



**REGULAR MEETING
AMENDED AGENDA
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
NOVEMBER 23, 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*

1. CONSENT AGENDA

a. Council Minutes Dated November 9, 2015

BILLS PAYABLE REPORT

For Information Only

Summary: A report of bills payable dated November 23, 2015 in the amount of \$309,274.91 has been provided for Council review. No vote is required.

UNFINISHED BUSINESS

2. Bill No. 5571 - an Ordinance Amending Group Home Zoning Regulations in Section 405.450.B and Related Definition in Section 405.120 of the Code of Ordinances of the City of Creve Coeur. Final Reading and Passage

Summary: The Director of Community Development, on behalf of the City of Creve Coeur, has submitted a request for a text amendment to revise Section 405.450.B, which establishes regulations regarding group homes, and related definition in the Zoning Code, Chapter 405 of the City's Code of Ordinances. The City has reviewed such regulations and is requesting several changes for conformity with federal and state guidelines. Planning and Zoning Commission has recommended approval.



**AMENDED AGENDA
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NEW BUSINESS

- 3. Bill No. 5572 - an Ordinance Entering into an Agreement with Saint Louis County and Accepting the Dedication of the Westerly Portion of Woodfield Lane as a Public Street Upon Completion of the Terms of the City-County Agreement. First Reading**

Summary: Saint Louis County has proposed an agreement between the County and the City, whereby the County would reconstruct the westerly (private) half of Woodfield Lane in order for the City to accept the new street as a City-maintained street. City staff recommends that the City pursue this agreement so that all of Woodfield Lane can become a public street.

- 4. Resolution No. 1192 - a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Execution of a Contract with Raineri Construction, LLC, for the Construction of the Window Tree Shelter Foundation and Sidewalks for the Amount of \$ 23,097.90.**

Summary: City staff has reviewed proposals that were received for the construction of the foundation for the proposed Window Tree Bus Shelter, and staff has found the bid by Raineri Construction to be the best bid. Therefore, City staff recommends that the City hire Raineri Construction to complete the installation of the bus shelter foundation and sidewalks.

- 5. Resolution No. 1193 - a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Execution of the Necessary Documents for Submitting the Project Proposal Application and Later for Executing an Agreement for a Grant-In-Aid from the Federal Transportation Alternatives Program (Tap) Grant Commission for the Creve Coeur Office Park Pedestrian Improvements Project.**

Summary: City staff recommends that the City pursue a federal Transportation Alternatives Program (TAP) grant for pedestrian improvements within the Creve Coeur Executive Office Park.

APPOINTMENTS

- 6. 2015 Citizen of the Year**

- 7. Olive Graeser TDD Board of Directors**

Summary: The terms of Steve Heitz and Dave Kreuter will expire on December 16, but both are eligible for reappointment. Under the terms of the Development Agreement, the City Council makes appointments to the OGTDD Board of Directors within the perimeters established under Section 3.13 of the agreement. <http://www.creve-coeur.org/DocumentCenter/Home/View/766>.



**AMENDED AGENDA
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NOVEMBER 23, 2015
7:00 PM**

BUSINESS FROM MAYOR AND CITY COUNCIL

8. Council Liaison Reports

9. Liaison Update - Finance Committee

Summary: The Finance Committee has submitted a letter to the City Council regarding its roles and responsibilities.

10. National League of Cities Conference

Summary: Council Member D'Alfonso will review the highlights of the National League of Cities Conference.

BUSINESS FROM CITY ADMINISTRATOR

11. County Police Bill Update

Summary: Staff will provide an update on this matter.

12. 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 or person-to-person vehicle sales. This would result in a loss of revenue to the City of Creve Coeur estimated at \$175,000. By allowing this tax to expire, residents of Missouri will be incentivized to purchase vehicles from out-of-state sources, placing our local dealers at a competitive disadvantage. This bill will not create a new tax, but rather allow the voters to decide whether to retain the existing tax on out-of-state and person to person vehicle sales.

13. 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 use tax is levied at the same rate 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. A use tax return is not required to be filed by persons whose purchases from out of state vendors do not in total exceed \$2,000 in any calendar year. The use tax is estimated to generate \$230,000 in annual revenues. The absence of a use tax places local 'brick and mortar' retailers at a competitive disadvantage with out-of-state (including internet and catalog) retailers, in the same way that the absence of a tax on out-of-state and person-to-person sales affects local car dealers.

14. December 28 City Council Meeting

Summary: City Council has typically cancelled the 2nd meeting in December, staff is seeking direction on this matter.



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

Posted: _____ posted 11/19/2015
Deborah Ryan, MPCC
City Clerk



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

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

Meeting: 11/23/15 07:00 PM

DOC ID: 1659

COUNCIL MINUTES (ID # 1659)

Council Minutes Dated November 9, 2015



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
NOVEMBER 9, 2015
7:30 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, November 9, 2015 at 7:30 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
Mr. Hoffman	Council Member Ward III
Mr. Kent	Council Member Ward IV
Mr. Saunders	Council Member Ward IV

Absent: Council Members D'Alfonso, Ward III

COMMENTS FROM THE GENERAL PUBLIC

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

George Salbulka resident of 808 Fernview stated he is against the city loaning an officer to the County for the drug task force and supports selling the golf course.

David Caldwell resident of 257 Brooktrail Court stated it was discussed at the work session that there is nearly a \$7 million in unfunded liability in respect to the retirement fund. It is a ten year commitment to amortize that liability per year. Keeping that in mind, he strongly urges the Council to look at alternatives to significant capital expenditures with respect to the government center. There are several options available to the city to rectify some of the storage and working space issues.

ACCEPTANCE OF THE AGENDA

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



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Council Member Saunders – Aye
Council Member Kent – Aye
Council Member Wang - Aye

The vote on the motion being 7 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 Hoffman moved, seconded by Council Member Saunders to approve the consent agenda as presented.

a. Council Minutes Dated October 26, 2015

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

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

The vote on the motion being 7 ayes and 0 nays, motion carried.

BILLS PAYABLE REPORT

For Information Only

Summary: A report of bills payable dated November 3, 2015 in the amount of \$424,189.28 has been provided for Council review. No vote is required.

UNFINISHED BUSINESS

2. 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. Final Reading and Passage

City Clerk read Bill No. 5569 for the final time.



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Council Member Hoffman moved, seconded by Council Member Saunders to approve Bill No. 5569, with the vote upon the motion as follows, to-wit:

Council Member Kreuter – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye
Council Member Wang – Aye
Council Member Kent – Aye
Council Member Saunders – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried. Bill No. 5569 becomes Ordinance No. 5447.

3. 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. Final Reading and Passage

City Clerk read Bill No. 5570 for the final time.

Council Member Hoffman moved, seconded by Council Member Kramer to approve Bill No. 5570, with the vote upon the motion as follows, to-wit:

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 7 ayes and 0 nays, motion carried. Bill No. 5570 becomes Ordinance no. 5448.

NEW BUSINESS

4. Bill No. 5571 - an Ordinance Amending Group Home Zoning Regulations in Section 405.450.B and Related Definition in Section 405.120 of the Code of Ordinances of the City of Creve Coeur. First Reading

City Clerk read Bill No. 5571.

Jason Jaggi, Community Development Director made a presentation regarding this application.

Council Member Lawrence asked what the size limit is on these homes with occupancy allowed.



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Mr. Jaggi stated the size limit is governed by the city's building code. Occupancy is related to the building code and the group home use it is a more intense use group. The development will still have to comply with occupancy relations in terms of the city's building code.

Council Member Lawrence asked she understands that the request was that the buildings would be separated so that they wouldn't be fully integrated, but by reducing to 500 feet it seems like the city would be allowing the buildings to be closer together.

Mr. Jaggi stated right now there is a separation of 2,500 feet. Housing and Urban Development says you can't go down to zero but can go to 500.

Carl Lumley stated 500 is their maximum.

Council Member Lawrence stated Housing and Urban Development says it is 500.

Carl Lumley stated that is the settlement agreement that they have reached with other communities.

5. Resolution No. 1191 - a Resolution Approving the Fiscal Year Ending June 30, 2016 Contribution to the Employee Pension Fund in the Amount of \$1,220,627.

City Clerk read Resolution No. 1191.

Council Member Lawrence moved, seconded by Council Member Saunders to approve Resolution No. 1191.

Mark Perkins stated there was a discussion in the work session tonight regarding the contribution to the employee pension fund which is pursuant to the city's annual actuarial report. This includes the new assumptions that Pension Board had recommended.

Mel Klearman resident of 739 Bergerac Drive stated he would like to know what all of the city's unfunded liabilities are and would like to see more time spent on helping the business community in creating more revenue.

Mayor Glantz called the question to approve Resolution No. 1191, with the vote upon the motion as follows, to-wit:

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 7 ayes and 0 nays, motion carried.



**MINUTES
CITY OF CREVE COEUR
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NOVEMBER 9, 2015
7:30 PM**

BUSINESS FROM MAYOR AND CITY COUNCIL

6. Council Liaison Reports

No one had a report.

7. National League of Cities Conference

Item to be moved to the November 23, 2015 agenda for discussion at the request of Council Member D'Alfonso.

BUSINESS FROM CITY ADMINISTRATOR

8. TAP Grant Submission

Jim Heines stated staff reviewed several projects that would be good grant projects such as Lindbergh Blvd Enhancements, West Olive Sidewalk Improvements, Mason Road Sidewalk Infill and Creve Coeur Executive Office Park. Staff was unable to find enough transportation elements for the Lindbergh Enhancements to be an eligible project. Staff has been following West Olive Sidewalk Improvements and has that in the budget this year to complete a preliminary plan but this project is not ready for grant submission. Staff is aware that there is some gaps of sidewalks for the Mason Road Sidewalk Infill and St. Louis County is the owner of the right of way and have applied successfully for a grant just to the south of the city limits on Mason Road so they are working on their infill which begins at Conway/Mason and goes out towards Highway 64. Staff narrowed it down to the Creve Coeur Executive Office Park as the project for the grant submission and this is a project that has been identified in the CIP for upcoming future projects. The right of way, curbing and sidewalk system will be replaced. The city's request will be to replace all of the sidewalks and some additional enhancements of the islands that are currently in place as well as some sidewalk lighting around the interior loop of the sidewalk for the area. If successful in the grant process, it will cut off about half of the cost of the city's future planned refurbishing of the area.

Council Member Lawrence stated this not only services the office park but also all those condos and the residents off of Hackman Lane to gain access to Olive Blvd.

Council Member Saunders asked if there were any specific considerations for the median on Craig at Olive Blvd and asked if it was irrigated.

Jim Heines stated there is irrigation there but it will not be salvageable as it is an old system.

Council Member Saunders asked if there were plans to provide electrical to the medians or pads for art displays.

Jim Heines stated no but could be included in the grant for the future.

Council Member Lawrence supported sculptures in the medians and xeroscaping in the future to help save on landscaping.



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Mark Perkins staff will bring a resolution forward at the next Council meeting to apply for the grant.

9. 1St Quarter FY 16 Financial Analyses

Dan Smith stated there are some concerns by staff regarding a couple sources of revenue. One is intergovernmental revenue, primarily our sales tax money which appears to be lagging this year. In completing projections for this year, it appears we will fall below expectations for sales tax this year. Given the variance for the redistribution formula this could pick back up. Another area for concern is our court revenue and for a number of reasons it appears to be approximately 30% less from what was budgeted for this year. In speaking with the Police Department and the Court staff revenue will continue to be approximately 30% below what was projected for this year. If Council will recall, staff dropped budget projects by 10% of what was collected the prior year but looks like the decreases will be greater than anticipated. Senate Bill 5 put limitations on fees and changed the way municipalities conduct business in the court system. This is a projected loss of \$300,000 and over a four or five year period it will have somewhat of a significant effect on the budget. But it is too early to tell exactly how the changes are going to affect the city to concern staff at this time. Other revenues appear to be in line in the budget. Dan Smith stated as always the departments have done a good job with controlling expenditures in the General Fund and anticipate coming in below budget for the year. Staff is hoping to see the shortfall in revenues off set by the savings in expenditures.

Council Member Hoffman moved, seconded by Council Member Kramer to adjourn at 8:13 p.m., with the vote upon such motion begin as follows:

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 7 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: 11/23/15 07:00 PM
Department: Finance Department
Category: Report
Prepared By: Tracy Brothers
Initiator: Dan Smith
Sponsors:
DOC ID: 1647

SCHEDULED

BILLS LISTING (ID # 1647)

Bills Payable Listing

A report of bills payable dated November 23, 2015 in the amount of \$309,274.91 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: November 23, 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 November 23, 2015 in the amount of \$309,274.91.



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

a

11/23/2015

NO DEPT - NO DIV

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01940		074882	26-Oct-15	ADVERTISING PREMIUM SALES, INC.	GOLF APPAREL FOR RESALE	06-00-00-1628	460.62
00344		1002432276	23-Oct-15	BRIDGESTONE GOLF, INC.	GOLF BALLS	06-00-00-1625	525.60
02603		917.15	17-Sep-15	HEARNE, MARK	SEWER LATERAL REPAIR REIMB	02-00-00-1901	1,599.20
01323		043438900	29-Oct-15	INDOX SERVICES	COPIES FOR RECORDS REQUEST	01-00-00-4722	138.03
02602		091015	10-Sep-15	LINSKEY, DEBORAH	SEWER LATERAL REPAIR REIMB	02-00-00-1901	1,824.00
00105		0346-017328653.	15-Jul-15	REPUBLIC SERVICES	500 YARDWASTE BAGS	01-00-00-1655	2,500.00
00119		901481520	16-Oct-15	TITLEIST	GOLF BALLS FOR RESALE	06-00-00-1625	380.80

Sum of Invoices 7,428.25



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/23/2015

LEGISLATIVE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00019	P002226	113421	04-Nov-15	CURTIS, HEINZ, GARRETT & O'KEEFE	LEGAL FEES-CITY ATTY OCT 2015	01-11-12-6201	13,702.00

Sum of Invoices 13,702.00



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/23/2015

Administration

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00136		2904	05-Nov-15	CHAMBER OF COMMERCE CREVE COEUR/OLIVETTE	BOARD MTG 11/5/15	01-12-11-6264	20.00
01997		9409507	31-Oct-15	EQUIFAX INFORMATION SERVICES	INFORMATION SVC OCT 2015	01-12-11-6202	10.00
00528	P002270	7283	30-Oct-15	MAILWORKS	HANDLING/MAILING NOV '15 NWSLT	01-12-11-6203	228.06
02518		3399	06-Nov-15	PREFERRED RESOURCE NETWORK, INC.	SEMINAR RESPECTFUL INTERACTION	01-12-11-6203	250.00
02520	P002264	66170	30-Oct-15	SWIFT PRINT COMMUNICATIONS	PRINTING OF NOVEMBER NEWSLETTE	01-12-11-6203	1,959.00
01048		9754824152 GF	01-Nov-15	VERIZON WIRELESS	CELL PHONES OCTOBER	01-12-11-6253	52.18

Sum of Invoices 2,519.24



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/23/2015

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Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01048		9754824152 GF	01-Nov-15	VERIZON WIRELESS	CELL PHONES OCTOBER	01-12-51-6253	52.18

Sum of Invoices 52.18



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/23/2015

FINANCE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00191		2251686	10-Nov-15	BUCK CONSULTANTS LLC	ACTUARIAL CAL/EMP STATMENTS	01-13-11-6202	8,709.00
00191		2251685	10-Nov-15	BUCK CONSULTANTS LLC	GASB 67/68 DISCLOSURE	01-13-11-6203	7,000.00
02493		182189	20-Oct-15	SCHOWALTER & JABOURI, P.C.	FY2015 AUDIT SERVICES THRU OCT	01-13-11-6209	10,000.00
01048		9754824152 GF	01-Nov-15	VERIZON WIRELESS	CELL PHONES OCTOBER	01-13-11-6253	52.18

Sum of Invoices 25,761.18



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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INTERDEPARTMENTAL

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00045		802497053001	28-Oct-15	OFFICE DEPOT-BUSINESS DIV	CD/DVD PAPER SLEEVES-PD	01-13-15-7312	21.80
00045		802497208001	28-Oct-15	OFFICE DEPOT-BUSINESS DIV	TONER, FILE FOLDERS	01-13-15-7312	139.91
00045		801808588001	23-Oct-15	OFFICE DEPOT-BUSINESS DIV	PENS	01-13-15-7312	6.99
00045		801808646001	23-Oct-15	OFFICE DEPOT-BUSINESS DIV	PLAIN #10 ENVELOPES	01-13-15-7312	16.04
00046		CIV0205110	29-Oct-15	OFFICE ESSENTIALS	TONER	01-13-15-7312	91.00
02518		3398	06-Nov-15	PREFERRED RESOURCE NETWORK, INC.	WELLNESS EVENT	01-13-15-6272	250.00
01169		3281935684	24-Oct-15	STAPLES ADVANTAGE	TONER FOR P.D.	01-13-15-7312	289.51
00447		570186	11-Nov-15	THE DANIEL & HENRY CO.	PUB OFF BOND RENE 11/15-11/16	01-13-15-6225	1,692.00
01048		9754824152 GF	01-Nov-15	VERIZON WIRELESS	HOT SPOT TO RETURN	01-13-15-6253	40.01

