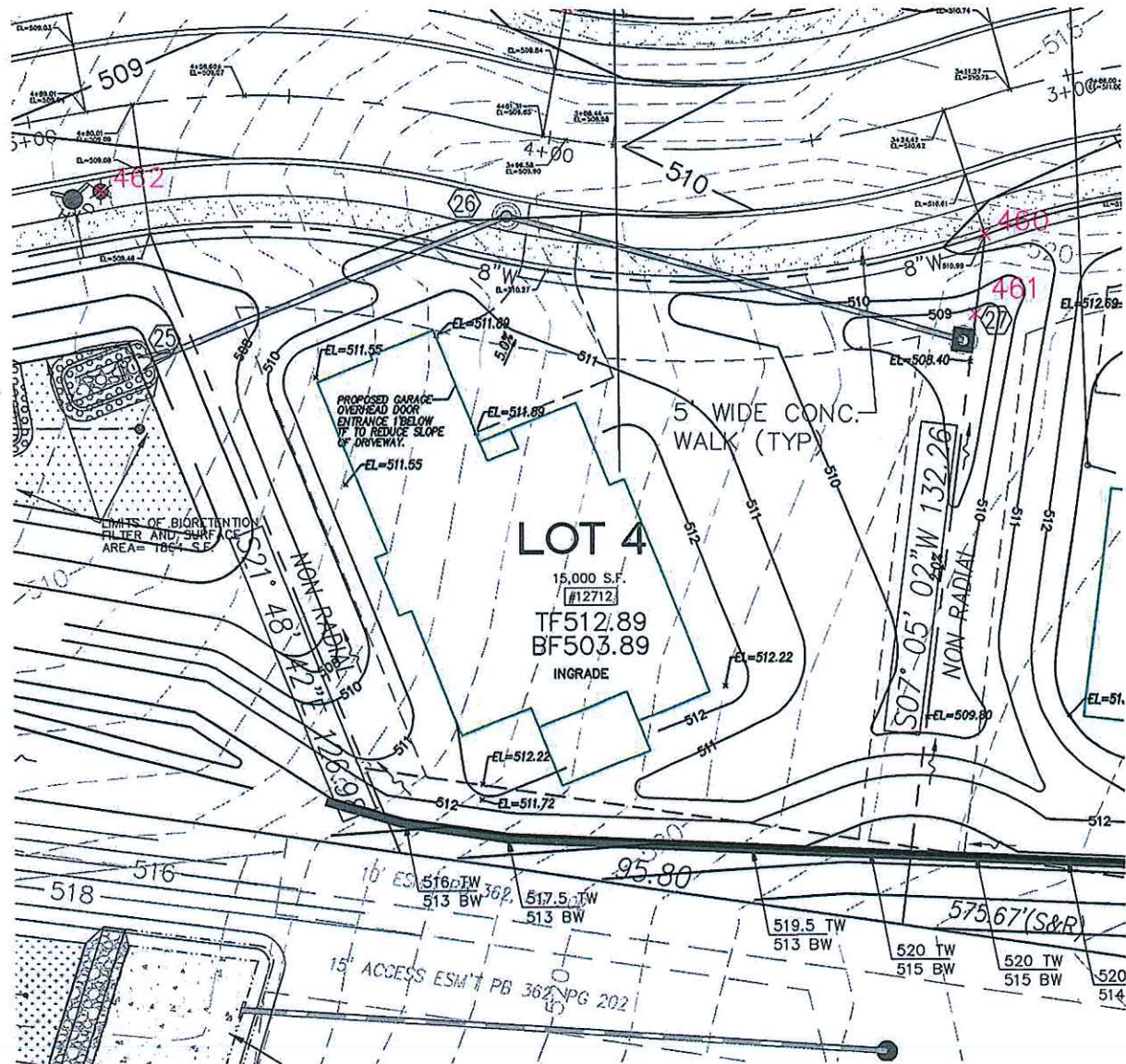
In order to utilize this home site in the best way possible while still having their dream floorplan, they would like for the home to be positioned on an angle. This angle will provide the homeowner and community with a variety of benefits:

1. Brondy and Marty will have additional yard space in the rear corner of the home for the children to play. Without this variance, they will not have a place in the backyard for their children to play.
2. The positioning of the home provides Brondy and Marty maximum usability of the home site giving room for entertaining and children playing on the back and side yards.
3. This positioning would give a more open feel to the community as a whole with a larger open area between homes. This will give all of the future homeowners a better looking community with a more spacious feel.
4. Without this modification, the home will have no backyard and any entertaining would need to take place on the side yard. In addition, Marty and Brondy would have a retaining wall mere feet from their patio door and no opportunity for space in their back yard at all.
5. The positioning of the home also provides them some privacy so that their courtyard garage does not face directly at the courtyard garage of home site 3.

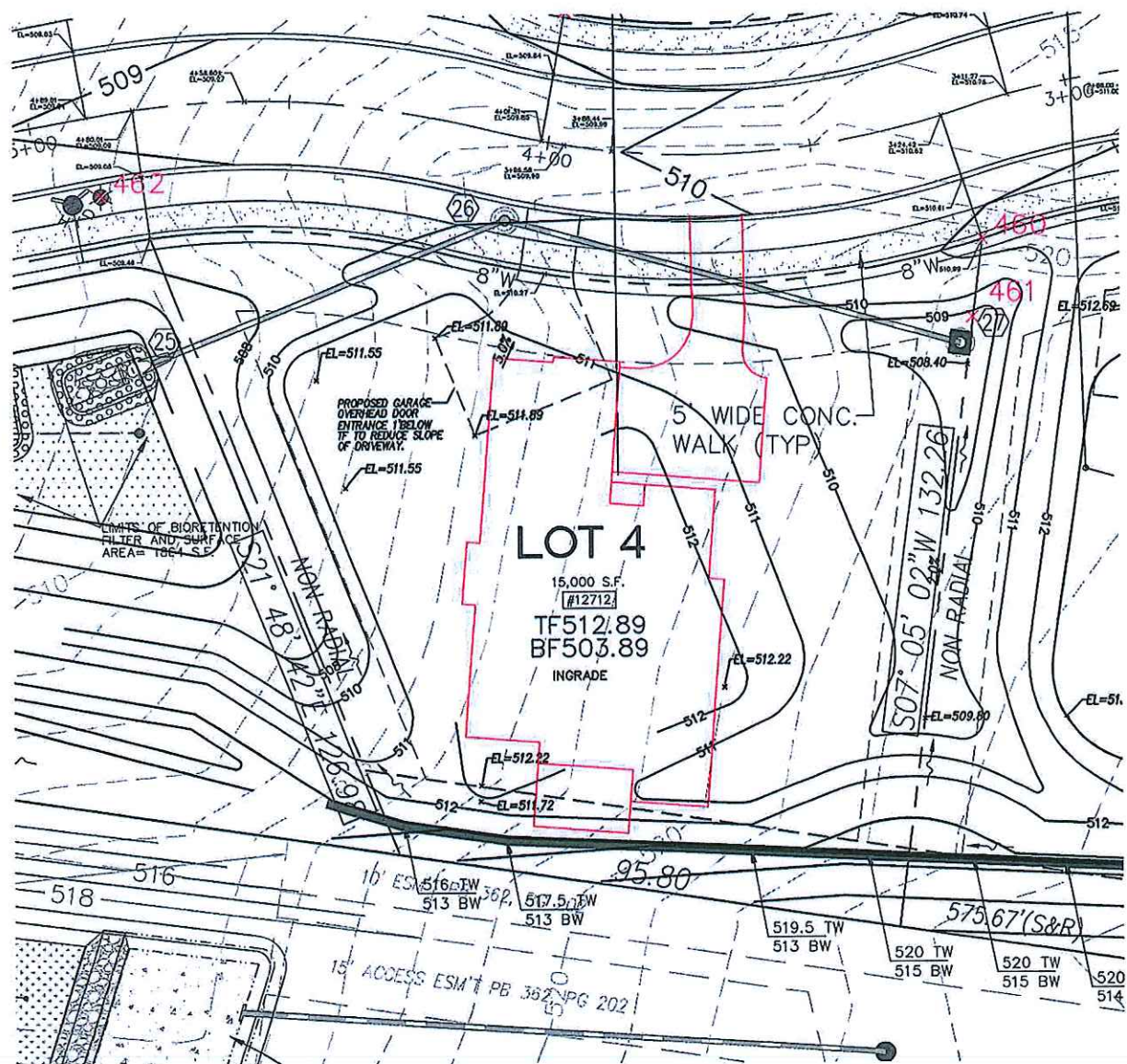
Please consider this variance for Marty and Brondy. For months they have worked to sell their current home with the hopes of building their dream home on home site 4. They look forward to a space where their children can play and the family can spend together enjoying their yard.

Amy Stuart
Sales Consultant-Certified Field Trainer
Creekside at Mason

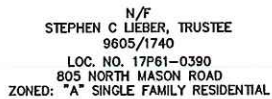




2015-09-15 NAPLES MODEL -
AS DESIRED BY THE
PURCHASER OF LOT 4 FROM
PULTE.



2015-09-15
NAPLES MODEL -
ORD. 5376,
SECTION 3, NO. 3



LOT #	BASEMENT F.F. EL.	100 YEAR FLOOD EL.	100YR FLOOD ON PORTION OF LOT?
1	502.27	495.84	NO
2	504.77	495.75	NO
3	504.99	495.18	NO
4	503.87	494.64	NO
5	502.22	495.75	NO
6	504.99	495.18	YES
7	503.97	494.64	YES
8	503.26	494.64	YES
9	503.26	494.53	YES
10	504.17	494.53	NO
11	505.43	494.56	NO
12	505.57	494.56	YES

 EXIST. 100 YR. FLOODPLAIN
 PER FIRM 2018C0161,
 EFFECTIVE DATE 8-2-2005
 PROPOSED 100 YR. FLOODPLAIN
 PROPOSED FLOODWAY
 EXIST. FLOODWAY
 CENTERLINE EXISTING CREEK

IMPROVEMENT PLANS FOR:

CREEKSIDE AT MASON SUBDIVISION

853 MASON ROAD
CREVE COEUR, MISSOURI

GEORGE M. STOCK E-25118
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

REVISIONS:

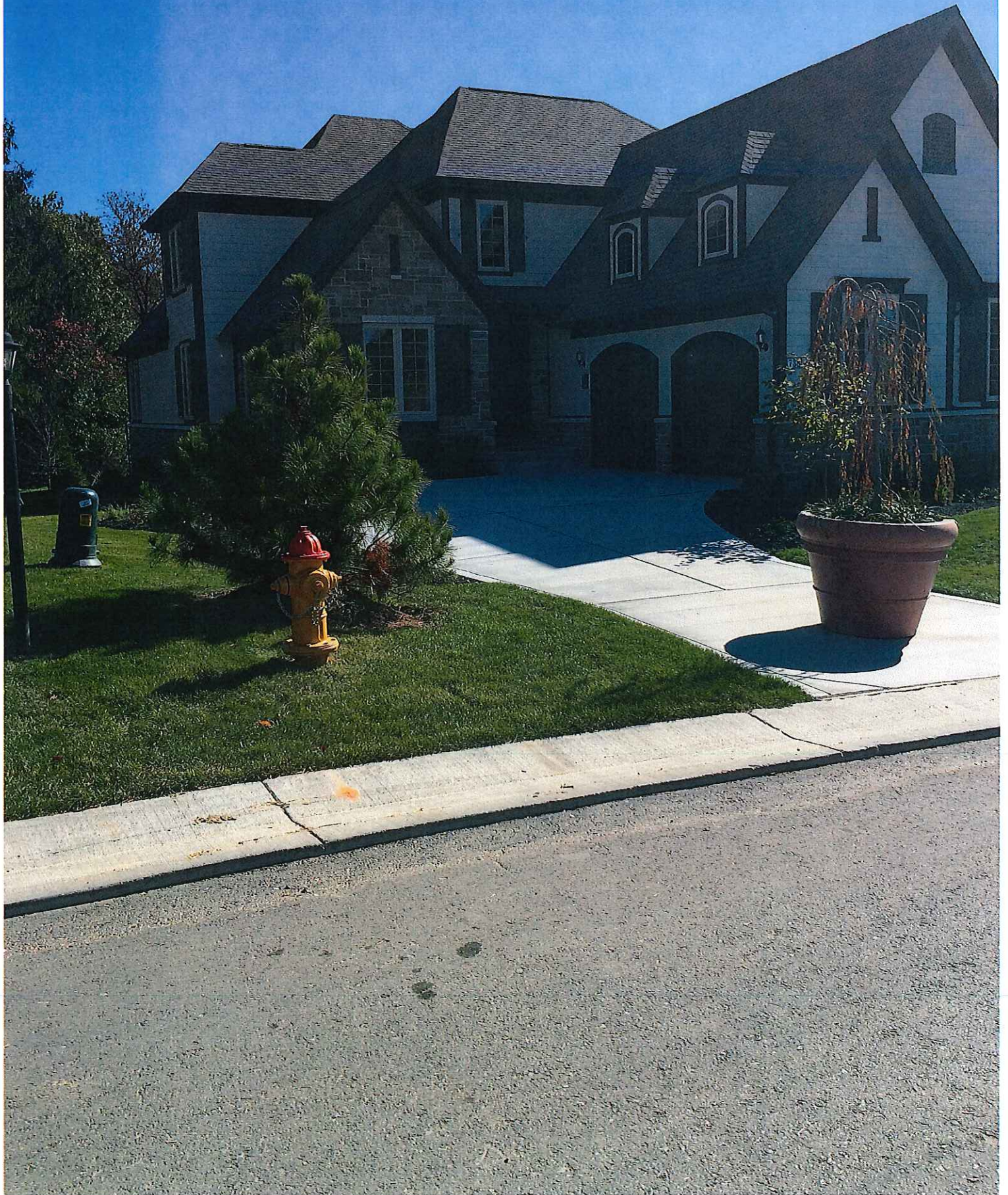
DRWN BY: C.A.M.	CHECKED BY: G.M.S.
DATE: 01/05/2015	JOB NO: 213-5220
MSD P#: P-30152-00	BASE MAP #: 17-P2
S.L.C. HWT #: 2442	HWT SUP. #: 58-175-E
M.D.R. #: MOAR05471	

**FLOOD EXHIBIT
PER CITY REQUEST**

SHEET NO: FL1













Book:21304 - Page:2731



* 2 0 1 4 1 2 1 9 0 0 7 0 0 *

GERALD E. SMITH, RECORDER OF DEEDS
ST. LOUIS COUNTY MISSOURI
41 SOUTH CENTRAL, CLAYTON, MO 63105

TYPE OF INSTRUMENT: **ESMT**
GRANTOR: **LIEBER STEPHEN TR**
TO: **PULTE HOMES OF ST LOUIS LLC**
GRANTEE: **PULTE HOMES OF ST LOUIS LLC**
PROPERTY DESCRIPTION: **JOHN HEZEL ESTATE LOT PT 3 & SURVEY 1923-45-5 BDY ADJ L: PT 2**

Lien Number	Notation	Locator
-------------	----------	---------

NOTE: I, the undersigned Recorder of Deeds, do hereby certify that the information shown on this Certification Sheet as to TYPE OF INSTRUMENT, the NAMES of the GRANTOR and GRANTEE as well as the DESCRIPTION of the REAL PROPERTY affected is furnished merely as a convenience only, and in the case of any discrepancy of such information between this Certification Sheet and the attached Document, the ATTACHED DOCUMENT governs. Only the DOCUMENT NUMBER, the DATE and TIME of filing for record, and the BOOK and PAGE of the recorded Document is taken from this CERTIFICATION SHEET.

