



**REGULAR MEETING
AGENDA
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
AUGUST 8, 2016
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 July 25, 2016

BILLS PAYABLE REPORT

For Information Only

Summary: Attached is a bills payable listing dated August 3, 2016 in the amount of \$294,594.43 for Council review. No vote is required.

UNFINISHED BUSINESS

2. Bill No. 5604 - an Ordinance Amending the Adopted FY 2017 Capital Fund Budget of the City of Creve Coeur by Authorizing Additional Appropriations and Unappropriations. Final Reading and Passage

Summary: Amending the adopted FY 2017 Capital Fund Budget

3. Amended Bill No. 5605 - an Ordinance Amending Definitions in the Zoning Code of the Code of Ordinances of the City of Creve Coeur Regarding Sexually Oriented Businesses. Final Reading and Passage

Summary: Section 405.120 of the City Code of Ordinances sets forth definitions used in the Zoning Code, including regarding sexually oriented businesses.



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Changes in state law (2014 SB 491, HB 1371) revising sections 573.010 et seq RSMo, require parallel revisions to the City's ordinances.

4. Amended Bill No. 5606 - an Ordinance Amending Chapter 617 of the Code of Ordinances of the City of Creve Coeur Regarding Sexually Oriented Businesses. Final Reading and Passage

Summary: Changes in state law (2014 SB 491, HB 1371) revising sections 573.010 et seq RSMo, require parallel revisions to the City's business license ordinance regarding sexually oriented businesses. Similar zoning definition changes are also proposed in another agenda item.

5. Bill No. 5607 - an Ordinance Further Amending Ordinance 5469 Regarding Adoption of Restatements of City Defined Contribution Plans. Second Reading

Summary: This corrects inadvertent error in ordinance bringing the city's plans into IRS compliance.

NEW BUSINESS

6. Bill No. 5608 - an Ordinance Calling an Election in the City of Creve Coeur, Missouri, on the Question of Issuing General Obligation Bonds for the Purpose of Constructing, Furnishing and Equipping a New Police Station on the Current Government Center Property and Making Safety, Security and Accessibility Renovations to the Existing Building, and Accordingly Increasing Tangible Property Taxes to Retire Such Bonds Within Twenty Years from Issuance. First Reading

Summary: The proposed bill will place Proposition P on the November 8 ballot, seeking approval of \$10.69 million in General Obligation Bonds for a new Police Station and related improvements. Proposition P is the culmination of more than two years of study by the citizens' Needs Assessment Task Force, the City Council, and City staff. The Task Force reviewed numerous options before determining that building a new Police Station on the existing Government Center property is the best course of action to ensure a continuation of high quality police services well into the future.

7. Bill No. 5609 - an Ordinance Revising Sections 205.300, 205.305 and 205.310 of the Code of Ordinances of the City of Creve Coeur, Missouri, Regarding Deer Control Policy and Hunting Regulations. First Reading

Summary: Changes to the City ordinance, section 205, which update the deer control policy and hunting regulations to allow use of crossbows with a goal of facilitating mitigation.

8. Bill No. 5610 - an Ordinance Revising Chapter 160 of the Code of Ordinances of the City of Creve Coeur, Missouri, Regarding Access to Public Records. First Reading



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Summary: Chapter 160 of the City Code of Ordinances governs access to public records under the Missouri Sunshine Law and changes in state law (2016 SB 732 and 765) require revisions to the City's ordinances regarding law enforcement photographs and videos.

9. Bill No. 5611 - an Ordinance Revising Chapter 600 of the Code of Ordinances of the City of Creve Coeur, Missouri, Regarding Alcoholic Beverages. First Reading

Summary: Chapter 600 of the City Code of Ordinances governs alcoholic beverages. Changes in state law (SB 919) require revisions to the City's ordinances regarding types of permits, original packaging, and self-dispensing systems.

10. Bill No. 5612 - an Ordinance Revising Sections 310.050 and 310.060 of the Code of Ordinances of the City of Creve Coeur, Missouri, Regarding Emergency Vehicles. First Reading

Summary: Sections 310.050 and 310.060 of the City Code of Ordinances governs emergency vehicle traffic regulations. Changes in state law (2016 SB 732) require revisions to the City's ordinances regarding MoDOT contractors working roadside.

11. Bill No. 5613 - an Ordinance Revising Article I of Chapter 215 and Section 220.070 of the Code of Ordinances of the City of Creve Coeur, Missouri, Regarding Nuisances and Property Maintenance. First Reading

Summary: Article I of Chapter 215 of the City Code of Ordinances governs nuisance abatement and Section 220.070 of the City Code of Ordinances governs certain related property maintenance matters. Changes in state law (2016 SB 572) require revisions to the City's ordinances and other necessary updates have been identified regarding nuisance abatement and property maintenance procedures.

12. Bill No. 5614 - an Ordinance Revising Chapters 135 and 360 of the Code of Ordinances of the City of Creve Coeur, Missouri, Regarding Municipal Court and Related Police Procedures. First Reading

Summary: Chapter 135 of the City Code of Ordinances governs municipal court procedures and Chapter 360 of the City Code of Ordinances governs related police procedures. Changes in state law (2016 SB 572) require revisions to the City's ordinances regarding those procedures.

13. Resolution No. 1237 - a Resolution Authorizing the City Administrator to Execute the Project Proposal Application and to Later Execute an Agreement for a Grant-In-Aid from the Municipal Park Grant Commission.

Summary: City staff recommends that the City pursue a Municipal Park Grant for improvements to the cart paths, bridges, and fences at the Creve Coeur Golf Course. The City is eligible for up to \$475,000 in funding through this grant, and the City would need to contribute approximately \$30,000 to receive this level of assistance.



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BUSINESS FROM MAYOR AND CITY COUNCIL

14. Council Liaison Reports

BUSINESS FROM CITY ADMINISTRATOR

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 08/4/2016
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: 08/08/16 07:00 PM

DOC ID: 2035

COUNCIL MINUTES (ID # 2035)

Council Minutes Dated July 25, 2016



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
JULY 25, 2016
7:00 PM**

CALL TO ORDER

A regular meeting of the City Council of the City of Creve Coeur was called to order by Mayor Glantz at the Creve Coeur Government Center, 300 N. New Ballas Road on Monday, July 25, 2016 at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Boy Scouts Duncan Bertier, Adam Kerkemeyer and Andrew Schuerman of Troop 492 led the Pledge of Allegiance.

INVOCATION

Mayor Glantz gave the invocation.

ROLL CALL

Mr. Glantz	Mayor
Mr. Faron	Council Member Ward I
Ms. Kramer	Council Member Ward I
Mrs. Lawrence	Council Member Ward II
Mr. Ruzicka	Council Member Ward II
Mr. Hoffman	Council Member Ward III
Mrs. D'Alfonso	Council Member Ward III
Mr. Saunders	Council Member Ward IV
Mrs. Baseley	Council Member Ward IV

COMMENTS FROM THE GENERAL PUBLIC

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

No one requested to speak.

ACCEPTANCE OF THE AGENDA

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

Council Member Saunders moved to add Item 7A, Bill No. 5607 as presented.

Council Member Saunders moved, seconded by Council Member Kramer accept the agenda as amended, with the vote upon such motion as follows, to-wit:

Council Member Kramer – Aye
Council Member Baseley – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Saunders – Aye
Council Member D'Alfonso – Aye
Council Member Ruzicka – Aye
Council Member Faron – Aye



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

ANNOUNCEMENTS

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

I. CONSENT AGENDA

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

Council Minutes Dated July 11, 2016

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

Council Member Faron – Aye
Council Member Ruzicka – Aye
Council Member D'Alfonso – Aye
Council Member Saunders – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Baseley – Aye
Council Member Kramer – Aye

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

BILLS PAYABLE REPORT

For Information Only

Summary: Attached is a bills payable listing dated July 18, 2016 in the amount of \$407,477.28 for Council review. No vote is required.

UNFINISHED BUSINESS

No Unfinished Business.

NEW BUSINESS

- 2. Bill No. 5604 - an Ordinance Amending the Adopted FY 2017 Capital Fund Budget of the City of Creve Coeur by Authorizing Additional Appropriations and Unappropriations. First Reading**

City Clerk read Bill No. 5604 for the first time.



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Mark Perkins stated as indicated in the staff memo in the packet, this is a carryover of projects from previous years and projects that were not completed and will be completed this year. This will allocate the funds to this year's budget to allow the completion of the projects.

3. Bill No. 5605 - an Ordinance Amending Definitions in the Zoning Code of the Code of Ordinances of the City of Creve Coeur Regarding Sexually Oriented Businesses. First Reading

City Clerk read Bill No. 5605 for the first time.

Jason Jaggi made a presentation regarding the applications for Bill Nos. 5605 and 5606.

Council Member Baseley stated she would like to add "leather" to clothing and fabric.

Council Member Lawrence asked why these types of businesses can't be banned altogether.

Carl Lumley stated it would become a 1st Amendment issue.

Council Member Baseley moved, seconded by Council Member D'Alfonso to amend Bill No. 5605 by including the word, "leather" with clothing and fabric, with the vote upon such motion as follows, to-wit:

Council Member Kramer – Aye
Council Member Baseley – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Saunders – Aye
Council Member D'Alfonso – Aye
Council Member Ruzicka – Aye
Council Member Faron – Aye

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

4. Bill No. 5606 - an Ordinance Amending Chapter 617 of the Code of Ordinances of the City of Creve Coeur Regarding Sexually Oriented Businesses. First Reading

City Clerk read Bill No. 5606 for the first time.

Discussed with Bill No. 5605.

Council Member Baseley moved, seconded by Council Member Hoffman to amend Bill No. 5606 by including the word, "leather" with clothing and fabric, with the vote upon such motion as follows, to-wit:

Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Baseley – Aye
Council Member Kramer – Aye
Council Member Faron – Aye



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Council Member Ruzicka – Aye
Council Member D'Alfonso – Aye
Council Member Saunders – Aye

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

5. Resolution No. 1234 - a Resolution of the City Council of the City of Creve Coeur, Missouri, Approving the Use of a Contract Established by the City of Kirkwood as the Basis for a Cooperative Purchasing Agreement for the Procurement of Microsurfacing Services.

City Clerk read Resolution No. 1234.

Council Member Faron moved, seconded by Council Member Kramer to approve Resolution No. 1234.

Matt Wohlberg stated that the recommendation was to use the option for a cooperative agreement in the City of Kirkwood bid for microsurfacing in Creve Coeur. Mr. Wohlberg stated that the product that Donelson Construction Company uses is stronger, more durable, and sets more quickly than the microsurfacing product that the City has used in past years.

Councilwoman Lawrence asked for clarification regarding the pre-treatment application offered by Donelson and which other cities have used Donelson.

Matt Wohlberg stated that the pre-treatment is a new product that staff recommends trying for this program, as it is relatively inexpensive and may allow for significantly less preparation of streets for microsurfacing in the future. The cities of Rolla and Ballwin have hired Donelson multiple times, and Rolla in particular has used this company for about the past eight years.

Council Member Ruzicka asked if the city has plan for which streets need to be repaired and when.

Matt Wohlberg stated yes, Public Works develops a street repair list each year.

Mayor Glantz called the question to approve Resolution No. 1234, with the vote upon such motion as follows, to-wit:

Council Member Faron – Aye
Council Member Ruzicka – Aye
Council Member D'Alfonso – Aye
Council Member Saunders – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Baseley – Aye
Council Member Kramer – Aye

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



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Mark Perkins stated the funding for the Resolution is included in the budget amendment ordinance.

6. Resolution No. 1235 - a Resolution to Adopt a Phase 2 Climate Action Plan to Save Energy and Reduce Greenhouse Gas Emissions.

City Clerk read Resolution No. 1235.

Council Member Baseley moved, seconded by Council Member Kramer to approve Resolution No. 1235.

Mark Perkins stated the following Energy and Environment Committee members are present tonight: Joe Martinich, Hal Harris, Judy Sherman and George Hall and all have been members since it was established as a standing committee. The city hired an intern last year, Louis Garcia, who was with the city for several months in completing a Phase 2 Greenhouse Gas Emissions study and developing this Climate Action Plan. The Committee has been working to review that plan and is ready to present.

Joe Martinich, member of the E & E Committee, stated in 2008 there was a Greenhouse Gas Inventory performed that lead to the first Climate Action Plan in 2010. What was included in the packet is an update of the Climate Action Plan, based on an updated Greenhouse Gas Inventory that was completed by Louis Garcia. The Committee reviewed and made some minor changes and now presenting to Council in the hopes that this plan will be used for future plans in the city.

Council Member Faron asked if the city has ever been required to have an Environmental Impact Statement completed over the years.

Matt Wohlberg stated there are different levels that staff needs to review for different projects but it would really have to be a site improvement project that would require an environmental review.

Council Member Baseley thanked the committee for their work on this project.

Mayor Glantz called the question to approve Resolution No. 1235, with the vote upon such motion as follows, to-wit:

Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Baseley – Aye
Council Member Kramer – Aye
Council Member Saunders – Aye
Council Member D'Alfonso – Aye
Council Member Ruzicka – Aye
Council Member Faron – Aye

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



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7. Resolution No. 1236 - a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Engagement of Bond Counsel Regarding a New Police Station Project.

City Clerk read Resolution No. 1236.

Council Member Saunders moved, seconded by Council Member Kramer to approve Resolution No. 1236.

Dan Smith stated staff requested the city's financial advisor (Piper Jaffray) to provide the names of at least three legal firms that specialize as Bond Counsel's for Bond Financing. The financial advisor provided 4 names. A Request for Proposal (RFP) was sent to the four firms and responses were received from three of the firms. The three firms submitting an RFP were Gilmore & Bell, Armstrong & Teasdale and Thompson Coburn. All the firms responding are well recognized in the Saint Louis area for their work with bond financing. Based on the proposals staff recommended Gilmore and Bell for selection as Bond Counsel.

This recommendation was based on the following reasons:

1. Gilmore & Bell has extensive experience as Bond Counsel for GO bond issues.
2. Gilmore & Bell's agreement that the city will be charged no fees or costs unless the financing is actually consummated.
3. The lead partner for Gilmore & Bell on the Creve Coeur financing is Mark Grimm whom the city has worked with in the past.
4. Gilmore & Bell's proposed fees were less than the other firms submitting proposals.

As a result of the staff recommendation and the information in the proposals the nominating committee voted to recommend the selection to serve as Bond Counsel at its 7-20-2016 meeting.

Council Member Faron asked if the Task Force will continue and will they have interaction with bond counsel.

Mark Perkins stated Council will decide what the task force roll will be next.

Dan Smith stated the scope of services is included for Council's review and it is very clear what the services will be provided.

Mayor Glantz called the question to approve Resolution No. 1236, with the vote upon such motion being as follows, to-wit:

Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Baseley – Aye
Council Member Kramer – Aye
Council Member Faron – Aye
Council Member Ruzicka – Aye
Council Member D'Alfonso – Aye
Council Member Saunders – Aye



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

**7A. Bill No. 5607 – An Ordinance Further Amending Ordinance No. 5469
Regarding Adoption of Restatements of City Defined Contribution Plans. First
Reading**

City Clerk read Bill No. 5607 for the first time.

Mark Perkins stated this is a minor amendment to correct an inadvertent error. The update required will bring the plan into IRS compliance.