Sum of Invoices 2,547.26



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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11/23/2015

ICE ARENA

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00195		R16225	02-Nov-15	ALARM 24, INC.	ALARM MONITORING	06-14-31-6202	90.00
01550		452-0390504	03-Nov-15	ARAMARK UNIFORM SERVICES	CLEANING/TOWELS 11/03/15	06-14-31-7301	1.56
01550		452-0415761	10-Nov-15	ARAMARK UNIFORM SERVICES	CLEANING/TOWELS 11/10/15	06-14-31-7301	1.56
01550		452-0390504	03-Nov-15	ARAMARK UNIFORM SERVICES	UNIFORMS 11/03/15	06-14-31-7308	4.35
01550		452-0415761	10-Nov-15	ARAMARK UNIFORM SERVICES	UNIFORMS 11/10/15	06-14-31-7308	4.35
00948		125701	09-Nov-15	C&R MECHANICAL	ALARM TESTING ON COMPRESSOR	06-14-31-6211	368.25
00014		0136635 11/15	23-Oct-15	CHARTER COMMUNICATIONS	TV SERVICE AT DRC NOV 2015	06-14-31-6255	56.03
00081		9881136817	30-Oct-15	GRAINGER	WIRE GUARDS	06-14-31-6211	74.36
00081		9853787951	29-Sep-15	GRAINGER	RETURN BATTERIES	06-14-31-6212	-67.70
01750		46971	10-Nov-15	HOME DEPOT CREDIT SERVICES	MISC ELECTRIC SUPP EMERG EXIT	06-14-31-6212	106.40
00082		0395341	06-Nov-15	METROLIFT PROPANE	PROPANE FOR OLYMPIA	06-14-31-7307	238.38
00164		R018667	25-Sep-15	NEW SYSTEM CARPET & BUILDING CARE LTD.	VACUUM MOTOR	06-14-31-7301	323.73
00164		R018966	25-Sep-15	NEW SYSTEM CARPET & BUILDING CARE LTD.	WHEEL AND PAPER BAGS	06-14-31-7301	63.14
00711		349704899	13-Oct-15	TERMINIX	PEST CONTROL	06-14-31-6212	36.50
01048		9754824152 EF	01-Nov-15	VERIZON WIRELESS	CELL PHONES OCTOBER	06-14-31-6253	59.18

Sum of Invoices 1,360.09



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/23/2015

GOLF MAINTENANCE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00117		3054308	28-Oct-15	HOME DEPOT	STARTING FLUID	06-14-32-6210	3.47
00117		36125	10-Nov-15	HOME DEPOT	TARP FOR SAND SPRAY BOTTLE	06-14-32-6212	36.82
00117		3054308	28-Oct-15	HOME DEPOT	DROP CLOTHS	06-14-32-6212	36.63
00660		10305	03-Nov-15	KEEVEN BROTHERS, INC.	FESCUE SOD #8 TEE	06-14-32-6212	27.68
01479		8283	15-Oct-15	TURFWERKS SCOTT'S POWER LLC	CHAIN FOR ROLLER	06-14-32-6211	32.74
Sum of Invoices							137.34



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/23/2015

PRO SHOP

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01940		074882	26-Oct-15	ADVERTISING PREMIUM SALES, INC.	SHIPPING FEE	06-14-33-8325	0.07
00195		R16225	02-Nov-15	ALARM 24, INC.	ALARM MONITORING	06-14-33-6202	90.00
01140		56130	03-Nov-15	ARCHWAY BOWLING & TROPHY	TROPHIES CHILI BOWL TOURNAMENT	06-14-33-7304	192.00
00344		1002432276	23-Oct-15	BRIDGESTONE GOLF, INC.	SHIPPING FEE	06-14-33-8324	0.90
00014		0136635 11/15	23-Oct-15	CHARTER COMMUNICATIONS	TV SERVICE AT DRC NOV 2015	06-14-33-6255	18.70
00217		978245409	03-Nov-15	NIKE USA INC	SUPPLIES CHILI BOWL TOURNAMENT	06-14-33-7304	81.77
00116		437808182008	02-Nov-15	SAM'S CLUB	GEN SUPPLIES	06-14-33-7304	75.90
00711		349704899	13-Oct-15	TERMINIX	PEST CONTROL	06-14-33-6212	36.50
00119		901481520	16-Oct-15	TITLEIST	SHIPPING FEE	06-14-33-8324	0.32

Sum of Invoices 496.16



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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11/23/2015

SNACK BAR

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550		452-0390504	03-Nov-15	ARAMARK UNIFORM SERVICES	CLEANING/TOWELS 11/03/15	06-14-34-7301	3.63
01550		452-0415761	10-Nov-15	ARAMARK UNIFORM SERVICES	CLEANING/TOWELS 11/10/15	06-14-34-7301	3.63
00080		9417-118-5	05-Nov-15	DIERBERGS	FOOD FOR RESALE	06-14-34-8315	14.30
00080		5598-184-5	26-Oct-15	DIERBERGS	FOOD FOR RESALE	06-14-34-8315	20.96
01471		98909	26-Oct-15	RL MUELLER NATIONAL DIST., INC.	SNACKS FOR RESALE	06-14-34-8319	221.95
01471		98914	27-Oct-15	RL MUELLER NATIONAL DIST., INC.	SNACKS FOR RESALE	06-14-34-8319	10.98
01471		98909	26-Oct-15	RL MUELLER NATIONAL DIST., INC.	TRAYS	06-14-34-8321	14.50
00116		437808182008	02-Nov-15	SAM'S CLUB	FOOD FOR RESALE	06-14-34-8315	41.70
00116		437808182008	02-Nov-15	SAM'S CLUB	SNACKS	06-14-34-8319	158.62
00116		437808182008	02-Nov-15	SAM'S CLUB	MISC	06-14-34-8321	70.70

Sum of Invoices 560.97



11/23/2015

[illegible]



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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11/23/2015

PUBLIC WORKS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
02169		404878	31-Oct-15	DREXEL TECHNOLOGIES, INC.	COPIER LEASE	01-31-11-6213	21.01
00692		549180	28-Oct-15	ST LOUIS SAFETY, INC.	2 EA RAINSUITS	01-31-11-7308	71.50
00656		2308000	27-Oct-15	TAB PRODUCTS CO, LLC	FILE LABELS-PUB WKS ADMIN	01-31-11-7304	96.35
01048		9754824152 GF	01-Nov-15	VERIZON WIRELESS	CELL PHONES OCTOBER	01-31-11-6253	131.02

Sum of Invoices 319.88



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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11/23/2015

STREETS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550		452-390500	03-Nov-15	ARAMARK UNIFORM SERVICES	MOP RENTAL (11/3/15)	01-31-41-6212	4.19
01550		16503866	24-Oct-15	ARAMARK UNIFORM SERVICES	LONG SLEEVE WORK SHIRTS	01-31-41-7308	349.38
01550		452-390500	03-Nov-15	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (11/3/15)	01-31-41-7308	346.84
00049		38382	27-Oct-15	EMPLOYEE STAFFING GROUP	TEMP PERSONNEL W/E 10/25/15	01-31-41-6207	1,500.70
00049		38398	04-Nov-15	EMPLOYEE STAFFING GROUP	TEMP PERSONNEL W/E 11/1/15	01-31-41-6207	2,262.84
01360	P002282	15-593-B	15-Oct-15	FORD ASPHALT COMPANY INC	HIBLER OAKS DR TRENCH DRAIN	01-31-41-7318	11,750.00
00314		110315	03-Nov-15	GERSTNER ELECTRIC, INC.	REPAIRED LIGHTPOLE AT TEMPO	01-31-41-6212	194.87
00314		110315.1	03-Nov-15	GERSTNER ELECTRIC, INC.	PED CROSSWALK AT SPOEDE	01-31-41-6251	389.74
02402		6219-257998	29-Oct-15	HANDY AUTOMOTIVE	BRAKE MASTER CYLINDER	01-31-41-6210	58.66
02402		6219-258765	05-Nov-15	HANDY AUTOMOTIVE	TRAILER PLUGS FOR LIGHTS	01-31-41-6210	35.85
02402		6219-258163	30-Oct-15	HANDY AUTOMOTIVE	FILTERS FOR COMPRESSOR	01-31-41-6211	18.06
02402		6219-258152	30-Oct-15	HANDY AUTOMOTIVE	OIL FILTERS FOR COMPRESSOR	01-31-41-6211	11.28
00439		130210	03-Sep-15	HEAVY DUTY EQUIPMENT	WEED EATER PARTS	01-31-41-6211	15.83
00117		6022724	04-Nov-15	HOME DEPOT	SHOP SUPPLIES	01-31-41-6212	91.96
00117		2022002	29-Oct-15	HOME DEPOT	ITEMS FOR ELEC. PANEL & SHOP	01-31-41-9501	49.31
00156		0068235	23-Oct-15	L & C TRUCK REPAIR, INC.	REPAIRS TO TRK 311	01-31-41-6210	205.95
00047		R34454	23-Oct-15	PAT KELLY EQUIPMENT	2.5" DRILL BIT RENTAL	01-31-41-9501	10.00
00110		322356	28-Oct-15	RICMAR INDUSTRIES	DISINFECTANT FOR PARKS/SHOP	01-31-41-7301	57.29
00692		549270	30-Oct-15	ST LOUIS SAFETY, INC.	SAFETY DATA SHEETS	01-31-41-7304	132.79
00593	P002185	22220	31-Oct-15	THE GREENWOOD GROUP LLC	OLIVE/270 MAINTENANCE-OCT 2015	01-31-41-6212	3,915.00
00593	P002186	22221	31-Oct-15	THE GREENWOOD GROUP LLC	R.O.W. MAINT-OCT 2015	01-31-41-6212	250.00
00593	P002186	22221	31-Oct-15	THE GREENWOOD GROUP LLC	R.O.W. MAINT-OCT 2015	01-31-41-6212	1,530.00
01048		9754824152 GF	01-Nov-15	VERIZON WIRELESS	CELL PHONES OCTOBER	01-31-41-6253	84.47
00311		1802840	04-Nov-15	WEBER CHEVROLET	SENDING UNIT FOR FUEL TANK 313	01-31-41-6210	335.31

Sum of Invoices

23,600.32



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/23/2015

HEALTH & WELFARE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00105	P002202	0346-017446455	31-Aug-15	REPUBLIC SERVICES	RESIDENTIAL SVC/CART SVC AUG 2	01-31-42-6214	71,314.85
00105	P002202	0346-017544285	30-Sep-15	REPUBLIC SERVICES	RESIDENTIAL SVC/CART SVC SEPT	01-31-42-6214	71,314.85
00105	P002202	0346-017328653	15-Jul-15	REPUBLIC SERVICES	RESIDENTIAL SVC/CART SVC JUL 2	01-31-42-6214	71,314.85
01048		9754824152 GF	01-Nov-15	VERIZON WIRELESS	CELL PHONES OCTOBER	01-31-42-6253	32.29

Sum of Invoices 213,976.84



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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11/23/2015

PARKS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550		452-390500	03-Nov-15	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (11/3/15)	01-31-43-7308	115.62
00049		38382	27-Oct-15	EMPLOYEE STAFFING GROUP	TEMP PERSONNEL W/E 10/25/15	01-31-43-6207	500.24
00049		38398	04-Nov-15	EMPLOYEE STAFFING GROUP	TEMP PERSONNEL W/E 11/1/15	01-31-43-6207	754.28
02402		6219-257998	29-Oct-15	HANDY AUTOMOTIVE	BRAKE MASTER CYLINDER	01-31-43-6210	19.56
02402		6219-258765	05-Nov-15	HANDY AUTOMOTIVE	TRAILER PLUGS FOR LIGHTS	01-31-43-6210	11.95
02402		6219-258163	30-Oct-15	HANDY AUTOMOTIVE	FILTERS FOR COMPRESSOR	01-31-43-6211	6.02
02402		6219-258152	30-Oct-15	HANDY AUTOMOTIVE	OIL FILTERS FOR COMPRESSOR	01-31-43-6211	3.76
00439		130210	03-Sep-15	HEAVY DUTY EQUIPMENT	WEED EATER PARTS	01-31-43-6211	5.28
00156		0068235	23-Oct-15	L & C TRUCK REPAIR, INC.	REPAIRS TO TRK 311	01-31-43-6210	68.65
00110		322356	28-Oct-15	RICMAR INDUSTRIES	DISINFECTANT FOR PARKS/SHOP	01-31-43-7301	57.29
00692		549270	30-Oct-15	ST LOUIS SAFETY, INC.	SAFETY DATA SHEETS	01-31-43-7304	44.26
00593	P002187	22219	31-Oct-15	THE GREENWOOD GROUP LLC	PARKS MAINTENANCE-OCT 2015	01-31-43-6212	3,416.00
00593	P002187	22219	31-Oct-15	THE GREENWOOD GROUP LLC	PARKS MAINTENANCE-OCT 2015	01-31-43-6212	152.00
01048		9754824152 GF	01-Nov-15	VERIZON WIRELESS	CELL PHONES OCTOBER	01-31-43-6253	37.64
00311		1802840	04-Nov-15	WEBER CHEVROLET	SENDING UNIT FOR FUEL TANK 313	01-31-43-6210	111.77

Sum of Invoices 5,304.32



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/23/2015

COMMUNITY DEVELOPMENT - PLANNING

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
02169		404878	31-Oct-15	DREXEL TECHNOLOGIES, INC.	COPIER LEASE	01-32-11-6213	21.01
00213		111215-1	11-Nov-15	MCLAUGHLIN COURT REPORTING SERVICES, INC	P&Z 11/2/15 NO PUBLIC HEARING	01-32-11-6202	94.00
00303		742439378	28-Oct-15	MISSOURI LAWYERS MEDIA	TREATS UNLEASHED	01-32-11-6260	45.24
01048		9754824152 GF	01-Nov-15	VERIZON WIRELESS	CELL PHONES OCTOBER	01-32-11-6253	144.60

Sum of Invoices 304.85



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

11/23/2015

COMMUNITY DEVELOPMENT - BUILDING

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
02169		404878	31-Oct-15	DREXEL TECHNOLOGIES, INC.	COPIER LEASE	01-32-61-6213	21.01
01048		9754824152 GF	01-Nov-15	VERIZON WIRELESS	CELL PHONES OCTOBER	01-32-61-6253	241.38

Sum of Invoices 262.39



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

Meeting: 11/23/15 07:00 PM
Department: Planning and Zoning Commission
Category: New Business
Prepared By: Whitney Kelly
Department Head: Jason Jaggi

SCHEDULED

ORDINANCE

Bill No. 5571 - an Ordinance Amending Group Home Zoning Regulations in Section 405.450.B and Related Definition in Section 405.120 of the Code of Ordinances of the City of Creve Coeur. Final Reading and Passage

The Director of Community Development, on behalf of the City of Creve Coeur, has submitted a request for a text amendment to revise Section 405.450.B, which establishes regulations regarding group homes, and related definition in the Zoning Code, Chapter 405 of the City's Code of Ordinances. The City has reviewed such regulations and is requesting several changes for conformity with federal and state guidelines. Planning and Zoning Commission has recommended approval.

Ordinance

Meeting of November 23, 2015

BILL NO. 5571

ORDINANCE NO. _____

AN ORDINANCE AMENDING GROUP HOME ZONING REGULATIONS IN SECTION 405.450.B AND RELATED DEFINITION IN SECTION 405.120 OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR.

WHEREAS, Section 405.450.B establishes regulations regarding group homes in the Zoning Code, Chapter 405 of the City Code of Ordinances and Section 405.120 includes a related definition; and

WHEREAS, the City has reviewed such regulations for conformity with state and federal guidelines; and

WHEREAS, in the course of such review certain changes were identified as necessary or proper; and

WHEREAS, an application by the City of Creve Coeur was submitted to make such changes; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for such changes as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Planning Ordinance and the Zoning Ordinance; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on October 19, 2015, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of 6-0 recommended approval of the subject amendments at its meeting on October 19, 2015; and,

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

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

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

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

Section 1: Section 405.450.B of the Code of Ordinances is hereby amended to read as follows:

B. Group Homes. (NAICS 623210 and 623990) The following specific standards shall apply to be ~~met before a permit shall be issued for~~ a group home:

1.