RECORDER OF DEEDS DOCUMENT CERTIFICATION

STATE OF MISSOURI)
SS.
COUNTY OF ST. LOUIS)

Document Number
00700

I, the undersigned Recorder of Deeds for said County and State, do hereby certify that the following and annexed instrument of writing, which consists of 5 pages, (this page inclusive), was filed for record in my office on the 19 day of December 2014 at 01:55PM and is truly recorded in the book and at the page number printed above.

In witness whereof I have hereunto set my hand and official seal the day, month and year aforesaid.

CF
Deputy Recorder



Gerald E. Smith
Recorder of Deeds
St. Louis County, Missouri

Mail to:

Stock and Associates
257 Chesterfield Business Pkwy
Chesterfield, MO 63005

Destination code: 4001

RECORDING FEE 33.00
(Paid at the time of Recording)

LICENSED TO DATA TREE AND NOT FOR SUBSEQUENT REUSE OR ANY OTHER BULK TRANSFER.

(3-Inch Area above – Leave Blank (for Recorder's Office Use Only))

DOCUMENT TYPE:

TEMPORARY SLOPE CONSTRUCTION LICENSE

DATE OF DOCUMENT :

Dec 16, 2014

GRANTOR :Stephen Lieber Trustee
801 N. Mason Road
Creve Coeur, MO 63141**GRANTEE :**PULTE HOMES OF ST. LOUIS, LLC
17107 Chesterfield Airport Road
Suite 120
Chesterfield, MO 63005**PROPERTY ADDRESS:**801 N. Mason Road
Creve Coeur, MO 63141**LOCATOR NO.:**

17P610390

CITY/ MUNICIPALITY :

Creve Coeur, Missouri

LEGAL DESCRIPTION:A tract of land being part of Lot 2 of the Subdivision of John Hezel Estate located in U.S. Survey 1923, Township 45 North, Range 5 East of the 5th Principal Meridian, City of Creve Coeur, St. Louis County, Missouri.

LICENSED TO DATA TREE AND
TEMPORARY SLOPE CONSTRUCTION LICENSE

THIS INDENTURE made and entered into this _____ day of _____, 20____
between STEPHEN LIEBER TRUSTEE of the County of St. Louis, State of Missouri,
Grantor and PULTE HOMES OF ST. LOUIS, LLC, 17107 Chesterfield Airport Road, Suite
120, Chesterfield, MO 63005, Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of One Dollar and
No/100 (\$1.00) and other valuable considerations paid by the Grantee, the receipt of which
is hereby acknowledged, does by these presents, grant unto the Grantee a Temporary
Slope Construction License upon the following described premises, situated in the County
of Saint Louis and State of Missouri to wit: all the real estate indicated by ////////// on the
attached Exhibit "A" hereby made a part of this Indenture.

SAID Temporary Slope Construction License is granted for the purpose of placing
excess spoils from the Creekside at Mason subdivision project, as mutually agreed upon
by Stephen Lieber Trustee and Pulte Homes of St. Louis, LLC, providing working room and
implementing any and all other construction items until such time as grading work may be
completed for the Creekside at Mason subdivision project. Upon completion of grading of
the Creekside at Mason subdivision, this license shall terminate.

Grantor covenants that no installation will be placed on the above platted land (Stephen
Lieber Trustee, Locator No. 17P610390, 801 N. Mason Road, Creve Coeur, MO 63141) as
will interfere with the proper construction of the aforementioned project (Creekside at
Mason subdivision) until this license is terminated.

IN WITNESS WHEREOF, the Grantor has executed these presents the day and year
first above written.


Stephen Lieber Trustee

ANY OTHER BULK TRANSFER.

Illinois
STATE OF MISSOURI)
St. Clair) SS.
COUNTY OF ST. LOUIS)

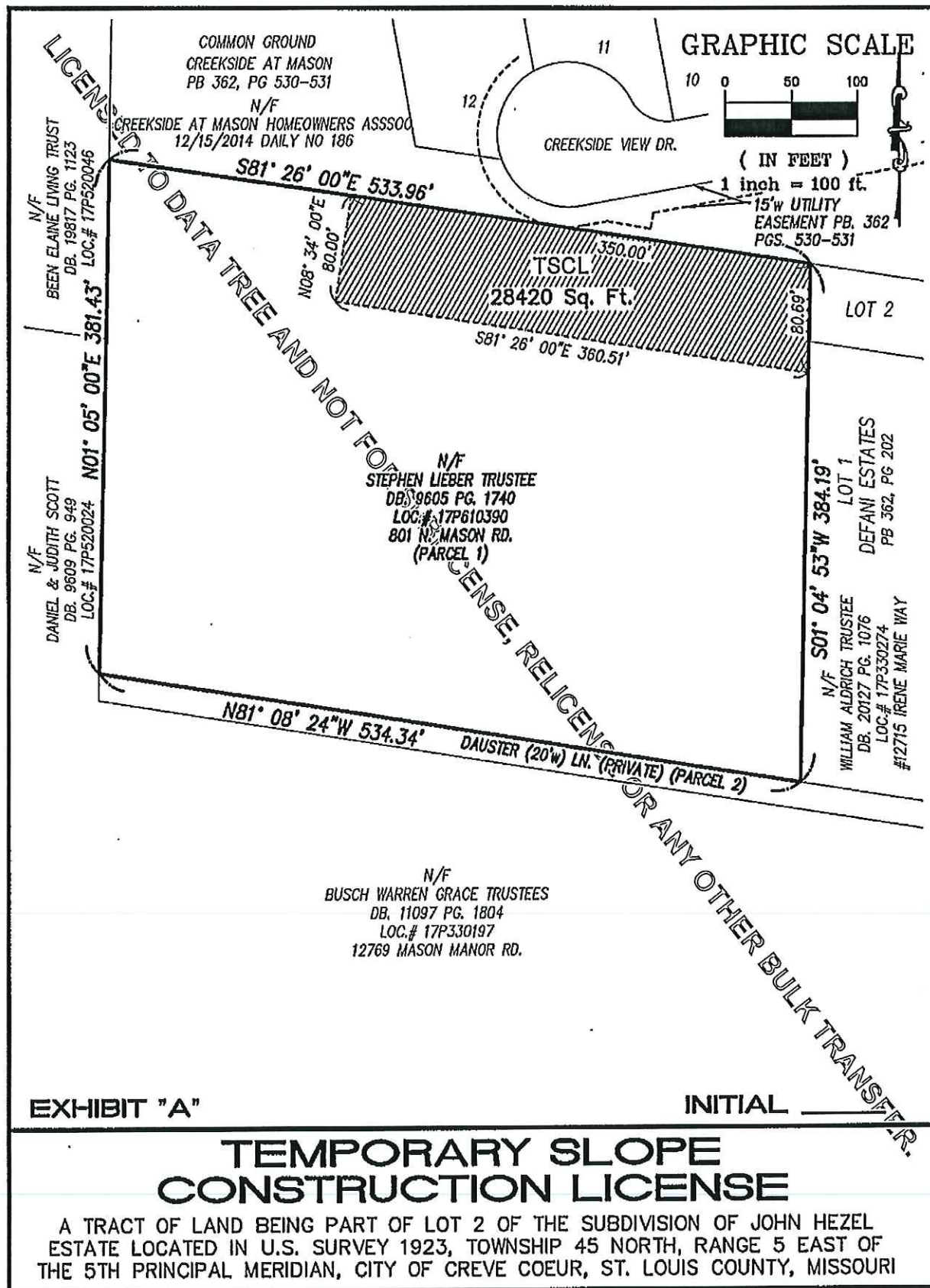
On this 16th day of December, 2014, before me personally appeared Stephen Lieber, Trustee, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed..

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

My term expires: March 17, 2018

Nicole Franklin
Notary Public

OFFICIAL SEAL
NICOLE T FRANKLIN
Notary Public - State of Illinois
My Commission Expires Mar 17, 2018



DATE 12/15/14

5220\SURVEY\EXHIBIT\5220-TSCL.DWG

PLANNING AND ZONING COMMISSION PUBLIC HEARING

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

MONDAY, OCTOBER 19, 2015

7:00 P.M.

PUBLIC HEARING 15-029

PUBLIC HEARING 15-024

THOSE IN ATTENDANCE:

Mr. Beth Kistner, Chair
Mr. Tim Carney
Mr. James Faron
Mr. Ken Howard
Mr. Gene Rovak
Mr. Charles Pullium
Mr. Carl Lumley, City Attorney
Mr. Jason Jaggi, Director of Community Development
Ms. Whitney Kelly, City Planner
Ms. Jessica Stutte, Administrative Assistant
Ms. Deborah McLaughlin, Recording Secretary

McLaughlin Court Reporting Services, Inc.

Deborah K. McLaughlin, RPR, MO-CCR #314, IL-CSR, KS-CCR
4772 Gatesbury Drive
St. Louis, MO 63128
(314) 487-2259

CHAIRMAN KISTNER: Okay. We're going to call the meeting to order.

Welcome. Good evening, everyone.

We'll start with our roll call.

Mr. Howard?

MR. HOWARD: Present.

CHAIRMAN KISTNER: Mr. Carney?

MR. CARNEY: Present.

CHAIRMAN KISTNER: Mr. Faron?

MR. FARON: Present.

CHAIRMAN KISTNER: Mr. Rovak?

MR. ROVAK: Present.

CHAIRMAN KISTNER: Mr. Pullium?

MR. PULLIUM: Present.

CHAIRMAN KISTNER: The Chair is present.

Ms. Hall is absent this evening.

We're going move to Item No. 3, public -- this is a public hearing. Application No. 15-029: Amendment to Ordinance -- Ordinance 5376 to Remove the Condition Three on Lot 4 for the Creekside at Mason Subdivision.

Anybody who's going to speak to that, if they could stand up to be sworn in.

(Speakers were sworn in by the court reporter.)

MR. STOCK: May I approach and just pass --

CHAIRMAN KISTNER: Certainly.

MR. STOCK: Thank you.

Good evening, Madam Chairman, Members of the Commission, Mr. Lumley.

For the record, my name is George Stock, and I'm with Stock & Associates Consulting Engineers. And I'm here tonight on behalf of Pulte Homes of St. Louis, L.L.C.

Joining me this evening are Mr. Jeff Thoele, general sales manager; Amy Stuart, who is a sales consultant, and Mr. Matt Segal with Pulte Homes.

As you all recall, more than a year ago we were before the Commission and the Board of Aldermen in the City of Creve Coeur requesting your consideration for a zoning matter for a subdivision known as Creekside at Mason. It was approved in June of 2014. It's Ordinance No. 5376.

It was a specific condition in addition to many others.

But one in particular that spoke to Lot 4 of the Creekside at Mason Subdivision. It spoke to the front yard setback and the orientation of the home on the lot.

We always knew we had a unique lot, and when the Planning Commission and the Board of Aldermen approved it, they actually reduced the front yard setback from 20 feet to 15 feet on this lot from the other eleven that existed, and they had requested that the home be parallel on the

street.

A lot has happened since that approval. The land development has basically occurred. The subdivision is constructed, streets are in, infrastructure in, one foundation is in and sales are underway.

Within the last month or a few weeks, Lot 4 was sold or put under contract. The Naples home, which is actually the home that's on the screen, which is one that you had seen before, was selected for that lot.

There was discussion between Pulte and the purchaser relative to the preferred orientation on the lot, causing us to come back to the City of Creve Coeur and request your consideration for the home to be skewed on the lot.

What I passed out to you is one, obviously, the staff report. Within the staff report it makes reference on page 3 about adjusting the home. As the civil engineer, I can't speak to that, but I know that the representatives from Pulte can speak to the practical difficulties of reconfiguring the floor plan on the Naples home.

The other thing that's happened is, and part of this, when you go through rezoning, there's always a fear of the unknown, what it will look like. Hopefully, the Commission has had the ability to go out there and see the

streets, see how lots have developed, see the improvements in place, become a little bit more familiar with the surroundings of where the existing home to the south.

The other thing that's happened is there's a development called the Woods of Ladue. And you may have heard us refer to it when we were before you a year and a half.

The Woods of Ladue were just a few months ahead of this particular matter in Creve Coeur. And in your packets are some photographs of the existing homes within the Woods of Ladue.

And from an orientation and a presentation to the street, I think it takes away, again, what we were showing. And by saying what we were showing, what we were presenting to the Planning Commission when we were making our case was that it was these renderings, and this was a shot that you saw approximately 14 years ago, and this was, basically, standing on Mason Road looking to the west and you would see the homes, the structure and the doors.

And while this is an architectural perspective, I think what you have in front of you are some of those real life homes that you can touch at Lindbergh and Conway.

The particular home that we're talking about is this one. This is looking from the west looking back to

the east. So this would be the Naples placed on the lot at an oriented skew.

The view that you would have of that particular home from, again, Mason Road, Mason Road, and I'm looking west. I have to strain my eyes, but that's it back there, so I'm going to zoom in. So there's the garage door. And what you'll notice is the garage doors are an architectural element. And we'll look at the house as you come along, the side perspective. So the orientation, while it may look exaggerated on the -- on the ground from a bird's-eye-view. Go back to that and show you that.

So -- so this is the orientation as what's in the perspective. This is an orientation similar to the photographs that you've seen of the doors, and this is what the purchaser of the property preference is going to be.

I think staff provided you an eight and a half by eleven of the home turned, so that it, I think, meets the intent of the ordinance, which is parallel. And what changes is the backyard actually becomes abutting the rear retaining wall, whereas, opposed in this orientation, it opens up to the backyard, and there's a large side yard, and such that the -- what looks a little more dramatic, as far as the orientation relative to the cookie-cutter homes that are -- it's not as exaggerated when you look at the

street view or when you look at it in a real life -- real life driving up from the Woods of Ladue.

The Woods of Ladue has the same reverse curvature on the street as this has, and so when you see those garage doors, again, they're not necessarily -- they're there, but they're part of the architecture of the stone that's around the houses.