APPOINTMENTS

8. Annual Appointments and Reappointments to Boards and Committees

Council Member Baseley moved, seconded by Council Member Kramer to appoint and reappoint members to boards and committee as recommended below:

Energy and Environment

- Ben Lefton – reappoint for 3 yrs (exp 6/30/19)
- Dat Ngo – appoint for 3 yrs (exp 6/30/19)

Parks & Historic

- Roberta Horwitz – reappoint for 3 yrs (exp 6/30/19)
- Nancy Litzinger – appoint for 3 yrs (exp 6/30/19)
- Stephen Spurgeon – appoint for 3 yrs (exp 6/30/19)
- Phyllis Cantor – appoint to fill unexpired term (exp 6/30/18)

Board of Adjustment

- Ivan Schenberg – reappoint for 5 yrs (exp 6/30/2021)

Storm Water

- Tom D'Alfonso – reappoint for 3 yrs (exp 6/30/2019)
- Laura Catalano – reappoint for 3 yrs (exp 6/30/2019)
- Judith Campbell – reappoint for 3 yrs (exp 6/30/2019)

Finance

- Adam Shulenburg – reappoint for 3 yrs (exp 6/30/2019)
- Marjorie Richter – reappoint for 3 yrs (exp 6/30/2019)

Building Board of Appeals

- Dee Villacis – reappoint for 1 yr (exp 6/30/2017)
- Ron Alul – appoint for 3 yrs (exp 6/30/2019)

Arts Committee

- George Dirkers – reappoint for 3 yrs (exp 6/30/2019)
- Gina Casalone – reappoint for 3 yrs (exp 6/30/2019)

Economic Development Committee



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- Sekhar Probhakar – reappoint for 3 yrs (exp 6/30/2019)
- Robert Bockersman – reappoint for 3 yrs (exp 6/30/2019)
- Ken Skornia – appoint for 3 yrs (exp 6/30/2016)

Horticultural, Environment and Beautification

- Nancy Meyer – reappoint for 3 yrs (exp 6/30/2019)
- Margie Richards – reappoint for 3 yrs (exp 6/30/2019)
- Sue Cohen – appoint for 3 yrs (exp 6/30/2019)
- Teresa Bell – appoint for 3 yrs (exp 6/30/2019)

Personnel Appeals

- Lisa Williams – reappoint for 3 yrs (exp 6/30/2019)
- Lynn Berry – reappoint for 3 yrs (exp 6/30/2019)
- Kirk Williams – appoint as an alternate (no term)

With the vote upon such motion being as follows, to-wit:

Council Member Faron – Aye
Council Member Ruzicka – Aye
Council Member D’Alfonso – Aye
Council Member Saunders – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Baseley – Aye
Council Member Kramer – Aye

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

BUSINESS FROM MAYOR AND CITY COUNCIL

9. Council Liaison Reports

Council Member Lawrence stated the Employee Pension Board met and reviewed the quarterly numbers and considering the market lately, the Pension Plan continues to be in good shape.

Council Member Lawrence stated there was a Golf Task Force meeting and this focused on non-golf events in the complex. Golf Task Force is requesting a joint work session with Council in early fall to review the proposed programming.

Council Member Ruzicka stated he attended the Golf Task Force meeting as well and there was a suggestion to have Walters Consulting at all of the Task Force meetings.

Mark Perkins stated the issue is that staff has tried to focus their time working with directly with staff and be available to the Task Force on an as needed basis.

Council Member Hoffman asked if any analysis has been completed regarding play this year and how the numbers are comparing to last year.



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Mark Perkins stated play has been good this year but it is too early in the season to attribute the numbers to any of the changes.

Council Member Lawrence stated many of the changes are just now being implemented. The Golf Course website is up and running.

Council Member Ruzicka stated Tim Brinks did review the statistics about year to date and sounds like many of the numbers were up.

BUSINESS FROM CITY ADMINISTRATOR

10. Review of IMS Pavement Report

Matt Wohlberg presented the pavement Management Analysis Report that was developed by Infrastructure Management Services (IMS) as part of their pavement conditions review for the City in early 2016. Staff reviewed the pavement maintenance budget projections from IMS and how these showed that the City's current budget for street work appears to be sufficient to provide gradual improvements to the City's pavement conditions over time. Staff followed with a discussion about the use and limitations of multi-year pavement repair projections, stating that the staff's level of confidence in the program extends to the next three years due to a variety of factors.

Matt Wohlberg concluded his presentation with staff's review and several recommendations for the pavement program:

- maintain the current pavement budget outlined in the capital improvement plan, including the roadway reconstruction program and aggressive pursuit of grant funding for roadway projects
- Continue periodic independent review of the City's budget and pavement conditions
- Perform an in-depth analysis of several streets and subdivisions where pavement replacement seems necessary to better determine the City's options and priorities.

Councilmember Ruzika asked if the pavement projections were available to the public.

Matt Wohlberg responded that the current projections for each program are located on the City's website.

Councilmember Faron requested clarification regarding the City's approach to combination (asphalt on concrete) streets.

Matt Wohlberg responded that the City's approach is to address each combination street as economically as possible: those in decent condition may have the asphalt surface replaced, while those in poor condition may be completely replaced. Matt Wohlberg recommended analysis of reconstruction candidates would provide more clarity for the plan for those streets

Council Member Hoffman moved, seconded by Council Member Lawrence to adjourn at 8:02 p.m., with the vote upon such motion being as follows, to-wit:



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Council Member Kramer – Aye
Council Member Baseley – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Saunders – Aye
Council Member D’Alfonso – Aye
Council Member Ruzicka – Aye
Council Member Faron – Aye

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

Submitted by:

Deborah Ryan
City Clerk

Barry Glantz
Mayor



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

Meeting: 08/08/16 07:00 PM
Department: Finance Department
Category: Report
Prepared By: Sherry Hall
Initiator: Dan Smith
Sponsors:
DOC ID: 2033

SCHEDULED

BILLS LISTING (ID # 2033)

Bills Payable Listing

Attached is a bills payable listing dated August 3, 2016 in the amount of \$294,594.43 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: August 3, 2016
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 August 3, 2016 in the amount of \$ 294,904.43



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

NO DEPT - NO DIV

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
GUFFEY, GEORGE	00188		072916 228	29-Jul-16	SEWER LATERAL REPAIR REIMB	02-00-00-1901	1,720.00
KALMAN, HAROLD	00188		072116 226	21-Jul-16	SEWER LATERAL REPAIR REIMB	02-00-00-1901	1,840.00
KAPLAN, ARNOLD	00188		062716	27-Jun-16	SEWER LATERAL REPAIR REIMB	02-00-00-1901	1,720.00
MEHTA, NISHANATH	00188		071916 227	19-Jul-16	SEWER LATERAL REPAIR REIMB	02-00-00-1901	7,500.00
ST LOUIS COUNTY TREASURER	00092		87370	19-Jul-16	ST LOUIS CNTY HOUSING FEES	01-00-00-2410	120.00
Grand Total							12,900.00



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

LEGISLATIVE

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
SHRED-IT	00629		9411442884	08-Jul-16	SHREDDING SERVICE 7/8/16	01-11-13-6202	559.00
VERIZON WIRELESS	01048		9768712358	13-Jul-16	AIR CARD 6/14-7/13/16	01-11-13-9504	18.18
Grand Total							577.18



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

ADMINISTRATION

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
BENEFLEX HR RESOURCES, INC.	02443		98879	15-Jul-16	COBRA ADMINISTRATION	01-12-11-6203	48.00
CHAMBER OF COMMERCE CREVE COEUR/OLIVETTE	00136		E2761	19-Jul-16	JULY 16 MEMBERSHIP LUNCH-PERKI	01-12-11-6264	22.00
SWIFT PRINT COMMUNICATIONS	02520	P002264	70644	30-Jun-16	PRINTING OF JULY 2016 NEWSLETT	01-12-11-6203	1,697.83
Grand Total							1,767.83



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

IT

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
CDW-G	00073		DSS1812	22-Jul-16	WATCHGUARD LIVESECURITY 1YR	01-12-51-6213	176.08
CDW-G	00073		DRL5802	18-Jul-16	DUAL MONITOR ARM-FINANCE	01-12-51-6213	270.21
CDW-G	00073	P002489	DRL7772	18-Jul-16	EPSON POWERLITE PROJECTOR	01-12-51-7331	773.99
COMMUNICATIONS TECHNOLOGIES, INC.	02554		42059	20-Jul-16	NIC CARD ISSUE	01-12-51-6213	125.00
SAM'S CLUB	00116		0535	27-Jul-16	(1) 3-PK FLASH DRIVES	01-12-51-6213	25.98
STAPLES ADVANTAGE	01169		3308713274	12-Jul-16	KEYBOARD/MOUSE FOR CHIEF	01-12-51-6213	19.95
WINNING TECHNOLOGIES, INC.	01891	P002483	15215	15-Jul-16	IT SERVICES-JULY 2016	01-12-51-6202	4,620.00
WINNING TECHNOLOGIES, INC.	01891	P002331	15077	15-Jun-16	IT SERVICES-JUNE 2016	01-12-51-6202	4,400.00
Grand Total							10,411.21



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

FINANCE

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
COLLECTOR OF REVENUE	00016		071816	18-Jul-16	SALES TAX REPORT-JULY 2016	01-13-11-6202	20.00
OFFICE DEPOT-BUSINESS DIV	00045		850388752001	13-Jul-16	DESK ORGANIZER FOR PAYROLL	01-13-11-7304	58.79
Grand Total							78.79



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

MUNICIPAL COURT

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
REJIS	00050		INV0049116	15-Jul-16	SUBSCRIPTION FEES-JULY 2016	01-13-14-6202	1,418.95
STAPLES ADVANTAGE	01169		3308148222	09-Jul-16	MEETING TABLE	01-13-14-9503	193.79
Grand Total							1,612.74



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

INTERDEPARTMENTAL

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
2nd WIND EXERCISE EQUIPMENT INC	02514	P002458	022027392	29-Jun-16	SPRI FOLDING MAT 72"X24"X2" BL	01-13-15-6272	50.00
2nd WIND EXERCISE EQUIPMENT INC	02514	P002458	022027391	22-Jul-16	FREE WEIGHTS/BENCH/ACCESSORIES	01-13-15-6272	1,043.00
BUCK CONSULTANTS LLC	00191		2281683	08-Jul-16	PLAN DESIGN STUDY-LAGERS	01-13-15-6203	3,521.00
IDENTITY THEFT GUARD SOLUTIONS, INC.	02471		13806	30-Apr-16	15 THEFT PROTECTION MEMBERSHIP	01-13-15-6203	975.00
IDENTITY THEFT GUARD SOLUTIONS, INC.	02471		14194	21-Jul-16	2 THEFT PROTECTION-ADDITIONS	01-13-15-6203	130.00
MISSOURI DIVISION OF EMPLOYMENT SECURITY	00255		30276709999131	29-Jul-16	UNEMPLOYMENT	01-13-15-5244	1,674.24
OFFICE DEPOT-BUSINESS DIV	00045		851412037001	18-Jul-16	POST-ITS	01-13-15-7312	7.58
OFFICE DEPOT-BUSINESS DIV	00045		851412036001	18-Jul-16	COIN BATTERIES	01-13-15-7312	9.51
OFFICE DEPOT-BUSINESS DIV	00045		821411129001	18-Jul-16	BATTERIES	01-13-15-7312	29.46
OFFICE DEPOT-BUSINESS DIV	00045		851303203001	18-Jul-16	STORAGE BOXES	01-13-15-7312	81.75
OFFICE DEPOT-BUSINESS DIV	00045		851167312001	15-Jul-16	BINDERS, DRY ERASE MARKERS	01-13-15-7312	62.33
OFFICE DEPOT-BUSINESS DIV	00045		850388751001	13-Jul-16	THUMB DRIVE	01-13-15-7312	26.88
OFFICE DEPOT-BUSINESS DIV	00045		750388666001	14-Jul-16	VARIOUS OFFICE SUPPLIES	01-13-15-7312	261.82
OFFICE ESSENTIALS	00046		CIV0351581	22-Jul-16	TONER, LABEL TAPE,FILE POCKET	01-13-15-7312	205.71
RETIREMENT PLAN ADVISORS	02135	P002512	2016-34	18-Jul-16	EMPLOYEE INVESTMENT AND FINANC	01-13-15-6203	2,085.82
STAPLES ADVANTAGE	01169		3308713274	12-Jul-16	PENS, RUBBERBANDS	01-13-15-7312	31.25
STAPLES ADVANTAGE	01169		3309294120	20-Jul-16	VARIOUS OFFICE SUPPLIES	01-13-15-7312	134.45
THE DANIEL & HENRY CO.	00447		576436	25-Jul-16	LIQUOR LIAB. INS-DIELMANN	01-13-15-6220	756.00
THE DANIEL & HENRY CO.	00447		575992	07-Jul-16	CYBER LIABILITY INS. FY17	01-13-15-6220	5,133.00
THE DANIEL & HENRY CO.	00447		576211	14-Jul-16	PUB. OFFICIAL INS RENEWAL FY17	01-13-15-6222	31,728.00
THE DANIEL & HENRY CO.	00447		576194	14-Jul-16	PROPERTY INSURANCE FY17	01-13-15-6226	60,747.00
WUSSLER BUSINESS FORMS	00075		4285	15-Jul-16	BUSINESS CARDS	01-13-15-7312	156.00
Grand Total							108,849.80



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

COMMUNITY SERVICES

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
CARTRIDGE WORLD	02014		112746	15-Jul-16	COPIER INK	01-14-11-7304	17.96
CITY OF BRENTWOOD	02142	P002508	17991	25-Jul-16	SOUND STAGE RENTAL	01-14-11-6266	800.00
SWIFT PRINT COMMUNICATIONS	02520		70736	13-Jul-16	BANNER	01-14-11-7304	235.00
Grand Total							1,052.96



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

ICE ARENA

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
ARAMARK UNIFORM SERVICES	01550		311350315	26-Jul-16	UNIFORM RENTAL (7/26/16)	06-14-31-7308	4.35
ARAMARK UNIFORM SERVICES	01550		311350315	26-Jul-16	MOP RENTAL (7/26/16)	06-14-31-7301	1.56
ARAMARK UNIFORM SERVICES	01550		311325289	19-Jul-16	UNIFORM RENTAL (7/19/16)	06-14-31-7308	114.63
ARAMARK UNIFORM SERVICES	01550		311325289	19-Jul-16	MOP RENTAL (7/19/16)	06-14-31-7301	1.56
ARAMARK UNIFORM SERVICES	01550		311275825	05-Jul-16	MOP RENTAL (7/5/16)	06-14-31-7301	1.56
ARAMARK UNIFORM SERVICES	01550		311275825	05-Jul-16	UNIFORM RENTAL (7/5/16)	06-14-31-7308	4.35
ARAMARK UNIFORM SERVICES	01550		311300641	12-Jul-16	MOP RENTAL (7/12/16)	06-14-31-7301	2.95
ARAMARK UNIFORM SERVICES	01550		311300641	12-Jul-16	UNIFORM RENTAL (7/12/16)	06-14-31-7308	11.31
BMI	00935	(blank)	1670938	02-Jul-16	MUSIC LICENSE	06-14-31-6262	336.00
CARTRIDGE WORLD	02014		112746 EF	15-Jul-16	COPIER INK	06-14-31-7304	17.96
CHEM-AQUA INC.	00912		2369377	01-Jul-16	WATER TREATMENT PROGRAM	06-14-31-6211	600.00
CORVUS JANITORIAL SYSTEMS	02056		607299012-XW10	25-Jul-16	CLEANING SVC JUL 1-15, 2016	06-14-31-6203	577.50
DIERBERGS	00080		6371-149-5	22-Jul-16	BIRTHDAY PARTY CAKE	06-14-31-7304	21.99
GRAINGER	00081		9155541015	30-Jun-16	AIR FILTERS	06-14-31-6212	56.88
GRAINGER	00081		9158329608	06-Jul-16	SIR FILTERS	06-14-31-6212	113.76
METROLIFT PROPANE	00082		0717664	14-Jul-16	PROPANE FOR OLYMPIA (7/14/16)	06-14-31-7307	110.60
METROLIFT PROPANE	00082		0698917	30-Jun-16	PROPANE FOR OLYMPIA (6/30/16)	06-14-31-7307	181.28
METROLIFT PROPANE	00082		0644183	19-May-16	PROPANE FOR OLYMPIA (5/19/16)	06-14-31-7307	216.26
METROLIFT PROPANE	00082		0686303	21-Jun-16	PROPANE FOR OLYMPIA (6/21/16)	06-14-31-7307	428.66
MURPHY	00867		81642	25-Jul-16	REPAIR TO COMPRESSOR #3	06-14-31-6268	1,482.00
Grand Total							4,285.16