BILL NO. 5571

ORDINANCE NO. _____

Use regulations. The ~~prevailing~~ lot size requirements, building bulk regulations and yard setback requirements of the ~~single-family residential~~ district (~~"A", "B", "C" or "D" district~~) in which the group home is to be located shall be satisfied by any existing single-family residence structure ~~for to be converted to~~ group home occupancy or by any such structure to be newly constructed for such occupancy. ~~such group homes shall not be permitted in any attached residential district ("AR" district) or other condominium or multi-family project such as within the "CB" Core Business District.~~

2.

Site density and ~~certification of occupancy limits~~. The owner or operator of a group home shall be ~~duly licensed by the Department of Mental Health of the State of Missouri or accreditation acceptable to that department pursuant to Section 630.705 through Section 630.805, RSMo., or shall have applied for such license.~~ Residents of such facilities must be mentally or physically disabled persons or persons acting as their houseparents or guardians as provided in Section 89.020.2 RSMo. ~~mentally retarded, physically disabled or developmentally disabled as defined under Section 630.005, RSMo.~~ The disabled home occupants shall not exceed eight (8) persons and the number of resident house-parents or guardians shall not exceed two (2) persons. Occupancy shall also not exceed applicable building, or fire code safety limits for the structure. ~~The objective of this certification of group home occupancy is to ensure that the occupancy of a group home is maintained exclusively for persons with valid developmental handicaps or disabilities at the above stated maximum density per group home. Specifically excluded are all Allowable group homes do not include any~~ other types of group or conjugate living such as homes for the elderly, fraternity houses, residences for nuns, priests or religious orders, residency for alcohol or chemical abuse patients and "half-way houses" for criminals or psychiatric patients.

3.

Community density. In order to preclude the concentration of such uses, for the benefit of the residents of group homes and the overall community ~~impaction of any single neighborhood or subdivision~~, no group home permitted in accordance with this Section shall be located within ~~two thousand~~ five hundred (2,500) feet of another such group home in the City of Creve Coeur.

4.

Residential appearance. The residential appearance of the group home structure and its lot or site shall be maintained at all times in reasonable conformance with the surrounding neighborhood ~~or subdivision~~.

5.

Variances. Group homes shall be afforded reasonable accommodations to otherwise applicable regulations pursuant to building code, board of adjustment and other applicable procedures.

Section 2. The definition of "group home" in Section 405.120 of the Code of Ordinances is hereby amended to read as follows:

GROUP HOME

A ~~detached~~ single-family residence occupied ~~converted to allow occupancy~~ by a maximum of eight (8) people who are intellectually disabled or physically disabled and a maximum of two (2) house parents or guardians in accordance with Section 405.450(B) and Section 89.020, RSMo.

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

ADOPTED THIS _____ DAY OF _____, 2015.

BILL NO. 5571

ORDINANCE NO. _____

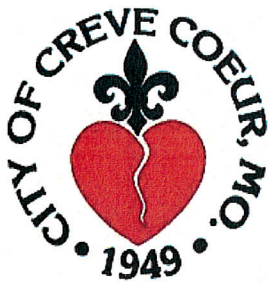
DAVID KREUTER
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2015

BARRY GLANTZ, MAYOR

ATTEST:

DEBORAH RYAN, CITY CLERK



city of CREVE COEUR

2.2.b

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
#15-024, FOR TEXT AMENDMENTS TO REGULATIONS IN SECTION
405.450.B GROUP HOMES OF THE CODE OF ORDINANCES OF THE CITY
OF CREVE COEUR**

FOR THE MEETING OF: Monday, October 19, 2015

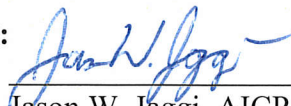
LOCATION: City-wide

REQUEST: The Director of Community Development, on behalf of the City of Creve Coeur, has submitted a request for a text amendment to revise Section 405.450.B which establishes regulations regarding group homes in the Zoning Code, Chapter 405 of the City's Code of Ordinances. The City has reviewed such regulations and is requesting several changes for conformity with federal guidelines.

ADDITIONAL INFORMATION: The authority for local governments to regulate group homes for zoning purposes is limited by Revised Statutes of Missouri Section 89.020.2. In addition, Federal fair housing laws apply which further limits the reach of local governments to regulate group homes. The City's zoning code needs to be amended to be in conformance with federal and state requirements.

APPLICANT: Jason W. Jaggi, AICP
Director of Community Development
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

REPORT PREPARED BY:


Jason W. Jaggi, AICP

Director of Community Development

10-15-15
Date

ATTACHMENTS: Draft Ordinance

Key Issues:

- Are the changes consistent with the purposes of the Zoning Code?
- Are the changes consistent with the purposes of the Comprehensive Plan?
- Conformance with State Law.
- Conformance with Federal fair housing laws.

Comp. Plan References:

- NA

Zoning Code References

- Section 405.450 Permitted Uses

BACKGROUND

Unlike situations where customary practice or changes in the community have motivated changes in the Zoning Code, there are times when the laws of other levels of government make amendments necessary. Such is the case with the proposed text amendment affecting the City's regulation of group homes for mentally and physically disabled individuals. The City Attorney has prepared the attached draft ordinance for consideration by the Commission to more fully comply with Federal and State regulations.

Group homes are generally described as a small-scale congregate living arrangement within a single family residential structure for people who are unable to care for themselves. The State of Missouri governs group homes within the context of a municipality's zoning authority through RSMo Section 89.020.2 as follows:

“For the purpose of any zoning law, ordinance or code, the classification single family dwelling or single family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. In the case of any such residential home for mentally or physically handicapped persons, the local zoning authority may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Further, the local zoning authority may establish reasonable standards regarding the density of such individual homes in any specific single family dwelling neighborhood.”

Therefore, in consideration of the above statute, the following conditions must be present in order to qualify a structure as a group home:

- The structure must be a single family dwelling or single family residence
- The persons residing in the home must have a mental or physical disability
- There cannot be more than 8 residents and no more than 2 caretakers.

In addition to State Statute requirements, the federal Fair Housing Act (FHA) prohibits a broad range of practices that discriminate against individuals on the basis of race, color, religion, sex, national origin, familial status, and disability. According to a joint statement by the departments of Justice and Housing and Urban Development published in August 1999 and updated in August 2015, as found on the DOJ website, the FHA applies to municipalities and other local government entities by prohibiting them from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons, including individuals with disabilities.

EXISTING ZONING REGULATIONS AND SUMMARY OF PROPOSED AMENDMENTS

Section 405.450.B contains the regulations for the operation of group homes within the City. Group homes generally fall under NAICS 623210 (Residential Intellectual and Development Disability Facilities) and 623990 (Other Residential Care Facilities). These NAICS categories are fairly broad and do not adequately differentiate between residential group living uses. As such, these two use codes, as listed in the Table A of the Zoning Ordinance, reference Section 405.450.B which contains additional regulations for group homes. In addition, the Zoning Code provides a definition for Group Homes within Section 405.120 which references State statute requirements and Section 405.450.B.

The attached draft ordinance modifies the existing group home zoning regulations as follows:

- Corrects an error in the NAICS reference from 62310 to 623210 (Residential Intellectual and Development Disability Facilities).
- Removes the specific reference to single family zoning districts and the prohibition of group homes within attached or multi-family districts. In accordance with the FHA and State statute, group homes have to be accommodated within all single family dwellings and are to be treated in the same manner.
- Removes the licensing requirement and proof of certification of such a license as a condition of approval of a group home by the City. This provision is in conflict with state and federal laws.
- The language of the ordinance relative to the mental or physical condition of the residents of a group home has been modified to mirror the state statute.
- The text has been reworded to maintain the requirement for building, fire and occupancy limits of the structure.
- The distance requirement for group homes has been reduced from 2,500 feet to 500 feet in order to reduce the concentration of such homes which would impair the residents' ability to more fully integrate within the community.
- Language has been added to require "reasonable accommodations" to group homes in the community in conformance with the requirements of the FHA.
- Modifies the definition of a group home to eliminate the reference to a detached single family residence and converted structure. By definition, a group home would be allowed within any single family residence or dwelling and is not limited to the conversion of an existing structure for this use; a new structure could be built.

CONCLUSION

Federal fair housing laws and the state statutes limit the reach of local governments to regulate group homes for mentally and physically disabled individuals. A review of the City's existing zoning regulations and the recent inquiry of local government ordinances by federal agencies in the metropolitan area suggests that it is in the best interest of the City to review and revise its regulations for group homes to be in conformance with federal and state requirements. It is important to note that group homes, as defined within this code section, take place in a single family dwelling and those structures and property must maintain an outward appearance that is similar in character to the surrounding neighborhood. Further, these homes are limited in occupancy to 8 individuals and no more than 2 caretakers and all building, occupancy, and fire code provisions must also be satisfied prior to the conversion of an existing home or the construction of a new home for such a use. Finally, the draft ordinance maintains a distance requirement to avoid concentration of these uses within a specific neighborhood.

MOTION

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

"I move to approve Application #15-024, for text amendments to regulations in Section 405.450.B Group Homes of the Code of Ordinances of the City of Creve Coeur."

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

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: Now our final agenda New Business matter is another public hearing. Application No. 15-024: Text Amendments to Regulations of Section 405.450.B Group Homes and Related Definition of the Code of Ordinances of the City of Creve Coeur.

Anybody who's going to be speaking during this hearing, if you could be sworn in.

MR. KLEARMAN: Can I --

CHAIRMAN KISTNER: No.

MR. KLEARMAN: -- just ask a -- okay.

CHAIRMAN KISTNER: Well, before swearing in. Let's -- let's get the hearing opened first.

(The speakers were sworn in by the court reporter.)

And, Whitney, will you be presenting or Mr. Jaggi?

MR. JAGGI: Good evening, Members of the Commission.

Jason Jaggi, Director of Community Development, City of Creve Coeur.

This is a text amendment pertaining to Section 405.450.B which regulates group homes within the City of Creve Coeur.

In general terms, group homes are described as small scale congregate living facilities within an

existing, or even, in fact, a new single-family structure.

These facilities are used for folks who are unable to care for themselves.

They are also governed by State Statute Section 89.020.2, which defines group homes and limits the ability of local governments to regulate them through -- through the zoning ordinance.

So according to state statute, the following conditions must be present, and if they are, they're considered to be group homes.

And that being three things. One is the structure must be a single-family dwelling or residence. The second condition is that the persons residing in the home must have a mental or physical disability. And the third condition is that there cannot be more than eight residents, and no more than two caretakers within that single-family structure.

So we believe that there -- all three of those conditions are present, then the City should classify that as a group home.

In addition to the state statute, the Federal Fair Housing Act also comes into play with regards to these types of facilities.

The FHA, or the Fair Housing Act, essentially prohibits housing and discrimination against individuals,

which does include individuals with disabilities.

So to give you some background on the existing zoning framework again 405.450.B regulates group homes. Those fall also within NAICS Code 623210, which stands for residential, intellectual and development disability facilities, as well as 623990, which is classified as other residential care facilities.

The use table in the zoning ordinance does list these two categories of use as permitted within the Single-Family Residential Zonings, and that would -- that would remain with this text amendment.

So what we're proposing tonight, is that the City Attorney has reviewed our code and conforms with federal and state statute requirements as proposed, some amendments, as you see in the attached bill that was included with your packet.

And I'll just briefly go through those with you, and if you have any questions, certainly ask me, and I'll be happy to answer those, and I know Mr. Lumley might be able to participate as well if you have any other questions.

Essentially, this -- this bill before you tonight would move the prohibition of group homes within attached and multi-family districts, group homes by state have to be accommodated in all single-family dwellings,

not just detached ones.

Also, the licensing requirements that's in the existing code would have to go away. There's no regulation to require us to -- to have that provision.

And then mental and physical condition language has been modified to mirror state statute.

The building fire and occupancy requirements must still also be met. And then a significant change as well proposed in our code is to reduce the distance separation for these types of facilities.

Existing now is 2500 feet of separation between group homes in the city. That would be reduced to 500 feet.

And the reason being is that this provision is in here to prohibit or discourage concentration of group homes within neighborhoods. So the more you have -- the more group homes that you would have together could be viewed as being concentrated, which then goes against the goals of having group home facilities be integrated and more dispersed within a community.

We also changed the definition since we are doing code review to, again, remove that provision that only allows single-family residence in a detached structure to be qualified as a group home.

I think I covered a lot of it, but I'd be happy

to answer any questions you may have as well.

MR. ROVAK: Yeah, I guess just on the second to last thing you covered, and I just want to make sure that I'm not interpreting it backwards. In other words, the idea is that we're -- we're relaxing the standard on how close they can be to one another, and that is -- we're not -- I'm -- I'm trying to see that this is not acting backwards to what the goal was. Say it again what the goal was. I just want to make sure I understand it.

MR. JAGGI: I think Mr. Lumley can address that question.

MR. LUMLEY: The goal is to satisfy the concerns of Housing and Urban Development folks that we're being too restrictive.

MR. ROVAK: Okay. I can -- I understand that.

MR. LUMLEY: And so they filed lawsuits against --

MR. ROVAK: Okay.

MR. LUMLEY: -- other cities for having such extensive separation requirements. But they don't take the position that there should be a zero requirement.

MR. ROVAK: That's the part I want to make sure I understand.

MR. LUMLEY: So that's why we're going to 500 instead of zero because --

MR. ROVAK: Okay.

MR. LUMLEY: -- they agree that there --

MR. ROVAK: They don't want --

MR. LUMLEY: -- that there's a goal of keeping some degree diversity --

MR. ROVAK: Integrated throughout the neighborhood.

MR. LUMLEY: Right.

MR. ROVAK: Okay. Thank you.

CHAIRMAN KISTNER: Any other questions?

Are there members of the audience who want to speak to this?

Mr. Klearman. I know you've been sworn in, but if you can state your name --

MR. KLEARMAN: I was going to ask a question --

CHAIRMAN KISTNER: If you can state your name and address.

MR. KLEARMAN: Oh, Mel Klearman, 739 Bergerac.

I was going to ask a question what their group home is, and the City Director of Community Development explained it very well.

The question is who -- mental health comes to my mind. What is -- what is the definition of the mental health? Does that mean -- is -- are these drug abusers or who -- who are they and where would the area be?

It's a concern of mine is that the residents of this type of a nature, and I understand it's just to change the regulations to conform, but that's something that doesn't fit into my idea of what Creve Coeur is. And I'll be quite frank with you.

My idea of Creve Coeur is -- was like Ferguson, only Ferguson changed because of the type of housing that they put -- they put in.

So my question is, do we have any control over the inhabitants of a group home? In other words, they won't create additional crime problems for our neighbors.

CHAIRMAN KISTNER: I think we're adopting definitions that are requiring the Fair Housing Act.

MR. KLEARMAN: Uh-huh, yeah, I know the Fair Housing.

CHAIRMAN KISTNER: Thank you.

MR. KLEARMAN: It ain't so fair.

You haven't answered my question. Is there --

CHAIRMAN KISTNER: Well, I don't -- I'm sorry, I shouldn't even -- I'm not really here to answer questions in our public hearing, but if Mr. Jaggi wants to -- Jaggi wants to provide additional --

MR. LUMLEY: I can address this.

To your specific concern, the language would remain that this is not permitting residency for alcohol

or chemical abuse patients or halfway houses for criminals or psychiatric patients. So those limits still apply.

I would suggest at some point that when you have questions, if you could ask staff ahead of meetings, because the public hearing really is a chance for you to express your opinion and we value your opinion, but it's not really meant to be a question and answer session, so --

MR. KLEARMAN: I understand.

MR. LUMLEY: -- if you ask your questions ahead of time, then you can express your opinions in the public hearing, I think we can facilitate the discussion better.

But your specific concern, it's limited to mental and physical disabilities, not chemical dependence and drug abuse.

MR. KLEARMAN: Let me explain something. I'd be happy to provide you with questions, but I've been told not to.

MR. LUMLEY: Not talking about asking me, I'm talking about asking staff members.

MR. KLEARMAN: Asking the --

MR. LUMLEY: Even just when you arrive before the meeting, you know, you can get your questions cleared up, so then you can express --

MR. KLEARMAN: Well --

MR. LUMLEY: -- your views to us.

MR. KLEARMAN: -- I understand research is necessary.

MR. LUMLEY: Right.

MR. KLEARMAN: And I really wasn't expecting an answer, but at the next session, perhaps.

Okay. I thank you.

CHAIRMAN KISTNER: Thank you.

MR. KLEARMAN: But the group home makes me shudder.

CHAIRMAN KISTNER: Thank you.

Are there additional questions or comments?

I guess, Mr. Lumley.

MR. LUMLEY: Offer the following exhibits into the record of this public hearing: Documentation in possession of the City Clerk reflecting the public notice, the staff's report, the City Code of Ordinances and Charter, the City's Comprehensive Plan and the public file regarding the application.

CHAIRMAN KISTNER: All right. This hearing is closed.