Amy had written you a memo that is contained dated October 1st, 2015. I assume it's contained within your packet.

And it states to a little bit about the request from the neighbors, and I think at this point, I would ask Amy to come up and speak a little bit about that seller and that -- or that purchaser and their desire. And then Jeff will speak with you a few minutes, and then we'll answer some questions that the Commission may have.

MS. STUART: Hi. I'm here on behalf of the buyers of the Lot 4 of Creekside at Mason. These buyers fell in love with the floor plan, the Naples --

MS. KELLY: You need to state your name and --

MS. STUART: Oh.

MS. KELLY: -- address for the record.

MS. STUART: I'm sorry.

Amy Stuart, 217 Farm Meadows in Ballwin,
Missouri.

So I'm here on behalf of the buyers of Lot 4 Creekside at Mason. They fell in love with the floor plan, the Naples, months ago actually, and they were one of our first potential buyers for the community. And worked -- have worked very hard to sell their existing home, so they could purchase this one.

They also fell in love with Lot 4 based on the detention area on one side providing open space. And they would like to position the house as angled as they showed on the -- oh, it's not up -- which will provide -- which will provide them with the ability to actually use their backyard. They have two -- two girls. This will give the girls room to play. They'll be able to actually entertain. The homes were to be facing directly with the street. Their patio would, basically, back right up to that retaining wall and give them their yard space, but this would give them the ability to have a space for their girls to play, and also for entertaining in the back of their yard versus just on the side yard.

Also, it -- it provides a more spacious feel. Gives you more space between homes. So as you drive down the street, you have more of a feel of openness, both as you drive down the street and also from the adjacent neighborhood looking down, they'll have more of a open feeling as well with the homes.

So that is -- that is, basically, what the buyers are requesting.

CHAIRMAN KISTNER: Question. Would the --

MS. STUART: Uh-huh.

CHAIRMAN KISTNER: -- materials of the house be the same all the way around?

MS. STUART: The materials of the house are hardy board on the sides and back and hardy board and stone on the sides of the home. Sorry.

So you can see this is actually -- oh, yeah. So you can see how the brick water ledge on the right side kind of wraps right here. So you can see how the stone kind of wraps around the corner here, and then the hardy board continues beyond that point.

So it has the look of stone, and then you have the landscaping that will kind of cover that area as well.

Yes. Yes.

MR. FARON: Has there been thought of, at least in that plane, continuing the -- the veneer all the way around the -- the stone veneer, and maybe say at the lower level leaving the hardy board?

I -- I guess I would love to see it all be in stone, because it somewhat becomes part of the front facade, but I know there's quite a bit of landscaping, and as Mr. Stock had said, from Mason you don't see anything

but the garages, and there's a lot of opportunity to landscape there.

But I know there's a couple different planes there. The connected planes in the front would be an expense, but not doing the whole side of the --

MS. STUART: Uh-huh.

MR. FARON: -- residence, obviously, except for the water table.

Are you talking about just there, if you would possibly do that, then kind of gets the corner at least, and then you have that lower level that kind of sticks out, that would be hardy board?

MS. STUART: And that's something that we can, you know, certainly explore, and I'll have Jeff speak to that.

MR. THOELE: Jeff Thoele with Pulte, 30 Mill Drive (phonetic), Kirkwood.

That is something that -- that we did entertain. We felt that adding some additional landscaping in that open space to the side of the home to kind of break up that view created a softer feel and enhance the beauty of the -- the landscape in the community as well.

MR. FARON: Yeah, I -- I guess that's the colorful in the -- in that corner landscaping that you're proposing there I see?

MR. THOELE: Yes, as far -- as well as if you -- if you see the rendering on page 2 of the packet that we provided, what we propose is having some larger either spruce or pine trees --

MR. FARON: Right.

MR. THOELE: -- there as well to break that up.

Possibly in a little bit of a raised bed to -- to create some beautification there in between and create a little bit more of a buffer and a little bit softer feel with the landscaping versus not putting a bunch of landscaping there and just continuing that stone water table along there.

MR. FARON: Yeah, I could see the landscaping still going in there, but the -- I guess I'm looking at, you know, this rendering here. I guess this was the proposal, correct, I mean --

MR. THOELE: Yes, that is -- yeah, there was two specific renderings, yes, that we created.

MR. FARON: I don't know what page. I mean I think it's --

MR. THOELE: Yeah, they're very similar.

MR. FARON: -- the first colored rendering.

MR. THOELE: Yeah, it's just a larger --

MR. FARON: That's what I'm looking at.

MR. THOELE: Yeah.

MR. FARON: Yeah. That's what I'm looking at.

So I looked at this before, and I just noticed that. I mean I -- I know it's costly to do the whole -- the whole facade, the whole side there, but I know there's a natural break there, even up to that upper window. I know these are -- I don't even -- I think they're one story, I mean that's just a --

MR. THOELE: There -- there's one story and story and a half plans, yes.

MR. FARON: But that's a faux window up there --

MR. THOELE: Uh-huh.

MR. FARON: -- or whatever.

But, you know, back to that window, I -- that's quite a bit of stone, but I don't know, I just thought I'd throw it out and see if you could soften that corner, because, technically now kind of at an angle and not facing the street, but I see you've addressed it.

I just thought I'd ask you, you know, it was -- it was calculated in terms of cost or is it cost prohibitive to continue that veneer all the way around at least to the side hip that comes out --

MR. THOELE: Yes --

MR. FARON: -- the bottom.

MR. THOELE: -- we do feel that that would be cost prohibitive to -- to the buyer to build the home that

way.

One of the things that we've also looked at is possibly maintaining base plantings along that entire foundation wall to possibly soften that a little bit more rather than just that front corner.

MR. FARON: Uh-huh.

MR. THOELE: If that would be agreeable to the Commission.

CHAIRMAN KISTNER: Mr. Pullium.

MR. PULLIUM: How many of the lots have been sold?

MS. STUART: Two.

MR. THOELE: Two at this point.

MR. PULLIUM: Two.

MR. THOELE: Lots 1 and Lot 4.

MR. PULLIUM: Oh, so just only one other lot?

MS. STUART: Uh-huh.

MR. THOELE: Correct. And then we've started our -- our model home on Lot 5 at this point.

MR. PULLIUM: Okay. And so does the person who bought the Lot No. 1 know what you're doing here?

My concern, and it doesn't seem to be a big one, I suppose, since there aren't any other people that have relied upon the rules as they currently exist, which is that there would not be front facing garages, and now

we're being asked to create a house that has a front facing garage.

MR. THOELE: Uh-huh.

MR. PULLIUM: I guess there aren't any neighbors to complain since there aren't any neighbors yet. Is -- is that the response?

MS. STUART: They have seen the plat as it's showed, the angle of home, so that won't be a concern for the current buyers.

MR. PULLIUM: Okay.

CHAIRMAN KISTNER: Applicant, is that all we're hearing from the applicant, and I want to ask Whitney to speak, unless you all have additional speakers.

MR. THOELE: One of the things that I did want to mention, and I know it was highlighted in the -- in the report here, was that, you know, that there was a question as to whether we would change the -- the footprint of the home in order to meet that.

That -- that was one of the things that -- we do a lot of life testing, we do a lot of research on the floor plans, and we feel that by changing the footprint of the plan, you're changing the transitional spaces within the home, you're changing spacing and the overall layout of the home, which is why this purchaser decided to purchase this particular home.

MR. PULLIUM: That might tie into my question.

I guess my other --

MR. THOELE: Sure.

MR. PULLIUM: My question is we went through all of this as to this particular lot when we approved the original plan, and -- and that's the part I don't understand because I -- what I do understand is how any buyer could say, no, I want to turn it this way, it works out better for me on here, except for that was all totally foreseeable at the time of the original plan. Nothing that's in your letter, I suppose, which makes total sense, but nothing's in there is new that couldn't have been foreseen at the time that we did this before.

What -- what has changed other than -- does anyone know what's changed?

MS. STUART: I can't answer that one.

MR. STOCK: Well, nothing's changed other than, basically, that home, and my understanding is this orientation, which is straight interpretation is unacceptable to the buyer, so that is the home --

MR. PULLIUM: Simple as that.

MR. STOCK: Basically, they don't want their house backed up to that retaining wall. That's -- I mean it's just -- it's that drawing that's a plot plan that is unacceptable, because, obviously, in that orientation

there's very small side yards and then the rear yard's -- so by turning it, because they have seen it, it's in the documentation we went through, they said, well, that's what we want. I said, well -- and I said, well, you can't do that without going back through, so it's -- it's -- it's, again, I think is it going to look bad? And is it -- it's -- the doors are still on the side, so it's not a front -- it's not the doors on the front, and even if you look at the end house, the cul-de-sac house, if you look at the very back of the subdivision.

MR. PULLIUM: Well, we've turned it to make it more front facing otherwise.

MR. STOCK: But -- but, again, I don't -- it's much different than front facing, front entry garage --

MR. PULLIUM: Sure.

MR. STOCK: -- it's still the motor court. You come in off to the side --

MR. PULLIUM: Right.

MR. STOCK: -- have the motor court. So it's still an upper end, upper scale design of the house. And if I look at the house at the very end of the cul-de-sac, I know this is very busy, but just the way it's on the cul-de-sac, it's not parallel, it's somewhat skewed, and, quite, frankly, that orientation coming up the street is going to be right at the garage doors.

I guess I'm very comfortable with it, but I'm biased, I'm on this side.

And I've also gone to the Woods of Ladue and I've looked at the same product and the houses there, and how the garages, same distance, 20 feet off the street and reverse curve.

I don't find anything offensive. And they're a few months ahead.

You've sold how many out of --

MS. STUART: Seven.

MR. STOCK: -- seven out of eighteen. Two out of twelve here. And they're just getting started, so I think -- I think it's going to be good. My opinion.

CHAIRMAN KISTNER: Could -- could you show that site subdivision layout plan --

MR. STOCK: Yes.

CHAIRMAN KISTNER: -- again. I don't think we have that in our packet.

Well, the one -- no, the one that just has, you know, green with the yellow houses on it, like an aerial.

MR. STOCK: This one?

CHAIRMAN KISTNER: Yes.

MR. STOCK: Yes.

CHAIRMAN KISTNER: And just zoom in on that. I just wanted to be able to see that again one more time.

Okay.

MR. STOCK: And I've tried to say parallel, this space is parallel with the centerline on the road here. It's parallel with the centerline here. I know that's -- you wanted it more perpendicular. It's in a reverse curve. There -- there is a S-curve.

CHAIRMAN KISTNER: Uh-huh. Okay.

MR. FARON: Quick question.

CHAIRMAN KISTNER: Okay.

MR. FARON: Again, on the hardy board, is it that color? It's like a tan color.

MS. STUART: It is.

MR. FARON: And is it rust -- it's not a smooth -- is it kind of a --

MR. THOELE: It's a --

MR. FARON: -- woodgrain or a rusticated --

MR. THOELE: Yes, it does have a woodgrain to it and the color is cobblestone.

MR. FARON: Thank you so much.

MR. STOCK: So this is -- I don't know how well, but when I zoom in you can see the grain.

MR. FARON: I guess my concern, it'll stand out. It won't look as if it's like vinyl siding, I mean there is some type --

MS. STUART: Yeah.

MR. THOELE: Correct, it will not --

MR. ROVAK: Texture.

MR. FARON: Texture to it.

Okay. Thank you.

CHAIRMAN KISTNER: Whitney.

MS. KELLY: If I could just do my presentation from here.

CHAIRMAN KISTNER: Certainly.

MS. KELLY: As you know --

CHAIRMAN KISTNER: If you can give your name.

MS. KELLY: Oh, Whitney Kelly, City Planner for the City of Creve Coeur.

As you know, last year when the subdivision came in, it requested a residential design development in addition to the rezoning of the property.

And at that time architectural quality was a significant portion of the design -- or the architectural quality was an important part of discussion, and the lot layouts for the subdivision was included in that.

The Lot 4 provision, which specifically discussed, because it's angling the -- the house, which is to appear irregular and out of character with the rest of the subdivision.

And, therefore, that's why it was added. It's -- the front yard setback was also adjusted to

15 feet instead of the 20 feet to allow for maintaining the consistency with the other homes.

And we did just notice, and we'll need clarification, cause they are showing that the proposed design in your packet for plans tonight would show that it maintain the 15 foot setback instead of moving it back to the 20 foot because they're removing this entire condition of lot -- entire conditions that would require the 20 feet or consistent with the required prior plan.

Because the home is now -- the side of the home is now significant features when traveling along the road, we are also including a condition that it require the columns of the architectural quality of the front similar to those that are required at the intersections of Mason and -- what is the new street that they have created?

MR. STOCK: Creekside at Mason?

MS. KELLY: Yes.

MR. STOCK: Creekside at Mason Drive.

MS. KELLY: Oh, okay. That's the new street?

Okay.

CHAIRMAN KISTNER: So how many -- which side in the new orientation are you considering if -- it's almost two sides now facing Mason, is that correct?

MS. KELLY: Well, this is not facing, we're just saying that Lot 4 would have to be -- the architectural

quality would have to be consistent on the sides that are visible from the street for this lot. If it is projected to be at a perpendicular to the road or -- so the side that -- yeah, it's the true side of the building that is most visible in the -- in the architectural rendering is that side that you see is on -- for the new road -- it would be the east side of the --

CHAIRMAN KISTNER: Okay. All right. Any other discussion or questions from the Commission?

Are there any members of the public who wish to speak to this matter? Hearing none.

Yeah, I think given that, we'll conclude the hearing.

(This ends the public hearing.)

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

I, Deborah K. McLaughlin, Registered Professional Reporter, Missouri Certified Court Reporter, Illinois Certified Shorthand Reporter and Kansas Certified Court Reporter, do hereby certify that I reported the Planning and Zoning public hearings stenographically and later reduced to typewriting; and that this is a true and accurate transcript of the public hearing.

_____, RPR, MO-CCR, IL-CSR, KS-CCR

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



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/26/15 07:00 PM
Department: Public Works Department
Category: Purchase
Prepared By: Jim Heines
Department Head: Jim Heines

SCHEDULED

RESOLUTION

Resolution No. 1189 - a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Purchase of a New 20 Cubic Yard Extreme Vac Leaf Vacuum from Key Equipment for \$45,267.

Approval to purchase a new 2015 Extreme Vac diesel powered leaf vacuum to replace a 2003 Giant Vac gas powered vacuum.

Resolution

Meeting of October 26, 2015

RESOLUTION NO. 1189

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, AUTHORIZING THE PURCHASE OF A NEW 20 CUBIC YARD EXTREME VAC LEAF VACUUM FROM KEY EQUIPMENT FOR \$45,267.