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

GOLF MAINTENANCE

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
GREENSPRO, INC.	01415		INV0019613	25-Jul-16	STRESS RX FERTILIZER	06-14-32-7303	220.00
HANDY AUTOMOTIVE	02402		6219-289689	22-Jul-16	HYDRAULIC HOSE FOR LF3400	06-14-32-6211	118.00
HELENA CHEMICAL CO.	02084		235256641	22-Jul-16	HERBICIDES	06-14-32-7303	535.00
MTI DISTRIBUTING, INC.	00175		1079357-00	22-Jul-16	IRRIGATION HYDRAULIC TUBING	06-14-32-6212	310.70
MTI DISTRIBUTING, INC.	00175		1080991-00	27-Jul-16	IRRIG. CONTROLLER TIMING BOARD	06-14-32-6212	329.00
MTI DISTRIBUTING, INC.	00175		1080991-00	29-Feb-16	CREDIT ON ACCOUNT	06-14-32-6212	(26.00)
R&R PRODUCTS, INC.	01084		CD2039737	15-Jul-16	ROLLER MOUNTS FOR 4500-D	06-14-32-6211	185.00
SAM'S CLUB	00116		2301	01-Aug-16	5W30 ENGINE OIL	06-14-32-6211	78.54
SAM'S CLUB	00116		2301	01-Aug-16	OIL ABSORBANT	06-14-32-6212	8.67
SUPREME TURF PRODUCTS	00173		IN136231	22-Jul-16	CHEMICALS	06-14-32-7303	670.00
SUPREME TURF PRODUCTS	00173		IN136232	21-Jul-16	SPRAY DYE, CHEMICALS	06-14-32-7303	545.00
U.S. KIDS GOLF	02697		IN1160609	13-Jul-16	FAMILY TEE BOXES	06-14-32-6212	321.84
Grand Total							3,295.75



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

PRO SHOP

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
1ST AYD CORPORATION	01159		PSI53428	11-Jul-16	CLEANING SUPPLIES	06-14-33-7301	217.56
BRANNEKY HARDWARE	00010		0986558	21-Jul-16	HOSE NOZZLES	06-14-33-7302	15.98
CARTRIDGE WORLD	02014		112746 EF	15-Jul-16	COPIER INK	06-14-33-7304	17.98
LEGENDARY MARKETING	02691		400049	15-Jul-16	GOLF WEBSITE FEE	06-14-33-6260	297.00
LEGENDARY MARKETING	02691		400076	01-Aug-16	GOLF WEBSITE FEE	06-14-33-6260	297.00
PATTONVILLE SCHOOL DISTRICT	00721		20135	01-Jul-16	SCORECARDS	06-14-33-7304	749.00
Grand Total							1,594.52



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

SNACK BAR

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
ARAMARK UNIFORM SERVICES	01550		311350315	26-Jul-16	WIPING TOWELS (7/26/16)	06-14-34-7301	3.63
ARAMARK UNIFORM SERVICES	01550		311325289	19-Jul-16	WIPING TOWELS (7-19-16	06-14-34-7301	3.63
ARAMARK UNIFORM SERVICES	01550		311275825	05-Jul-16	WIPING TOWELS (7/5/16)	06-14-34-7301	3.63
ARAMARK UNIFORM SERVICES	01550		311300641	12-Jul-16	WIPING TOWELS (7/12/16)	06-14-34-7301	3.63
COCA-COLA	00084		3857311319	14-Jul-16	SODA PRODUCTS FOR RESALE	06-14-34-8317	561.84
DIERBERGS	00080		1651-130-5	25-Jul-16	FOOD FOR RESALE	06-14-34-8315	56.89
PERFORMANCE FOOD GROUP, INC.	02632		3330111	22-Jul-16	FOOD FOR RESALE	06-14-34-8315	539.41
PERFORMANCE FOOD GROUP, INC.	02632		3330111	22-Jul-16	GENERAL SUPPLIES	06-14-34-7304	77.22
RL MUELLER NATIONAL DIST., INC.	01471		01139	20-Jul-16	FOOD FOR RESALE	06-14-34-8319	203.52
RL MUELLER NATIONAL DIST., INC.	01471		01139	20-Jul-16	SNACKS FOR RESALE	06-14-34-8315	56.20
RL MUELLER NATIONAL DIST., INC.	01471		01153	21-Jul-16	SNACKS FOR RESALE	06-14-34-8319	12.06
Grand Total							1,521.66



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

BUILDING MAINTENANCE

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
AA KEY & LOCK SERVICE	01644		102705	18-Jul-16	DOOR LOCK REPAIR IN P.D.	01-16-11-6212	65.00
ALARM 24, INC.	00195		P5117	13-Jul-16	REPAIR/RESET ALARM-CITY ENTRAN	01-16-11-6212	90.00
AMERICAN WATER TREATMENT	00090		2016-2280	15-Jul-16	WATER TRTMNT SVC JUL-SEPT 2016	01-16-11-6212	509.27
ARAMARK UNIFORM SERVICES	01550		311350314	26-Jul-16	UNIFORM RENTAL (7/26/16)	01-16-11-7308	4.38
ARAMARK UNIFORM SERVICES	01550		311325288	19-Jul-16	UNIFORM RENTAL (7/19/16)	01-16-11-7308	4.38
CORVUS JANITORIAL SYSTEMS	02056	P002507	608299012-163	01-Aug-16	CLEANING SERVICE-AUGUST 2016	01-16-11-6212	2,207.00
HOME DEPOT	00117		9653861	08-Jun-16	BRACKETS FOR ADMIN COPY RM	01-16-11-6212	54.31
HOME DEPOT	00117		7021530	20-Jul-16	MAINT ITEMS FOR GOVT CENTER	01-16-11-6212	50.92
SAM'S CLUB	00116		4405	27-Jul-16	COFFEE/LOUNGE SUPPLIES	01-16-11-7304	398.64
SAM'S CLUB	00116		7061375743	25-Jul-16	LOUNGE SUPPLIES	01-16-11-7304	49.68
WEBER FIRE AND SAFETY EQUIPT. CO.	01988		52593	15-Jul-16	MAINTENANCE ON EXTINGUISHERS	01-16-11-6212	467.50
Grand Total							3,901.08



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

POLICE - ADMIN

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
DAVE SINCLAIR LINCOLN-MERCURY, INC.	02119		234136	28-Jul-16	CAR 2418 REPLACE POWER STEERIN	01-21-11-6210	427.82
LEON UNIFORM	00125		383339	23-Jul-16	REPAIR RPO FEDDER'S BADGE	01-21-11-7308	20.00
OFFICE DEPOT-BUSINESS DIV	00045		9161	25-Jul-16	RETURN MAGNETIC SHEET	01-21-11-7302	(15.79)
OFFICE DEPOT-BUSINESS DIV	00045		8921	25-Jul-16	MAGNETIC SHEETS PD MAILBOXES	01-21-11-7302	15.79
REJIS	00050		INV0049117	15-Jul-16	ANNUAL MCAFEE AV SUPPORT	01-21-11-6202	20.00
REJIS	00050		INV0049118..	15-Jul-16	ASA 5505 MAINT-JULY 2016	01-21-11-6202	20.77
REJIS	00050		INV0049118..	15-Jul-16	WIRELESS SVC FEE-JULY 2016	01-21-11-6202	8.00
REJIS	00050		INV0049118..	15-Jul-16	LIVESCAN CONNECTION-JULY 16	01-21-11-6202	50.00
REJIS	00050		INV0049118..	15-Jul-16	10% SUBSCRIPTION REBATE-JUL 16	01-21-11-6202	(403.04)
REJIS	00050		INV0049118..	15-Jul-16	IMDS ORACLE DB MAINT-JUL 16	01-21-11-6202	21.00
REJIS	00050		INV0049118..	15-Jul-16	DATA LINES-JULY 2016	01-21-11-6253	735.00
REJIS	00050	P002467	INV0049118	15-Jul-16	SUBSCRIPTION FEES-JULY 2016	01-21-11-6202	4,030.39
REJIS	00050	P002469	INV0049118.	15-Jul-16	GLOBAL SOFTWARE SVC-JULY 2016	01-21-11-6213	1,155.00
SAM'S CLUB	00116		0535	27-Jul-16	(3) 3-PKS FLASH DRIVES	01-21-11-6213	77.94
VERIZON WIRELESS	01048		9768868552	18-Jul-16	MONTHLY AIR CARD CHARGES	01-21-11-6253	30.08
Grand Total							6,192.96



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

POLICE - INVESTIGATIONS

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
DAVE SINCLAIR LINCOLN-MERCURY, INC.	02119		234190	29-Jul-16	CAR 2426 A/C BLOWER SPD CONT R	01-21-21-6210	179.36
REJIS	00050		INV0049118..	15-Jul-16	IMDS ORACLE DB MAINT-JUL 16	01-21-21-6202	10.50
Grand Total							189.86



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

POLICE - PATROL

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
ADGRAPHIX	00426		36744	21-Jul-16	REMOVE GRAPHICS FRM OLD SPEED	01-21-22-6210	30.00
BATTERIES PLUS BULBS	00007		379-669256	18-Jul-16	CAR 2405 AGM BATTERY	01-21-22-6210	185.45
DAVE SINCLAIR LINCOLN-MERCURY, INC.	02119		234185	28-Jul-16	CAR 2416 3000 MILE SERVICE	01-21-22-6210	51.50
DAVE SINCLAIR LINCOLN-MERCURY, INC.	02119		233990	22-Jul-16	CAR 2409 RESET TPMS, MNT TIRE	01-21-22-6210	30.00
DAVE SINCLAIR LINCOLN-MERCURY, INC.	02119		233852	18-Jul-16	CAR 2417 3000 MILE SERVICE	01-21-22-6210	42.95
DIERBERGS	00080		9825121	15-Jul-16	STORAGE & CLEANING SUPPLIES	01-21-22-7304	13.86
DOBBS TIRE & AUTO	00095		306299	14-Jul-16	(1) TIRE	01-21-22-6210	117.92
ED. ROEHR SAFETY PRODUCTS	00234		450674	12-Jul-16	UNIFORMS FOR PO WALTER SCHULTZ	01-21-22-5107	180.10
ED. ROEHR SAFETY PRODUCTS	00234		450641	11-Jul-16	UNIFORMS FOR PO MOORE	01-21-22-5107	206.35
ED. ROEHR SAFETY PRODUCTS	00234		451079	20-Jul-16	UNIFORMS FOR PO GRANDSTAFF	01-21-22-5107	135.89
ED. ROEHR SAFETY PRODUCTS	00234		450673	12-Jul-16	RETURN UNNEEDED ITEM	01-21-22-5107	(34.67)
HOME DEPOT	00117		49235	19-Jul-16	SUPPLIES FOR RANGE REPAIR	01-21-22-7313	4.94
LEON UNIFORM	00125		384695	12-Jul-16	UNIFORMS FOR PO WALTER SCHULTZ	01-21-22-5107	589.70
LEON UNIFORM	00125		384595	11-Jul-16	UNIFORMS FOR PO MOORE	01-21-22-5107	716.05
LEON UNIFORM	00125		383707-01	14-Jul-16	UNIFORMS FOR PO GRANDSTAFF	01-21-22-5107	377.28
LEON UNIFORM	00125		384935	18-Jul-16	UNIFORM ITEM FOR PO GRANDSTAFF	01-21-22-5107	11.50
LEON UNIFORM	00125		383707	27-Jun-16	UNIFORM ITEMS	01-21-22-5107	328.27
McCLAIN RADAR SERVICE	00098		3304	18-Jul-16	REMOVE OLD RADAR & INSTALL NEW	01-21-22-6211	75.00
O'REILLY AUTO PARTS	00970		1852-140880	01-Aug-16	WASHER FLUID, GAS CAP, TIRE SH	01-21-22-6210	51.30
WORLDPOINT ECC, INC.	01590		5587324	18-Jul-16	FIRST AID CPR/AED DVD SET	01-21-22-6271	172.95
Grand Total							3,286.34



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

STREETS

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
ARAMARK UNIFORM SERVICES	01550		311325286	19-Jul-16	UNIFORM RENTAL (7/19/16)	01-31-41-7308	64.27
ARAMARK UNIFORM SERVICES	01550		311325286	19-Jul-16	MOP RENTAL (7/19/16)	01-31-41-6212	4.19
BLUE CHIP EXTERMINATING	01980		9156616	12-Jul-16	PEST CONTROL SERVICE	01-31-41-7301	26.00
BRANNEKY HARDWARE	00010		0986496	20-Jul-16	FLOOD LIGHTS	01-31-41-6251	89.95
BRANNEKY HARDWARE	00010		0986496	20-Jul-16	CHAIR TIPS FOR KITCHEN CHAIRS	01-31-41-7304	2.49
BRANNEKY HARDWARE	00010		0986488	20-Jul-16	HINGES,SAW BLADES, PIPE,LUMBER	01-31-41-7302	58.23
CREST INDUSTRIES, INC.	00826		2326170	26-Jul-16	CIRCULAR CHOP SAW, DRILL BITS	01-31-41-6211	369.00
CREST INDUSTRIES, INC.	00826		2326170	26-Jul-16	CIRCULAR CHOP SAW, DRILL BITS	01-31-41-7302	76.74
CREST INDUSTRIES, INC.	00826		2325195	19-Jul-16	CREDIT FOR SHIPPING CHARGE	01-31-41-7302	(14.25)
CREST INDUSTRIES, INC.	00826		2324866	18-Jul-16	MECHANICS TOOLS	01-31-41-7302	90.24
DAVEY RESOURCE GROUP	01089		910330933	19-Jul-16	TREE REMOVAL FROM STORM	01-31-41-6212	1,400.00
EMPLOYEE STAFFING GROUP	00049		0000038970	08-Jul-16	TEMP PERSONNEL W/E 7/3/16	01-31-41-6207	1,915.39
EMPLOYEE STAFFING GROUP	00049		0000038987	15-Jul-16	TEMP PERSONNEL W/E 7/10/16	01-31-41-6207	1,686.18
EMPLOYEE STAFFING GROUP	00049		0000039006	22-Jul-16	TEMP PERSONNEL W/E 7/17/16	01-31-41-6207	1,944.14
EMPLOYEE STAFFING GROUP	00049		0000038921	16-Jun-16	TEMP PERSONNEL W/E 6/12/16	01-31-41-6207	1,939.14
HANDY AUTOMOTIVE	02402		6219-289049	18-Jul-16	RETAINER CLIPS	01-31-41-6210	7.20
HANDY AUTOMOTIVE	02402		6219-288780	15-Jul-16	REPAIR PARTS FOR TRUCK 312	01-31-41-6210	68.70
HANDY AUTOMOTIVE	02402		6219-288674	14-Jul-16	PARTS FOR CHIPPER 604	01-31-41-6211	70.98
HANDY AUTOMOTIVE	02402		6219-288842	15-Jul-16	BALL JOINT TOOL	01-31-41-7302	106.95
LOWE AUTOMOTIVE WAREHOUSE	02680		10-631654	28-Jun-16	CREDIT MEMO-MDSE RETURN	01-31-41-6210	(18.99)
LOWE AUTOMOTIVE WAREHOUSE	02680		10-643979	20-Jul-16	REPAIR PARTS TRUCK 105	01-31-41-6210	11.07
LOWE AUTOMOTIVE WAREHOUSE	02680		10-642434	19-Jul-16	REPAIR PARTS FOR TRUCK 105	01-31-41-6210	71.48
LOWE AUTOMOTIVE WAREHOUSE	02680		10-643669	20-Jul-16	REPAIR PARTS FOR TRUCK 105	01-31-41-6210	46.39
LOWE AUTOMOTIVE WAREHOUSE	02680		10-647439	27-Jul-16	BRAKE REPAIR PARTS	01-31-41-6210	113.19
LOWE AUTOMOTIVE WAREHOUSE	02680		10-648210	28-Jul-16	AXLE SEAL FOR TRUCK 105	01-31-41-6210	18.03
LOWE AUTOMOTIVE WAREHOUSE	02680		10-646097	25-Jul-16	MECHANICS TOOLS	01-31-41-7302	99.95
LOWE AUTOMOTIVE WAREHOUSE	02680		10-642969	19-Jul-16	MECHANICS TOOLS	01-31-41-7302	99.95
MCCONNELL & ASSOCIATES STL	00764		70327	15-Jul-16	SQUEEGEES FOR CRACK SEALING	01-31-41-7305	87.45
MCCONNELL & ASSOCIATES STL	00764		70567	23-Jul-16	CRACK SEAL MATERIAL	01-31-41-7308	257.40
MISSOURI PETROLEUM	00100		37726	27-Jul-16	CRACK SEAL	01-31-41-7305	1,620.00
MPR SUPPLY	00042		163956	20-Jul-16	IRRIGATION REPAIR PARTS	01-31-41-6211	17.14
MPR SUPPLY	00042		163996	21-Jul-16	IRRIGATION REPAIR PARTS	01-31-41-6211	21.99
MPR SUPPLY	00042		163926	19-Jul-16	IRRIGATION REPAIR PARTS	01-31-41-6211	267.30
NEUMAYER EQUIPMENT COMPANY, INC.	00786		0548538-IN	15-Jul-16	REPAIR GAS PUMPS AT SHOP	01-31-41-6212	194.61
NEUMAYER EQUIPMENT COMPANY, INC.	00786		0548919-IN	19-Jul-16	GAS PUMP REPAIRS AT SHOP	01-31-41-6212	386.78