(This end 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: 11/23/15 07:00 PM
Department: Public Works Department
Category: Agreement
Prepared By: Matt Wohlberg
Department Head: Jim Heines

SCHEDULED

ORDINANCE

**Bill No. 5572 - an Ordinance Entering into an Agreement with
Saint Louis County and Accepting the Dedication of the
Westerly Portion of Woodfield Lane as a Public Street Upon
Completion of the Terms of the City-County Agreement. First
Reading**

Saint Louis County has proposed an agreement between the County and the City, whereby the County would reconstruct the westerly (private) half of Woodfield Lane in order for the City to accept the new street as a City-maintained street. City staff recommends that the City pursue this agreement so that all of Woodfield Lane can become a public street.

**AN ORDINANCE ENTERING INTO AN AGREEMENT WITH SAINT LOUIS COUNTY
AND ACCEPTING THE DEDICATION OF THE WESTERLY PORTION OF
WOODFIELD LANE AS A PUBLIC STREET UPON COMPLETION OF THE TERMS
OF THE CITY-COUNTY AGREEMENT.**

WHEREAS, Woodfield Lane is used by the public to access multiple businesses within the Corporate Square business park in the City of Creve Coeur and by Metro Transit as part of a weekday bus route; and

WHEREAS, the easterly portion of Woodfield Lane (from Corporate Square Drive to and including the cul-de-sac) is currently owned and maintained by the City; and

WHEREAS, the westerly portion of Woodfield Lane (from the cul-de-sac to Lindbergh Boulevard) is owned and maintained as a private street by the properties of 10199 Woodfield Lane, 10120 Woodfield Lane, and 1100 North Lindbergh Boulevard; and

WHEREAS, Saint Louis County has proposed an agreement with the City of Creve Coeur whereby Saint Louis County will receive donations of lands sufficient to create a public right of way for the westerly portion of Woodfield Lane, Saint Louis County will reconstruct the westerly portion of Woodfield Lane to the satisfaction of the City of Creve Coeur, and the City of Creve Coeur will accept the new right of way and street as public infrastructure; and

WHEREAS, the City's Department of Public Works recommends acceptance of the reconstructed westerly portion of Woodfield Lane for the benefit of the traveling public; and

WHEREAS, acceptance of this agreement and the future dedication of the westerly portion of Woodfield Lane was recommended by the Planning and Zoning Commission at their meeting held on November 16, 2015; and

WHEREAS, a copy of this ordinance has been made available for public inspection prior to its adoption by the City Council and this bill having been read by title in open meeting two times before final passage;

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

SECTION 1: Acceptance of the proposed Agreement Between the City of Creve Coeur and St. Louis County for the Reconstruction of Woodfield Lane by St. Louis County and the Acceptance of Woodfield Lane by the City of Creve Coeur as a Public

Street, attached hereto and referred to herein as the "Agreement," is hereby approved, and the City Administrator is authorized to execute the Agreement on behalf of the City and the City Clerk is authorized and directed to attest thereto. The final agreement document as executed shall be in substantially the form of the Agreement, with such changes therein as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Ordinance and necessary, desirable, convenient, or proper in order to carry out the matters herein authorized. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Ordinance, and the matters herein authorized.

SECTION 2: Acceptance of the dedication of the westerly portion of Woodfield Lane as a public street is hereby approved, but such acceptance shall be contingent upon the determination by the City Administrator, or his designated representative, that the westerly portion of Woodfield Lane has been reconstructed to the meet the City's standards, that all lands dedicated to become the City's right of way were properly donated for this purpose, and that a plat indicating the same has been recorded in the St. Louis County Records.

SECTION 3: This ordinance shall become effective pursuant to Section 3.11(g) of the City Charter.

Passed this ____ day of _____ 2015.

David Kreuter
President of City Council

Approved this ____ day of _____ 2015.

Barry Glantz
Mayor

Attest:

Deborah Ryan, MPCC
City Clerk

**AGREEMENT BETWEEN THE CITY OF CREVE COEUR AND ST. LOUIS COUNTY
FOR THE RECONSTRUCTION OF WOODFIELD LANE BY ST. LOUIS COUNTY AND
THE ACCEPTANCE OF WOODFIELD LANE BY THE CITY OF CREVE COEUR AS A
PUBLIC STREET**

WHEREAS, St. Louis County (hereinafter COUNTY) owns an office facility for Department of Transportation and Public Works staff adjacent to Woodfield Lane.

WHEREAS, Woodfield Lane is used to access multiple businesses within the Corporate Square Business Park in the City of Creve Coeur (hereinafter CITY).

WHEREAS, the easterly portion of Woodfield Lane (from Corporate Square Drive to and including the cul-de-sac) is currently owned and maintained by the CITY, and the westerly portion of Woodfield Lane (from the cul de sac to Lindbergh Boulevard) is owned and maintained as a private street.

WHEREAS, Woodfield Lane functions as a public street, but is rather an easement across 10199 Woodfield Lane, 10120 Woodfield Lane, and 1100 N Lindbergh Boulevard.

WHEREAS, this Agreement is authorized by CITY Ordinance _____, and by COUNTY Ordinance _____;

NOW, THEREFORE, the CITY and COUNTY agree to the following:

1. COUNTY shall arrange and CITY shall accept right-of-way dedications from 10199 Woodfield Lane, 10120 Woodfield Lane, and 1100 N Lindbergh Boulevard to make all of Woodfield Lane a public street (i.e. from Lindbergh Boulevard, a Missouri Department of Transportation (MoDOT) thoroughfare, to Corporate Square Drive, a public street maintained by the CITY).
2. COUNTY shall reconstruct Woodfield Lane from Lindbergh Boulevard to the western edge of the cul-de-sac, to meet City of Creve Coeur roadway standards (hereinafter WOODFIELD RECONSTRUCTION).
3. COUNTY shall fund the WOODFIELD RECONSTRUCTION in its entirety.
4. COUNTY shall maintain Woodfield Lane west of the cul-de-sac until the WOODFIELD RECONSTRUCTION is completed and accepted by CITY.
5. CITY shall accept Woodfield Lane for future maintenance and for public use upon completion and acceptance of WOODFIELD RECONSTRUCTION.
6. COUNTY shall prepare and secure and CITY shall accept sidewalk easements or excess right-of-way along the southern side of Woodfield Lane. Such

easements or right-of-way shall be to extents deemed acceptable by CITY and shall, at a minimum, provide adequate space for WOODFIELD RECONSTRUCTION and a future sidewalk that would meet the standards of CITY.

7. CITY will not require new sidewalk along the southern side of Woodfield Lane as part of WOODFIELD RECONSTRUCTION.
8. No money will be exchanged between CITY and COUNTY as part of this Agreement.
9. Any amendment to this Agreement must be approved in writing by both parties.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below:

Executed by CITY this _____ day of _____, 20____

Executed by COUNTY this _____ day of _____, 20____

CITY OF CREVE COEUR

ST. LOUIS COUNTY, MISSOURI

City Administrator

County Executive

ATTEST:

ATTEST:

City Clerk

Administrative Director

APPROVED AS TO LEGAL FORM:

APPROVED:

City Attorney

Director, Transportation and
Public Works

APPROVED AS TO LEGAL FORM:

County Counselor



DEPARTMENT OF PUBLIC WORKS STAFF MEMORANDUM

DATE: November 18, 2015

TO: Mark Perkins, City Administrator

CC: Jim Heines, Director of Public Works

FROM: Matt Wohlberg, P.E., City Engineer

SUBJECT: City-County Agreement for the Acceptance of Woodfield Lane Right of Way and Roadway Dedication

St. Louis County has proposed a plan whereby the City of Creve Coeur and the County would coordinate the needed right of way donations and roadway construction at 10199 Woodfield Lane so that the private, westerly portion of Woodfield Lane can become a City-maintained street. City staff recommends that the City participate in this plan.

Background

Woodfield Lane is located in the light-industrial and business district in the northeast corner of the City. The easterly portion of Woodfield Lane is a relatively short, City-maintained roadway that stretches west from Corporate Square Drive to a cul de sac.

Extending west from the Woodfield Lane cul de sac to Lindbergh Boulevard is a private street through the properties of 10199 Woodfield Lane, 10120 Woodfield Lane, and 1100 North Lindbergh Boulevard. This private, westerly portion of Woodfield Lane offers direct access between Lindbergh Boulevard and the public, easterly portion of Woodfield Lane. The westerly portion of Woodfield Lane is reportedly commonly used by those who work along Corporate Square, and Metro Transit also uses this private street as part of its weekday bus route to service the Corporate Square area. This bus route has 28 scheduled stops that use Woodfield Drive and the parking lot.

In short, the private, westerly portion of Woodfield Lane is perceived as and used as a public street.

Pavement Conditions

The City resurfaced Woodfield Lane in 2011 as part of the City's annual pavement resurfacing program. It remains in very good condition.

The private, westerly portion of Woodfield Lane has generally failed. It was never constructed to serve as a public street, and its failure reflects this.



Figure 1: Google street view of Woodfield Lane looking west from the cul de sac of the City's portion of Woodfield. Note the clear pavement condition change from the public street (foreground) and the private street (background).



Figure 2: Google street view of the private portion of Woodfield Lane, looking east from Lindbergh Boulevard. The new layout of this intersection will closely resemble the existing layout.

County Proposal

St. Louis County has recently purchased the property at 1050 Lindbergh Boulevard (at the southeast corner of Lindbergh Boulevard and the private portion of Woodfield Lane) and now operates its Department of Highways and Traffic from this location. One of the two access points for the County's parking lot is on the private portion of Woodfield Lane.

The County recognizes the benefit to their function to have a public access to their entrance along the private portion of Woodfield Lane and has proposed that the County and the City work together to make all of Woodfield Lane a public street. Specifically, the County proposes a City-County Agreement that would involve the following:

1. St. Louis County secures the donation of portions of 10199 Woodfield Lane, 10120 Woodfield Lane, and 1100 North Lindbergh Boulevard needed to provide at least a 40-foot-wide, public right of way along the private portion of Woodfield Lane.
2. St. Louis County removes the existing private street and replaces it with a new roadway that meets the City's roadway standards. This new street would be an asphalt street with concrete curbing, similar to the existing public portion of Woodfield Lane.
3. The City accepts the new Woodfield Lane right of way and adopts the pavement for maintenance.

This proposal is different than most requests for adoption of a private street, in that the private street is typically brought up to the City's standards prior to the official request. Given the expense of the project, St. Louis County requests that the City commit to the adoption of the new street prior their constructing it.

St. Louis County has no interest in adopting this street, and it appears that it may be problematic for them to try. In order for the County to take ownership of the westerly portion of Woodfield Lane, it would need to be designated as a County route. The westerly portion of Woodfield Lane would represent a very short County route that would be difficult to justify, according to County staff.

Setbacks for 10199 Woodfield Lane

City and County staff have discussed at length the building setback for 10199 Woodfield Lane and whether this arrangement would be allowed by the Municipal Code. The specific concern was that the new public right of way would be relatively close to the existing building at 10199 Woodfield Lane, and that this would create a violation of the setback for this property.

According to Section 400.010 of the Municipal Code, the donation of this land for the construction of a public street would allow 10199 Woodfield Lane to maintain its current setbacks. Therefore, it appears that the proposal will create no setback issues.

A copy of this Section is attached for reference.

Recommendation

The private portion of Woodfield Lane will be replaced with a new street that will be designed to the City's specifications, and the final product will be a new street requiring little maintenance in the foreseeable future. Therefore, City staff recommends that the City enter into the proposed agreement with St. Louis County for the reconstruction and adoption of the private portion of Woodfield Lane.

The Creve Coeur Planning and Zoning Commission considered the City-County agreement and the acceptance of the reconstructed westerly portion of Woodfield Lane at their meeting on November 16, 2015. The Commission voted in unanimous support of a pursuing the agreement and the acceptance.

- Attachments: 1. Concept Layout of Right of Way Dedication for Woodfield Lane
2. Section 400.010 Effect of Dedication of Land to City upon Owner's Use of Remaining Property



WOODFIELD LANE DEDICATION

Concept Layout of Right of Way Dedication
October 26, 2015

- Proposed Woodfield Right of Way
- Existing Right of Way
- Property Line

**SECTION 400.010: EFFECT OF DEDICATION OF LAND TO CITY UPON OWNER'S
USE OF REMAINING PROPERTY**

- A. In order that undue hardships are not placed upon land owners and developers who cooperate with the City by dedicating or conveying land to the City, or to other governmental entities at the City's request, for street widenings and public improvement purposes, provided such conveyance meets the following criteria:
1. It is given voluntarily and without any monetary reimbursement;
 2. It is along an existing street or streets or a street or streets to be constructed by the City or proposed by the City for construction;
 3. It is at the City's request; and
 4. It is in accordance with City development plans or standards.
- B. It shall be the policy of the City to permit construction and development on a tract of land from which a dedication or conveyance has been made to be developed in the same manner and to the same extent as though a dedication or conveyance had not been made. That is to say that after a dedication or conveyance under the above criteria, the tract of land shall be considered to have the same number of square feet as prior to the dedication or conveyance. (R.O. 2008 §20-1; Ord. No. 1017 §1, 3-22-82; Ord. No. 1370 §1, 12-11-89)



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

Meeting: 11/23/15 07:00 PM
Department: Public Works Department
Category: Contract
Prepared By: Matt Wohlberg
Department Head: Jim Heines

SCHEDULED

RESOLUTION

Resolution No. 1192 - a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Execution of a Contract with Raineri Construction, LLC, for the Construction of the Window Tree Shelter Foundation and Sidewalks for the Amount of \$ 23,097.90.

City staff has reviewed proposals that were received for the construction of the foundation for the proposed Window Tree Bus Shelter, and staff has found the bid by Raineri Construction to be the best bid. Therefore, City staff recommends that the City hire Raineri Construction to complete the installation of the bus shelter foundation and sidewalks.

RESOLUTION NO. 1192

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, AUTHORIZING THE EXECUTION OF A CONTRACT WITH RAINERI CONSTRUCTION, LLC, FOR THE CONSTRUCTION OF THE WINDOW TREE SHELTER FOUNDATION AND SIDEWALKS FOR THE AMOUNT OF \$ 23,097.90.

WHEREAS, the City strives to provide attractive and functional infrastructure to promote the quality of life expected by the community;

WHEREAS, funding for an artistic bus shelter was identified as a condition of approval for the development of 11550 and 11560 Olive Boulevard;

WHEREAS, a project to construct the foundation and sidewalks for the artistic bus shelter has been competitively bid per the requirements outlined in the City of Creve Coeur Code of Ordinances;

WHEREAS, Raineri Construction, LLC, submitted the best bid for the project and has a reputation for providing quality services for the City;

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

Section 1. The Contract between Raineri Construction, LLC, and the City, attached hereto as "Exhibit A," with a **contract sum of \$ 23,097.90**, is hereby approved and the City Administrator is hereby authorized and directed to enter into and execute that Contract. The Contract as executed shall be substantially in the form of "Exhibit A," with such changes therein as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Resolution. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient, or proper in order to carry out the intent of this Resolution, the matters herein authorized, and the rights and duties of the City under the Contract.

Adopted this 23rd day of November, 2015.

Barry Glantz
Mayor

Attest:

Resolution

Meeting of November 23, 2015

Deborah Ryan, MPCC
City Clerk

EXHIBIT A**CITY-CONTRACTOR AGREEMENT**

This is an Agreement made and entered into the ____ day of _____, 2015, by and between the City of Creve Coeur, Missouri (hereinafter called the "City") and **Raineri Construction, LLC**, with offices at 1300 Hampton Avenue, St. Louis, MO 63139 (hereinafter called the "Contractor"). The project identified as the **Window Tree Shelter Foundation** (hereinafter referred to as the "Project" or the "Work").

WITNESSETH:

The Contractor and the City for the consideration set forth herein agree as follows:

ARTICLE I**The Contract Documents**

The Contract Documents which comprise the entire agreement between the City and the Contractor consist of the following:

- 1) This City-Contractor Agreement
- 2) General Conditions of City-Contractor Agreement
- 3) Job Special Provisions
- 4) State Wage Determination
- 5) Non-Collusion Affidavit
- 6) Construction Plans, dated October 28, 2015
- 7) Construction Schedule
- 8) All Addenda and all Modifications issued after execution of this Contract
- 9) The latest version of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)

The documents listed above, together with this Agreement, form the Contract and are all as fully a part of the Contract as if attached to this Agreement or repeated herein. All definitions set forth in the General Conditions of City-Contractor Agreement are applicable to this Agreement.

ARTICLE II

Scope of Work

The Contractor, acting as an independent contractor, shall do everything required by the Contract Documents. The Contractor represents and warrants that he has special skills which qualify him to perform the Work in accordance with the Contract and that he is free to perform all such Work and is not a party to any other agreement, written or oral, the performance of which would prevent or interfere with the performance, in whole or in part, of the Work.