WHEREAS, the City Council of the City of Creve Coeur recognizes a need to provide quality equipment to city employees; and

WHEREAS, the City Council of the City of Creve Coeur recognizes a need to provide leaf collection service to the residents in the city; and

WHEREAS, the National Joint Powers Alliance (NJPA), a cooperative bidding organization that is approved by the City Council, has competitively bid this equipment as required by the City of Creve Coeur Code of Ordinances,

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

Section 1: The purchase of a new 2015 Diesel Powered 20 CY Extreme Vac SCL65TM20 leaf vacuum with an impeller upgrade from **Key Equipment, 13507 N.W. Industrial Dr., Bridgeton, MO 63044**, for an amount of \$45,267, is hereby approved. The purchase shall be consistent with the provisions and intent of this Resolution and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Resolution, the matters herein authorized, and the rights and duties of the City under the purchase agreement.

Section 2: This Resolution shall take effect upon approval.

Adopted this 26th day of October, 2015

Barry Glantz
Mayor

Attest:

Deborah Ryan, MPCC
City Clerk



DEPARTMENT OF PUBLIC WORKS OFFICE MEMO

DATE: October 21, 2015

TO: Mark C. Perkins, City Administrator,

FROM: Jim Heines, Director of Public Works

SUBJECT: FY 2015 Leaf Vacuum Purchase Recommendation

City Staff has been working with the municipal representative from Key Equipment, the local distributor for Old Dominion Brush Company, Inc. regarding the purchase of a new Extreme Vac 20 cubic yard, diesel powered leaf vacuum. We have been purchasing this brand of leaf vacuum for the past 5 years because it meets the city's heavy duty specifications.

City staff is taking advantage of the National Joint Powers Alliance (NJPA) pricing for this unit. The NJPA is comprised of a group of State, County, and local governments who have formed a nation-wide cooperative purchase organization. NJPA staff competitively bids many items including equipment for government purchases in an effort to obtain lower pricing. The City of Creve Coeur has been a member of NJPA for a number of years and most recently Council approved the NJPA Cooperative Purchasing Agreement by passing Resolution 1180 on September 16, 2015.

The city currently has 7 diesel powered leaf vacuums and 4 gas powered vacuums (two of which have become parts vacuums to keep the other two gas powered units running). Staff has been phasing out the gasoline powered vacuums and purchasing the diesel powered units. This comes in response to the mounting pressure from the EPA on Wisconsin gas powered motors to modify these motors to comply with emission standards or stop manufacturing these motors. Wisconsin no longer manufactures the 4 cyl. gas motors and replacement parts are scarce.

In addition to the information above, staff was notified that the 2016 Extreme vac will be required to have emissions equipment on the diesel motors which will result in a price increase of \$15,000 per unit. Key Equipment has one new 2015 unit left on their lot and will honor the NJPA pricing for this unit. At the city's request, they are holding this unit for the city until the Council has an opportunity to review this purchase request.

This purchase of this leaf vacuum will replace a 2003 model year gas powered leaf vacuum which has been delegated to a parts supply vacuum. This new diesel powered vacuum will allow our fleet to get back to ten operating vacuums.

Recommendation

Public Works staff recommends purchasing a new 2015 Extreme Vac SCL65TM 20 Cubic Yard Leaf Vacuum with an impeller upgrade from **Key Equipment, 13507 N. W. Industrial Drive, Bridgeton, MO 63044** for an amount of \$45,267. Although there is only \$44,615 identified in the FY2016 Capital Equipment account # 02-61-71-9516 for this purchase, staff anticipates a savings on other equipment purchases which will make up for the \$652 shortfall.

OLD DOMINION BRUSH CO., INC.

5118 Glen Alden Drive, Richmond, VA 23231

1-800-446-9823

PROPOSAL # 09/21/15RT1**City of Creve Coeur****Creve Coeur, MO****DATE: September 21, 2015****ATTN: Jim Heines****NJPA Membership #69622****SELF-CONTAINED TRAILER MOUNTED MODEL**

MODEL	DESCRIPTION	MSRP
SCL65TM20	Hopper - 20 cubic yards with self dumping underbody hoist 28" diameter suction impeller with six 3/8" thick T-1 steel blades 3-groove power band belt drive for suction impeller 16" diameter x 120" urethane suction hose with steel nozzle Hydraulic hose boom powered by an electric/hydraulic pump 13" clutch assembly with a 2.25" diameter PTO shaft 30-gallon polyethylene fuel tank MVP electronic engine controls with engine safety shut down system Underbody type hoist that dumps to 52 degrees and is power up/down Gear driven hydraulic pump powers the 21.5 ton capacity hoist Tandem axles with a combined rating of 20,000 pounds Eight 235/80R16E tires mounted on steel wheels Electric brakes with break-away actuator LED type DOT lights and two rear amber LED oval flashers HD height adjustable pintle eye with three quick release pins Manual parking jack with drop foot All components pre-painted prior to assembly - hopper standard white color Engine compartment & vacuum blower housing painted battleship grey Powered by Cummins B3.3 4-cylinder 65 HP diesel engine IT4 emission (if available)	\$ 41,200.00
Options		
	Red hopper paint in lieu of White	\$ 900.00
	Hydraulic front parking jack in lieu of manual jack	\$ 1,500.00
	HD Suction impeller with 1/2" thick blades	\$ 1,300.00
	Total Equipment Cost:	\$ 44,900.00
	NJPA 7% Discount:	\$ (3,143.00)
	NET Equipment Cost:	\$ 41,757.00
	Transportation cost from Richmond, VA at \$2/mile	855 \$ 1,710.00
	TOTAL NJPA COST PER UNIT:	\$ 43,467.00
	Non-contract item: two addational amber flasher lights on rear	\$ 300.00
	* PDI of SCL65TM20	\$500.00
	* Lifetime training fee	\$1,000.00
	TOTAL DELIVERED PRICE:	\$ 45,267.00

**Contract #060612-ODB****MAKE PURCHASE ORDER OUT TO:****Key Equipment****13507 N.W. INDUSTRIAL DR.**

BRIDGETON MO. 63044

Thank you, **Rick Timmerman**





City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Debbie Ryan
City Clerk
(314) 872-2517
www.creve-coeur.org/

Meeting: 10/26/15 07:00 PM

DOC ID: 1580

DISCUSSION ITEM (ID # 1580)

**Resolution No. 1190 - a Resolution Directing the Creve Coeur
City Administrator to Pursue the Sale of the Western Portion
of the Municipal Golf Course.**

RESOLUTION NO. 1190

A RESOLUTION DIRECTING THE CREVE COEUR CITY ADMINISTRATOR TO PURSUE THE SALE OF THE WESTERN PORTION OF THE MUNICIPAL GOLF COURSE.

WHEREAS, a sale of the western portion of the Creve Coeur Municipal Golf Course consisting of approximately 28.5 acres and generally described on Exhibit 1 attached hereto would enable the City to avoid otherwise anticipated significant capital expenditures related to the dam and retention ponds on the property; and

WHEREAS, such sale would allow the City to discontinue subsidization of golf course operations and to discontinue competition with other public and private courses in the St. Louis area in a declining market, and

WHEREAS, such sale would create the opportunity to convert some or all of the eastern portion of the golf course from property subject to limited use by golfers into park land with more diverse use by all members of the public, including walking paths, bicycle paths, and other recreational activities, subject to City Council approval of specific plans and uses; and

WHEREAS, such sale would create the opportunity for residential development to meet the needs of the community and otherwise enhance the image of the City in order to attract more residents such as professionals working in the City's Biotech District, subject to City Council approval of any specific proposals; and

WHEREAS, such sale would be consistent with many goals of the City's Comprehensive Plan, which calls for more open and green space including by development of a central city park on golf course property, and the Plan's expressed preference for continued golf course operations in a smaller area no longer appears to be financially prudent or feasible, and

WHEREAS, such sale would create funds that could be used to support the anticipated redesign and/or replacement of the Government Center and create an alternative location for a new facility, subject to future City Council decisions regarding such matters; and

WHEREAS, the City Council has determined that such sale would be in the best interest of the public, would be fair to Creve Coeur citizens, and would best advance and protect the financial position of the City;

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

Section 1: The City Administrator is hereby directed to solicit proposals to purchase the western portion of the City's Golf Course described on Exhibit 1 hereto, by means of a "Request for Proposals" process structured as determined in the City Administrator's discretion, including any necessary survey work at the expense of the buyer in the due diligence phase. The City Administrator shall present the responding proposals to the City Council for final approval, together with his recommendation and with any appraisal information as he may deem appropriate to obtain in order to formulate that recommendation. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Resolution and the matters herein authorized, all within the limits of previously budgeted and appropriated funds.

Section 2: This Resolution shall take effect upon approval.

Adopted this ____ day of _____, 2015.

Attest:

Barry Glantz, Mayor

Deborah Ryan, City Clerk

Ryan, Deborah

From: kentivcouncil@charter.net
Sent: Wednesday, October 07, 2015 9:38 AM
To: Wang, A.J.; Glantz, Barry; Kent, Robert; 'Clumley@chgolaw.com'; D'Alfonso, Charlotte; Kramer, Cynthia; Kreuter, Dave; Ryan, Deborah; Lawrence, Ellen; Perkins, Mark C.; Hoffman, Robert; Saunders, Scott
Subject: GOLF COURSE
Attachments: golf course sale resolution.docx

As a result of the Vogt Associates Needs Assessment Report the City is now at point where it needs to decide what is the future of the Golf Course Land.

The future use breaks down into two basic parts.

The first part is the golf course needs;

Continue to operate the Golf Course as a golf course. If this route is taken then the City is faced with a \$3,000,000 capital investment in the upgrades for the Course and the storm water system. Effectively, the City will continue to incur operating losses as the paid greens fees continue on their slow decline as shown in the historical data. Many cost reductions have been introduced but the losses continue.

A second option is to convert the entire property into a City Park and/or Town Center. This will avert \$2,000,000 in Capital Improvements but still leave us with the storm water requirements and the need for capital to develop the Park.

A third option is to sell the western half containing the storm water improvements and utilize the money to provide a community center based facility which can become a true heart of community action for all of the citizens. This may include Art, an Indoor sports facility, bicycle and walking trails, skate board area, farmers' market and whatever else you and the citizens imagine to provide a center for all citizens to gather and enjoy.

To that end I have attached a Resolution which I request be put on the October 12 Council Agenda to determine the actual factual value of the western land so that all of us can debate the issue on a common basis.

We have spent money with Intuition & Logic to evaluate the storm water requirements. We have spent money with Vogt and Associates to determine golf Course requirements.

Before we spend \$3,000,000 to continue to serve 3% of the citizens I believe it is prudent to determine the real value of the asset for which we are trying to determine the future. What is the price of this jewel and can we afford it.

The second basic part is the government buildings needs.

Due to the serendipitous nexus of also facing the need for a new or renovated City Hall and Police Department this also becomes a location decision.

Other than the present location, there does not come to immediate attention another location than the golf course unless one considers one of the City parks. While several have the acreage, their locations are less than suitable. We know that the cost to renovate the existing building is between 8 and 10 million dollars. To tear down and re-build on the same location is between 18 and 20 million dollars.

We do not know the cost to build a new City Hall and Police headquarters on the Golf Course eastern half. So, for the time being there is not a basis for evaluating the two alternatives.

It is my hope that the Council will at least consider this alternative and task the subcommittee on the New Municipal building to investigate the alternative before going forward. The timing for this consideration occurs at a propitious time.

And lastly, considering both the magnitude of the total costs involved as well as the future of the community, should we not as several of our constituents have suggested, present these alternatives fairly, completely and transparently to all of the citizens of Creve Coeur so that they may have their say and their direct vote on what they want. Not, what the 8 of us may think they want.

As an elected official, I consider that my primary responsibility is to evaluate all possibilities and not pre-judge the wishes of the people

Thank you
Bob Kent

Ryan, Deborah

From: Robert Kent <kent4ward@gmail.com>
Sent: Wednesday, October 07, 2015 10:33 PM
To: Perkins, Mark C.
Subject: Re: [mayor-council] A resident's concerns about proposed changes in Creve Coeur {01}
Attachments: Mr. Kent's letter and my comments.pdf

mark:

Please include this conversation in the packet for the resolution.

Thank you

bob

Forwarded conversation

Subject: [mayor-council] A resident's concerns about proposed changes in Creve Coeur {01}

From: **Robert Kent** <kent4ward@gmail.com>
 Date: Wed, Sep 23, 2015 at 7:32 PM
 To: mayor-council List Member <mayor-council@ci.creve-coeur.mo.us>

Ms. Katz:

Apologies for not getting back to you sooner on your comments regarding my proposal.

Let me say to your

Point 1.

The city will be inviting all members of the public to tour the building. May I suggest that you avail yourself of that opportunity and then consider whether the City truly needs a new facility or not.

Additionally, the P&Z Commission is hosting three more meetings on the Comprehensive Plan which incorporates considerations for a town center. You may wish to attend one or more of those meetings or keep up to date with progress of the City vision on the website. I would have to defer to the Parkway School District for the answer on why they have stayed in the same building, but having lived in Creve Coeur for 48 years I am not sure when that building was built but we do know the government building being an old school is 67 years old. I do know that that Parkway is seriously considering a \$.15/100 property tax increase to increase their reserves and will be doing it without a vote but as a recoupment. You may wish to review the recent issue of West County news for more information.

Point 2.

On page 148 of the FY 2016 Creve Coeur preliminary operating budget, the paid greens fee's have declined from \$335,000 in 2006 to \$245,500 projected in the June 30 2015 ending fiscal year. The golf course loss for this past fiscal year was slightly over \$67,000 and is projected to be \$101,000 for the coming fiscal year. According to staff, about 20700 paid total rounds in 2015 fiscal of which about 6845 were resident rounds. So if your lady leagues have 20 players per week for 30 weeks? then you alone account for 600 rounds or almost 10% of the resident paid rounds. If the other residents play 12 rounds per season, close to the national averages then we have 426 more residents totaling 466 Creve Coeur citizens. You will note I have been using 500 resident City players in my emails.

I agree that fees need to be raised and indeed I have asked for the fees to be put on the Council Agenda and I am currently working with other golfers to determine a fee structure that will raise the total revenue to cover the projected loss of \$101,000.

The staff is coming up with their recommendations. As this should be on the next Council Agenda you may wish to attend and give your opinion(s).

Regarding the Storm water problem, the record will show that as both a private citizen I pushed to determine if the commercial Property owners were responsible and asked for a diligent and thorough search of all the records. Indeed the bill of sale did turn up & indeed show that the Commercial property owners assumed with their purchase all responsibility for the Storm water ponds, dam & maintenance. Unfortunately, the contract sale was never recorded and never enforced for the past 50 some years. To attempt to enforce it at this point is legally problematical.

I also suggested that the Commercial Property owners form a Community Improvement District (CID) in the amount of \$2.5 million dollars to satisfy the Storm water requirements for the next 20 years. This is a voluntary district which requires 51% of the owners and 51% of the acreage. The Mayor and City Administrator dutifully met with the principal owners and because among other things there is a 30% office vacancy rate in Creve Coeur the owners understandably were not interested and declined.