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

STREETS

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
NEWMAN TRAFFIC SIGNS	00165		TI-0299940	13-Jul-16	SIGN BOLTS	01-31-41-7311	146.80
O'REILLY AUTO PARTS	00970		1388-194186	01-Jul-16	CREDIT-RETURNED ITEM	01-31-41-6210	(3.71)
O'REILLY AUTO PARTS	00970		1388-197227	27-Jul-16	EXHAUST ELBOW TRUCK 312	01-31-41-6210	23.72
O'REILLY AUTO PARTS	00970		1388-197127	26-Jul-16	ELBOW & CLAMP FOR TRUCK 312	01-31-41-6210	27.25
O'REILLY AUTO PARTS	00970		1388-195781	15-Jul-16	SHOP SUPPLIES	01-31-41-6212	100.33
PURCELL TIRE CO.	00169	P002492	71109383	14-Jul-16	PO OVERAGE	01-31-41-6210	8.84
PURCELL TIRE CO.	00169	P002492	71109383	14-Jul-16	2 FRONT TIRES CHIPPER TRUCK	01-31-41-6210	868.98
SNOWPLOW TECHNOLOGIES, LLC	02537	P002445	11596	21-Jul-16	REPLACEMENT PLOW BLADES	01-31-41-7310	5,614.00
WEATHER OR NOT	01375	P002506	7658	23-Jul-16	FULL YEAR WEATHER SERVICE & ST	01-31-41-6202	5,201.00
WEBER FIRE AND SAFETY EQUIPT. CO.	01988		52594	15-Jul-16	FIRE EXTINGUISHER INSP.-SHOP	01-31-41-6212	665.75
Grand Total							25,852.24



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

HEALTH & ENVIRONMENT

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
CRITTER CONTROL OF ST. LOUIS	01836		115184	28-Jul-16	DEAD ANIMAL REMOVAL-JUNE 2016	01-31-42-6214	600.00
IESI MO - CHAMP LANDFILL LLC	01480		2112005791	15-Jul-16	DEAD DEER DISPOSAL	01-31-42-6214	66.42
Grand Total							666.42



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

PARKS

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
ARAMARK UNIFORM SERVICES	01550		311325286	19-Jul-16	UNIFORM RENTAL (7/19/16)	01-31-43-7308	21.43
BLUE CHIP EXTERMINATING	01980		9156616	12-Jul-16	PEST CONTROL SERVICE	01-31-43-7301	26.00
BRANNEKY HARDWARE	00010		0986745	25-Jul-16	ITEMS FOR PARKS' RESTROOMS	01-31-43-6212	189.70
BRANNEKY HARDWARE	00010		0986787	26-Jul-16	FAUCET REPAIR-PARK BATHROOMS	01-31-43-6212	103.90
CREST INDUSTRIES, INC.	00826		2326170	26-Jul-16	CIRCULAR CHOP SAW, DRILL BITS	01-31-43-6211	123.00
CREST INDUSTRIES, INC.	00826		2324727	15-Jul-16	HAND SOAP FOR PARK RESTROOMS	01-31-43-6212	36.85
EMPLOYEE STAFFING GROUP	00049		0000038970	08-Jul-16	TEMP PERSONNEL W/E 7/3/16	01-31-43-6207	638.47
EMPLOYEE STAFFING GROUP	00049		0000038987	15-Jul-16	TEMP PERSONNEL W/E 7/10/16	01-31-43-6207	562.06
EMPLOYEE STAFFING GROUP	00049		0000039006	22-Jul-16	TEMP PERSONNEL W/E 7/17/16	01-31-43-6207	648.02
EMPLOYEE STAFFING GROUP	00049		0000038921	16-Jun-16	TEMP PERSONNEL W/E 6/12/16	01-31-43-6207	646.38
FROST ELECTRIC	00128		S3663598.001	25-Jul-16	LIGHTS FOR MILLENNIUM PARK	01-31-43-6212	133.12
HANDY AUTOMOTIVE	02402		6219-289049	18-Jul-16	RETAINER CLIPS	01-31-43-6210	2.40
HANDY AUTOMOTIVE	02402		6219-288780	15-Jul-16	REPAIR PARTS FOR TRUCK 312	01-31-43-6210	22.90
HANDY AUTOMOTIVE	02402		6219-288674	14-Jul-16	PARTS FOR CHIPPER 604	01-31-43-6211	23.66
HOME DEPOT	00117		0022502	27-Jul-16	WOOD & MATERIALS-MILL. PK GATE	01-31-43-7302	333.95
K&K SUPPLY	00789		28604	15-Jul-16	SURFACE CLEANER FOR TENNIS COU	01-31-43-6212	421.13
LOWE AUTOMOTIVE WAREHOUSE	02680		10-631654	28-Jun-16	CREDIT MEMO-MDSE RETURN	01-31-43-6210	(6.33)
LOWE AUTOMOTIVE WAREHOUSE	02680		10-643979	20-Jul-16	REPAIR PARTS TRUCK 105	01-31-43-6210	3.69
LOWE AUTOMOTIVE WAREHOUSE	02680		10-642434	19-Jul-16	REPAIR PARTS FOR TRUCK 105	01-31-43-6210	23.83
LOWE AUTOMOTIVE WAREHOUSE	02680		10-643669	20-Jul-16	REPAIR PARTS FOR TRUCK 105	01-31-43-6210	15.47
LOWE AUTOMOTIVE WAREHOUSE	02680		10-647439	27-Jul-16	BRAKE REPAIR PARTS	01-31-43-6210	37.73
LOWE AUTOMOTIVE WAREHOUSE	02680		10-648210	28-Jul-16	AXLE SEAL FOR TRUCK 105	01-31-43-6210	6.01
O'REILLY AUTO PARTS	00970		1388-194186	01-Jul-16	CREDIT-RETURNED ITEM	01-31-43-6210	(1.24)
O'REILLY AUTO PARTS	00970		1388-197227	27-Jul-16	EXHAUST ELBOW TRUCK 312	01-31-43-6210	7.91
O'REILLY AUTO PARTS	00970		1388-197127	26-Jul-16	ELBOW & CLAMP FOR TRUCK 312	01-31-43-6210	9.09
SUPREME TURF PRODUCTS	00173		IN136074	18-Jul-16	CHEMICALS FOR PEST CONTROL	01-31-43-7301	610.00
SUPREME TURF PRODUCTS	00173		IN136074	18-Jul-16	HERBICIDE	01-31-43-7303	102.50
WESTPORT POOLS	00109		460782	26-Jul-16	CHEMICALS FOR SPLASH PAD	01-31-43-7301	27.66
WESTPORT POOLS	00109		460636	14-Jul-16	CHEMICALS FOR SPLASH PAD	01-31-43-7301	49.44
WESTPORT POOLS	00109		460727	15-Jul-16	CHEMICALS FOR SOIL, ALGEA	01-31-43-7301	34.90
Grand Total							4,853.63



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

PLANNING

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
MCLAUGHLIN COURT REPORTING SERVICES, INC	00213		072016-1	20-Jul-16	COURT RPTR-P&Z 7-18-16	01-32-11-6260	75.00
MISSOURI LAWYERS MEDIA	00303		742840025	15-Jul-16	PUBLIC HRG NOTICE FOR P&Z	01-32-11-6260	33.64
Grand Total							108.64



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

B.a

CAPITAL IMPROVEMENTS

8/3/2016

Vendor Name	Vendor	PO #	Invoice #	Invoice Date	Description	Account	Invoice Amount
COLE & ASSOCIATES, INC.	02553	P002318	PAY #4 WARSON	06-Jul-16	DESIGN SERVICES-WARSON RD	02-61-71-9510-16708	8,557.59
COLE & ASSOCIATES, INC.	02553	P002318	PAY #5 WARSON	06-Jul-16	DESIGN SERVICES-WARSON RD	02-61-71-9510-16708	4,177.23
DAVE SINCLAIR LINCOLN-MERCURY, INC.	02119	P002382	24284	15-Jul-16	FORD 4WD F350 DIESEL ONE-TON	02-61-71-9516	44,334.00
M & H CONCRETE	01333		FINAL PAY NO PO	30-Jun-16	2016 ROADWAY RECON PROJECT	02-61-71-9510-16709	27,355.65
M & H CONCRETE	01333	P002381	FINAL PAY FY 16	30-Jun-16	2016 ROADWAY RECON. PROJECT	02-61-71-9510-16709	15,215.35
THOUVENOT, WADE & MOERCHEN, INC.	02148	P001890	FINAL PAY CDV	06-Jul-16	DESIGN SERVICES FOR COEUR DE V	02-61-71-9510-14720	2,265.84
Grand Total							101,905.66

Grand Total 294,904.43



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

Meeting: 08/08/16 07:00 PM
Department: Finance Department
Category: New Business
Prepared By: Sherry Hall
Department Head: Dan Smith

SCHEDULED

ORDINANCE

**Bill No. 5604 - an Ordinance Amending the Adopted FY 2017
Capital Fund Budget of the City of Creve Coeur by
Authorizing Additional Appropriations and Unappropriations.
Final Reading and Passage**

Amending the adopted FY 2017 Capital Fund Budget

AN ORDINANCE AMENDING THE ADOPTED FY 2017 CAPITAL FUND BUDGET OF THE CITY OF CREVE COEUR BY AUTHORIZING ADDITIONAL APPROPRIATIONS AND UNAPPROPRIATIONS

WHEREAS, REVENUES WERE ESTIMATED AND APPROPRIATIONS WERE AUTHORIZED IN THE FY 2017 CITY BUDGET ADOPTED ON JUNE 27, 2016 BY ORDINANCE NO. 5479 AND,

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

WHEREAS, CERTAIN CAPITAL PROJECTS TOTALING \$250,000 WERE DEFERRED FROM FY 2016 TO FY 2017.

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

SECTION 1. THAT THE ANNUAL OPERATING BUDGET FOR THE CAPITAL FUND FY 2017 AS ADOPTED, IS HEREBY AMENDED BY AUTHORIZING ADDITIONAL APPROPRIATIONS IN THE AMOUNT OF \$337,000 IN THE FOLLOWING PROJECTS.:

CAPITAL FUND

CONCRETE STREET IMPROVEMENTS	\$	
	50,000	
SIDEWALK IMPROVEMENTS	77,000	
MICRO SURFACING IMPROVEMENTS	195,000	
ROADWAY CONSTRUCTION	15,000	

TOTAL ADDITIONAL APPROPRIATIONS-CAPITAL FUND	\$	337,000

SECTION 2. THAT THE ANNUAL OPERATING BUDGET FOR THE CAPITAL FUND FOR FY 2017 AS ADOPTED, IS HEREBY AMENDED BY AUTHORIZING ADDITIONAL UNAPPROPRIATIONS IN THE AMOUNT OF \$87,000.

CAPITAL FUND

ASPHALT IMPROVEMENTS	\$	87,000

TOTAL ADDITIONAL UNAPPROPRIATIONS-CAPITAL FUND	\$	87,000

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

ADOPTED THIS _____ DAY OF _____ 2016.

ELLEN LAWRENCE
PRESIDENT OF CITY COUNCIL

APPROVED THIS _____ DAY OF _____ 2016.

Ordinance

Meeting of August 8, 2016

BARRY GLANTZ
MAYOR

DEBORAH RYAN, CITY CLERK



DEPARTMENT OF PUBLIC WORKS STAFF MEMORANDUM

DATE: July 20, 2016

TO: Dan Smith, Director of Finance

CC: Jim Heines, Director of Public Works

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

SUBJECT: Account Allocation and Adjustments *(Revised from 07/11/2016)*
FY2017 Capital Improvement Fund

Staff recommends a budget adjustment to modify the amount and allocation of a portion of the capital improvement fund related to street and sidewalk improvements to reflect the development of the Capital Improvement Plan (CIP) and to further refine the project listing.

Preliminary Budget Allocation

Staff provided an estimated allocation of the City's FY2017 pavement maintenance program budget in February as part of the development of the Capital Improvement Plan (CIP). This estimate was based upon the four typical accounts and was as follows:

<u>Project</u>	<u>Preliminary Budget</u>
17601 Asphalt Improvements	\$ 450,000
17602 Concrete Improvements	\$ 550,000
17603 Sidewalk Improvements.....	\$ 133,000
17709 Roadway Reconstruction	\$ 350,000
Total Pavement Maintenance Program	\$ 1,483,000

Revised Budget Allocation Recommendation

Several developments have occurred since staff provided this estimate:

- Two projects from FY2016 were deferred to FY2017: Sidewalk improvements (\$100,000) and Microsurfacing (\$150,000).
- The pavement maintenance program recommendations for FY2017 were finalized in April. The staff memorandum to the City Administrator, dated April 7, 2016, detailing these recommendations is attached.
- Most of the pavement programs have been bid and awarded.
- There is a new desire to create a separate account for microsurfacing.

Staff recommends a revised allocation of the CIP to reflect and accommodate these developments. The various projects involved with each budget item are included below the main account.

Account 17601 – Asphalt Improvements

Asphalt Pavement Resurfacing Project.....	\$ 275,000
Pavement Striping.....	\$ 60,000
Materials for Public Works Staff Asphalt Work.....	\$ 23,000
Materials Testing	\$ 5,000
Total for 17601 Asphalt Improvements	\$ 363,000

Account 17602 – Concrete Roadway Improvements

Concrete Pavement Replacement Project	\$ 470,000
Concrete Replacement in Support of Asphalt Resurfacing ...	\$ 120,000
Materials for Public Works Staff Concrete Work.....	\$ 10,000
Total for 17602 Concrete Roadway Improvements	\$ 600,000

Account 17603 – Sidewalk Improvements

FY2016 Sidewalk Project	\$ 100,000
FY2017 Sidewalk Project	\$ 110,000
Total for 17603 Sidewalk Improvements	\$ 210,000

Account 17XXX – Microsurfacing **

FY2016 Microsurfacing Project	\$ 150,000
FY2017 Microsurfacing Project	\$ 45,000
Total for 17XXX Microsurfacing	\$ 195,000

** Account number to be determined.

Account 17709 – Roadway Reconstruction

FY2017 Reconstruction Project.....	\$ 340,000
Reconstruction Candidate Review	\$ 25,000
Total for 17709 Roadway Reconstruction	\$ 365,000

The total pavement maintenance budget is recommended to be \$1,733,000, which is the original \$1,483,000 plus the \$250,000 budgeted for the two projects deferred from FY2016.

Details regarding the proposed projects are included in the attached staff memorandum.

Attachments: Staff memorandum, dated April 7, 2016, regarding Repair Location Recommendations – FY2017 Roadway Maintenance Program.