ARTICLE III

Time of Completion

All time limits stated in the Contract Documents are of the essence. The Work to be performed under the Contract shall commence within Seven (7) days of the date of the written notice to proceed from the City to the Contractor and shall be completed no later than December 31, 2015.

ARTICLE IV

The Contract Sum and Payments

The Contract Sum for this Work shall be the lump-sum amount of twenty-three thousand, thirty-seven dollars and ninety cents (\$23,097.90). The scope of work that is included in this lump-sum amount is detailed in Proposal #300505 from Raineri Construction, LLC, dated 11/11/2015. This proposal is included in the Project Manual for reference.

Based upon Applications for Payment submitted by the Contractor on or before the twentieth day of the month for work completed and accepted by the City, in accordance with the Contract Documents, except as otherwise required by Section 34.057 RSMo. the City shall pay the Contractor as follows:

- (1) On or about the tenth day of each following month, ninety percent (90%) of the value of the portion of the Work that has been completed and accepted to date, less the aggregate of all previous progress payments; and
- (2) Final payment shall be made within thirty (30) days after the Work is fully completed and accepted by the City and the Contract fully performed.

ARTICLE V**Performance of the Work**

a) Within seven (7) calendar days after being awarded the Contract, the Contractor shall prepare and submit for the City's approval:

- (1) a Construction Schedule for the Work in a bar chart format which Construction Schedule shall indicate the dates for starting and completing the various stages of construction on a street by street basis, and
- (2) a Traffic Control Plan indicating the location of all proposed signage, detours, and road closures throughout the project which adequately address the traffic control required for the proposed work. All traffic control shall be according to the standards of the Manual on Uniform Traffic Control Devices (MUTCD) developed by the Federal Highway Administration and shall be signed and sealed by a professional engineer who is licensed in the state of Missouri.

The Notice To Proceed shall be issued within fourteen (14) calendar days of the award, however no work will commence until the Contractor's Construction Schedule and Traffic Control Plan are submitted and approved by the City.

b) The Contractor shall be required to substantially finish portions of the work as designated by the Director of Public Works prior to continuation of further work remaining on the project. This may include backfilling, paving, sodding, or cleanup as designated by the Director of Public Works.

c) Completion of the Work in accordance with the time limits set forth in the Construction Schedule is an essential condition of the Contract. If the Contractor fails to complete the Work in accordance with the Construction Schedule, unless the delay is excusable under the provisions of Article VI hereof, the Contractor shall pay the City as liquidated damages, and not as a penalty, the sum of one hundred dollars (\$100.00) for each calendar day the Contractor fails to comply with the Construction Schedule. The total amount so payable to the City as liquidated damages may be deducted from any sums due or to become due to the Contractor from the City.

d) After Commencement of the Work, and until final completion of the Work, the Contractor shall report to the City, at such intervals as the City may reasonably direct, the actual progress of the work compared to the Construction Schedule. If the Contractor falls behind the Construction Schedule for any reason, he shall promptly take, and cause his Subcontractors to take, such action as is necessary to remedy the delay, and shall submit promptly to the City for approval a supplementary schedule or progress chart demonstrating the manner in which the delay will be remedied; provided, however, that if the delay is excusable under Article VI hereof,

the Contractor will not be required to take, or cause his Subcontractors to take, any action which would increase the overall cost of the Work (whether through overtime premium pay or otherwise), unless the City shall have agreed in writing to reimburse the Contractor for such increase in cost. Any increase in cost incurred in remedying a delay which is not excusable under Article VI hereof shall be borne by the Contractor.

ARTICLE VI

Delays Beyond Contractor's Control

(a) If the Contractor fails to complete the Work in accordance with the Construction Schedule solely as a result of the act or neglect of the City, or by strikes, lockouts, fire or other similar causes beyond the Contractor's control, the Contractor shall not be required to pay liquidated damages to the City pursuant to paragraph (c) of Article V hereof, provided the Contractor uses his best efforts to remedy the delay in the manner specified in paragraph (d) of Article V hereof. If, as a result of any such cause beyond the Contractor's control, the delay in completion of the Work in accordance with the Construction Schedule is so great that it cannot be remedied in the aforesaid manner, or if the backlog of Work is so great that it cannot be remedied without incurring additional cost which the City does not authorize, then the time of completion and the Construction Schedule shall be extended pursuant to a Change Order for the minimum period of delay occasioned by such cause. The period of delay and extension shall be determined by the City.

(b) Notwithstanding the foregoing paragraph (a), no extension of time shall be granted for any delay the cause of which occurs more than seven (7) days before claim therefore is made in writing by the Contractor to the City, and no extension of time shall be granted if the Contractor could have avoided the need for such extension by the exercise of reasonable care and foresight, as determined by the Director of Public Works. In the case of a continuing cause of delay, only one claim is necessary.

(c) Weather shall not constitute a cause for granting an extension of time.

(d) In the event a delay is caused by the City, the Contractor's sole remedy shall consist of his rights under this Article VI.

ARTICLE VII

Changes in the Work

(a) The City may make changes within the general scope of the contract by altering, adding to, or deducting from the Work, the Contract Sum being adjusted accordingly. All such changes in the Work shall be executed under the conditions of the Contract. No extra work or change shall be made except pursuant to a Change Order from the City in accordance with the

General Conditions. Any claim for an increase in the Contract Sum resulting from any such change in the Work shall be made by the Contractor in accordance with the General conditions.

(b) If the requested change would result in a delay in the Construction Schedule, the provisions of Article V, paragraph (c), and Article VI hereof shall apply. If the requested change would result in a decrease in the time required to perform the Work, the completion date and the Construction Schedule shall be adjusted by agreement between the parties to reflect such decrease.

(c) Any adjustment in the Contract Sum for duly authorized extra work or change in the Work shall, at the option of the City, be determined by an acceptable fee properly itemized and supported by sufficient substantiating data to permit evaluation, by an acceptable cost-plus-percentage fee, or by an acceptable fixed fee.

ARTICLE VIII

Termination by City or Contractor

(a) If the Contractor is adjudged a bankrupt; or if the Contractor makes a general assignment for the benefit of creditors; or if a receiver is appointed on account of the Contractor's insolvency; or if the Contractor persistently or repeatedly fails, except in cases for which extension of time is provided, to make progress in accordance with the Construction Schedule; or if the Contractor fails to make prompt payment to Subcontractors or for material or labor, or persistently disregards laws, ordinances or the instructions of the City, or otherwise breaches any provision of the Contract, the City may, without prejudice to any other right or remedy, by giving written notice to the Contractor and his surety, terminate the Contract, take possession of the Work and of all materials and equipment thereon, and finish the Work by whatever method the City may deem expedient. If the unpaid balance of the value of the Work completed to date shall exceed the expenses of finishing the Work, including additional professional, managerial, and administrative expenses, such excess shall be paid to the Contractor. If such expenses shall exceed the unpaid balance of the value of the Work completed to date, the Contractor shall pay the difference to the City promptly upon demand.

In the event of termination pursuant to this paragraph, the Contractor, upon the request of the City, shall promptly:

- (i) assign to the City in the manner and to the extent directed by the City all right, title, and interest of the Contractor under any subcontracts, purchase orders, and construction equipment leases to which the Contractor is a party and which relate to the Work or to construction equipment required therefore, and
- (ii) make available to the City, to the extent directed by the City, all construction equipment owned by the Contractor and employed in connection with the Work.

(b) Performance of the Work hereunder may be terminated by the City by giving three (3) days prior written notice to the Contractor if the City, in its sole discretion, decides to discontinue or suspend construction. In the event of such termination, as opposed to termination pursuant to paragraph (a) of this Article VIII, the Contract Sum shall be reduced in an equitable manner by agreement between the parties.

ARTICLE IX

Contractor's Liability Insurance

The Contractor shall purchase and maintain in full force and effect the following insurance coverage with an insurance carrier acceptable to the City:

The policy shall be endorsed to cover the contractual liability of the Contractor under the General Conditions.

The Contractor and his Subcontractors shall procure and maintain during the life of this agreement insurance of the types and minimum amounts as follows:

- (a) Workers' Compensation in full compliance with statutory requirements of Federal and State of Missouri law and Employers' Liability coverage in the amount of \$1,000,000.
- (b) Comprehensive General Liability and Bodily Injury
 - Including Death: \$1,000,000 each person
\$1,000,000 each occurrence
 - Property Damage: \$1,000,000 each occurrence
\$1,000,000 aggregate
- (c) Comprehensive Automobile Liability, Bodily Injury
 - Including Death: \$1,000,000 each person
\$1,000,000 each occurrence
 - Property Damage: \$1,000,000 each accident
- (d) Owner's Protective Bodily Injury
 - Including Death: \$1,000,000 each person
\$1,000,000 each occurrence
 - Property Damage: \$1,000,000 each occurrence
\$1,000,000 aggregate

The Owner's Protective policy shall name the City as the Insured. Certificates evidencing such insurance shall be furnished the City prior to Contractor commencing the work on this project. The certificates must state **"The City of Creve Coeur is an additional primary insured."** The certificate must provide for thirty (30) days advance notice to the City as certificate holder of any change or cancellation, and any necessary policy endorsements must be provided.

ARTICLE X**Equal Opportunity and Non-Discrimination**

The Contractor will comply with all provisions of federal, state, and local codes, ordinances, and regulations governing the regulation of Equal Employment Opportunity and Non-Discrimination.

In the event that any or all of the provision(s) of this Article conflict with federal, state, or other local laws, ordinances, or regulations, then the requirements of such federal, state, or local laws, ordinances, or regulations shall prevail. Compliance with the foregoing provisions shall not relieve the Contractor from adherence to any and all additional requirements regarding equal employment or non-discrimination set forth in such federal, state, or other local laws, ordinances, or regulations.

During the performance of this contract, the contractor, for itself, its assignees and successors, in interest (hereinafter referred to as the "contractor") agrees, as follows:

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
Further, on any federal assisted contract, the Contractor and sub-contractor agree to comply with the Equal Employment Opportunity provisions cited in CFR 23, Subpart D – Construction Contract Equal Employment Opportunity Compliance Procedures, CFR 49 – Non-Discrimination in Federally-assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, E.E. 11246 and Title VII of the Civil Rights Act of 1964.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, income, limited English proficiency, sex, gender identity, sexual orientation, age or disability in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of

the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, income, limited English proficiency, sex, gender identity, sexual orientation, age or disability.

4. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department of the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event the contractor's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a) Withholding payments to the contractor under the contract until the contractor complies and/or
 - b) Cancellation, termination or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The contractor shall include provisions of paragraphs (1) through (5) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

ARTICLE XI**Conflicts of Interest**

The parties agree to abide by all applicable federal, state, and local laws, ordinances, and regulations relating to conflicts of interest. A detailed discussion of conflicts of interest can be found in Section 5.6 of the General Conditions of City-Contractor Agreement.

ARTICLE XII**The Work**

The Contractor shall furnish all labor, materials, and equipment necessary to complete all activities within the project limits, as specified in the Contract Documents. The Scope of Work generally includes the construction of a reinforced concrete foundation and connector sidewalks for the proposed Window Tree bus shelter, located at 11550 Olive Boulevard in Creve Coeur, Missouri. The Scope of Work provides for items as more specifically described in the attached Construction Plans.

All work shall be completed to the satisfaction of the Director of Public Works for the City of Creve Coeur.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement:

CITY OF CREVE COEUR

By: _____
Mark C. Perkins, City Administrator

(SEAL)

By: _____
James H. Heines, Director of Public Works

Attest: _____
City Clerk

Date: _____

RAINERI CONSTRUCTION, LLC

By: _____
Signature

Printed Name

Title

(SEAL)

Attest: _____

Date: _____



DEPARTMENT OF PUBLIC WORKS STAFF MEMORANDUM

DATE: November 18, 2015

TO: Mark Perkins, City Administrator

CC: Jim Heines, Director of Public Works
Bess McCoy, Public Information Officer and Management Analyst

FROM: Matt Wohlberg, P.E., City Engineer

SUBJECT: Recommendation of Award
Window Tree Bus Shelter Foundation Project

Competitive bids have been received and evaluated for the construction of the concrete foundation for the “Window Tree” artistic bus shelter. City staff recommends pursuing a contract with Raineri Construction for the project based upon their past performance in the City and their bid for the work.

Project Overview

The proposed Window Tree bus shelter will involve a steel-and-glass tree sculpture that arches over a bench. This artistic bus shelter is to be located along the Olive Boulevard frontage of the St. Luke’s Urgent Care Facility at 11550 Olive Boulevard. It was initially conceived as part of the St. Luke/CVS development of the former Essen Hardware property.

The City has commissioned Christopher Fennell, a sculptor, to design, create, and erect the Window Tree shelter and the bench. Mr. Fennell has nearly completed the creation of the tree sculpture and the bench.

The City separated the artistic element of the project from the site and foundation portions of the project. To date, the City has hired several engineering firms to offer expertise in surveying, site layout and design, and structural design. The City’s remaining portions of the project involve construction of the foundation, installation of the site’s sidewalks to connect the bus shelter to Olive Boulevard, and welding inspections for the sculpture.

The proposed contract will include the foundation and sidewalk work. The foundation for the tree sculpture will be a reinforced-concrete pad that is three feet thick. This massive slab has been designed as a counterweight and support to the sculpture.

Advertisement

City staff sent a request for proposals to all contractors who have provided proposals on recent roadway construction project for the City and to the contractors who submitted bids for the St. Louis County project to reconstruct the Mason Road bridge. This request for proposals was also posted on the Drexel Technologies online planroom.

Bid Results and Discussion

Bids for the subject project were publicly opened and read on Thursday, November 12, 2015. A total of four (4) bids were received for the lump-sum project, as summarized below:

1. Concrete Design, Inc.....	\$ 21,990.00
2. Raineri Construction, LLC.....	\$ 23,037.90
3. R. V. Wagner, Inc	\$ 23,760.00
4. Jackson Building Group.....	\$ 39,000.00

Both Raineri Construction and R. V. Wagner included site sidewalk with their bid. This was not the intention of this portion of the bus shelter project, but it offers the City a convenient opportunity to install the sidewalk along with the foundation at an attractive price. The proposals from Raineri Construction and R. V. Wagner would provide the sidewalks for about half of the price that the City pays for the same sidewalk through its annual concrete replacement projects (i.e. about \$24 per square yard versus about \$48 per square yard).

Project Financing

The proposed foundation and sidewalk work will be completed using capital improvement funds. The funding necessary for the work will exceed the amount remaining in the fiscal year ending (FYE) account 02-61-71-9501 for the project, and a budget adjustment will be necessary to provide the funding necessary to complete the project. The contracted and remaining project costs are summarized below, as is an estimate of the budget adjustment that will be needed.

Project Phase	Contractor	FYE2016 Cost	Comments
Utility Location	Structures, Inc.	\$ 7,080.00	Work complete
Site Design	Cole & Associates	\$ \$4,500.00	T&M; includes survey staking
Welding Inspection	Geotechnology, Inc.	\$ \$2,800.00	Time & materials
Foundation	Raineri Construction	\$ 23,037.90	
Total Cost of Remaining Work:		\$ 37,417.90	
FYE2016 Project Budget:		\$ 30,765.00	
Minimum Adjustment Needed:		\$ 6,642.90	
Recommended Budget Adjustment		\$ 7,000.00	

Recommendation

City staff recommends that the City award the subject project to Raineri Construction, LLC, due to their low bid for the work and their past performance with the City. While the bid from Raineri Construction was not the lowest received, it was the lowest between the two bids that include the site's sidewalk in the lump-sum price. Aside from the attractive price for the sidewalk, staff sees value and simplicity in having one contractor complete both portions of the project.

Raineri Construction has recently completed the renovations to the Tappmeyer House. This project was successful, and City staff found Raineri Construction to be a good contractor who was reasonable to work with. The expectation is that this good relationship will be continued with the successful completion of the Window Tree foundation project.

The recommendation is to award the Window Tree Shelter Foundation Project to the firm listed below for a total price of \$ 23,037.90:

Raineri Construction, LLC
1300 Hampton Avenue, Suite 200
St. Louis, MO 63139
(314) 667-5913



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

Meeting: 11/23/15 07:00 PM
Department: Public Works Department
Category: Grant
Prepared By: Matt Wohlberg
Department Head: Jim Heines

SCHEDULED

RESOLUTION

Resolution No. 1193 - a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Execution of the Necessary Documents for Submitting the Project Proposal Application and Later for Executing an Agreement for a Grant-In-Aid from the Federal Transportation Alternatives Program (Tap) Grant Commission for the Creve Coeur Office Park Pedestrian Improvements Project.

City staff recommends that the City pursue a federal Transportation Alternatives Program (TAP) grant for pedestrian improvements within the Creve Coeur Executive Office Park.