To my knowledge the Missouri American Water Company has no involvement in this problem.

So as it now stands the City will be responsible for approximately \$2.5 million dollars in capital to be spent to bring the Golf course alone up to meet its needs in the next three years per Mr./ Vogt the consultant the City hired to evaluate those needs...AND

another million to repair the dam, remove silted south and North ponds and install a filter to prevent the problem continuing.

The next three plus years will require \$3,000,000 from the City coffers regardless whether it comes from the Operating Fund, the Capital Improvement Fund, bond issue or whatever, and to whatever account it is charged, it will still be all taxpayer money.

And... if some of it is grant money from the County parks grant fund it will still be taxpayer money.

Point 3

My check on the population shows that the best census estimate for Creve Coeur Citizens is about 17,800. We will use this corrected figure from now on. I have used 500 players for the known and recorded 6800 plus paid rounds out of the 20700 total paid rounds played. There are a few resident to resident exchanges between University city and Ballwin but not much. There are less than 20 paid annual passes. The Director of Finance has estimated that to do a recapture of the paid resident rounds from credit cards would be too expensive and also there are privacy concerns, so the improvement in estimate is not worth the price.

In my proposal, we would keep the 28.5 acres on the East Side and sell the 28.5 acres on the West Side including the \$1,000,000 dam problem. Pulte Homes offered \$6.1 million dollars for that parcel including that liability. The number of homes to be built would of course be dependent upon the zoning allowed by the City. They estimated home values in the \$500,000 range which would be attractive to the young professionals being solicited to join the City's Agri-biology Technology development on the East side of the City. I would expect that the sales & utility taxes generated would be greater than the extension of marginal additional requirements for snow removal, leaf & limb pickup and the Police Force headquarters would be around the corner. And.....having adequate space for the Police Department would allow them to expand the West Central Dispatch Center to include more Cities further reducing our quarterly payments. Additionally, Pulte offered 2 Million dollars for the empty current building saving \$800,000 in tear down costs alone. Are these fair prices? I do not know. in my opinion, as a business person I would have spent \$5000 for an independent appraisal of both properties before letting the offer expire.

First regarding Runnymede, I can hardly believe that \$500,000 plus value homes is going to de-grade their values. Perhaps they would prefer a "Town Center" with mixed retail usage and apartments/condominiums.

Second, the Fairways Subdivision lives below the hill and doesn't see much of anything on the Golf Course and in any event with that much space the Government Building could be constructed no higher than Ice Arena present there now. Or very properly buffeted with a new 25 acre public park in their back yard. We would love to have that in Ward IV, for as you know we are the only ward with out a public park.

Point 4.

Ms.Katz,, you are surely entitled to your opinion as to the use of your tax dollars and let me assure you that the whole purpose of my communications is to be sure that all the citizens of Creve Coeur are assured of the opportunity to fully understand all of the alternatives available on this major money issue.

My only request is that you forward this Email as well as any others that you have received from me to all of your friends and fellow Lady Golf League Golfers to fairly evaluate.

And further, if you so desire I will be happy to meet with you and all who may oppose my suggestions to answer questions and to listen to your points of view and concerns at the government building or some other place of your choice.

With kind regards
Your councilperson

Robert W. Kent
Ward IV Councilperson
[314-440-1970](tel:314-440-1970)

----- Forwarded message -----

From: <Joyka234@aol.com>

Date: Sun, Sep 20, 2015 at 7:18 PM

Subject: Re: A resident's concerns about proposed changes in Creve Coeur

To: kentivcouncil@charter.net

Thank you for taking the time to respond to my email. I apologize for sending an attachment you couldn't read. This is my fault; I should have sent it in a more universal format. You will find that attached. Sincerely, Joyce Katz

In a message dated 9/20/2015 4:58:51 P.M. Central Daylight Time, kentivcouncil@charter.net writes:

Ms. Katz:

Thank you very much for your Email opining on the placement of the new Government Center.

Please understand that I believe that both the Mayor and I agree that the city needs a new Government Center and the question is not "If" but "Where"

I would also like to underscore that our differences of opinion are strictly on this policy decision and not a personal matter nor challenge of leadership.

As a matter of fact I believe I was the first to sign the Mayor's petition for re-election.

I also agree with the Mayor that a matter of this magnitude (\$15,000,000 to \$20,000,000) should be properly vetted by all stakeholders after a thorough and complete review by all of the stakeholders of Creve Coeur.

As you previously emailed to me that you have been playing the Golf Course twice a week for the last twenty years, along with other members of your Ladies Golf League, I can certainly understand and appreciate your emotional angst at my suggestion to sell half the Course and turn the other half into a Municipal Park and Government campus. I also understand it is my obligation as Ward IV Councilperson to consider your opinion as well as the opinions of not only all of the citizens in Ward IV but the City as a whole. I take this obligation seriously.

Your attachment would not open except in computer code, so I am unable to address your specific issues. If you have a hard copy, I will stop by your home and pick it up at your convenience or you may mail it to my home or to the government center. Please feel free to call me at [313 440 1970](tel:3134401970)

Knowing the mayor to be a fair person, I am sure that he will allow me equal space in the November Creve Coeur Newsletter to air and vet my proposal and reasons.

It is important that all stakeholders are offered the opportunity to listen to all sides of this Policy matter, so that they may decide and inform their elected representatives as to what is the "Wise and Thoughtful Use of the Community Resources" for all of the citizens, businesses and institutions in Creve Coeur.

To that end, I am pleased to offer, and make myself available, to debate the policy with the Mayor in an open public forum at a mutually agreed upon time, place, format, moderator, & length of debate.

With kind regards,

Robert W. Kent
Ward IV Councilperson
City of Creve Coeur, Missouri
[314 440 1970](tel:3144401970) (Cell)

From: "Glantz, Barry"
To: "Joyka234@aol.com"
Cc: Scott", Robert", "planning&zoning@ci.creve-coeur.mo.us", "Mayor-Council"
Sent: Sat, 19 Sep 2015 13:09:28 -0500
Subject: Re: A resident's concerns about proposed changes in Creve Coeur

Ms. Katz - thank you for taking the time to write, and for your very thoughtful e-mail message.

I completely agree with your sentiment in regard to our 9 hole golf course - and address some of those same concerns in my mayoral column that will be published in the upcoming / October newsletter (to be distributed early next month).

While a number of options regarding our Government Center have been discussed by the City Council - no consensus has been reached yet, in regard to "direction".

However, I completely agree that the sale of our golf course (a unique Creve Coeur amenity) to build a new municipal government center is NOT a wise or thoughtful use of our community's resources.

And while Mr. Kent is certainly entitled to his opinion - a decision of this magnitude will be (appropriately) led by the entire City Council, and also thoroughly discussed and vetted with ALL stakeholders in our community.

Thank you for your input !

Best regards,

Sent from my iPhone

Barry L. Glantz
Mayor
City of Creve Coeur, MO
[\(314\) 630-8772](tel:3146308772) cell

On Sep 19, 2015, at 12:37 PM, "Joyka234@aol.com" <Joyka234@aol.com> wrote:

Dear Administrators,

My family has enjoyed living in Creve Coeur for over 40 years. It is a lovely, leafy suburban community with privacy, yet perks. Our "downtown" serves us well with businesses, services and facilities, yet area subdivisions are quiet and peaceful. The ice arena, a thoroughly unique facility, and the golf course welcome visitors from town and surrounding areas alike. We are convenient to major traffic arteries, yet our streets are attractive and unclogged with traffic. Our city administration and police are accessible, efficient and mindful of residents' preferences.

Let's not close a golf course to build a government center and a subdivision -- let's not "pave over Paradise" as in the old Janis Joplin song.

I have attached the text of a letter circulated by Fourth Ward Alderman Robert Kent, and my comments on some of the points he is making. I believe that if his recommendations are followed, it would not be good for Creve Coeur.

Sincerely, Joyce Katz, resident of Lac du Bois

<Mr. Kent's letter and my comments.docx>

If you have received this message by mistake, please notify the City of Creve Coeur IT Coordinator ([314-872-2509](tel:3148722509)) and delete this message from your system. All email to and from the City are checked for viruses. Although this e-mail and any attachment(s) are believed to be free of any virus, worm, or other digital illness or defect that might affect any computer system that receives and opens this message, it is the responsibility of the recipient to make sure that it is free from any virus or other defect. The City does not accept, and specifically disclaims, any responsibility or liability for any loss or damage arising from the receipt or use of this message, and any attachment(s) in any way.

Ryan, Deborah

From: Robert Kent
Sent: Wednesday, October 07, 2015 9:36 PM
To: Perkins, Mark C.
Subject: Fwd: GOLF COURSE....West County News ..09/23/2015
Attachments: Scan0002.pdf; Scan0003.pdf

mark:

Would you please include this email in the packet for the resolution to solicit bids for the golf course.

thank you

Bob

 From: "George Krieger"
 To: "David Kreuter"
 Cc: "Christine Krieger", "Robert Becker", "Marcia Broddon", "Chris G L Grant", "Christine Krieger", "Jamie Zveitel Kwiatek", "Amelia Morrison", "Joan Niehoff", "Jerry Rothman", "MaryAnne Thompson", "Marc Wallach", "Diane & Stephen Weinstock"
 Sent: Wed, 30 Sep 2015 15:16:28 -0500
 Subject: Fwd: GOLF COURSE....West County News ..09/23/2015

Mr. Kreuther and Mrs. Kramer,

Just to let you know, my wife and I are in favor of building the new Government Center on the east half of the present city golf course as explained in Mr. Kent's Sept. 30th email.

I have played many times at the Creve Coeur Golf course and found it to be less than desirable as a golf course as compared to what other public courses are available within a 30 minute drive.

I think the City should provide something for ALL 16,000 citizens, not just 500 citizens who like to play the course. Sell half of the course, and build the Government Center on the other half, and save the tax payers some money in the long run. This project has our votes!

Regards,

George and Christine Krieger
 10991 Chambray Ct.
 St. Louis, MO 63141

Begin forwarded message:

From: kentivcouncil@charter.net
Subject: GOLF COURSE....West County News ..09/23/2015
Date: September 30, 2015 at 2:11:05 PM CDT

POSITIVE POLICIES.....ABSOLUTE ACCOUNTABILITY.....TOTAL
TRANSPARENCY

To All Trustees and Friends:

For those of you who do not receive the West County News I have attached a copy of the news report "Creve Coeur Golf Course Improvements Could Cost City up to \$2.3 Million" byline Jim Merkel.

This reportage stems from the Work Session at City Hall on September 16, 2015. The City hired a consultant to assess the needs of the Golf Course. Mr. Vogt of Vogt and Associates presented a list of needs for the Golf Course spanning the next three years. He confirmed his list of recommendations totaled \$1,958,000 for the Course and \$348,000 in new equipment needing replacement. In the longer term another \$309,000 in equipment will be required. The complete list is on the City website. <www.crev-coeur.org/golfassessment>

Further, the current Capital Improvement Budget includes \$540,000 for the South Pond and Dam replacement (Repair). Although not in this years CIP Budget, \$450,000 was included in last years budget for the removal of silt and installing a filter in the North Ponds. This installation should follow the South pond remediation in reasonable time to avoid re-contaminating the North and South ponds. Another estimated \$1,500,000 will be required for maintenance and Capital for the next 20 years. The City has spent over \$91,000 on dam design plans.

After reviewing the list of required improvements you may decide which ones may or may not be necessary. I would only suggest that sooner or later all will be required. Money from the Community Park Fund may be available in grants but keep in mind that is also taxpayer money and we might want to ask for our share for other purposes, such as having year around heated bathrooms in the parks for example.

A few comments specific to the article.

For the record I have never suggested selling ALL of the Golf Course. I have suggested and do still suggest exploring the possibility of selling the western half of the Golf Course containing the broken dams and silted ponds. This western half including the broken dam and silted ponds and eastern tributary was included in the half that Pulte Homes bid \$6.25 million dollars for (\$223,214/acre). Please see the attached map.

What we have advocated is that the new Municipal Building, Police Headquarters and Community Center be constructed on the remaining City half (eastern)(Containing the Ice Arena Building) and convert the balance into an additional City Park with future amenities to be determined. Perhaps a nine hole par 3 golf course? for example or an indoor sports complex. And as added note, Pulte Homes also provided a letter of intent to purchase the empty current building and property at 300 N. Ballas for \$2,000,000 if the City decided to build on the Golf Course. This would save about \$800,000 in estimated tear down costs if the a new building is constructed there. As a businessperson, I advocate spending some \$5000 or so to get independent real estate value appraisals.

Dr. Hoffman Ward 3 noted: "The dam and the storm water problem is not a golf course issue. He said the City would have to do the work no matter what happens to the course." While not wishing to be argumentative with my colleague, it does seem incontrovertible to me that if Pulte or some other residential developer purchases the western half of the golf course as shown, including the dam and ponds, it would be their responsibility and the repairs their expense. The City would have no further responsibility saving the City up to \$900,000 plus shown in the present and past 5 year Capital Improvement Budgets. Pulte Homes was aware of this responsibility.

Regarding another councilmember comments; I do not believe the dissemination of factual data (as close as can be estimated) is presenting bias but only an attempt to make sure all of the citizens have as much information as possible to fairly advise their representatives on council of their opinions and wishes on the outcome of issues. In this case, the ultimate location of a new City Hall.

It is reported that Mr. Vogt has offered his services to assist the City "...in developing a marketing plan to make the course more profitable". I sincerely hope this is true because first the plan will have to overcome the Director of Finance's estimated \$101,000 loss in 2016.

Based upon all of the research I have done on this issue since 2012, and considering both the local and national continued declines in golfing, the closing of 91 golf course and opening of 19 according to Mr. Vogt; the mounting losses at neighboring courses, Ballwin, St. Ann, Bridgeton Creve-Coeur that the long term sustainability of this acreage as a golf course is doubtful. While I fully understand the emotional attachment of the 500 or so devoted Creve Coeur Golfers may have to it and the environmental concerns of those wishing to keep it all green, nevertheless the question is how much money the City is willing to invest before the citizenry says "Enough"

My objective is to make sure that all of the citizens understand that this is an economic opportunity to provide a first class, Government Center, Police Headquarters, Community Center and additional parkland while at the same time avoiding to sink additional capital and operating losses into an asset that will ultimately fail.

That is my opinion, if you agree with me tell your councilperson, If you do not agree with me tell your councilperson.

But most of all, please do not let the decision be made in silent default.