DEPARTMENT OF PUBLIC WORKS STAFF MEMORANDUM

DATE: April 7, 2016

TO: Mark Perkins, City Administrator

CC: Jim Heines, Director of Public Works

FROM: Matt Wohlberg, P.E., City Engineer
Rich Beran, P.E., Civil Engineer

SUBJECT: Repair Location Recommendations
FY2017 Roadway Maintenance Program

The Department of Public Works proposes the roadway maintenance program outlined below for the 2017 fiscal year, much of which will be completed during the 2016 construction season. The proposed roadway maintenance program continues the City's typical concrete pavement replacement, roadway reconstruction, asphalt resurfacing, microsurfacing, and sidewalk programs. Two program from the 2016 fiscal year (sidewalk improvements and microsurfacing) are proposed to be moved into the 2017 fiscal year, along with the unused 2016 funding associated with these projects.

Pavement Condition Update

The City hired Infrastructure Management Services (IMS) to evaluate the pavement conditions for every City-maintained street. IMS completed its evaluation in January 2016. Although the final report for this evaluation is not yet available, IMS was able to provide preliminary data so that the updated condition information could be referenced during the development of the recommendations for FY2017.

Two aspects of the pavement data that are used in this report require some explanation:

1. PCI. The pavement condition index (PCI) for each street is developed based upon the number of cracks, potholes, and other defects that be seen. This index is on a scale of 0-100, where 100 represents perfect pavement with no problems.
2. Roughness Index. The amount of vertical change in the street is measured along its length, and this is converted into an index that reflects the level of discomfort a driver might experience by using that street. This index is on a scale of 0-100, where 100 represents a perfectly smooth street.

Roadway Selection

The City invests a significant portion of its annual budget on street and sidewalk maintenance and improvements. However, road and sidewalk work is expensive, and it would be impossible to make all needed repairs immediately. Therefore, this work must be prioritized. To this end, repair recommendations are based upon two goals:

1) to find the most impact for the money spent to perform the maintenance, and 2) to make repairs that improve the lives of the citizens of Creve Coeur.

To achieve the first goal, the number of motorists using the roadway, the cost of the repair, and the condition of the street are weighed for each street. The opportunity cost of not doing a repair should also be considered, and this is an important decision factor for roads that are on the verge of deteriorating to a point where a particular repair can no longer be effective, and thus becoming much more expensive to fix. The goal, therefore, is to perform the right repair on the right street at the right time.

The City has adopted a "neighborhood approach" for street repairs in an attempt to achieve the second goal. Where possible, streets within a subdivision are targeted so to improve as much of the pavement in that subdivision as possible within a span of one or several years. While this will mean that some of the streets addressed each year might be in better condition than a few others in the City, it will also mean that repairs are concentrated in an area for a short time rather than having these repairs performed piecemeal each (and perhaps every) year. The intent is to create a condition in which future repair needs are similar throughout each neighborhood, which has made planning easier and should continue to inconvenience the residents in each area for the least amount of time possible.

Concrete Pavement Replacement

Work involved in this program will include the removal and replacement of failed concrete pavement slabs, curbs, gutters, and sidewalks. New accessible pedestrian curb ramps will also be installed as needed near street repair locations.

The proposed concrete pavement replacement program is listed below, along with the current pavement condition index (PCI) and roughness index for each street with pavement replacement:

Pavement Slab Replacement

<u>Street Name</u>	<u>PCI</u>	<u>Roughness Index</u>
Conway Aire Drive	58.....	31
Camfield Square.....	46.....	39
Haverton Drive.....	67 *	42 *
Laduemont Drive	64 *	39 *
Mariners Pointe.....	72 *	51 *
Old Ballas Road	71.....	60
Royal Gate Drive	69.....	45
Royal Manor Drive	71 *	52 *
Royalwood Court.....	66.....	39
Sackston Woods Lane.....	70.....	74
Turrentine Trail.....	73.....	52

** Indicates an average condition rating for multiple street segments.*

Curbing Replacement

Balcon Estates Subdivision (cul de sac islands)
 Chilton Lane
 Beaver Drive at Havenview Court
 Winfield Pointe Drive

These streets are proposed for one or several of the following reasons: pavement conditions, previous commitments, support of other projects, and future planning.

Pavement Conditions. City staff reviews the concrete pavement network at the end of each winter to prioritize the repair needs for concrete pavement and curbing. This year, the staff review was augmented by the IMS condition review. Aging, cracked, and broken pavement and curbing exists throughout the City in quantities that exceed what the City could afford to replace in any given year. Hazardous and potentially hazardous pavement and curbing failures have been given the highest priority in replacement, and all pavement identified as such is included in the proposed program.

- **Local Failures and PCI.** The pavement condition index (PCI) shown for each street represents the average condition for the entire street. One localized failure will lower the street's condition, but it might not make a big impact to the street's PCI. This is most true for longer streets. Local failures are most common on concrete streets where the conditions can vary from one slab to the next.

Failed and potentially hazardous slabs have developed on Sackston Woods Lane, Turrentine Trail, and Royalwood Court. The proposed program expands beyond these few hazardous slabs to address other priority replacement needs for both of these streets. The proposed pavement replacement will significantly improve the condition of these streets and should eliminate the need for further repairs in the foreseeable future.

- **Joint Deterioration.** Spalling (i.e. deteriorating) joints present another problem for PCI. When patched, joint spalling is a relatively low-severity problem which will not significantly lower a street's PCI, particularly if the rest of the concrete slab is in good condition. Joint spalling along many of the concrete joints on a street can become a problem, not just for the number of slabs that are affected, but because the failure of one or two joint patches can change the pavement conditions overnight.

Concrete slabs can be in very good condition except for their joints. Joint issues often impact adjacent slabs, spreading out the problem. Spalling can be addressed in several ways, but badly spalled joints should be cut out and replaced. If many of the street's joints have this problem, then the best long-term solution becomes full slab replacement. Unfortunately, the cost to replace much of the street is expensive and will seem disproportionate to the street's PCI.

- **Roughness Index.** The IMS investigation into the roughness of the City's streets offers an insight into the level of joint deterioration on concrete streets. A low (poor) roughness index on a street with a good PCI could indicate that the street has significant joint deterioration. Laduemont Drive is a good example of a street that is in this situation, and the repair recommendations for Laduemont Drive aim to make the street smoother, not just structurally sound.

Previous Commitments. The City began pavement replacements in the Royal Manor subdivision in 2014 following several years during which the City addressed only emergency concerns in that neighborhood to avoid conflicting with a sanitary sewer project by the Metropolitan St. Louis Sewer District (MSD). The proposed slab replacement along Royal Gate Drive and Royal Manor Drive will address the remaining issues in this neighborhood, which will conclude the four-year effort to improve streets in that subdivision.

Support for Other Projects and Future Planning. It is common that more than one type of project or approach is required or recommended to address the needs of a street or sidewalk.

This tends to occur with sidewalk projects that require street work (or vice versa) and with composite streets (i.e. concrete streets with an asphalt overlay).

- Sidewalk projects. Work is proposed on Laduemont Drive and Old Ballas Road, in part, to support sidewalk improvements along those streets.
- Asphalt resurfacing projects. Several composite streets are recommended for resurfacing in FY2017. These include Clarissa Drive, Sona Lane, and others, as listed above. Significant concrete pavement replacement is expected for these streets, based upon past experience, but it is rather difficult to know how much of the concrete base will need to be replaced for these streets until it is exposed during construction.

The IMS investigation included measurement of the soundness of the concrete base for all of the City's composite streets. The concrete base of Sona Lane rated the worst among those proposed for resurfacing in FY2017, and staff expects to replace at least one third of the street's concrete in order to resurface it. However, the measurements of the base for the remaining composite streets (Clarissa, Phyllis, Renee, and Saucier) were consistent with quality concrete pavement. Staff has planned for extensive concrete replacement on these streets, but is hopeful that the concrete base for these streets will be in relatively good condition, as suggested by the IMS data.

Curbing replacement along Winfield Point Drive is recommended in order to facilitate asphalt resurfacing for that street in FY2018.

- Microsurfacing projects. Staff proposes to replace the existing asphalt curb in the islands of the Balcon Estates subdivision and the island at the Chilton Lane cul de sac with concrete curb that will better withstand tires running it over. This work will help prepare these areas for upcoming microsurfacing projects.

Sidewalk Improvements

The City is obligated to continue improve the accessibility of its sidewalks. Accessibility improvements are typically made in conjunction with adjacent roadway projects.

Sidewalk improvements are proposed along Laduemont Drive, North New Ballas Road, Winfield Pointe Drive, and Old Ballas Road.

Laduemont Drive. The sidewalks along Laduemont Drive are the only continuous and publicly maintained sidewalks between Ladue Road and Conway Road in Creve Coeur west of New Ballas Road, making this sidewalk a priority to improve. The amount of sidewalk work required along Laduemont is too great to be included as one annual program, so staff recommends that this work gets divided and continued in FY2018.

North New Ballas Road. The public right of way and sidewalk easements that typically extend over the sidewalks along North New Ballas Road do not cover the entrance to the Carlyle Lake subdivision. City staff is working with the trustees and management of this private subdivision to extend the public right of way to include the pedestrian crossing here. In exchange for the right of way, staff recommends reconstructing the pedestrian crossing to be accessible.

The right of way at this entrance will be beneficial to the City the next time the City uses a federal grant to improve the adjacent portion of North New Ballas Road, as is anticipated in the next five years. The City would be required to obtain this right of way or a sidewalk

easement for the pedestrian crossing as part of that project. Obtaining the right of way now allows this process to take place on the City's schedule.

Winfield Point Drive. This asphalt street was found to be in poor condition and should be resurfaced soon. Sidewalk and curbing improvements are proposed for FY2017 in order to prepare the street for resurfacing in FY2018.

Old Ballas Road. The sidewalks along Old Ballas Road from New Ballas Road to Emerson Road have numerous deficiencies and are not technically accessible. Staff proposed to improve these sidewalks as part of the FY2016 pavement maintenance program, but the City had inadequate bid participation for the project. Staff recommends to complete the project in FY2017, along with the sidewalk improvements to Laduemont Drive and North New Ballas Road.

Sidewalks Improvements through Federal Grants. Significant sidewalk improvements are included in two federal grant projects by the City and are expected to be constructed in FY2017.

- **Coeur de Ville Rehabilitation Project.** The City has been awarded a federal grant to improve the pavement and sidewalks along Coeur de Ville Drive. The project will include accessibility improvements for the length of Coeur de Ville Drive, from Ladue Road to Olive Boulevard. One of these improvements will be to add a crosswalk across Coeur de Ville at Olive Boulevard. Currently, this crosswalk is located approximately 200 feet south of Olive Boulevard.

The Coeur de Ville project is expected to begin in late summer or early fall of 2016 and should take several months to complete.

- **Emerson Sidewalk Improvement Project.** The City has been awarded a federal grant to add a sidewalk along the east side of Emerson Road. This new sidewalk will extend from Ladue Road to Old Ballas Road. This project may begin as early as fall of 2016, but coordination and approvals for the project may require that it begin in the spring of 2017.

These projects are included as separate line items in FY2017 of the proposed capital improvement plan. This funding is separate from the annual roadway maintenance program.

Asphalt Resurfacing

The asphalt resurfacing program proposed for FY2017 involves several asphalt and composite streets along Olive Boulevard:

<u>Street Name</u>	<u>PCI</u>	<u>Roughness Index</u>
Bal Harbour Drive.....	57.....	42
Clarissa Drive.....	68.....	46
Deaver Avenue.....	51.....	58
Larkin Avenue	38.....	55
Park West Drive.....	45.....	47
Phyllis Lane	71.....	49
Renee Drive	51 *	61 *
Saucier Drive	64.....	36
Sona Lane.....	50.....	49
Tempo Drive (north of Olive).....	62.....	55

** Indicates an average condition rating for multiple street segments.*

As discussed above for the concrete pavement replacement program, significant concrete repairs are expected to accommodate resurfacing the composite streets in the recommended program (i.e. Clarissa Drive, Phyllis Lane, Renee Lane, Saucier Drive, and Sona Lane). Sona Lane is the largest concern among these composite streets, as it is in the poorest condition among them.

The City maintains only a portion of Bal Harbour Drive, Park West Drive, and Tempo Drive, as these are located between Olive Boulevard and the north boundary of the City. Each of these sections is approximately 200 feet in length.

Olive Boulevard Resurfacing and Sidewalks (MoDOT). This resurfacing recommendation was delayed from last year to accommodate the current roadway and sidewalk improvements by the Missouri Department of Transportation along Olive Boulevard. Unfortunately, the MoDOT project was delayed by nearly one year, and now the projects will run concurrently. Staff expects that there will be minimal conflict between the two projects, because the MoDOT project will likely be finished in the area of the City's project by July, and the MoDOT project occurs almost exclusively at night. Therefore, staff does not feel that it will be necessary to continue to delay the recommended asphalt resurfacing to accommodate MoDOT's project on Olive.

Asphalt resurfacing through federal grants. The City maintains a section of Coeur de Ville Drive between Royal Valley Drive and the Parc Provence retirement community. Much of the pavement in this area has failed and will be replaced through a reconstruction and resurfacing project that is expected to begin in the summer or fall of 2016. Much of the funding for the Coeur de Ville project will be from a federal grant.

Roadway Reconstruction

The proposed roadway reconstruction for FY2017 involves finishing the reconstruction of New London Drive and reconstructing the composite portion of Lakeshore Drive. Lakeshore Drive, New London Drive, and New Salem Drive form one, continuous street and serve as the primary roadway in the Westchester Estates Subdivision. The reconstruction work that is proposed will complete the replacement of one of the longest composite streets in the City with new concrete pavement, eliminating one of the most significant pavement maintenance liabilities in the City.

<u>Street Name</u>	<u>PCI</u>	<u>Roughness Index</u>
Lakeshore Drive.....	45 *	53 *
New London Drive	60.....	53

** Indicates an average condition rating for multiple street segments.*

This street was originally recommended for reconstruction, because previous attempts to make repairs to these streets had been counterproductive: fixing one area led to failures in other areas. Construction along New Salem Drive in the spring of 2016 again found this to be true, as the street failed beneath the equipment replacing the other side.

Schedule. The reconstruction work in the Westchester Estates subdivision was originally expected to require three years to complete. Lower-than-expected project costs and additional funding for the project have made it likely that this project will now be completed in two years. The implications could be important (and presumably welcome) for other failing streets in the City.

Micro-Surfacing

The proposed micro-surfacing project will include minor street repairs and the application of a thin asphaltic surface treatment to the entire roadway surface. This surface treatment is typically aimed at roads that are in good condition, and its purpose is to help seal the pavement from water infiltration while providing an improved driving surface.

The proposed micro-surfacing project will focus on the Ridgemoor Forest, Broadview Farms, Mason Forest, and Balcon Estates neighborhoods. Concrete curb replacement was completed in these neighborhoods in 2013 as preparation for the proposed micro-surfacing, and the intent was to include these streets in the FY2015 and FY2016 program. Unfortunately, material costs for the other pavement programs reduced the budget available for the FY2015 program, and this work was postponed.

Some preparation work in the Mason Forest Subdivision will be required to reduce the size of the subdivision's two cul-de-sac islands. Reduction in the size of these islands will provide more space for vehicles to navigate each cul de sac and should reduce the amount of damage to the islands from vehicle tires.

The roadways proposed for this project are:

Villa Hill Subdivision

<u>Street Name</u>	<u>PCI</u>	<u>Roughness Index</u>
Angleterre Drive	67.....	60
Carillon Court	78.....	59
Rugby Court.....	72.....	51
Trammel Court.....	58.....	54
Villa Hill Lane	49 *	58 *

Mason Forest Subdivision

<u>Street Name</u>	<u>PCI</u>	<u>Roughness Index</u>
Hibler Woods Court.....	60.....	37
Hibler Woods Drive.....	74 *	53 *
Mason Forest Drive.....	70 *	55 *

Broadview Farm Subdivision

<u>Street Name</u>	<u>PCI</u>	<u>Roughness Index</u>
Broadview Farm Road	66 *	49 *

Balcon Estates Subdivision

<u>Street Name</u>	<u>PCI</u>	<u>Roughness Index</u>
Balcon Estates Drive.....	64 *	52 *

Additional Streets

<u>Street Name</u>	<u>PCI</u>	<u>Roughness Index</u>
Corporate Square Drive	55 *	68 *
Martin Grove Lane.....	81.....	63
Rolling View Drive.....	65.....	41
Will Avenue	19.....	55

* Indicates an average condition rating for multiple street segments.