RESOLUTION NO. 1193

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, AUTHORIZING THE EXECUTION OF THE NECESSARY DOCUMENTS FOR SUBMITTING THE PROJECT PROPOSAL APPLICATION AND LATER FOR EXECUTING AN AGREEMENT FOR A GRANT-IN-AID FROM THE FEDERAL TRANSPORTATION ALTERNATIVES PROGRAM (TAP) GRANT COMMISSION FOR THE CREVE COEUR OFFICE PARK PEDESTRIAN IMPROVEMENTS PROJECT.

WHEREAS, the City Council deems it necessary and recognizes the need to improve its existing sidewalk network to serve the citizens of Creve Coeur as well as those in the metropolitan area, and

WHEREAS, the City Council recognizes this Transportation Alternatives Program Grant as an excellent opportunity to improve the sidewalk connectivity and accessibility along Old Ballas Road and within the Creve Coeur Executive Office Park.

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

1. Application shall be made under the TAP Grant for a grant-in-aid to assist with some of the costs to improve sidewalks along Old Ballas Road from New Ballas Road to Olde Cabin Road and within the Creve Coeur Executive Office Park along Craig Road from Olde Cabin Road to Olive Boulevard, along Olde Cabin Road from Old Ballas Road to Office Parkway, and along Office Parkway from Craig Road to Olde Cabin Road.
2. That the project proposal described herein be prepared and submitted to the TAP Grant Commission for reimbursement.
3. The governing body hereby authorizes the City Administrator to sign and execute the necessary documents for forwarding the project proposal application for a grant-in-aid under the TAP Grant Commission.
4. If a grant is awarded, the City of Creve Coeur will enter into an agreement or contract with the Commission regarding said grant.

Adopted this 23rd day of November, 2015.

Barry Glantz
Mayor

Attest:

Resolution

Meeting of November 23, 2015

Deborah Ryan, MPCC
City Clerk



DEPARTMENT OF PUBLIC WORKS OFFICE MEMO

DATE: November 18, 2015

TO: Mark Perkins, City Administrator

CC: Jim Heines, Director of Public Works
Matt Wohlberg, P.E., City Engineer

FROM: Rich Beran, P.E., Civil Engineer

SUBJECT: Transportation Alternatives Program Grant

Staff will pursue a Transportation Alternatives Program (TAP) Grant to construct an ADA accessible sidewalk along Old Ballas Road (from New Ballas Road to Olde Cabin Road) and within the Creve Coeur Executive Office Park. Transit improvements for Lindbergh Boulevard as well as pedestrian improvements for West Olive were also envisioned but do not appear to be in the best interests of the City at this time.

Transportation Alternatives Program

The East-West Gateway Council of Governments has made available applications for a TAP grant through the federal government which provides an 80% reimbursement to qualifying projects. This program replaces the Transportation Enhancements grant that was last available in Fiscal Year 2009 which the City used for the Olive Boulevard Street Lighting Project. That project installed decorative lighting in the median along Olive Boulevard from Mason Road to Cross Creek Drive in the spring of 2013.

The TAP provides funding for programs and projects defined as transportation alternatives, including on- and off-road pedestrian and bicycle facilities, infrastructure projects for improving non-driver access to public transportation and enhanced mobility, community improvement activities, environmental mitigation, and safe routes to school projects. Projects must have a direct relationship to surface transportation and any road is open to funding regardless of functional classification, unlike STP grants.

Lindbergh Boulevard Enhancements

It has been the City's wish to enhance the Lindbergh Boulevard corridor for a number of years. Discussions have taken place in regards to what types of enhancements and City staff believed that some would be possible through the TAP such as painting the traffic signals black at the signalized intersections within the City limits, and staining the concrete median or adding art to it. However, none of the above options would be an eligible activity as a stand-alone project according to the guidelines set forth by the United States Department of Transportation.

It is possible to make aesthetic improvements with a federal grant project, but these improvements have to be secondary to transportation-related improvements. No projects dedicated solely to aesthetics are eligible for TAP or STP funding. If the Transportation Enhancement grant was still available, the improvements that are sought for Lindbergh Boulevard would qualify.

Staff discussed making improvements to the bus shelters along with some pedestrian improvements to the nearby intersections but several unknowns such as signal upgrades, types of accessible shelters, and any MoDOT requirements created apprehension in pursuing this option.

West Olive Sidewalk Improvements

Pedestrian improvements to West Olive Boulevard from Fee Fee Road west to the city limits were also discussed. This included adding sidewalk and pedestrian signals at the Fernview Drive intersection. The anticipated MoDOT requirements for the signal work as well as widening the intersection to make it accessible were seen as cost prohibitive for the City to pursue this option at this time.

Mason Road Sidewalk Infill

St. Louis County, through the last TAP grant round in 2014, was awarded and will be constructing a sidewalk on Conway Road from South Mason Road to South Mason Road. There are several gaps in the sidewalk along Mason Road from this point north to Hibler Road. Staff discussed the possible construction of sidewalk where there currently is none at this time. However, it was determined that multiple easements, permanent and temporary, would be required to construct the sidewalk. The required easements were found to be detrimental to pursuing this project in the allotted timeframe of the TAP grant.

Creve Coeur Executive Office Park

Identified in the 5-year Capital Improvement Plan is resurfacing of the Office Park. Current pavement conditions indicate the need to perform a resurfacing in the near future. Additionally, as part of federal mandates, any structural improvement done to a road must also involve bringing the existing pedestrian facilities into compliance with Americans with Disabilities Act. The future project has a projected budget of nearly \$700,000, mainly due to the required pedestrian improvements. This more than doubles the City's annual resurfacing budget.

Recent and upcoming pedestrian improvements throughout the City will create a totally accessible loop consisting of Olive Boulevard (MoDOT), Graeser Road (STP Project), Ladue Road (STP Project), Emerson Road (TAP Project), Old Ballas Road (City sidewalk project from Emerson Road to New Ballas Road). The only exception area would be along Old Ballas Road (from New Ballas Road to the Office Park) and within the Office Park (including Craig Road). Staff discussed the pedestrian improvements for the Office Park and found it to be the most beneficial option to seek a grant for since it would close this accessibility loop and give the city a significant funding source for the pedestrian improvements that would be required anyway. Therefore, City staff proposes that an application be submitted for a TAP grant for pedestrian improvements along Old Ballas Road (east of New Ballas Road) and within the Office Park. The proposed project would reconstruct the entire sidewalk within the office park along with pedestrian lighting improvements. Only the deficient areas of sidewalk along Old Ballas Road will be addressed through the proposed project.

Discussion

Staff recently presented the proposed project to East-West Gateway and MoDOT staff. A comment that staff received from the presentation was that consistency in the pedestrian lighting would make the project application stronger. The proposed project did not include any pedestrian lighting along Old Ballas Road. Therefore, staff looked into the options of expanding the lighting as well as removing all lighting.

Removing the lighting aspect was not seen as the better choice since this would not provide any benefit to the pedestrians in this area and therefore weaken the application. Expanding the pedestrian lighting would provide the most benefit to residents and to the application.

Additional funding was also added for landscaping and irrigation improvements to the median and channelizing islands to improve their aesthetics and make them a more visually appealing part of the landscape. Increasing the City's share of the costs was also included to make the proposed project more attractive to the grant commission.

A cost estimate for the proposed project is summarized below:

Design:	\$ 75,000.00
Right of Way:	\$ 20,000.00
<u>Construction:</u>	<u>\$838,645.00</u>
Total:	\$933,645.00 @ 70% reimbursement
City share:	\$280,093.50

A more detailed cost estimate has been attached for reference.

Conclusion

Although there were several different projects that are envisioned for the City, pedestrian improvements within the Office Park were seen as the most beneficial to the City and possibly more favorable to the grant commission. After meeting with the grant commission and after feedback was received from the City Council, the application will be revised to incorporate the comments. Applications are due on December 7, 2015 with awarding of projects to be completed by January 2016.

Estimate of Project Costs	
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Project Sponsor:	City of Creve Coeur
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Project Title:	Creve Coeur Office Park Pedestrian Improvements
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Date: 7-Dec-15

Specific Roadway Items	
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Specific Bicycle Items	
1. Bicycle frame	2. Bicycle wheels
3. Bicycle tires	4. Bicycle handlebars
5. Bicycle seat	6. Bicycle pedals
7. Bicycle chain	8. Bicycle gears
9. Bicycle brakes	10. Bicycle lights
11. Bicycle bell	12. Bicycle fenders
13. Bicycle rack	14. Bicycle lock
15. Bicycle pump	16. Bicycle repair kit
17. Bicycle helmet	18. Bicycle gloves
19. Bicycle socks	20. Bicycle shoes
21. Bicycle jersey	22. Bicycle shorts
23. Bicycle cap	24. Bicycle bag
25. Bicycle water bottle	26. Bicycle repair tools
27. Bicycle repair manual	28. Bicycle repair videos
29. Bicycle repair courses	30. Bicycle repair books
31. Bicycle repair kits	32. Bicycle repair tools
33. Bicycle repair manuals	34. Bicycle repair videos
35. Bicycle repair courses	36. Bicycle repair books
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251. Bicycle repair courses	252. Bicycle repair books
253. Bicycle repair kits	254. Bicycle repair tools

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Specific Pedestrian Items	
1	Handbag
2	Backpack
3	Shopping bag
4	Travel bag
5	Tool bag
6	Toolbox
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Item	Quantity	Unit	Unit Price	Amount
Adjusting Basin or Inlet	12	EA	\$1,000.00	\$12,000.00
Adjusting Manhole	5	EA	\$800.00	\$4,000.00
Adjusting Utility Valve	6	EA	\$50.00	\$300.00
Accessible Curb Ramp	63	EA	\$1,500.00	\$94,500.00
Concrete Sidewalk	3,330	SY	\$40.00	\$133,200.00
Concrete Cut-Thru	35	SY	\$50.00	\$1,750.00
Solar Powered Pedestrian Lighting (Bollard)	80	EA	\$2,200.00	\$176,000.00
				\$0.00
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				\$0.00
				\$0.00
				\$0.00
				\$0.00
SUBTOTAL				\$421,750.00

Specific Transit Items				
Item	Quantity	Unit	Unit Price	Amount
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
SUBTOTAL				\$0.00

Miscellaneous Other Items				
Item	Quantity	Unit	Unit Price	Amount
Small Block Retaining Wall	700	SF	\$25.00	\$17,500.00
Landscaping	1	LS	\$25,000.00	\$25,000.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
			SUBTOTAL	\$42,500.00

Construction Cost Total	\$697,708.00
Contingency 10%	\$69,771.00
Inflation	\$71,166.00
Preliminary Engineering	\$75,000.00
Right-of-Way	\$20,000.00
Construction Engineering/Inspection	\$0.00
Project Total *	\$933,645.00



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

SCHEDULED

Meeting: 11/23/15 07:00 PM
Department: Legislative /City Clerk
Category: Appointment
Prepared By: Debbie Ryan

Initiator: Debbie Ryan

Sponsors:

APPOINTMENT (ID # 1650)

DOC ID: 1650

2015 Citizen of the Year

RESOLUTION NO. 802**A RESOLUTION SUPPORTING GUIDELINES FOR THE SELECTION PROCESS OF THE CITIZEN OF THE YEAR AWARD**

WHEREAS, the City Council has determined that it is necessary and proper to set guidelines for the nomination and selection process for the Citizen of the Year Award;

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

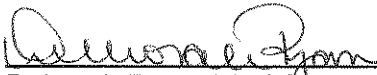
SECTION 1: The following guidelines shall apply to the nomination and selection process for the Citizen of the Year Award:

- Publication requesting nominations shall be included in the City Newsletter.
- Selection Committee shall consist of the Mayor, Council President, immediate past-president of council (or if the immediate past-president is not available, then in the alternative an appointed Council Member), with the City Administrator also to serve ex-officio.
- Selection Committee for Citizen of the Year shall follow all applicable rules for comparable city committees. There will be a posting of the agenda in accordance with the Sunshine Law as well as minutes of the meeting to be kept on file with the City Clerk.
- Nominations for the Citizen of the Year Award may be submitted by any resident of the City of Creve Coeur, business owner located in Creve Coeur and/or employee of a business located in the City of Creve Coeur.
- Nominations will be submitted to the City Clerk and should be received no later than November 10th.
- A Nominee cannot serve on the Selection Committee.
- Nominees should be a resident, owner or employee of a business located in Creve Coeur, or other outstanding individual who has made a considerable contribution to the City and its residents.
- Announcement of this Award will be made at the Annual Holiday Appreciation event to be held in December of each year.

Adopted this 14th day of July, 2008


Harold L. Dielmann
Mayor

Attest:


Deborah Ryan, MRCC
City Clerk



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

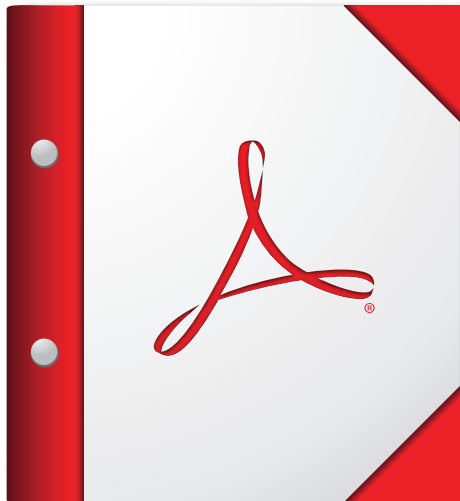
Meeting: 11/23/15 07:00 PM
Department: Legislative /City Clerk
Category: Appointment
Prepared By: Debbie Ryan
Initiator: Debbie Ryan
Sponsors:
DOC ID: 1652

SCHEDULED

APPOINTMENT (ID # 1652)

Olive Graeser TDD Board of Directors

The terms of Steve Heitz and Dave Kreuter will expire on December 16, but both are eligible for reappointment. Under the terms of the Development Agreement, the City Council makes appointments to the OGTDD Board of Directors within the perimeters established under Section 3.13 of the agreement. <http://www.creve-coeur.org/DocumentCenter/Home/View/766>.



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**OLIVE/GRAESER TRANSPORTATION DEVELOPMENT DISTRICT
BOARD OF DIRECTORS
AS OF FEBRUARY 26, 2015**

Director Steve Heitz (term expires December 16, 2015)

Chair and Executive Director

Pace Properties Incorporated
1401 S. Brentwood Blvd., Suite 900
St. Louis, MO 63144
Phone: (314) 968-9898
Fax: (314) 968-5050
Email: sheitz@paceproperties.com

Director Dave Kreuter (term expires December 16, 2015)

City of Creve Coeur
300 N. New Ballas Rd.
Creve Coeur, MO 63141
Email: dkreuter@ci.creve-coeur.mo.us

Director Bill Biermann (term expires February 25, 2017)

William Biermann Company
1795 Clarkson Rd., Suite 190
Chesterfield, MO 63017
Phone: (314) 517 - 4348
Email: bill@wmbiermannco.com

Director Jeffrey Gershman (term expires February 25, 2017)

Stone, Leyton, Gershman
A Professional Corporation
7733 Forsyth Blvd., Suite 500
St. Louis, MO 63144
Email: jgershman@stoneleyton.com

Director Joe Beaudean (term expires February 26, 2018)

Pace Properties Incorporated
1401 S. Brentwood Blvd., Suite 900
St. Louis, MO 63144
Phone: (314) 968-9898
Fax: (314) 968-5050
Email: JPB@paceproperties.com

Director Rick Matejka (term expires February 26, 2018)

Pace Properties Incorporated
 1401 S. Brentwood Blvd., Suite 900
 St. Louis, MO 63144
 Phone: (314) 968-9898
 Fax: (314) 968-5050
 Email: rmatejka@paceproperties.com

Director Les Steinberg (term expires February 25, 2017)

Steinberg & Steinberg, L.L.C.
 655 Craig Road, Suite 338
 St. Louis, MO 63141
 Phone: (314) 994-9400
 Fax: (314) 994-0003
 Email: les@steinberglaw.com

Advisory Director Mark Perkins (appointed by City of Creve Coeur)

City of Creve Coeur
 300 N. New Ballas Rd.
 Creve Coeur, Missouri 63141
 Phone: (314) 872-2511
 Email: mperkins@ci.creve-coeur.mo.us

Advisory Director Dan Smith (appointed by City of Creve Coeur)*Treasurer*

City of Creve Coeur
 300 N. New Ballas Rd.
 Creve Coeur, Missouri 63141
 Phone: (314) 872-2519
 Email: dsmith@ci.creve-coeur.mo.us

Advisory Director Mel Klearman (appointed by City of Creve Coeur)

739 Bergerac Drive
 Creve Coeur, MO 63141-6107
 Phone: (314) 434-4715
melklearman@att.net

Advisory Director Michelle Voegele (appointed by Missouri Highways and Transportation Commission)

Area Engineer, Southwest St. Louis County
 Missouri Department of Transportation
 1590 Woodlake Drive
 Chesterfield, MO 63017
 Phone: (314) 340-4356
 Email: Michelle.Voegele@modot.mo.gov

Other officers:

Stephen L. Kling, Jr., Esq.