Robert Kent

Ward IV Councilperson

Paid for by Robert Kent 13084 Ferntrails Lane, Creve Coeur, Missouri 63141

@charter.net>

(Photo courtesy of the city of Creve Coeur)

Creve Coeur Golf Course improvements could cost city up to \$2.3 million

By JIM MERKEL

Members of the Creve Coeur City Council are pondering a report by a consultant who said the city's golf course could require up to \$2.3 million worth of work to bring it up to tip-top shape.

Speaking to councilmembers on Sept. 16, Michael Vogt said that the nine-hole course at 11400 Olde Cabin Road is in generally good condition. But he said it needs work in several areas, particularly the 40-year-old irrigation system and cart paths.

City Administrator Mark Perkins said the city would only spend \$2.3 million if it fixes every single problem Vogt mentioned.

"The consultant in his report is providing a best case scenario," Perkins said. "This will be useful as we plan for future capital improvements on the golf course. It also will be helpful as the city makes future applications for grants."

A link to Vogt's full written report is on the Creve Coeur website at www.creve-coeur.org/golfassessment.

Among the needs and costs Vogt mentioned, from now until the end of 2018, were \$700,000 for a maintenance facility, \$675,000 for cart paths, \$480,000 for new irrigation work and \$103,800 for other work. His report also states that the course needs \$348,000 worth of equipment.

Councilmember Robert Kent (Ward 4) also noted that other upcoming costs might include \$900,000 for fixing a dam and pond on the course.

There will be additional costs after 2018, he said, and he suggested the city might want to consider selling the golf

course. He noted that Creve Coeur had received a \$6 million offer on the course this summer.

Perkins acknowledged that the city had received an unsolicited offer of \$6.25 million this summer from Pulte Homes of Chesterfield to buy 28 acres of the 53.8-acre golf course. The city didn't act on the offer, which expired Aug. 10.

Kent said in a recent email that part of the golf course property and all of the present government center property should be sold for residential development. The city could use the money raised to pay for most of the cost of new municipal and police buildings on the remainder of the golf course property.

But others on the council chafed at Kent's suggestions.

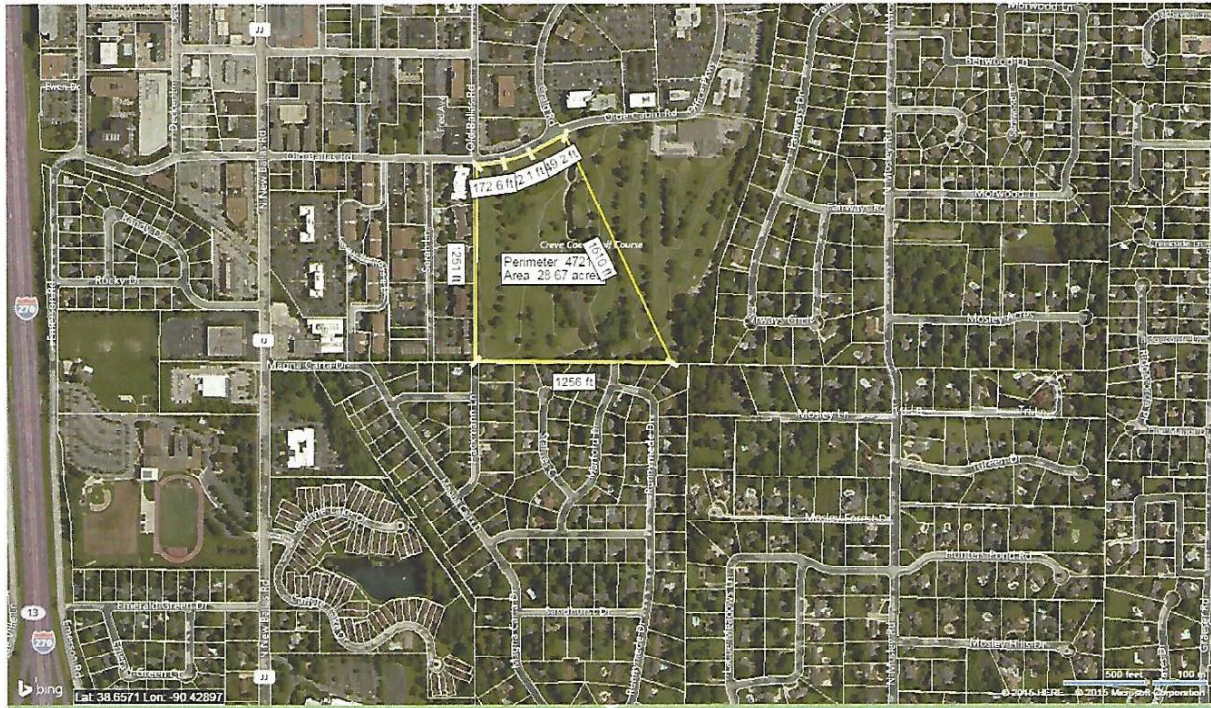
"The dam and the stormwater issue is not a golf course issue," said Councilmember Robert Hoffman (Ward 3). He said the city would have to do the work no matter what happens to the course.

"When you couch issues in a certain way, you give an impression that is a little misleading," said Councilmember Cynthia Kramer (Ward 1). "We shouldn't present such bias."

Areas Vogt said are in need of improvement include safety issues, sand bunkers, tees and greens. He told the council that it's hard to get a company to manage a nine-hole course and that it's difficult to make money on such a course. He also said that management companies tend to run down a course's assets. However, he said he would be able to help the city with a marketing plan to make the course more profitable.



Exhibit B:



17107 Chesterfield Airport Road, Suite 120 Chesterfield, Missouri 63005
 636-537-7000 pultegroupinc.com

Ryan, Deborah

From: Robert Kent
Sent: Wednesday, October 07, 2015 9:32 PM
To: Perkins, Mark C.
Subject: government center

Mark,

Would you please include this email in the packet regarding the Resolution to solicit bids for the golf course

Thank you

Bob

Mr. Kent

I am a Ward 3 member but I recently read your email info regarding the Comprehensive Plan meeting and stats for the option of moving the government center near the ice center. I really appreciate this!!!!

I am a newer Creve Coeur resident (2 yrs) but since we have moved here I am perplexed by the lack of town center or heart for people to think of when it comes to Creve Coeur. This is too great a town to not have a place residents and outsiders can think of as the heart of the town: place to take care of business, exercise, have fun, sit outside on a nice day, expect to run into others you know, have large town events, etc.: This is so important to younger generations so that we can attract them to our city. It is sooo important to create a "brand" and feel for our town. But mostly it is so important to help create a sense of community!!!

The current location of the golf course and ice center is almost too good to be true. As old and built up as Creve Coeur is, how great to have an opportunity to create a place for all residents literally in the middle of it all! Restaurants and stores are so accessible and walkable from this location.

Simply rebuilding the current government center is short sighted in my opinion. There are few options for future growth, fun, & community development at that location. While generally I am fiscally conservative, this is one time that I believe the city really needs to put out the money to set the city up for a really great future!! While I'd prefer to not sell any of the property at the golf course, I can see where that potentially will be a way for some to get behind the idea of government center location change.

Please keep me updated in any way and let me know what else I can do to help this idea gain more traction! I am especially concerned after coffee with the mayor this morning that this idea is not being seen as relevant to our present time or worthy of exploring fully. I have talked with people for two years and I know there are many that would be interested in setting things up for a future town center.

Thank you,

--

Kathryn Vogelsang

It is not enough to be compassionate, we must act.
---*Dalai Lama*

Confidentiality Notice: If you are the unintended recipient of an e-mail, immediately destroy the e-mail and notify the sender.

Ryan, Deborah

From: Robert Kent <kent4ward@gmail.com>
Sent: Wednesday, October 07, 2015 10:04 PM
To: Perkins, Mark C.
Subject: Fwd: [mayor-council] Money {01}

mark Please include this email in the resolution packet.

Thank you

Bob

----- Forwarded message -----

From: **Ralph Goldsticker** <rgoldsticker@webtv.net>
Date: Fri, Sep 11, 2015 at 11:48 AM
Subject: [mayor-council] Money {01}
To: mayor-council List Member <mayor-council@ci.creve-coeur.mo.us>

I agree with councilman concern about the property tax. Also to build the new government on the golf course, and I live on a condo on the east side of Sarah Ln.. Ralph Goldsticker

Ryan, Deborah

From: Robert Kent
Sent: Wednesday, October 07, 2015 9:47 PM
To: Perkins, Mark C.
Subject: FW: NEEDS AND MORE NEEDS

mark: please include this in the packet for the resolution to solicit bids for the golf course

From: "Rick Sadtler"
 To:
 Cc:
 Sent: Mon, 21 Sep 2015 18:58:25 -0500
 Subject: RE: NEEDS AND MORE NEEDS

Feel free.

From: kentivcouncil@charter.net [mailto:kentivcouncil@charter.net]
Sent: Monday, September 21, 2015 2:40 PM
To: 'rsadtler@sprintmail.com'
Cc: 'ajwang@ci.creve-coeur.mo.us'; 'bglantz@ci.creve-coeur.mo.us'; 'rkent@ci.creve-coeur.mo.us'; 'Clumley@chgolaw.com'; 'cdalfonso@ci.creve-coeur.mo.us'; 'ckramer@ci.creve-coeur.mo.us'; 'dkreuter@ci.creve-coeur.mo.us'; 'dryan@ci.creve-coeur.mo.us'; 'elawrence@ci.creve-coeur.mo.us'; 'mperkins@ci.creve-coeur.mo.us'; 'rhoffman@ci.creve-coeur.mo.us'; 'ssaunders@ci.creve-coeur.mo.us'
Subject: FW: NEEDS AND MORE NEEDS

Mr. Sadtler:
 Thank you for your comment. I am taking the liberty of forwarding your comment to the Mayor Council.
 Kind regards'
 Robert Kent
 Ward IV Councilperson

From: "Rick Sadtler"
 To:
 Cc:
 Sent: Mon, 21 Sep 2015 10:38:29 -0500
 Subject: FW: NEEDS AND MORE NEEDS

Doesn't appear to be a difficult decision.

Rick Sadtler

From: kentivcouncil@charter.net Pgonz94545@aol.com [<mailto:kentivcouncil@charter.net> Pgonz94545@aol.com]
Sent: Sunday, September 20, 2015 10:37 PM
Subject: NEEDS AND MORE NEEDS

POSITIVE POLICIES.....ABSOLUTE ACCOUNTABILITY.....TOTAL
TRANSPARENCY

To all Trustees and citizens of Creve Coeur

What did we learn this week?

- * We learned that the City really does need a new Government Center
- * We learned that renovating the existing building on site will cost between eight and ten million dollars
- * We learned that tearing down and building a new Government Building and new Police Building on site will cost eighteen to twenty million dollars.
- * We learned that continuing the Government during reconstruction will be troubling.
- * We learned that once completed on the existing site , expansion will be limited.
- * No financing has been decided upon at this time

At the Work Session before Council we learned from Vogt Associates Consultant for the NEEDS assessment of the Golf Course that:

- * One million Eight Hundred and Ninety Eight Thousand Dollars are needed for irrigation systems cart paths bridges, work and chemical storage etc. in the next three years.
- * The Golf Course needs three hundred and forty eight thousand in new equipment in the next three years.
- * Another three hundred and nine thousand dollars will be needed after that.

- * The Storm water Dam and South Pond on the Golf course will need another five hundred and forty thousand dollars to repair the dam & remove the silt which is in the Capital Improvement Budget. Over ninety thousand has already been spent on design plans for the dam & South pond alone
- * The North ponds will need another four hundred fifty thousand dollars to remove silt and install a filter to stop the silt from infiltrating the South Pond and the North ponds. This money is not in the Capital Improvement Budget.
- * The Golf course greens' fees have declined from \$335,000 per year in 2006 to about \$249,000 in ending June 30 2015 and based on best information golf is continuing to decline with 19 courses opened and 54 closed per Mr. Vogt. The nation is shedding one million golfers per year. per Mr Vogt.
- * To the best of our ability it calculates that about 500 Creve Coeur citizens use the Golf Course. I have asked for an analysis of the credit cards to get a more accurate figure.
- * To re-build the government Center on site and continue the golf Course will cost between twenty and twenty three million dollars in Capital Investment with a likely continuing operational loss of up to \$100,000 per year.
- * Selling the West half of the golf course for upscale residential development will bring in six million dollars.
- * The West half includes the Dam & detention ponds saving another three million the City will not have to spend. (Yes, we had a letter of intent from Pulte Homes for that amount of money.)
- * Selling the current existing site for two million for more upscale residential home (Think Carlyle lake next door) will bring in another two million dollars
Also Letter of Intent.
- * City will avoid cost of tear down and transition costs and problems of maintaining government operations.
- * The City will have a 21st Century Government Campus with room for expansion and twenty plus acres of additional public parks for all 18700 citizens to use and the continued use of the Ice Arena which is profitable.

* The operational losses up to \$100,000 per year will be eliminated. It could be worse, Ballwin loses up to \$257,000 per year.

* Yes, the 500 or so Creve Coeur citizens who golf on the course will have to utilize Ballwin, University city or one of the other 91 golf courses in the area.

Do you want to finance \$21 to \$23 million new dollars in Capital Improvements or do you want to have a minimum of \$11 million cash & saved to build a modern 21st century Government Campus with twenty plus acres of new parkland that all 18700 citizens can use?

Robert Kent

Ward IV Creve Coeur Councilperson

Paid for by Robert Kent , 13084 Ferntrails lane, Creve Coeur, Missouri 63141

Ryan, Deborah

From: Robert Kent
Sent: Wednesday, October 07, 2015 9:52 PM
To: Perkins, Mark C.
Subject: FW: NEEDS AND MORE NEEDS

mark ;
 Would you please put this in the packet for the Resolution for getting bids on the golf course.

 From: "Don Perrin"
 To: "Bob Kent"
 Cc:
 Sent: Sun, 20 Sep 2015 22:33:05 -0500
 Subject: Re: NEEDS AND MORE NEEDS

Good grief. Good work, Bob. I hope you have placed our analysis in the hands of all P&Z members and all City Council members.

Don

On Sun, Sep 20, 2015 at 10:20 PM, <kentivcouncil@charter.net> wrote:

POSITIVE POLICIES.....ABSOLUTE ACCOUNTABILITY.....TOTAL
 TRANSPARENCY

To all Trustees and citizens of Creve Coeur

What did we learn this week?