Work along Will Avenue is proposed to provide some improvement, but it microsurfacing cannot fix what IMS found to be the City's worst street. This street receives little traffic and serves as something of an alley. Staff feels that it is appropriate to patch and microsurface this street so to postpone its resurfacing or reconstruction for several years.

As with previous years, the City's Public Works staff will correct many of the deficiencies in the pavement surface to prepare these roads for the microsurface application. By having City crews prepare the pavement, the potential cost of this program is typically reduced.

Project Postponements from Previous Fiscal Years. The proposed micro-surfacing project involves the Villa Hill, Broadview Farms, and Mason Forest neighborhoods. The intent was to include these streets in the FY2015 program, and then in the FY2016 program. Unfortunately, material costs for the other pavement programs reduced the budget available for the FY2015 program, and this work was postponed until FY2016.

Staff recently learned that at least one of the few contractors who can complete this type of work will have no availability until late in the summer due to major commitments to other projects. Staff recommends moving the work in the Ridgmoor Forrest, Broadview Farms, and Mason Forest subdivisions to FY2017 to improve the bidding situation for this project.

Projected Costs

City staff estimates that completion of the proposed FY2017 Roadway Maintenance Program will cost approximately \$ 1,733,000.

FY2016 transfer to FY2017

The recommended pavement maintenance program for FY2017 incorporates the microsurfacing project and the sidewalk improvement project from FY2016. Funding this work will require moving unused funds from the FY2016 sidewalk and microsurfacing programs into FY2017.

The adjusted budget would be as follows:

FY2016 Microsurfacing	\$ 150,000
FY2016 Sidewalk Improvements	\$ 100,000
Total FY2016 Transfer	\$ 250,000

Original FY2017 Roadway Maintenance	\$ 1,133,000
FY2016 Transfer	\$ 250,000
FY2017 Reconstruction	\$ 350,000
Total FY2017 Budget	\$ 1,733,000

The project breakdown for the adjusted FY2017 roadway program is proposed to be:

Concrete Pavement Replacement	\$ 500,000
Sidewalk Replacement	\$ 200,000
Asphalt Resurfacing	\$ 420,000
Microsurfacing	\$ 230,000
Reconstruction	\$ 350,000
City Work (Patching for Micro-Surfacing, etc.)	\$ 33,000
Total	\$ 1,733,000



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

Meeting: 08/08/16 07:00 PM
Department: Planning and Zoning Commission
Category: New Business
Prepared By: Whitney Kelly
Department Head: Jason Jaggi

SCHEDULED

STAFF REPORT

Amended Bill No. 5605 - an Ordinance Amending Definitions in the Zoning Code of the Code of Ordinances of the City of Creve Coeur Regarding Sexually Oriented Businesses. Final Reading and Passage

Section 405.120 of the City Code of Ordinances sets forth definitions used in the Zoning Code, including regarding sexually oriented businesses. Changes in state law (2014 SB 491, HB 1371) revising sections 573.010 et seq RSMo, require parallel revisions to the City's ordinances.

HISTORY:

07/25/16

City Council

CONTINUED

Next: 08/08/16

AMENDED BILL NO. 5605

ORDINANCE NO. _____

AN ORDINANCE AMENDING DEFINITIONS IN THE ZONING CODE OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR REGARDING SEXUALLY ORIENTED BUSINESSES.

WHEREAS, Section 405.120 of the City Code of Ordinances sets forth definitions used in the Zoning Code, including regarding sexually oriented businesses; and

WHEREAS, changes in state law (2014 SB 491, HB 1371) revising sections 573.010 et seq RSMo, require parallel revisions to the City's ordinances;

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

Section 1. The definitions set forth below are hereby added to Section 405.120 the City Code of Ordinances, including in place of prior definitions of the same or similar words and phrases (which prior definitions are accordingly repealed) as indicated by parenthetical annotations (which annotations are not to be codified):

ADULT ARCADE (new)

Any place to which the public is permitted or invited wherein money-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas.

ADULT CABARET (replacement)

A nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment which regularly features persons who appear semi-nude.

ADULT BOOK STORE, ADULT VIDEO STORE (replaces definition of Adult Media Store)

A commercial establishment which as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas.

ADULT THEATER (replacement)

A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration.

CHARACTERIZED BY (new)

Describing the essential character or dominant theme of an item.

NUDITY OR STATE OF NUDITY (new)

The showing of the human genitals, pubic area, vulva, anus, anal cleft or the female breast with less than a fully opaque fabric or leather covering of any part of the nipple or areola. Body paint shall not qualify as fabric or leather.

PRINCIPAL BUSINESS ACTIVITY (new)

Applies to Sexually Oriented Businesses and exists where the establishment:

- a. Has a substantial (as used in this definition, at least 30%) portion of its displayed merchandise which consists of the pertinent items; or
- b. Has a substantial portion of the wholesale value of its displayed merchandise which consists of the pertinent items; or
- c. Has a substantial portion of the retail value of its displayed merchandise which consists of the pertinent items; or
- d. Derives a substantial portion of its revenues from the sale or rental of the pertinent items; or
- e. Maintains a substantial section of its interior business space for the sale or rental of the pertinent items; or
- f. Maintains an adult arcade.

REGULARLY (new)

Consistent and repeated.

SADOMASOCHISTIC PRACTICES OR ABUSE (replaces Sadomasochistic Practices)

Flagellation or torture by or upon a person, or the conditions of being fettered, bound, or otherwise physically restrained, as an act of sexual stimulation or gratification.

SEMI-NUDE OR STATE OF SEMI-NUDITY (new)

The showing of the human female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the human male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, skirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part. Coverage by other than opaque fabric or leather shall still constitute "showing" for purposes hereof, and body paint shall not qualify as fabric or leather.

SEMI-NUDE MODEL STUDIO (new)

A place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons, but excluding a modeling class operated by a college, junior college, or university supported entirely or partially by taxation, by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partially by taxation, or in a structure which has no sign visible from the exterior of the structure or other advertising that indicates a semi-nude person is available for viewing and students must enroll at least three days in advance to participate in the class.

SEX SHOP (replacement)

A commercial establishment offering goods for sale or rent that meets any of the following tests:

1. The establishment offers for sale items from any two (2) of the following categories:
 - a. Adult media,
 - b. Lingerie, or
 - c. Leather goods marketed or presented in a context to suggest their use for sadomasochistic practices or abuse; and the combination of such items constitutes more than ten percent (10%) of its stock in trade or occupies more than ten percent (10%) of its gross public floor area.
2. More than ten percent (10%) of its stock in trade consists of sexually oriented toys or novelties.
3. More than ten percent (10%) of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

SEXUAL ENCOUNTER CENTER (new)

A commercial establishment that, as one of its principal business activities, offers for any form of consideration physical contact in the form of wrestling or tumbling between two or more persons where one or more of the persons is semi-nude.

SEXUALLY ORIENTED BUSINESS (replacement)

An inclusive term used to describe individually and collectively: adult cabaret; adult book store; adult video store, adult theater, semi-nude model studio, sexual encounter center, and/or sex shop as defined by City ordinance as well as any sexually oriented business as defined by State law including Section 573.010 RSMo.

SEXUALLY ORIENTED TOYS OR NOVELTIES (replacement)

Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breast, or designed or marketed primarily for use to stimulate human genital organs, or for sadomasochistic practices or abuse.

SPECIFIED ANATOMICAL AREAS (replacement)

1. Less than completely and opaquely covered (by fabric or leather, not body paint): human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES (replacement)

Intercourse, oral copulation, masturbation, sodomy, or excretory functions as a part of or in connection with any of the foregoing. Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, oral copulation, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast, and any related excretory functions, or any sadomasochistic practices or abuse, or bestiality.

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

AMENDED BILL NO. 5605

ORDINANCE NO. _____

ADOPTED THIS 8th DAY OF August, 2016.

ELLEN LAWRENCE
PRESIDENT OF CITY COUNCIL

APPROVED THIS 8th DAY OF August, 2016.

BARRY GLANTZ, MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
 (314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
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APPLICATION TO PLANNING AND ZONING COMMISSION

#16-020: TEXT AMENDMENT TO THE ZONING ORDINANCE REGARDING THE DEFINITIONS FOR SEXUALLY ORIENTED BUSINESSES

FOR THE PLANNING AND ZONING COMMISSION MEETING OF: Monday,
July 18, 2016

LOCATION: City-wide

REQUEST: The Director of Community Development, on behalf of the City of Creve Coeur, has submitted a text amendment application regarding Section 405.120 Definition of Terms to revise the definitions regarding sexually oriented businesses to reflect recently revised state law. Amendments to Chapter 617 which addresses Sexually Oriented Businesses will also be presented to City Council for consistency.

ADDITIONAL INFORMATION: Attached hereto is the revised proposed ordinance for various definitions under Section 405.120 of the zoning ordinance regarding revised definitions of terminology regarding the regulations on eligibility for a sexually oriented business license and standards of conduct for such businesses. The substantive changes will be incorporated into the City's licensing ordinance. However, the changes in definitions apply to both the zoning ordinance and the licensing ordinance. In addition to addressing statutory changes, in response to recent disputes in the St. Louis area, the definitions have been further refined to confirm that fully opaque fabric covering is required and body paint is not a sufficient covering.

The Planning and Zoning Commission reviews those changes to the Zoning Code under Section 405.1060 for recommendation to the City Council. The changes proposed for Chapter 617 of Article VI Business and Occupation of the Code of Ordinances are included for cross reference purposes only.

APPLICANT: Jason W. Jaggi
 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
DATE: 7/13/16
ATTACHMENTS: Revised Draft Ordinances

Key Issues:

- Are the changes consistent with the purposes of the Zoning Code?
- Are the changes consistent with the purposes of the Comprehensive Plan?

Zoning Code References

- Section 405.120
Definition of Terms
- Zoning 405.1000
Sexually Oriented
Businesses
- Section 405.1060 Zoning
Changes and Text
Amendments

Business and Occupation Code References

- Chapter 617: Sexually
Oriented Businesses

BACKGROUND

Sexually oriented businesses are regulated by the City for land use purposes through the Zoning Ordinance (Section 405.1000) and for operational and licensing purposes through Chapter 617. Specifically, the Zoning Code regulates the location, access, siting, parking, landscaping, signage and lighting requirements for these types of businesses. Proposed businesses that would meet this category of use include sexually oriented adult bookstores, theaters, video stores, cabarets, and retail stores. The Zoning Ordinance allows a sexually oriented business to be located only in the Light Industrial District as a permitted (by-right) use if it meets the requirements of Section 405.1000.

Chapter 617, Sexually Oriented Businesses, lists the licensing and standards of conduct for such businesses. An operator of a sexually oriented business must obtain a yearly license by the City and all individuals associated with the business must meet specific background standards which are reviewed by the Police Department. Chapter 617 also specifically prohibits the sale, serving, or consuming of alcohol on the premises of a sexually oriented business.

SUMMARY OF PROPOSED TEXT AMENDMENT

This text amendment application involves amending the definitions section of the Zoning Ordinance (Section 405.120) regarding terms related to sexually oriented businesses for consistency with changes to state statutes. In the context of revising various regulations on eligibility for a sexually oriented business license and standards of conduct for such businesses, the legislature revised various definitions of terminology. The proposed changes will also be incorporated into the City's licensing ordinance. However, the changes in definitions apply to both the Zoning Ordinance and the licensing ordinance.

The attached draft ordinance lists the new and replacement terminology in Section 405.120 to be consistent with recent changes in state law. In addition to addressing statutory changes, in response to recent disputes in the St. Louis area, the definitions have been further refined to confirm that body paint is not sufficient cover and that covering requires fully opaque fabric material.

While both Chapter 405 and Chapter 617 are being amended concurrently, the Planning and Zoning Commission only has authority to review and provide a recommendation on affected sections within the Zoning Ordinance. Upon receipt of a recommendation from the Commission involving Chapter 405, the City Council will review and act upon both ordinances concurrently.

MOTION

If the members of the Planning and Zoning Commission are satisfied that the proposed amendments are justified and appropriately worded, the following is an example of an appropriate motion for this application:

“I move to recommend approval of the draft ordinance attached to the staff report on Application #16-020, for the text amendment to various definition of terms regarding sexually oriented businesses of Chapter 405 of the Code of Ordinances of the City of Creve Coeur, Missouri, to address changes to the State statutes, correct outdated terminology, as presented on July 18, 2016.”

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

APPENDIX 2: ZONING CODE

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

APPENDIX 3: BUSINESS AND OCCUPATION

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, JULY 18, 2016

6:30 P.M.

PUBLIC HEARING APPLICATION NO. 16-020

THOSE IN ATTENDANCE:

Ms. Beth Kistner, Chair

Mr. Tim Carney

Mr. Don Magruder

Mr. Gene Rovak

Ms. Heather Silverman

Mr. Matthew Schuh

Mr. Carl Lumley, City Attorney

Mr. Jason Jaggi, Director of Community Development

Ms. Whitney Kelly, City Planner

Ms. Jessica Stutte, Planning Assistant/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

1 CHAIRMAN KISTNER: Call the meeting of the
2 July 18, 2016 Planning and Zoning Commission to order.

3 Before we start our roll call, two things.

4 I've been in touch with Muriel Hall. She's been
5 sitting on a runway for many, many hours in New York.
6 Thunderstorms somewhere between New York and here. She
7 might make it in. If she does -- she'll -- she'll come
8 in, if it's not too late, and join us here at the meeting,
9 but she has tried valiantly to get here.

10 Also want to welcome Matt Schuh for his first
11 meeting, and we're glad that you're being appointed.

12 MR. SCHUH: Thank you.

13 CHAIRMAN KISTNER: My microphone. Better?

14 VOICE: Yes.

15 CHAIRMAN KISTNER: All right. Sorry.

16 Okay. With that, we'll start with our roll
17 call.

18 Mr. Carney?

19 MR. CARNEY: Present.

20 CHAIRMAN KISTNER: Ms. Hall is absent.

21 Mr. Magruder?

22 MR. MAGRUDER: Present.

23 CHAIRMAN KISTNER: Mr. Rovak?

24 MR. ROVAK: Present.

25 CHAIRMAN KISTNER: Ms. Silverman?

1 MS. SILVERMAN: Present.

2 CHAIRMAN KISTNER: Mr. Schuh?

3 MR. SCHUH: Present.

4 CHAIRMAN KISTNER: Our City Attorney, Carl
5 Lumley?

6 MR. LUMLEY: Present.

7 CHAIRMAN KISTNER: Director of Community
8 Development, Mr. Jaggi?

9 MR. JAGGI: Present.

10 CHAIRMAN KISTNER: City Planner, Ms. Kelly?

11 MS. KELLY: Present.

12 CHAIRMAN KISTNER: And Planning Assistant,
13 Ms. Stutte?

14 MS. STUTTE: Present.

15 CHAIRMAN KISTNER: And the Chair is present.

16 We'll go to New Business.

17 We have Public Hearing No. 16-020: Text
18 amendment to the zoning ordinance regarding the
19 definitions for sexually oriented businesses.

20 We have just one person to swear in.

21 (The speaker was sworn in by the court
22 reporter.)

23 MR. JAGGI: Good evening, Members of the
24 Commission. Jason Jaggi, Director of Community
25 Development, City of Creve Coeur.

1 This is a text amendment involving the zoning
2 ordinance definitions for sexually oriented businesses,
3 which is codified in Section 405.120 of the City's Code of
4 Ordinances in the Zoning District.

5 The changes that are brought before you this
6 evening are as a result of the changes to state statute in
7 which the City needs to be compliant with changes of state
8 statute, so that our ordinance can mirror the state
9 definitions.

10 Just for background purposes, sexually oriented
11 businesses are regulated in the City of Creve Coeur under
12 Chapter 405, the Zoning Ordinance, as well as Chapter 617,
13 which is specific for sexually oriented businesses.

14 That chapter deals with the code of conduct on
15 operational aspects of these types of businesses, whereas,
16 the land use section in the zoning code outline specific
17 land use standards for those types of businesses.