Jennifer E. Beasley, Esq.

Jenkins & Kling, P.C.

150 N. Meramec Ave., Suite 400

St. Louis, MO 63105

Phone: (314) 721-2525

Fax: (314) 721-5525

Email: skling@jenkinskling.com

Email: jbeasley@jenkinskling.com

Secretary

Assistant Secretary



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

SCHEDULED

Meeting: 11/23/15 07:00 PM
Department: City Administrator
Category: Report
Prepared By: Mark Perkins
Department Head: Carl Lumley

STAFF REPORT

Liaison Update - Finance Committee

The Finance Committee has submitted a letter to the City Council regarding its roles and responsibilities.

Finance Committee

November 17, 2015

Mayor and Council
City of Creve Coeur
Creve Coeur MO 63141

Re: Proposed Finance Committee Duties and Responsibilities

Honorable Mayor and City Council:

For the last two years the Finance Committee has discussed how we might provide more value to the City by increasing our involvement in financial activities beyond those prescribed by the City Charter, which are:

- Review, comment and make recommendations to Council on the Capital Program, and
- Review, comment and make recommendations to Council on the Budget

Our effort began two years ago at the urging of committee members who perceived a lack of value in reading, reviewing and making recommendations on budget work product, in full knowledge that there was neither time nor opportunity to advise Council on opportunities to improve the budgets. This concern was conveyed in our letter of August 8, 2014.

Our present intent is to provide additional definition to the generalized goal of “Advise the City Council on other financial matters impacting the City as requested by the City Council or Staff” as stated on the City website. Committee members ranked a lengthy list of proposed responsibilities for addition to the Duties and Responsibilities listed in the document [A Citizens Advisory Guide to Boards, Committees and Commissions](#).

The following items are recommended for inclusion in the Finance Committee Duties and Responsibilities:

- As part of the budget review process, evaluate economic justification and risks of proposed single-project capital and operational expenditures in excess of \$100,000 (or a combination of multiple similar projects) or the aggregate value of multi-year projects over \$1 million.
- Review proposed financing, bond indebtedness, taxation and leases greater than \$20,000 prior to council action.
- Review capital project closeout reports for scope, schedule and cost variation.
- Periodically review and comment on the surplus funds investment policy and financial performance.
- Review opportunities for cooperative purchasing or contracting ventures with other municipalities.

The committee is sensitive to staff concerns that increased committee involvement in budget preparation impinges on staff time for budget preparation. Members are willing to commit to an extra meeting during the budget process provided two weeks are added for review.

The Finance Committee is available to discuss the preceding or other topics with Council.

Sincerely,



Richard Kutta, Chair
Finance Committee



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

Meeting: 11/23/15 07:00 PM
Department: Legislative /City Clerk
Category: Report
Prepared By: Debbie Ryan
Initiator: Debbie Ryan
Sponsors:

SCHEDULED

APPOINTMENT (ID # 1644)

DOC ID: 1644

National League of Cities Conference

Council Member D'Alfonso will review the highlights of the National League of Cities Conference



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

Meeting: 11/23/15 07:00 PM
Department: Legislative /City Clerk
Category: Report
Prepared By: Debbie Ryan
Department Head: Debbie Ryan

SCHEDULED

STAFF REPORT

County Police Bill Update

Staff will provide an update on this matter.



city
of

CREVE COEUR

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

November 10, 2015

County Executive Steve Stenger
St. Louis County Council
41 South Central Avenue
Clayton, Missouri 63105

Dear Mr. Stenger and Council Members:

The City of Creve Coeur opposes any and all efforts by St. Louis County to take over local police departments by legislative or executive action. As all of you must know by now, such actions directly violate the Missouri Constitution, numerous Missouri statutes, and the County Charter. They also ignore prior public votes and current public sentiment. Our citizens have confirmed how much they value our police department in every one of our surveys.

Our region is at its best when our cities and the County collaborate to collectively elevate the level of services we provide to our citizens. Creve Coeur has in the past and remains today engaged in such efforts. We are ready and willing to work with the County and our sister cities on new projects regarding police protection or any other public services. We are confident that all members of the St. Louis County Municipal League are likewise ready to help. The County Charter expressly directs the County Executive to lead such efforts and we encourage him to do so.

If the County tries to dictate terms to all cities, or purports to initially exempt cities like Creve Coeur that have CALEA-accredited police departments, we run the risk of conflict in lieu of collaboration. We will not wait until the County targets us directly to stop such heavy-handed tactics. Creve Coeur will continue to uphold the Constitution and our residents' rights to govern themselves.

We urge you to chart a new course, so that we can tackle critical regional issues together.

Sincerely,

Barry Glantz
Mayor



St. Louis Area Police Chiefs Association

The voice of professional law enforcement in the St. Louis Area

CHIEF MICHAEL LAWS
Chairman

CHIEF BILL CARSON
Vice Chairman

CHIEF ROY WRIGHT
Secretary

CHIEF PAT KRANZ
Treasurer

November 10, 2015

St. Louis County Executive, Steve Stenger
Council Member, District 1, Hazel Erby
Council Member, District 2, Sam Page
Council Member, District 3, Colleen Wasinger
Council Member, District 4, Michael O'Mara
Council Member, District 5, Pat Dolan
Council Member, District 6, Kevin O'Leary
Council Member, District 7, Mark Harder

RE: Proposed ordinance pertaining to Police Service and Collaborative entities

Mr. Stenger, Ladies and Gentlemen –

This letter is to voice the opposition of the St. Louis Area Police Chiefs Association (SLAPCA) to the proposed legislation that would purport to establish “minimum standards” for police outside of the current structure.

This correspondence is also to correct recent media messages that municipal police agencies are opposed to minimum police department standards in general. This is untrue. We are in favor of appropriate minimum standards, but we are opposed to this legislation, which precludes community policy and which purports to give St. Louis County Government (and your office in particular) authority to review and supervise municipal governments.

SLAPCA is very much in favor of high standards for police agencies and encourages all of our members to attain those goals. The very first objective listed in the SLAPCA Constitution includes, “to uphold the honor of law enforcement through the promotion of professional standards.” SLAPCA currently promotes this by providing assistance between agencies in meeting standards and financially assisting member departments in their certification processes.

Our organization has already voiced our dismay over the procedure used to put this legislation into play by announcing it to the media during a week when many local police chiefs were known to be out of town attending the police chief's conference. It was also developed and released without attempting to create a better and more collaborative option through discussion with municipal departments. These poor decisions cannot be undone, but using a better process to make current and future decisions would make a major difference moving forward.

As I told Mr. Stenger at our meeting on 10-27-15 (and which has been echoed repeatedly by various groups), SLAPCA does not believe that this proposal is legal or constitutional. We do not pretend to be qualified to make the legal arguments but find it suspect that the County legal staff will not explain St. Louis County's legal standing to impose standards on other municipalities. If the County has the authority to enact this legislation, we would ask that you clearly and specifically reveal the basis of this legal authority. This would be a great example of cooperation and transparency.

Another issue with this legislation that we believe is problematic is the potential divisiveness created between the County and municipalities. In the past 15 months, county and municipal departments have come together, often with their officers literally standing shoulder to shoulder. The "take over" appearance of this ordinance has the potential to drive a wedge between the agencies which would obviously be anti-productive on many levels. No police department needs another adversary, especially in today's environment.

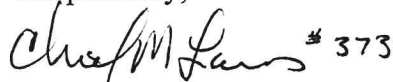
This legislation also seems to falsely indicate in the public views that ALL municipal police agencies are currently deficient in some way. While no agency, including the County, is perfect, this is creating a false perception of the quality of local policing and is detrimental to us all.

SLAPCA believes that this ordinance is not only illegal and divisive, but it is also unnecessary. The goal of the bill is said to be to bring police departments to uniform minimum standards. This requirement is already in place in Senate Bill 5, under which Police Departments are required to become accredited through CALEA or MPCA. This legislation would only add another layer of bureaucracy to attaining standards to the list that already includes Federal and State government, court rulings, accreditation processes, union negotiations, and municipal government.

While we applaud any effort to improve policing, we do not agree that St. Louis County's approach is a proper or legal way to address this issue. We are asking that you do NOT pass this legislation which will surely result in litigation that would put all parties involved in a bad light at a time when we are trying to show the public a cooperative unified front.

Thank you for taking the time to review our concerns. Instead of creating a problem, let's move forward together with improving policing across our county.

Respectfully,

A handwritten signature in black ink, appearing to read "Chief Michael Laws", followed by a small "373" with a superscripted "d" or "d" symbol.

Chief Michael Laws
Chairman, SLAPCA

BILL NO. _____, 2015

ORDINANCE NO. _____, 2015

Introduced by Councilmember _____ Dolan

AN ORDINANCE

AMENDING CHAPTER 701, TITLE VII SLCRO 1974 AS AMENDED, "DEPARTMENT OF POLICE," BY ADDING AND ENACTING A NEW SECTION, 701.250, PERTAINING TO POLICE SERVICES IN CITIES AND COLLABORATIVE ENTITIES.

WHEREAS, there are 57 municipal police departments within St. Louis County; and

WHEREAS, inherent inequality of services exists because of the disparity in the various standards between these departments; and

WHEREAS, St. Louis County Government wants to ensure all residents are afforded equal access to consistent, quality public health and safety services no matter where they live and travel; and

WHEREAS, uniform fundamental standards will enhance public health and reinforce trust between law enforcement and the community;

NOW, THEREFORE,

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 701, Title VII SLCRO 1974 as amended, is amended by adding and enacting a new section, as follows:

701.250 Regulations for Police Services in Cities and Collaborative Entities.

1. Definitions.

"Chief Executive" shall mean the highest official, whether elected or appointed, of the executive branch of government of any city, town, municipality or village that provides or collaborates to provide police services.

"City" or "Cities" shall mean any city, town, municipality or village located wholly or partly within St. Louis County.

"City Minimum Police Standards" shall mean the minimum police standards submitted by a city, town, municipality or village to the St. Louis County Executive, and after review, approved by the St. Louis County Executive.

"Collaborative Agreement" shall mean any and all contracts, memoranda of understanding or other agreements for providing, sharing or consolidating police services within St. Louis County, within, between and/or among any cities, towns, municipalities or villages.

"Collaborative Entity" shall mean any combination of any cities, towns, municipalities or villages created, in part or whole, for the purpose of providing, sharing or consolidating police services within St. Louis County.

"County Council" shall mean the St. Louis County Council.

"County Executive" shall mean the St. Louis County Executive.

"Deficient Policing Services" shall mean an inability or unwillingness to keep the peace, to protect public health, to provide timely or sufficient response, or to meet and conform to the Minimum Police Standards.

"Department" shall mean the Department of Police of St. Louis County.

"Minimum Police Standards" shall mean the rules, regulations and procedures issued, and from time to time amended, by the St. Louis County Executive, with consent by Order of the St. Louis County Council, which shall govern all city, town, municipal, or village police departments and policing services in St. Louis County. Such Minimum Police Standards shall be sufficient to keep the peace, to protect public health and to provide timely and sufficient response.

"POST" shall mean Missouri's Peace Officer Standards and Training.

"Superintendent" shall mean the Superintendent of the Department of Police of St. Louis County.

2. Authority.

The provisions of this Section 701.250 are enacted pursuant to authority set forth in the St. Louis County Charter, the

Missouri statutes and the Missouri Constitution, and to enhance the public health, safety and welfare of the people of the County.

3. Minimum Police Standards for Cities.

a. The County Executive is hereby authorized to issue Minimum Police Standards for City police departments, subject to approval by Order of the County Council.

b. Within 120 days of the Order of the County Council, as referenced in paragraph 3.a above, the Chief Executive of each City shall submit proposed City Minimum Police Standards for the City's police department properly acknowledged under oath by the City's Chief Executive as a true copy of such proposed City Minimum Police Standards.

c. The County Executive will review the proposed City Minimum Police Standards within a reasonable time to determine if the proposed City Minimum Police Standards comply with the Minimum Police Standards.

d. If the proposed City Minimum Police Standards comply with the Minimum Police Standards, the County Executive will approve such City Minimum Police Standards. If the proposed City Minimum Police Standards do not comply with the Minimum Police Standards, the County Executive will inform the City of such non-compliance. Within 30 days of such notification from the County Executive, the City shall re-submit its proposed City Minimum Police Standards. The County Executive will either approve or reject the City's re-submittal of its proposed Minimum Police Standards. Any City may challenge the County Executive's decision to reject the proposed City Minimum Police Standards by filing an action for injunctive relief in a court of competent jurisdiction in the 21st Judicial Circuit.

e. Not later than 30 days after County Executive approval, the City shall fully implement the City Minimum Police Standards into its police department operations.

f. Unless specifically authorized by the County Executive, no City shall fail to obtain approval of its proposed City Minimum Police Standards within 180 days after County Council approval of the Minimum Police Standards.

g. If at any time, the Chief Executive of a City submits a sworn statement to the County Executive that the City's police

department is accredited or certified by the Commission on Accreditation for Law Enforcement Agencies or the Missouri Police Chiefs Association, such City shall not be required to comply with the provisions of subparagraphs 3.b - e above, and such City shall be deemed to have complied with the Minimum Police Standards.

4. Minimum Police Standards for Collaborative Agreements.

Within 30 days of the effective date of this Ordinance, each City that is a party to a Collaborative Agreement shall incorporate the Minimum Police Standards into such Collaborative Agreement, and fully implement the Minimum Police Standards into its police department operations. Provided, however, that this paragraph shall not apply to Cities accredited or certified by the Commission on Accreditation for Law Enforcement Agencies or the Missouri Police Chiefs Association.

5. Minimum Police Standards for Collaborative Entities.

Within 30 days of the effective date of this Ordinance, each Collaborative Entity shall incorporate the Minimum Police Standards into its formative and operational documents, and fully implement the Minimum Police Standards into its police department operations. Provided, however, that this paragraph shall not apply to Collaborative Entities if every City within the Collaborative Entity is accredited or certified by the Commission on Accreditation for Law Enforcement Agencies or the Missouri Police Chiefs Association.

6. County Review of Collaborative Agreements.

The County Executive is authorized to review all Collaborative Agreements existing on the effective date of this Ordinance, and all Collaborative Agreements proposed to go into effect after the effective date of this Ordinance, in order to determine whether such agreements comply with the Minimum Police Standards and promote the health, safety, and welfare of the people. Within ten days of receipt of written request, each City or Collaborative Entity shall deliver to the County Executive a copy of the requested Collaborative Agreement. If the Collaborative Agreement complies with the Minimum Police Standards and promotes the health, safety, and welfare of the people, the County Executive will approve such agreement. If the Collaborative Agreement does not comply with the Minimum Police Standards or does not promote the health, safety, and

welfare of the people, the County Executive will inform the City or Collaborative Entity of such non-compliance. Within 30 days of notification of non-compliance from the County Executive, the City or Collaborative Entity shall re-submit its Collaborative Agreement. The County Executive will either approve or reject the re-submittal of the Collaborative Agreement. Any Collaborative Entity may challenge the County Executive's decision to reject the proposed Collaborative Agreement by filing an action for injunctive relief in a court of competent jurisdiction in the 21st Judicial Circuit.

7. Enforcement.

If any City or Collaborative Entity fails to comply with any provision of this Ordinance, including Sections 3.b., 3.d., 3.e., 3.f., 4., 5., 6., 8., and 9.a., the County may:

- a. initiate enforcement by equitable relief;
- b. initiate enforcement by prosecution of the person(s) acknowledging under oath the City's or Collaborative Entity's proposed minimum standards and any person(s) responsible for such failure to comply, including but not limited to: the Chief Executive; members of any authorizing bodies and signatories of any Collaborative Agreement; and executive, legislative and board members of any Collaborative Entity; and/or
- c. exercise authority to provide police services in accordance with Paragraph 9.b.

The penalties for any person convicted of violating any provision of this section shall be a fine of not more than one thousand dollars (\$1,000.00) per day of each day of violation.

8. Compliance Review.

- a. If any resident of a City or a Collaborative Entity has belief or knowledge that such City or Collaborative Entity has failed to fully implement the Minimum Police Standards within the required time period, he or she may make an affidavit before any person authorized to administer oaths setting forth the facts alleging such failure. The County Executive, upon receipt of such affidavit or upon any other cause he deems reasonable, will investigate and determine, if, in his discretion, the City or Collaborative Entity is operating with Deficient Policing Services. If the County Executive notifies the City or Collaborative Entity that it is operating with Deficient Policing Services, the City or Collaborative Entity shall correct such deficiencies within 60 days so that it is no longer operating with Deficient Policing Services. If after 60 days the County Executive determines the City or Collaborative

Entity continues to operate with Deficient Policing Services, the County Counselor may pursue all legal actions as provided in paragraph 7 herein.

b. Every City or Collaborative Entity shall, within 15 days of the County Executive's approval pursuant to paragraph 3.d above, publish its minimum police standards on its website. If the City or Collaborative Entity does not have a website, the information shall be submitted to the County Executive for publication on the County website.

c. The Chief Executive of any City and the executive, legislative and board members of any Collaborative Entity shall, on or before January 2 each year, represent under oath to the County Executive that the policing entity in its jurisdiction complies with the minimum police standards required by this Section. The County Counselor may take all legal action against any person violating this subsection as provided in Paragraph 7 herein.