- * We learned that the City really does need a new Government Center
- * We learned that renovating the existing building on site will cost between eight and ten million dollars
- * We learned that tearing down and building a new Government Building and new Police Building on site will cost eighteen to twenty million dollars.
- * We learned that continuing the Government during reconstruction will be troubling.
- * We learned that once completed on the existing site , expansion will be limited.
- * No financing has been decided upon at this time

At the Work Session before Council we learned from Vogt Associates Consultant for the NEEDS assessment of the Golf Course that:

- * One million Eight Hundred and Ninety Eight Thousand Dollars are needed for irrigation systems cart paths bridges, work and chemical storage etc. in the next three years.
- * The Golf Course needs three hundred and forty eight thousand in new equipment in the next three years.
- * Another three hundred and nine thousand dollars will be needed after that.
- * The Storm water Dam and South Pond on the Golf course will need another five hundred and forty thousand dollars to repair the dam & remove the silt which is in the Capital Improvement Budget. Over ninety thousand has already been spent on design plans for the dam & South pond alone
- * The North ponds will need another four hundred fifty thousand dollars to remove silt and install a filter to stop the silt from infiltrating the South Pond and the North ponds. This money is not in the Capital Improvement Budget.
- * The Golf course greens' fees have declined from \$335,000 per year in 2006 to about \$249,000 in ending June 30 2015 and based on best information golf is continuing to decline with 19 courses opened and 54 closed per Mr. Vogt. The nation is shedding one million golfers per year. per Mr Vogt.
- * To the best of our ability it calculates that about 500 Creve Coeur citizens use the Golf Course. I have asked for an analysis of the credit cards to get a more accurate figure.
- * To re-build the government Center on site and continue the golf Course will cost between twenty and twenty three million dollars in Capital Investment with a likely continuing operational loss of up to \$100,000 per year.
- * Selling the West half of the golf course for upscale residential development will bring in six million dollars.
- * The West half includes the Dam & detention ponds saving another three million the City will not have to spend. (Yes, we had a letter of intent from Pulte Homes for that amount of money.)
- * Selling the current existing site for two million for more upscale residential home (Think Carlyle lake next door) will bring in another two million dollars
Also Letter of Intent.
- * City will avoid cost of tear down and transition costs and problems of maintaining government operations.
- * The City will have a 21st Century Government Campus with room for expansion and twenty plus acres of additional public parks for all 18700 citizens to use and the continued use of the Ice Arena which is profitable.
- * The operational losses up to \$100,000 per year will be eliminated. It could be worse, Ballwin loses up to \$257,000 per year.
- * Yes, the 500 or so Creve Coeur citizens who golf on the course will have to utilize Ballwin, University city or one of the other 91 golf courses in the area.

Do you want to finance \$21 to \$23 million new dollars in Capital Improvements or do you want to have a minimum of \$11 million cash & saved to build a modern 21st century Government Campus with twenty plus acres of new parkland that all 18700 citizens can use?

Robert Kent
Ward IV Creve Coeur Councilperson

Paid for by Robert Kent , 13084 Ferntrails lane, Creve Coeur, Missouri 63141

--

PLEASE NOTE MY NEW EMAIL ADDRESS IS forthright55@gmail.com

Don Perrin

Ryan, Deborah

From: Robert Kent
Sent: Wednesday, October 07, 2015 9:45 PM
To: 'George Hall'; Wang, A.J.; Glantz, Barry; Kent, Robert; 'Clumley@chgolaw.com';
 D'Alfonso, Charlotte; Kramer, Cynthia; Kreuter, Dave; Ryan, Deborah; Lawrence, Ellen;
 Perkins, Mark C.; Hoffman, Robert; Saunders, Scott
Subject: Re: NEEDS AND MORE NEEDS

Mr. Hall:

Thank you for your comments. I am taking the liberty of forwarding your comments to all of the City Council
 regards,

Bob KentWard IV

 From: "George Hall"
 To:
 Cc:
 Sent: Wed, 23 Sep 2015 15:25:09 -0500
 Subject: Re: NEEDS AND MORE NEEDS

Hi Mr. Kent

I think I share mainly the same viewpoint as you, so I appreciate the detailed info. With only 500 residents using the golf course, I definitely think it is in the best interest of the community to make use of the property in a different manner. The one thing that Creve Coeur is missing, is a central area where the community can get together. Since we don't have a "downtown" and likely never will I think this is the best opportunity for the community to get something that can be considered "the heart" of Creve Coeur. The one viewpoint that I may differ from you on is selling off 1/2 of the golf course property. I understand that would be a great source of income but once that land is gone, it is gone. I would love if Creve Coeur could find a way to make the finances work to keep the entire golf course property and truly make it into something special for the community. Just me thoughts on it.....

--
George Hall
503 Falaise Drive
St Louis MO 63141
Tel: 859-552-4106
E-mail: georgeleehall@gmail.com

On Sun, Sep 20, 2015 at 10:23 PM, <kentivcouncil@charter.net> wrote:

POSITIVE POLICIES.....ABSOLUTE ACCOUNTABILITY.....TOTAL
 TRANSPARENCY

To all Trustees and citizens of Creve Coeur

What did we learn this week?

- * We learned that the City really does need a new Government Center
- * We learned that renovating the existing building on site will cost between eight and ten million dollars
- * We learned that tearing down and building a new Government Building and new Police Building on site will cost eighteen to twenty million dollars.
- * We learned that continuing the Government during reconstruction will be troubling.
- * We learned that once completed on the existing site , expansion will be limited.
- * No financing has been decided upon at this time

At the Work Session before Council we learned from Vogt Associates Consultant for the NEEDS assessment of the Golf Course that:

- * One million Eight Hundred and Ninety Eight Thousand Dollars are needed for irrigation systems cart paths bridges, work and chemical storage etc. in the next three years.
- * The Golf Course needs three hundred and forty eight thousand in new equipment in the next three years.
- * Another three hundred and nine thousand dollars will be needed after that.
- * The Storm water Dam and South Pond on the Golf course will need another five hundred and forty thousand dollars to repair the dam & remove the silt which is in the Capital Improvement Budget. Over ninety thousand has already been spent on design plans for the dam & South pond alone
- * The North ponds will need another four hundred fifty thousand dollars to remove silt and install a filter to stop the silt from infiltrating the South Pond and the North ponds. This money is not in the Capital Improvement Budget.
- * The Golf course greens' fees have declined from \$335,000 per year in 2006 to about \$249,000 in ending June 30 2015 and based on best information golf is continuing to decline with 19 courses opened and 54 closed per Mr. Vogt. The nation is shedding one million golfers per year. per Mr Vogt.
- * To the best of our ability it calculates that about 500 Creve Coeur citizens use the Golf Course. I have asked for an analysis of the credit cards to get a more accurate figure.
- * To re-build the government Center on site and continue the golf Course will cost between twenty and twenty three million dollars in Capital Investment with a likely continuing operational loss of up to \$100,000 per year.
- * Selling the West half of the golf course for upscale residential development will bring in six million dollars.
- * The West half includes the Dam & detention ponds saving another three million the City will not have to spend. (Yes, we had a letter of intent from Pulte Homes for that amount of money.)

* Selling the current existing site for two million for more upscale residential home (Think Carlyle lake next door) will bring in another two million dollars

Also Letter of Intent.

* City will avoid cost of tear down and transition costs and problems of maintaining government operations.

* The City will have a 21st Century Government Campus with room for expansion and twenty plus acres of additional public parks for all 18700 citizens to use and the continued use of the Ice Arena which is profitable.

* The operational losses up to \$100,000 per year will be eliminated. It could be worse, Ballwin loses up to \$257,000 per year.

* Yes, the 500 or so Creve Coeur citizens who golf on the course will have to utilize Ballwin, University city or one of the other 91 golf courses in the area.

Do you want to finance \$21 to \$23 million new dollars in Capital Improvements or do you want to have a minimum of \$11 million cash & saved to build a modern 21st century Government Campus with twenty plus acres of new parkland that all 18700 citizens can use?

Robert Kent

Ward IV Creve Coeur Councilperson

Paid for by Robert Kent , 13084 Ferntrails lane, Creve Coeur, Missouri 63141

--

George Hall

503 Falaise Drive

St Louis MO 63141

Tel: 859-552-4106

E-mail: georgeleehall@gmail.com



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Debbie Ryan
City Clerk
(314) 872-2517
www.creve-coeur.org/

Meeting: 10/26/15 07:00 PM

DOC ID: 1612

DISCUSSION ITEM (ID # 1612)

Citizen Survey



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

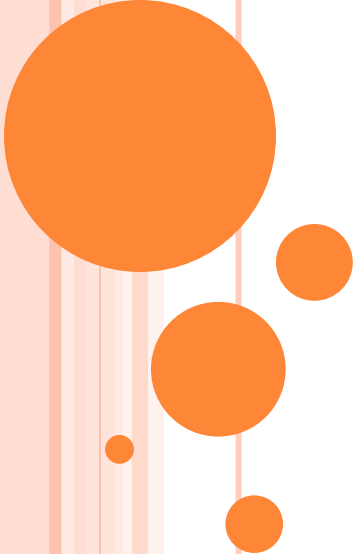
SCHEDULED

Meeting: 10/26/15 07:00 PM
Department: City Administrator
Category: Report
Prepared By: Mark Perkins
Department Head: Carl Lumley

STAFF REPORT

Vehicle Sales Tax

Per state legislation, cities not having a voter-approved vehicle sales tax in place by the end of 2016 will no longer receive sales tax on out-of-state vehicle sales. This would result in a loss of revenue to the City of Creve Coeur estimated at \$175,000.



USE TAX AND THE ADMINISTRATIVE FEE ON VEHICLES SALES

Stuart Haynes

Policy and Membership Associate

Missouri Municipal League

OUTLINE

- Sales Tax
 - Use Tax
 - Internet Tax
 - Street Decision
 - Legislative Fix
 - St. Louis County
 - Resources
-
- LUNCH



SALES TAX

- The state's sales tax is imposed on the purchase price of tangible personal property or taxable service sold at retail.
- Tax Rate Determined by location of seller.
- 4.225% (state) plus local options.



USE TAX

- Imposed directly upon the person that stores, uses, or consumes tangible personal property in Missouri.
- Use tax does not apply if the purchase is from a Missouri retailer and subject to Missouri sales tax.



USE TAX CONT.

- Tax is charged based on first use in the state, generally the location of the purchaser.
- Vendors must have sufficient nexus with the state of Missouri to be required to collect and report use tax.
- Vendors must collect and remit use tax if they want to contract with the State of Missouri. Generally returns are filed quarterly.



USE TAX - COLLECTION

Vendors

- Missouri cannot require out-of-state companies that do not have nexus or a "direct connection" with the state to collect and remit the use tax.

Nexus – “Substantial Physical Presence”

- Office, distribution house, sales house, warehouse, service enterprise or other place of business.
- Maintain a stock of goods.
- Regularly solicits orders (other than advertising or direct mail).
- Regularly leases property located in this state



LOCAL OPTION USE TAX

- Authorized in Section 144.757 – 144.761, RSMo
- A local use tax rate *must* equal the imposing jurisdiction's total local sales tax.
- Imposition or expiration of a local sales tax automatically increases or decreases the local use tax.
- Model Ordinance available from Muni League

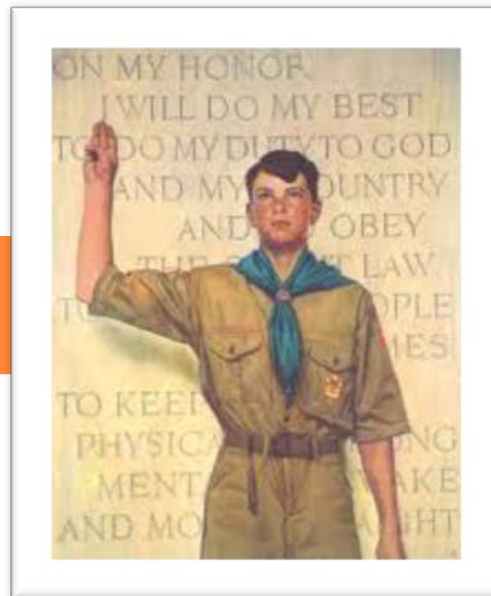


USE TAX

Consumer

If an out-of-state seller does not collect use tax from the purchaser, the purchaser is responsible for remitting the use tax to Missouri.

Honor System



- Tax is reported and paid by the person using, storing or consuming the tangible personal property directly to the Department based on the purchaser's location.
- Purchasers are excluded from reporting tax until cumulative purchases equal \$2,000 in a calendar year. **This is not an exemption.**
- Once required to report tax, all purchases must be reported.



COMMON USE TAX TRANSACTION

- Construction contractors
- Dual operators
- Businesses purchasing supplies and taxable equipment from out-of-state
- Internet and mail order purchases from non-Missouri sellers
- <http://www.dor.mo.gov/publicreports/#pubtax>



USE TAX

- Questions about the Use Tax?



E-Commerce

Clicking Consumers

E-commerce sales as a percent of total retail sales rose to 7.0 percent last quarter from 0.6 percent in 1999

■ U.S. e-commerce sales as a percent of total retail sales



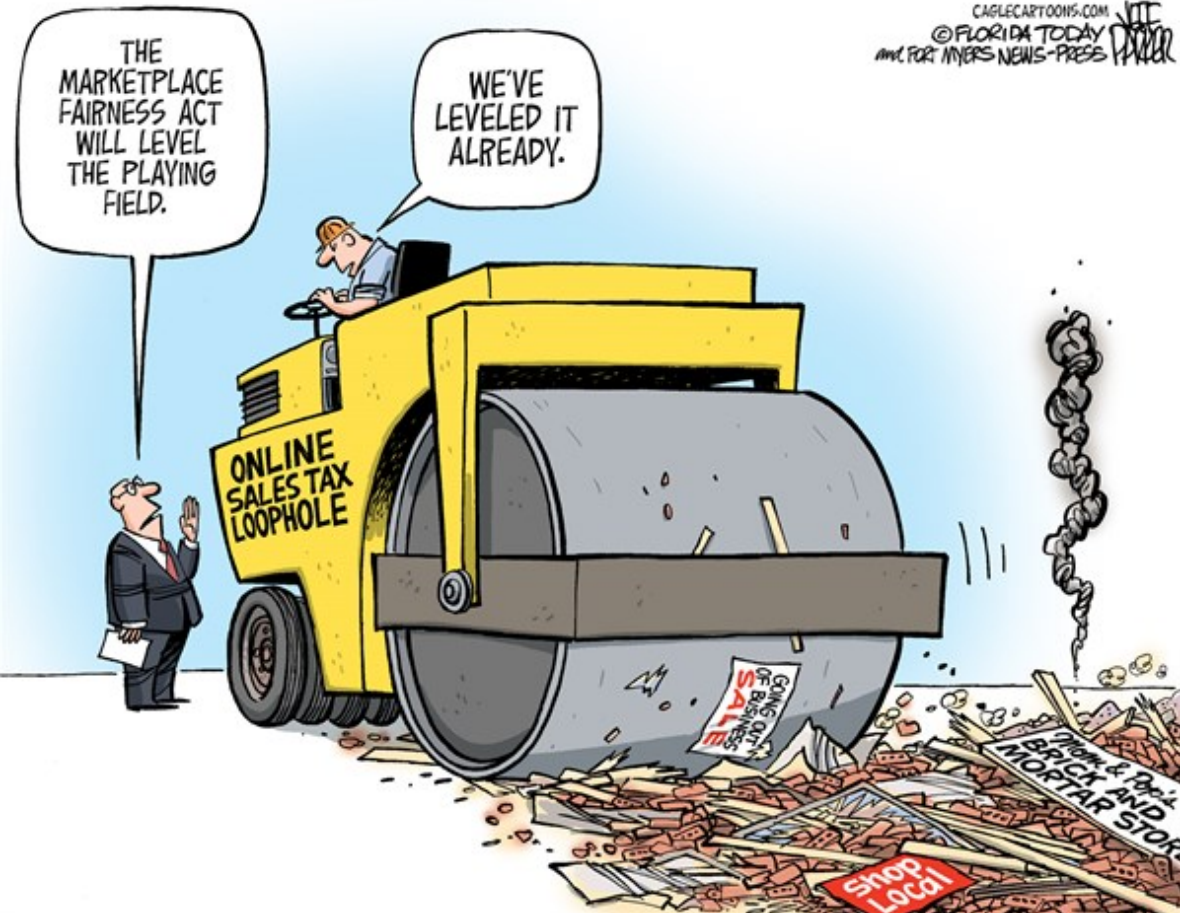
Source: U.S. Census Bureau Quarterly E-Commerce Report

Bloomberg 

E-COMMERCE/INTERNET SALES TAX

- Missouri lost approximately \$2.3 billion 2001 to 2009.*
- \$259 Million per year.*

*Source: Huang, Kosash, & Wesemann: Institute of Public Policy, Truman School of Public Affairs



INTERNET SALES TAX

3 Steps For Universal Internet Sales Tax



- Federal Action
 - Marketplace Fairness Act/Streamlined Sales Tax
- Missouri Legislative Action
- Local Use Tax



INTERNET SALES TAX / E - COMMERCE

- Questions about the Internet sales Tax / e-commerce?