18 So in the zoning world we look at location,
19 access, siting, parking, landscaping, signage and lighting
20 aspects of these types of business, and then a licensing
21 element, which is covered in Section 617. That section of
22 the code deals with the licensing requirements, extensive
23 background checks for those operators. And then I would
24 also note that the sale of alcohol is also a prohibited
25 use for a sexually oriented business as a licensing

1 requirement.

2 So with that being said, the ordinance tonight,
3 again, seeks to amend both sections of the zoning code and
4 Chapter 617, although this Commission is really focused on
5 the zoning ordinance because you don't have a purview of
6 code sections outside of the zoning ordinance.

7 All of the terms are attached in your supplement
8 tonight as part of the agenda packet. I won't go into all
9 those terms, and, of course, they're very graphic in
10 nature, but if you have certain questions, I'd be happy to
11 answer those as best as I can.

12 I would draw to your attention one consideration
13 that City staff and the City Attorney also did is, given
14 the different sexually oriented business use
15 considerations that occurred in another St. Louis County
16 municipality involving a restaurant use, we did take this
17 opportunity to confirm and, basically, re-affirm that that
18 type of business would be considered a sexually oriented
19 business, and we did address that to require that -- or to
20 state that body paint is not an acceptable covering, and
21 that to be -- to have an acceptable covering would require
22 fully opaque fabric material.

23 So, again, just try to emphasize what's
24 acceptable and what's not. And so we did take that
25 opportunity.

1 You can see there's a couple definitions that
2 speak to that within your agenda packet this evening so.

3 We would anticipate that both of these
4 amendments will be forwarded after your recommendation on
5 the zoning code changes to City Council on July 25th.

6 Otherwise, if there's any questions, I'd be
7 happy to answer those at this time.

8 CHAIRMAN KISTNER: Thank you.

9 Do you have any questions?

10 I appreciate that you are bringing this to the
11 Planning & Zoning Commission and to the City Council. I
12 think our -- our community would endorse these changes,
13 both to be in compliance with the State, and also to make
14 sure that we're out in front of, you know, future
15 potential requests that the community would find
16 unacceptable.

17 MR. JAGGI: Thank you.

18 We think pretty well covered at the moment, but
19 certainly re-enforcing these that, you know, some of these
20 requirements are in place is a good thing, so we think
21 this amendment fully takes the issue out of any
22 subjectivity and makes it very clear what's allowed and
23 what's not allowed.

24 CHAIRMAN KISTNER: Mr. Lumley, I'm sure you were
25 fairly involved in this. You're satisfied with the

1 contents and everything else, that you'd recommend be
2 considered.

3 Okay. Is there any other discussion?

4 Is there anybody in the audience that would like
5 to speak to this issue?

6 Okay. If not, let Mr. Lumley add exhibits.

7 MR. LUMLEY: Offer the following exhibits into
8 the record of this public hearing: Documentation in
9 possession of the City Clerk reflecting the public notice,
10 the staff's report, City Code of Ordinances and Charter,
11 the City's Comprehensive Plan, the public file regarding
12 this application, including the draft ordinance.

13 CHAIRMAN KISTNER: Okay.

14 With that, we will close the public hearing.

15 (The public hearing was closed at 6:37 p.m.)

16 (This concludes the transcript.)
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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 hearing stenographically and later reduced to typewriting; and that this is a true and accurate transcript of the public hearing.

Deborah K. McLaughlin

, 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: 08/08/16 07:00 PM
Department: Legislative /City Clerk
Category: Amendment
Prepared By: Debbie Ryan
Department Head: Debbie Ryan

SCHEDULED

ORDINANCE

**Amended Bill No. 5606 - an Ordinance Amending Chapter 617
of the Code of Ordinances of the City of Creve Coeur
Regarding Sexually Oriented Businesses. Final Reading and
Passage**

Changes in state law (2014 SB 491, HB 1371) revising sections 573.010 et seq RSMo, require parallel revisions to the City's business license ordinance regarding sexually oriented businesses. Similar zoning definition changes are also proposed in another agenda item.

Ordinance

Meeting of August 8, 2016

AMENDED BILL NO. 5606

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 617 OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR REGARDING SEXUALLY ORIENTED BUSINESSES.

WHEREAS, Chapter 617 of the City Code of Ordinances addresses sexually oriented businesses; and

WHEREAS, changes in state law (2014 SB 491, HB 1371) revising sections 573.010 et seq RSMo, require parallel revisions to the City's ordinances;

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

Section 1. Chapter 617 of the City Code of Ordinances is hereby amended to read as follows:

Section 617.010. Definitions.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them by this Section:

ADULT ARCADE

Any place to which the public is permitted or invited wherein money-operated, or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas.

ADULT CABARET

A nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment which regularly features persons who appear semi-nude.

ADULT ENTERTAINER

Any person who provides entertainment distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specified anatomical areas, or who appears in a semi-nude condition, whether or not a fee is charged or accepted.

ADULT BOOK STORE, ADULT VIDEO STORE

A commercial establishment which as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas.

ADULT MEDIA

Magazines, books, videotapes, movies, slides, compact discs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.

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ADULT THEATER

A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration.

CHARACTERIZED BY

Describing the essential character or dominant theme of an item.

EMPLOY, EMPLOYEE, EMPLOYMENT

Refers to performance of services on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person involved is denominated an employee, independent contractor, agent or otherwise, but excluding a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

GROSS PUBLIC FLOOR AREA

The total interior area accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

HARD-CORE MATERIAL

Media characterized by sexual activity that includes one (1) or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sexually oriented toy or novelty into an orifice, male ejaculation; or the aftermath of male ejaculation.

INFLUENTIAL INTEREST

Any of the following:

1. The actual power to operate a business or legal entity or control the operation, management, or policies of a business or legal entity;
2. Ownership of a financial interest of thirty percent (30%) or more of a business or any class of voting securities of a business; or
3. Holding an office such as president, vice president, secretary, treasurer, managing member, or managing director of a business or legal entity.

MEDIA

Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, compact discs, other magnetic media, and undeveloped pictures.

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NUDITY OR STATE OF NUDITY

The showing of the human genitals, pubic area, vulva, anus, anal cleft or the female breast with less than a fully opaque fabric or leather covering of any part of the nipple or areola. Body paint shall not qualify as fabric or leather.

OPERATOR

Any person on the premises of a sexually oriented business who causes the business to function, puts or keeps the business in operation, or is authorized to manage the business or exercise overall operational control of the business premises, whether or not an owner or licensee of the business.

PREMISES

The real property upon which a sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented business, the grounds, private walkways, parking lots, and parking garages.

PRINCIPAL BUSINESS ACTIVITY

Exists where the commercial establishment:

- a. Has a substantial portion (as used in this definition, at least 30%) of its displayed merchandise which consists of the pertinent items; or
- b. Has a substantial portion of the wholesale value of its displayed merchandise which consists of the pertinent items; or
- c. Has a substantial portion of the retail value of its displayed merchandise which consists of the pertinent items; or
- d. Derives a substantial portion of its revenues from the sale or rental of the pertinent items; or
- e. Maintains a substantial section of its interior business space for the sale or rental of the pertinent items; or
- f. Maintains an adult arcade.

REGULARLY

Consistent and repeated.

SADOMASOCHISTIC PRACTICES OR ABUSE

Flagellation or torture by or upon a person, or the conditions of being fettered, bound, or otherwise physically restrained, as an act of sexual stimulation or gratification.

SEMI-NUDE OR STATE OF SEMI-NUDITY

The showing of the human female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the human male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, skirt, leotard, or similar wearing apparel provide the areola is not exposed in whole or in part. Coverage by other than opaque fabric or leather shall still constitute "showing" for purposes hereof, and body paint shall not qualify as fabric or leather.

SEMI-NUDE MODEL STUDIO

A place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed,

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or similarly depicted by other persons, but excluding a modeling class operated by a college, junior college, or university supported entirely or partially by taxation, by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partially by taxation, or in a structure which has no sign visible from the exterior of the structure or other advertising that indicates a semi-nude person is available for viewing and students must enroll at least three days in advance to participate in the class.

SERVER

Any person who serves food or drink at a sexually oriented business.

SEX SHOP

A commercial establishment offering goods for sale or rent that meets any of the following tests:

1. The establishment offers for sale items from any two (2) of the following categories:
 - a. Adult media,
 - b. Lingerie, or
 - c. Leather goods marketed or presented in a context to suggest their use for sadomasochistic practices or abuse; and the combination of such items constitutes more than ten percent (10%) of its stock in trade or occupies more than ten percent (10%) of its gross public floor area.
2. More than ten percent (10%) of its stock in trade consists of sexually oriented toys or novelties.
3. More than ten percent (10%) of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

SEXUAL ENCOUNTER CENTER

A commercial establishment that, as one of its principal business activities, offers for any form of consideration physical contact in the form of wrestling or tumbling between two or more persons where one or more of the persons is semi-nude.

SEXUALLY ORIENTED BUSINESS

An inclusive term used to describe individually and collectively: adult cabaret; adult book store; adult video store, adult theater, semi-nude model studio, sexual encounter center, and/or sex shop as defined by City ordinance as well as any sexually oriented business as defined by State law including Section 573.010 RSMo.

SEXUALLY ORIENTED TOYS OR NOVELTIES

Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breast, or designed or marketed primarily for use to stimulate human genital organs, or for sadomasochistic practices or abuse.

SPECIFIED ANATOMICAL AREAS

- 1.

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Less than completely and opaquely covered (by fabric or leather, not body paint): human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

2.

Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

Intercourse, oral copulation, masturbation, sodomy, or excretory functions as a part of or in connection with any of the foregoing. Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, oral copulation, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast, and any related excretory functions, or any sadomasochistic practices or abuse, or bestiality.

Section 617.020. License Required For Sexually Oriented Businesses, No Alcohol.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

A.

It is unlawful for any person to operate a sexually oriented business at any location in the City at any time without a sexually oriented business license issued by the City in effect for such business at such location.

B.

It is unlawful for any adult entertainer, employee or manager to knowingly perform any work, service or entertainment at an unlicensed sexually oriented business within the City.

C.

If a sexually oriented business within the City fails at any time to have posted on its premises, in the manner required by ordinance, an effective sexually oriented business license, such failure shall be prima facie evidence that the business does not have such a license in effect for such location. In addition, the absence of such a properly posted effective license shall be prima facie evidence that an adult entertainer, employee or manager who performs any work, service or entertainment at the sexually oriented business had knowledge that such business was not licensed.

D.

All required zoning, building and occupancy permits must be separately applied for and obtained, in addition to the license required by this Section.

E.

No license may be issued under Chapter **600** to a sexually oriented business and no intoxicating liquor shall be sold, served or consumed on the premises of a sexually oriented business.

Section 617.030. License Required For Managers, Servers and Adult Entertainers.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

It is unlawful for any person to work as an adult entertainer, server or manager at a sexually oriented business within the City at any time without an effective license issued by the City.

Section 617.040. License Year, Location and Fees.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

A.

The license year for licenses required under this Chapter shall run from each March sixteenth (16th) to the subsequent March fifteenth (15).

B.

An application for a license under this Chapter shall be accompanied by payment in full of the license tax due under Chapter **605** of the Code of Ordinances and annual inspection fees of three hundred sixty dollars (\$360.00) and no application shall be considered complete until such fees have been paid.

C.

All licenses under this Chapter shall be issued solely for a specific person or entity at a specific location and shall be non-refundable and non-transferable.

Section 617.050. License Application.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

A.

Sexually Oriented Business License Application. Any person desiring to secure a license to operate a sexually oriented business within the City shall submit a notarized application to the Chief of Police. Such application shall be submitted in the name of the person proposing to conduct or operate the sexually oriented business. Incomplete applications shall not be processed. All applications shall be submitted on a form supplied by the City and shall require the following information:

1.

The name, residence address, home telephone number, occupation, date and place of birth and social security number of the applicant.

2.

The name of the business, a description of the activities to be performed on the licensed premises and the name of the owner of the premises to be licensed.

3.

The names, residence addresses, social security numbers and dates of birth of all partners, if the applicant is a partnership; and if the applicant is a corporation or limited liability company, the same information for all corporate officers and directors, stockholders, managers or members who own more than ten percent (10%) or greater interest in the corporation or limited liability company, and for any other person with an influential interest in the business.

4.

The addresses of the applicant and of all partners or of all corporate officers, directors, managers, and members and other persons with an influential interest for the five (5) years immediately prior to the date of application.

5.

A description of the sexually oriented business history of the applicant and of all partners or of all corporate officers, directors, managers, and members and other persons with an influential interest; and whether any such person or entity, in previously operating such a business in this City or elsewhere, has had a business license revoked or suspended, the reason therefor and the activity or occupation subjected to such action, suspension or revocation.

6.

A statement of the business, occupation or employment history of the applicant and of all partners, or of all corporate officers and directors, managers and members and other persons with an influential interest, for the three (3) years immediately preceding the date of the application.

7.

A statement from the applicant and from each partner, corporate officer and director, manager and member, and any other person with an influential interest in the business that each such person has not been found guilty of any of the following specified offenses for which less than eight years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later:

(1) rape and sexual offenses;

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- (2) sexual offenses involving minors;
- (3) offenses involving prostitution;
- (4) obscenity offenses;
- (5) offenses involving money laundering;
- (6) offenses involving tax evasion;
- (7) any attempt, solicitation, or conspiracy to commit one of the offenses listed in items (1)-(6); or
- (8) any offense committed in another jurisdiction which if committed in Missouri would have constituted an offense listed in items (1)-(7).

8.

A full set of fingerprints and a photograph, to be taken by the Police Department, of the applicant or of all partners if the applicant is a partnership or of all corporate officers, directors, managers or members if the applicant is a corporation or other entity and all other persons with an influential interest.

9.

A certificate of good standing issued by the Missouri Secretary of State, if applicable.

10.

A statement signed under oath that the applicant has personal knowledge of the information contained in the application and that the information contained therein is true and correct and that the applicant has read the provisions of this Chapter regulating sexually oriented businesses.

B.

Adult Entertainment Manager, Server Or Entertainer License. All persons desiring to secure a license under the provisions of this Chapter to be a manager, server or adult entertainer at a sexually oriented business shall submit a notarized application to the Chief of Police. All applicants shall be submitted in the name of the person proposing to be a manager, server or adult entertainer. Incomplete applications shall not be processed. All applications shall be submitted on a form supplied by the City and shall require the following information:

1.

The applicant's name, home address, home telephone number, date and place of birth, social security number and any stage names or nicknames used in entertaining.

2.

The name and address of each sexually oriented business within the City where the applicant intends to work as a manager, server or adult entertainer and an "intent to hire" statement from a sexually oriented business that is licensed or that has applied for a license, under the provisions of this Chapter, indicating the sexually oriented business intends to hire the applicant to manage, serve or entertain on its premises.

3.

A statement from the applicant that the applicant has not been found guilty of any of the following specified offenses for which less than eight years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later:

- (1) rape and sexual offenses;
- (2) sexual offenses involving minors;
- (3) offenses involving prostitution;
- (4) obscenity offenses;
- (5) offenses involving money laundering;
- (6) offenses involving tax evasion;
- (7) any attempt, solicitation, or conspiracy to commit one of the offenses listed in items (1)-(6); or

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(8) any offense committed in another jurisdiction which if committed in Missouri would have constituted an offense listed in items (1)-(7).

4.

A full set of fingerprints and a photograph, to be taken by the Police Department, of the applicant.

5.

The applicant shall present to the Police Department which shall thereupon copy documentation that the applicant has attained the age of eighteen (18) years at the time the application is submitted.

Any of the following shall be accepted as documentation of age:

a.

A motor vehicle operator's license issued by any State bearing the applicant's photograph and date of birth;

b.

A State-issued identification card bearing the applicant's photograph and date of birth;

c.

An official and valid passport issued by the United States of America;

d.

An immigration card issued by the United States of America; or

e.

Any other form of identification deemed reliable by the Police Department.

Section 617.060. Examination of Application — Issuance of License — Disapproval.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

A.