9. County Police Department Authorization.

a. In accordance with the provisions of paragraph 9.b., the Superintendent and the Department are authorized to provide police services in any City or Collaborative Entity. No person, including any representative or employee of any City or Collaborative Entity, shall interfere with the Superintendent or the Department when performing police functions within the City or Collaborative Entity. The County Counselor may take all legal action against any person violating this subsection as provided in Paragraph 7 herein.

b. The County Executive, after consultation with the Superintendent, may exercise the authority to provide police services within any City or Collaborative Entity when the County Executive determines that the City or the Collaborative Entity is providing Deficient Policing Services; or has employed as or allowed to act as police, peace or law enforcement officers any individuals who have not met the training and licensure standards set forth by POST certification requirements, and who are not licensed in good standing with the POST Commission at the time the individual acts as a police, peace or law enforcement officer. Any City or Collaborative Entity may challenge the County Executive's decision to provide police services in accordance with this subparagraph by filing an action for injunctive relief in a court of competent jurisdiction in the 21st Judicial Circuit.

c. If the County Executive exercises the authority set forth in subsection 9.b, including the provision of police services and any legal remedies available to enforce the subsection, the County shall be entitled to reimbursement for the costs of the services provided thereunder and the costs associated with the enforcement thereof.

d. Each County police officer performing services in any City or Collaborative Entity, in accordance with the terms of this Ordinance, shall have all the powers, rights, privileges, and immunities as if he or she was a police officer within said City or Collaborative Entity. Said officer will remain a County police officer, subject to all of the terms, benefits, duties, obligations, powers, rights, privileges and immunities that accompany County employment.

10. County Limitation.

Nothing contained in this Ordinance shall authorize the County Executive, the County Police Board, the Superintendent, the Department, or any officer or employee of the County to supervise, train, fire, discipline, demote or in any other way assume any liability for or create any employer/employee relationship with any individual employee, agent or officer of any City or Collaborative Entity for police services.

ADOPTED: _____

CHAIR, COUNTY COUNCIL

APPROVED: _____

COUNTY EXECUTIVE

ATTEST: _____
ADMINISTRATIVE DIRECTOR

APPROVED AS TO LEGAL FORM:

COUNTY COUNSELOR



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

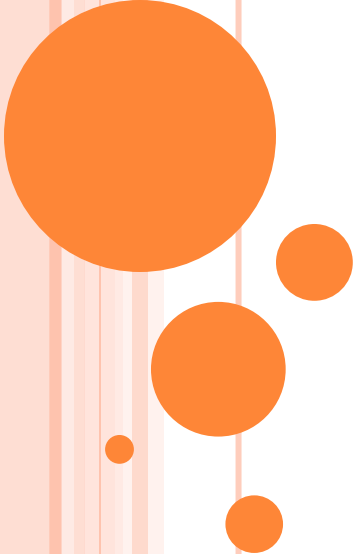
Meeting: 11/23/15 07:00 PM
Department: Legislative /City Clerk
Category: Report
Prepared By: Debbie Ryan
Department Head: Debbie Ryan

SCHEDULED

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 or person-to-person vehicle sales. This would result in a loss of revenue to the City of Creve Coeur estimated at \$175,000. By allowing this tax to expire, residents of Missouri will be incentivized to purchase vehicles from out-of-state sources, placing our local dealers at a competitive disadvantage. This bill will not create a new tax, but rather allow the voters to decide whether to retain the existing tax on out-of-state and person to person vehicle sales.



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

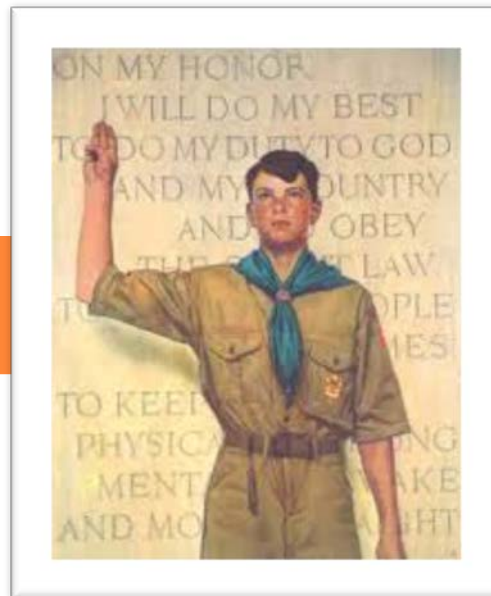


USE TAX

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



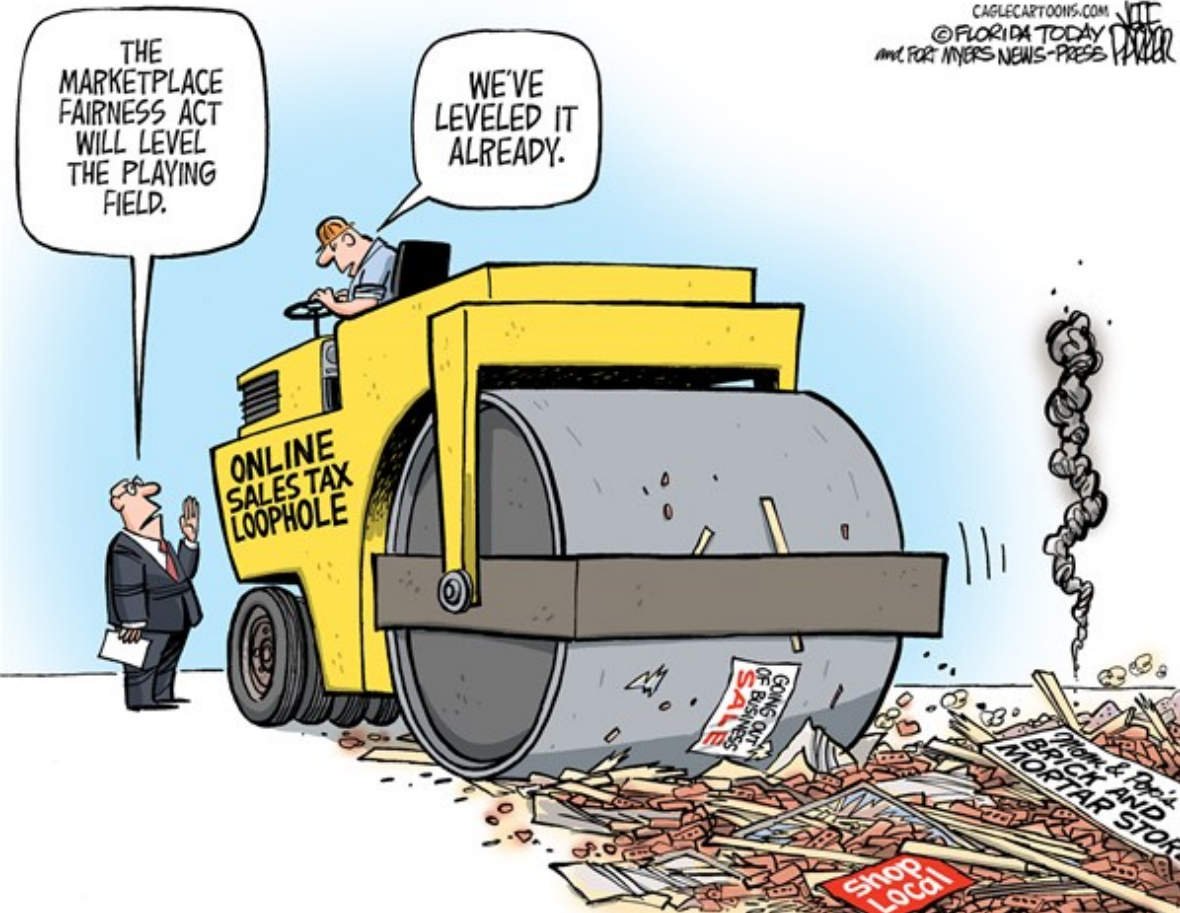
Source: U.S. Census Bureau Quarterly E-Commerce Report

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.

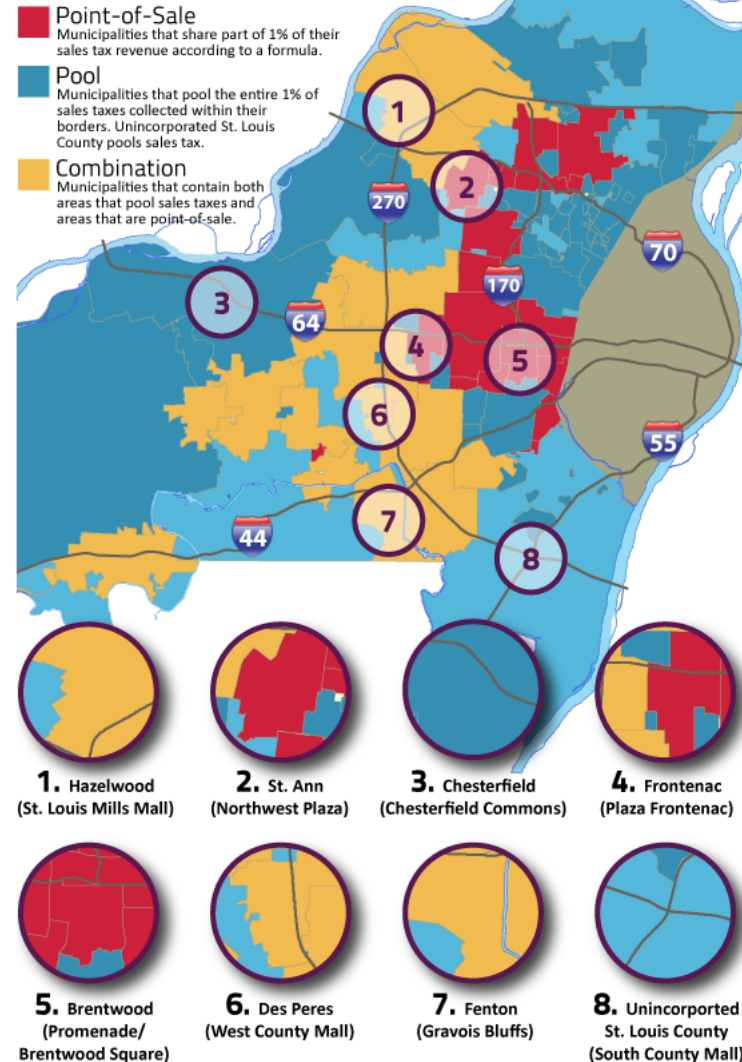


image by Brent Jones - St. Louis Beacon 07-27-2011

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. _____

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF CREVE COEUR, 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, pursuant to 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 Creve Coeur; and

WHEREAS, rejection of this measure will place dealers of motor vehicles, outboard motors, boats, and trailers located in Creve Coeur 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 has determined that such a proposition should 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 CREVE COEUR, 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 Creve Coeur, 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 Creve Coeur, Missouri, continue applying and collecting (and not repeal) 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 Creve Coeur, Missouri and will place dealers of motor vehicles, outboard motors, boats, and trailers located in Creve Coeur 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 (or electronically select) "Yes". If you are opposed to the Proposition, fill in the circle opposite the word (or electronically select) "No".

SECTION NO. 2. The City Clerk is hereby directed to submit a certified copy of this Ordinance to the St. Louis 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. Within ten (10) days after the approval of the proposition by the qualified voters of the City the City Clerk shall

forward to the Director of Revenue of the State of Missouri by United States registered mail or certified mail, a certified copy of this ordinance together with certifications of election returns and accompanied by a map of the City clearly showing the boundaries thereof. The City Clerk shall promptly inform the Director of Revenue of any subsequent changes in the boundaries of the City.

SECTION NO. 4. This Ordinance shall take effect upon approval by the Mayor in accordance with Section 3.11(g) of the City Charter and as provided in Section 32.087 RSMo.

ADOPTED THIS ____ DAY OF _____, 2015.

DAVID KREUTER
PRESIDENT OF CITY
COUNCIL

APPROVED THIS ____ DAY OF _____, 2015.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK



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

Meeting: 11/23/15 07:00 PM
Department: Legislative /City Clerk
Category: Report
Prepared By: Debbie Ryan
Department Head: Debbie Ryan

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 use tax is levied at the same rate 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. A use tax return is not required to be filed by persons whose purchases from out of state vendors do not in total exceed \$2,000 in any calendar year. The use tax is estimated to generate \$230,000 in annual revenues. The absence of a use tax places local 'brick and mortar' retailers at a competitive disadvantage with out-of-state (including internet and catalog) retailers, in the same way that the absence of a tax on out-of-state and person-to-person sales affects local car dealers.

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

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BILL NUMBER _____

ORDINANCE NUMBER _____

**AN ORDINANCE IMPOSING A USE TAX IN AN AMOUNT
EQUIVALENT TO THE RATE OF SALES TAX LEVIED BY
THE CITY OF CREVE COEUR, MISSOURI, AND CALLING
FOR SUBMISSION TO THE VOTERS OF SAID CITY OF A
PROPOSITION AUTHORIZING SUCH USE TAX.**

WHEREAS, the City of Creve Coeur, Missouri, is authorized under Section 144.757 RSMo. to impose a local use tax at a rate equal to the rate of the local sales taxes in effect in the City, and

WHEREAS, the proposed City use tax cannot become effective until approved by the voters at a municipal, county or state general, primary or special election,

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

Section 1: Pursuant to the authority granted by, and subject to, the provisions of Sections 144.600 through 144.761 RSMo, a use tax for general revenue purposes is imposed for the privilege of storing, using or consuming within the City any article of tangible personal property purchased on or after the effective date of the tax as herein provided. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside the City until the transportation of the article has finally come to rest within this City or until the article has become commingled with the general mass of property of this City.

Section 2: The initial rate of the tax shall be three-quarters of one percent (0.75%). If any City sales tax is repealed or the rate thereof is reduced or raised by voter approval, the City use tax rate shall also be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the City sales tax. The City use tax shall also be subject to repeal or amendment as provided in Section 144.761 RSMo.

Section 3: Pursuant to Section 144.757, RSMo, the use tax revenue shall be distributed pursuant to one of the options provided in subsection 4 of section 94.890 RSMo. as selected by the City within thirty days after approval of the tax by the voters of the City as hereinafter provided.

Section 4: This tax shall be submitted to the qualified voters of the City for their approval at an election hereby called and to be held in the City on Tuesday, April 5, 2016. The ballot of submission shall contain substantially the following language:

Shall the City of Creve Coeur 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.

(VOTE FOR ONE)

FOR THE PROPOSITION YES ☐
 OPPOSED TO THE PROPOSITION NO ☐

Instructions to Voters

If you are in favor of the question, place an "X" in the box opposite (or electronically select) "YES".

If you are opposed to the question, place an X in the box opposite (or electronically select) "NO".

Section 5: If a majority of the votes cast on the proposition by the qualified voters voting thereon are in favor of the proposition, then the tax provided hereby shall be in effect on the first day of the calendar quarter which begins at least 45 days after the Missouri Director of Revenue receives notice of adoption of the City use tax, or as soon thereafter as permitted under Section 144.757 RSMo.

Section 6: Within ten (10) days after the approval of the proposition by the qualified voters of the City the City Clerk shall forward to the Director of Revenue of the State of Missouri by United States registered mail or certified mail, a certified copy of this ordinance together with certifications of election returns and accompanied by a map of the City clearly showing the boundaries thereof. The City Clerk shall promptly inform the Director of Revenue of any subsequent changes in the boundaries of the City.

Section 7: This Ordinance shall take effect upon approval by the Mayor in accordance with Section 3.11(g) of the City Charter and as provided in Section 144.757 RSMo.

ADOPTED THIS _____ DAY OF _____, 2015.

 DAVID KREUTER
 PRESIDENT OF CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 2015.

 BARRY GLANTZ
 MAYOR

ATTEST:

 DEBORAH RYAN, MRCC
 CITY CLERK



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

SCHEDULED

Meeting: 11/23/15 07:00 PM
Department: City Administrator
Category: Report
Prepared By: Mark Perkins
Department Head: Carl Lumley

STAFF REPORT

December 28 City Council Meeting

City Council has typically cancelled the 2nd meeting in December, staff is seeking direction on this matter.