STREET DECISION – JANUARY 31, 2012

Background

- State and local sales tax applied to all vehicle purchases including person to person and out of state.
- Tax based on sales tax in jurisdiction of purchaser.



Impact of decision



- Only cities with use tax could collect on out-of-state and person to person vehicle sales.
- DOR estimated local revenue loss at \$20.5 million.

STREET DECISION – “LEGISLATIVE FIX”

- SB 182 (2013) – Reimposed the local sales taxes on the out-of-state sales and person-to-person sales of motor vehicles.
- Requires voter approval by November 2016 to continue local sales tax on out-of-state sales of motor vehicles.



LEGISLATIVE FIX – AFFECT ON NEW USE TAX

- Language in 32.087 RSMo “except those in which voters have previously approved a local use tax” calls into question the ability of a new use tax to capture the administrative fee on vehicle sales.
- Safe answer – cities that did not have a use tax prior to the enactment of the legislation (August 28, 2013) need to pass the admin fee to avoid revenue loss.
- MML has prepared model ordinance for the “continuance of the administrative fee on vehicle sales”



ST. LOUIS COUNTY

- St. Louis County – unique with the “pooled sales tax”
- Revenue loss from the Street decision relative to County pool – only available to the cities – if St. Louis County passes the admin fee.
- Revenue loss for local option sales taxes only recaptured – if city passes local admin fee.

County municipality sales taxes

Municipalities in St. Louis County are either Point-of-Sale (A) or Pool (B) cities. Some cities have areas of each designation within their borders. Expanded areas below are areas where sales tax generation is concentrated.

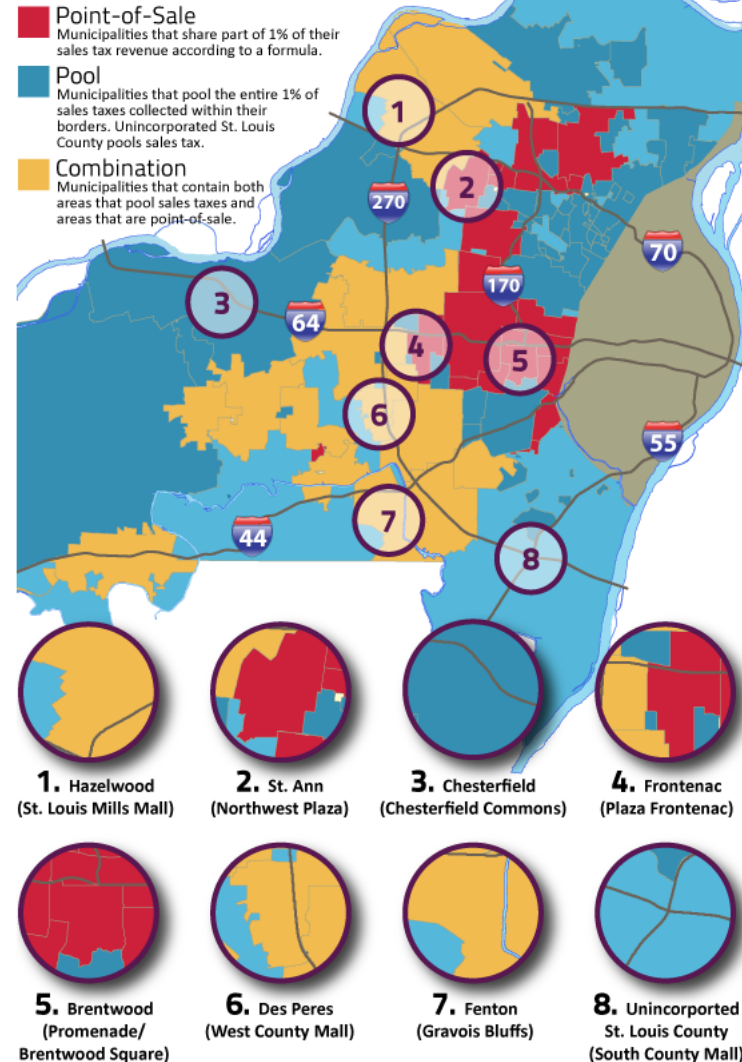


image by Brent Jones - St. Louis Beacon 07-27-2011

Resources

- Sample ordinances – Missouri Municipal League
- DOR website:
- <http://www.dor.mo.gov/publicreports/#pubtax>

Contacts:

- St. Louis County Municipal League – Pat Kelly / Steve Ables
 - staff@stlmuni.org
 - 314-726-4747
- DOR – Local Sale/Use
 - localgov@dor.mo.gov
 - 573-522-1160
- MML
 - Stuart Haynes
 - shaynes@mocities.com
 - 573-635-9134



BILL NO. _____

ORDINANCE NO. _____

Sponsored by: Mayor Hennessy

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF O'FALLON, MISSOURI, FOR THEIR APPROVAL AT THE GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON THE 5TH DAY OF APRIL, 2016, A PROPOSITION TO AUTHORIZE THE CITY TO CONTINUE APPLYING AND COLLECTING THE LOCAL SALES TAX ON THE TITLING OF MOTOR VEHICLES, TRAILERS, BOATS, AND OUTBOARD MOTORS THAT WERE PURCHASED FROM A SOURCE OTHER THAN A LICENSED MISSOURI DEALER

WHEREAS, as provided for under the provisions of Section 32.087 RSMo., the City Council believes it is in the best interests of the residents of the city that it propose to the qualified voters of the city to authorize the city to continue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri Dealer; and

WHEREAS, rejection of this measure will result in a reduction of local revenue to provide for vital services for the City of O'Fallon; and

WHEREAS, it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers; and

WHEREAS, pursuant to Section 32.087 RSMo., the City must submit to the qualified voters of the City, the question of continuing or repealing the application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer; and

WHEREAS, the City Council believes that such a proposition be placed on the ballot at the April 5, 2016, General Municipal Election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, MISSOURI, AS FOLLOWS:

SECTION NO. 1. That as required by the provisions of RSMo., Section 32.087, there shall be submitted to the qualified voters of the City of O'Fallon, Missouri, for their approval, at the general municipal election to be held on April 5, 2016, the ballot submission, which shall contain substantially the following language:

PROPOSITION V

Shall the City of O'Fallon, Missouri continue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer? Rejection of this measure will result in a reduction of local revenue to provide for vital services for the City of O'Fallon, Missouri and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers?

Yes ☐

No ☐

INSTRUCTIONS TO VOTERS: If you are in favor of the Proposition, fill in the circle opposite the word "Yes". If you are opposed to the Proposition, fill in the circle opposite the word "No".

SECTION NO. 2. The City Clerk is hereby directed to submit a certified copy of this Ordinance to the St. Charles County Election Authority, and shall notify it that the City is calling for an election within the City at the general municipal election to be held on the 5th day of April, 2016, specifying the purpose of the election, the date of the election, the legal notice to be published, and the sample ballot language as set forth in Section 1 of this Ordinance.

SECTION NO. 3. Effective Date.

This Ordinance shall be in full force and take effect from and after the date of its final passage and approval.

SECTION NO. 4. Savings.

Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof.

SECTION NO. 5. Severability.

If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer valid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

**PASSED BY THE CITY COUNCIL FOR THE CITY OF O'FALLON,
MISSOURI, THIS _____ DAY OF _____, 2015.**

Presiding Officer

Attest:

Pamela L. Clement, City Clerk

**APPROVED BY THE MAYOR ON THIS _____ DAY OF
_____, 2015.**

Attest:

Bill Hennessy, Mayor

Pamela L. Clement, City Clerk

Approved as to Form:

Kevin M. O'Keefe, City Attorney



City Council
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 10/26/15 07:00 PM
Department: City Administrator
Category: Report
Prepared By: Mark Perkins
Department Head: Carl Lumley

SCHEDULED

STAFF REPORT

Use Tax

A use tax is a tax paid in lieu of a local sales tax on transactions on out-of-state purchases including catalogs and direct market sales. The first \$2,000 in purchases annually is exempt from the use tax. This tax is the same as the local sales tax, in our case, \$0.75. The State of Missouri levies a use tax, as do several municipalities in St. Louis County. The use tax is estimated to generate \$230,000 in annual revenues.

144.757. Local use tax--counties and municipalities authorized to..., MO ST 144.757

Vernon's Annotated Missouri Statutes
 Title X. Taxation and Revenue
 Chapter 144. Sales and Use Tax
 Use Tax (Refs & Annos)

V.A.M.S. 144.757

144.757. Local use tax--counties and municipalities authorized to impose--ballot of submission--rate

Effective: August 28, 2007

Currentness

1. Any county or municipality, except municipalities within a county having a charter form of government with a population in excess of nine hundred thousand, may, by a majority vote of its governing body, impose a local use tax if a local sales tax is imposed as defined in [section 32.085](#) at a rate equal to the rate of the local sales tax in effect in such county or municipality; provided, however, that no ordinance or order enacted pursuant to sections 144.757 to [144.761](#) shall be effective unless the governing body of the county or municipality submits to the voters thereof at a municipal, county or state general, primary or special election a proposal to authorize the governing body of the county or municipality to impose a local use tax pursuant to sections 144.757 to [144.761](#). Municipalities within a county having a charter form of government with a population in excess of nine hundred thousand may, upon voter approval received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section, impose a local use tax at the same rate as the local municipal sales tax with the revenues from all such municipal use taxes to be distributed pursuant to [subsection 4 of section 94.890](#). The municipality shall within thirty days of the approval of the use tax imposed pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section select one of the distribution options permitted in [subsection 4 of section 94.890](#) for distribution of all municipal use taxes.

2. (1) The ballot of submission, except for counties and municipalities described in subdivisions (2) and (3) of this subsection, shall contain substantially the following language:

Shall the (county or municipality's name) impose a local use tax at the same rate as the total local sales tax rate, currently (insert percent), provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(2) (a) The ballot of submission in a county having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

For the purposes of enhancing county and municipal public safety, parks, and job creation and enhancing local government services, shall the county be authorized to collect a local use tax equal to the total of the existing county sales tax rate of (insert tax rate), provided that if the county sales tax is repealed, reduced or raised by voter approval, the local use tax rate shall also be repealed, reduced or raised by the same voter action? Fifty percent of the revenue shall be used by the county throughout the county for improving and enhancing public safety, park improvements, and job creation, and fifty percent shall be used for enhancing local government services. The county shall be required to make available to the public an audited comprehensive financial report detailing the management and use of the countywide portion of the funds each year.

144.757. Local use tax--counties and municipalities authorized to..., MO ST 144.757

A use tax is the equivalent of a sales tax on purchases from out-of-state sellers by in-state buyers and on certain taxable business transactions. A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(b) The ballot of submission in a municipality within a county having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

Shall the municipality be authorized to impose a local use tax at the same rate as the local sales tax by a vote of the governing body, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) The ballot of submission in any city not within a county shall contain substantially the following language:

Shall the (city name) impose a local use tax at the same rate as the local sales tax, currently at a rate of (insert percent) which includes the capital improvements sales tax and the transportation tax, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(4) If any of such ballots are submitted on August 6, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect October 1, 1996, provided the director of revenue receives notice of adoption of the local use tax on or before August 16, 1996. If any of such ballots are submitted after December 31, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the calendar quarter which begins at least forty-five days after the director of revenue receives notice of adoption of the local use tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall have no power to impose the local use tax as herein authorized unless and until the

144.757. Local use tax--counties and municipalities authorized to..., MO ST 144.757

governing body of the county or municipality shall again have submitted another proposal to authorize the governing body of the county or municipality to impose the local use tax and such proposal is approved by a majority of the qualified voters voting thereon.

3. The local use tax may be imposed at the same rate as the local sales tax then currently in effect in the county or municipality upon all transactions which are subject to the taxes imposed pursuant to [sections 144.600 to 144.745](#) within the county or municipality adopting such tax; provided, however, that if any local sales tax is repealed or the rate thereof is reduced or raised by voter approval, the local use tax rate shall also be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the local sales tax.

4. For purposes of sections 144.757 to [144.761](#), the use tax may be referred to or described as the equivalent of a sales tax on purchases made from out-of-state sellers by in-state buyers and on certain intrabusiness transactions. Such a description shall not change the classification, form or subject of the use tax or the manner in which it is collected.

Credits

(L.1996, S.B. No. 981, § A, eff. May 21, 1996. Amended by L.2000, H.B. No. 1238, § A, eff. June 27, 2000; L.2004, H.B. Nos. 795, 972, 1128 & 1161, § A; L.2004, H.B. No. 833, A; L.2004, S.B. No. 1155, § A; L.2007, S.B. No. 22, § A.)

[Notes of Decisions \(3\)](#)

V. A. M. S. 144.757, MO ST 144.757

Statutes are current with emergency legislation approved through February 19, 2014, of the 2014 Second Regular Session of the 97th General Assembly. Constitution is current through the November 6, 2012 General Election.

End of Document

© 2014 Thomson Reuters. No claim to original U.S. Government Works.