Upon receipt of a complete application for a sexually oriented business license or a manager, server or adult entertainer license, it shall be the duty of the Chief of Police or his designee to investigate such application to determine whether the information contained in the application is accurate and whether the applicant is qualified to receive the license. The Chief of Police shall report the results of the investigation to the Finance Director not later than thirty (30) days from the date the complete application is received. If an application for a sexually oriented business license or a manager, server or adult entertainer license is in proper form and accompanied by the appropriate license fee, and if the applicant is qualified, the Chief of Police shall recommend issuance of a license by the Finance Director, who shall then issue the license.

B.

The license shall state that it is not transferable and is only in effect for the period for which it is issued. The license shall be kept posted in a conspicuous place in the place of business that is licensed or where the licensee is working, publicly visible upon entry by means of the main entrance to the premises.

C.

If an application for a license is disapproved, the applicant shall be immediately notified by the Police Chief by certified mail to the applicant's last known address and the notification shall state the basis for such disapproval.

Section 617.070. License Ineligibility and Disqualification.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

A.

No person is eligible nor shall a license be issued to:

1.

A sexually oriented business applicant if one (1) or more of the following conditions exist:

a.

The applicant failed to supply all of the information requested on the application.

b.

The applicant gave materially false, fraudulent or untruthful information on the application.

c.

The applicant or any partner, corporate officer, director, manager, and member or person with an influential interest has been found guilty of any of offenses specified in Section **617.050** for which less than eight years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later.

d.

The applicant has had a similar license revoked or suspended in this or any other political subdivision during the past five (5) years.

2.

An applicant for a manager, server or adult entertainer license if one (1) or more of the following conditions exists:

a.

The employer for whom the applicant intends to work does not have or is ineligible to receive a sexually oriented business license for any of the reasons stated in Subsection **(1)** above.

b.

The applicant has been found guilty of any of offenses specified in Section **617.050** for which less than eight years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later.

c.

The applicant failed to provide all of the information required on the application.

d.

The applicant gave materially false, fraudulent or untruthful information on the application.

e.

The applicant has had a similar license revoked or suspended in this or any other political subdivision during the past five (5) years.

Section 617.080. Standards of Conduct.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

A.

The following standards of conduct shall apply to all sexually oriented businesses, their employees, operators, and all managers, servers and adult entertainers and the patrons of sexually oriented businesses, while on or about the premises of the business:

1.

Interior restrictions.

a.

Adult entertainers shall perform at a distance of at least ten (10) feet away from any patron and shall not touch or be touched (directly or through clothing) by any patron while performing.

b.

Adult entertainers shall only perform on a fixed stage that is raised at least two (2) feet above the area on which the patron or patrons sit or stand, in a room of at least six hundred (600) square feet of floor area.

c.

No one shall be allowed on a stage during business hours besides a licensed adult entertainer, nor shall any employee other than a licensed adult entertainer appear in a semi-nude condition.

2.

Age restriction. Only persons eighteen (18) years of age or older shall be permitted on the premises of any sexually oriented business.

3.

Exterior observation. The premises of a sexually oriented business will be so constructed as to include an anteroom, foyer, partition or other physical barrier on all customer entrances and other doors that will assure that the remainder of the interior of the premises is not observable from the exterior of the building when doors are opened. In addition, all windows will be covered to prevent viewing of the interior of the building from the exterior of the building.

4.

Exterior display. No sexually oriented business will be conducted in any manner that permits the observation of live performers engaged in an erotic depiction or dance or any material or persons depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined in this Chapter, from any exterior source by display, decoration, sign, show window or other opening.

5.

Nudity prohibited. No employee, server or adult entertainer or other person at a sexually oriented business shall appear nude, unclothed, in less than opaque attire (consisting of fabric or leather, not body paint) or in any fashion that exposes to view any "specified anatomical area" as defined in this Chapter.

6.

Certain acts prohibited.

a.

No employee, manager, server or adult entertainer shall perform any "specified sexual activities" as defined in this Chapter, wear or use any device or covering exposed to view which simulates any "specified anatomical area" as defined in this Chapter, use artificial devices or inanimate objects to perform or depict any of the "specified sexual activities" as defined in this Chapter or participate in any act of prostitution.

b.

No employee, manager, server, adult entertainer or patron of a sexually oriented business shall knowingly touch, fondle or caress any "specified anatomical area" as defined in this Chapter of another person or knowingly permit another person to touch, fondle or caress any "specified anatomical area" as defined in this Chapter of such employee, server, adult entertainer or patron, whether such "specified anatomical areas" are clothed, unclothed, covered or exposed. No one in a semi-nude condition shall touch any other person or the clothing of any other person.

c.

No employee, manager, server or adult entertainer of a sexually oriented business shall be visible from the exterior of the business premises while such person is unclothed or in such attire, costume or clothing as to expose to view any "specified anatomical area" as defined in this Chapter.

d.

No adult entertainer shall solicit, demand or receive any payment or gratuity from any patron or customer for any act prohibited by this Chapter or other law and no adult entertainer shall receive any payment or gratuity from any customer for any entertainment except as follows:

(1)

While such adult entertainer is on a stage or platform, a customer or patron may place such payment or gratuity into a box affixed to the stage or platform; or

(2)

While such adult entertainer is not on a stage or platform and is clothed so as to not expose to view any "specified anatomical area" as defined in this Chapter, a customer or patron may place such payment or gratuity into the adult entertainer's hand.

e.

No owner, operator, manager or other person in charge of the premises of a sexually oriented business premises shall:

(1)

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Knowingly permit intoxicating liquor of any type to be brought upon, sold or consumed on the premises;

(2)

Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises;

(3)

Knowingly allow or permit any person under the age of eighteen (18) years of age to be in or upon the premises;

(4)

Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises; or

(5)

Knowingly allow or permit a violation of this Chapter or any other City ordinance or County, State or Federal law.

7.

Signs required. All sexually oriented businesses shall have conspicuously displayed in the common area inside the principal entrance to the premises a sign, on which uppercase letters shall be at two (2) inches high and lowercase letters shall be at least one (1) inch high, which shall reads as follows:

**THIS SEXUALLY ORIENTED BUSINESS IS REGULATED AND LICENSED BY THE
CITY OF CREVE COEUR**

No person shall engage in any type of sexual conduct or prostitution on the premises
* or fondle, caress or touch the breasts, pubic region, buttocks or genitals of any other person or permit any other person to fondle, caress or touch their breasts, pubic region, buttocks or genitals.

No person shall be nude, unclothed or in less than opaque attire, costume or clothing
* so as to expose to view any portion of the breasts below the top of the areola or any portion of the pubic region, buttocks and/or genitals.

* No person shall make or receive any payment or gratuity related to the performance of an adult entertainer, except as follows:

While the entertainer is on the stage, by placement of such payment or gratuity into a box affixed to the stage, or

While the entertainer is not on the stage but is fully clothed, by placement of such payment or gratuity into their hand.

CUSTOMERS ARE NOT PERMITTED TO BE UPON STAGE AT ANY TIME

8.

Lighting required. The premises of a sexually oriented business shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers or patrons are permitted access to an illumination of not less than one (1) foot-candle as measured at the floor level and such illumination must be maintained at all times that any customer or patron is present in or on the premises.

9.

Closed booth or room prohibited. The premises of a sexually oriented business shall be physically arranged in such manner that the entire interior portions of any booths, cubicles, rooms or stalls are visible from a common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes or any other obstruction whatsoever. In addition, all requirements of State law must be met (see for example Section 573.531.6 RSMo.).

10.

Ventilation and sanitation requirements. The premises of a sexually oriented business shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in a sanitary condition. No adult media shall be displayed in restrooms.

11.

Hours of operation. A sexually oriented business may only be open for business or in use by customers between 11:00 A.M. and 11:00 P.M. on any day besides a Sunday. A sexually oriented business shall not be open for business or in use by customers at any other times.

12.

Breast-feeding. Consistent with Section 191.918 RSMo., notwithstanding any other provision of this Chapter, a mother may with discretion breast-feed her child or express breast milk in any public or private place where the mother is otherwise authorized to be, and such conduct shall not constitute sexual conduct or sexual contact or be considered indecent or otherwise prohibited or restricted.

Section 617.090. Manager On Premises.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

A.

A licensed manager shall be on duty at a sexually oriented business at all times the premises is open to the public. The name of the manager on duty shall be prominently posted so as to be publicly visible upon entering the main entrance during business hours.

B.

It shall be the responsibility of the manager to verify that any person who works as an adult entertainer or as a server within the premises possesses a current and valid adult entertainer's license or server's license and that all required licenses are prominently posted as required by ordinance.

Section 617.100. Inspector and Inspections.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

All sexually oriented businesses shall permit representatives of the Police Department or any other City Official acting in their official capacity to inspect portions of the premises accessible to the public on a monthly basis to insure the business is complying with all applicable regulations and laws.

Section 617.110. Suspension, Revocation or Non-Renewal — License.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

A.

The Police Chief shall notify the Finance Director whenever the Police Chief has information that:

1.

The owner or operator of a licensed sexually oriented business or a holder of a manager, server or adult entertainer license has violated or knowingly allowed or permitted the violation of any of the provisions of the City Code; or

2.

There have been recurrent violations of provisions of this Chapter that have occurred under such circumstances that the owner or operator of a sexually oriented business knew or should have known that such violations were committed; or

3.

A sexually oriented business license or manager, server or adult entertainer license was obtained through false statements in the application for such license or renewal thereof; or

4.

AMENDED BILL NO. 5606

ORDINANCE NO. _____

A sexually oriented business licensee or a manager, server or adult entertainer licensee failed to make a complete disclosure of all information in the application for such license or renewal thereof; or

5.

The owner or operator or any partner or any corporate officer or director, member or manager or other person with an influential interest of an entity holding a sexually oriented business license has become disqualified from having a license by a conviction as provided in this Chapter; or

6.

The holder of a manager, server or adult entertainer license has become disqualified from having a license by a conviction as provided in this Chapter.

B. Upon receipt of such notice from the Police Chief, the Finance

Director shall conduct a public hearing upon reasonable notice to determine whether the license should be suspended or revoked. Based on the evidence produced at the hearing, the Finance Director may take any of the following actions:

1.

Suspend the license for up to ninety (90) days.

2.

Revoke the license for the remainder of the license year.

3.

Place the license holder on administrative probation for a period of up to one (1) year, on the condition that no further violations of this Chapter occur during the period of probation. If after a hearing upon reasonable notice it is determined that another violation has occurred, the license will be revoked for the remainder of the license year.

4.

Any action authorized in the City Code not inconsistent with this Section.

Section 617.120. License Renewal.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

A.

A license may be renewed by making an application for renewal pursuant to Section 617.050 to the Police Chief. Licenses shall expire on March fifteenth (15th) of each calendar year and renewal applications for such licenses shall be submitted to the Police Chief by the preceding February fifteenth (15th) of each license year to avoid a gap in licensing.

B.

Upon timely application and review as provided for a new license, a license issued under the provisions of this Chapter shall be renewed by issuance of a new license in the manner provided in this Chapter.

C.

If the application for renewal of a license is not made during the time otherwise provided in the Creve Coeur Municipal Code, a new application shall be required.

Section 617.130. Review.

[Ord. No. 5132 §1, 4-26-2010; Ord. No. 5167 §1, 12-13-2010]

Following the entry of an order suspending or revoking a license issued pursuant to this Chapter or disapproving the application or renewal application for a license, such licensee or applicant may seek review in a manner provided by law.

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

ADOPTED THIS 8th DAY OF August, 2016.

AMENDED BILL NO. 5606

ORDINANCE NO. _____

ELLEN LAWRENCE
PRESIDENT OF CITY COUNCIL

APPROVED THIS 8th DAY OF August, 2016

BARRY GLANTZ, MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



city of CREVE COEUR

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

MEMO TO CITY ADMINISTRATOR AND CITY COUNCIL

Meeting Date: July 25, 2016

Subject: Ordinance Amending Chapter 617 Regarding Sexually Oriented Businesses

Memo Prepared by: Jason W. Jaggi, AICP, Director of Community Development

Attachments: Draft Amended Ordinance, Chapter 617

The attached amendment reflects changes in the City's ordinances for parallel conformance with recent changes to state law regarding the regulation of sexually oriented businesses. The amendment also clarifies that clothing must be fully opaque and of fabric material and that body paint does not constitute sufficient covering.

Chapter 617 regulates the standards of conduct and licensing requirements for sexually oriented businesses. The following is a summary of the changes to this Chapter as found in the attached amended ordinance:

- The definitions specific to these uses have been modified or new definitions have been added to reflect changes in terminology at the state level. (Pages 1-6)
- The definition of the phrase "Semi-Nude or State of Semi-Nudity" has been revised to specify coverage other than opaque fabric constitutes a "showing" and that body paint does not qualify as a fabric material for the purposes of these regulations. (Page 4)
- Revises the list of specified offenses that would disqualify an individual from obtaining a license to operate if previously found guilty within the past 8 years within the Sexually Oriented Business License Application requirements section. (Page 8)
- Revises the list of specified offenses that would disqualify an individual from obtaining a license to operate if previously found guilty within the past 8 years within the Adult Entertainment Manager, Server, or Entertainer Licensing section. (Page 9)
- Declares an applicant disqualified to obtain a license if convicted of specified offenses enumerated in prior sections. (Page 11)
- Revises the Standards of Conduct section to emphasize the prohibition of employees to appear in a semi-nude state with less than fully opaque fabric covering and specifying body paint is not considered fabric covering. (Pages 12 and 13)
- Exempts breast-feeding as a prohibited act in conformance with state law. (Page 14)

In addition to the above changes, the ordinance proposes several minor edits to clarify existing language.

The Planning and Zoning Commission held a public hearing on a text amendment application to Chapter 405, Section 405.120 of the Zoning Code on July 18, 2016 which involved similar revisions. The Planning Commission voted unanimously to recommend approval of the amendment which is also on the agenda.



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

Meeting: 08/08/16 07:00 PM
Department: Legislative /City Clerk
Category: Agreement
Prepared By: Debbie Ryan
Department Head: Debbie Ryan

SCHEDULED

ORDINANCE

**Bill No. 5607 - an Ordinance Further Amending Ordinance
5469 Regarding Adoption of Restatements of City Defined
Contribution Plans. Second Reading**

This corrects inadvertent error in ordinance bringing the city's plans into IRS compliance.

Ordinance

Meeting of August 8, 2016

BILL NO. 5607

ORDINANCE NO. _____

**AN ORDINANCE FURTHER AMENDING ORDINANCE 5469
REGARDING ADOPTION OF RESTATEMENTS OF CITY DEFINED
CONTRIBUTION PLANS.**

WHEREAS, in 2006 the City established a defined contribution plan (106148) for eligible employees hired on and after June 1, 2006; and

WHEREAS, the foregoing plan allows the City to amend the plan from time to time; and

WHEREAS, the City Council determined that it was in the best interests of the City and its employees to adopt a restated plan to meet IRS requirements; and

WHEREAS, the City adopted the restated plan by enacting Ordinance 5469, which was amended by Ordinance 5476; and

WHEREAS, the City has discovered an inadvertent error in the approved document for Plan 106148 and hereby corrects that error; and

WHEREAS, the City is not substantially changing benefits and, therefore, Section 105.675 R.S.Mo. does not require a statement of cost;

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

Section 1. Ordinance No. 5469 is hereby retroactively corrected and amended to replace the previous attachment with the Adoption Agreement for the restated Creve Coeur, MO 2006 Employees' Money Purchase Plan and Trust Adoption Agreement (Plan 106148) attached hereto, which is hereby approved, ratified and confirmed. The City Administrator and City Clerk are hereby authorized to sign the Adoption Agreement on behalf of the City and to otherwise implement this Ordinance. The City Administrator is hereby directed to continue to implement the Plan, including as hereby restated.

Section 2. The City Administrator is hereby authorized to take any and all actions required to implement the foregoing approvals, including any minor changes in documentation consistent herewith. Further, all prior actions taken by the City Administrator consistent herewith are hereby ratified. This Ordinance shall become effective pursuant to Section 3.11(G) of the City Charter.

ADOPTED THIS 8th DAY OF August, 2016.

ELLEN LAWRENCE
PRESIDENT OF CITY COUNCIL

APPROVED THIS 8th DAY OF August, 2016.

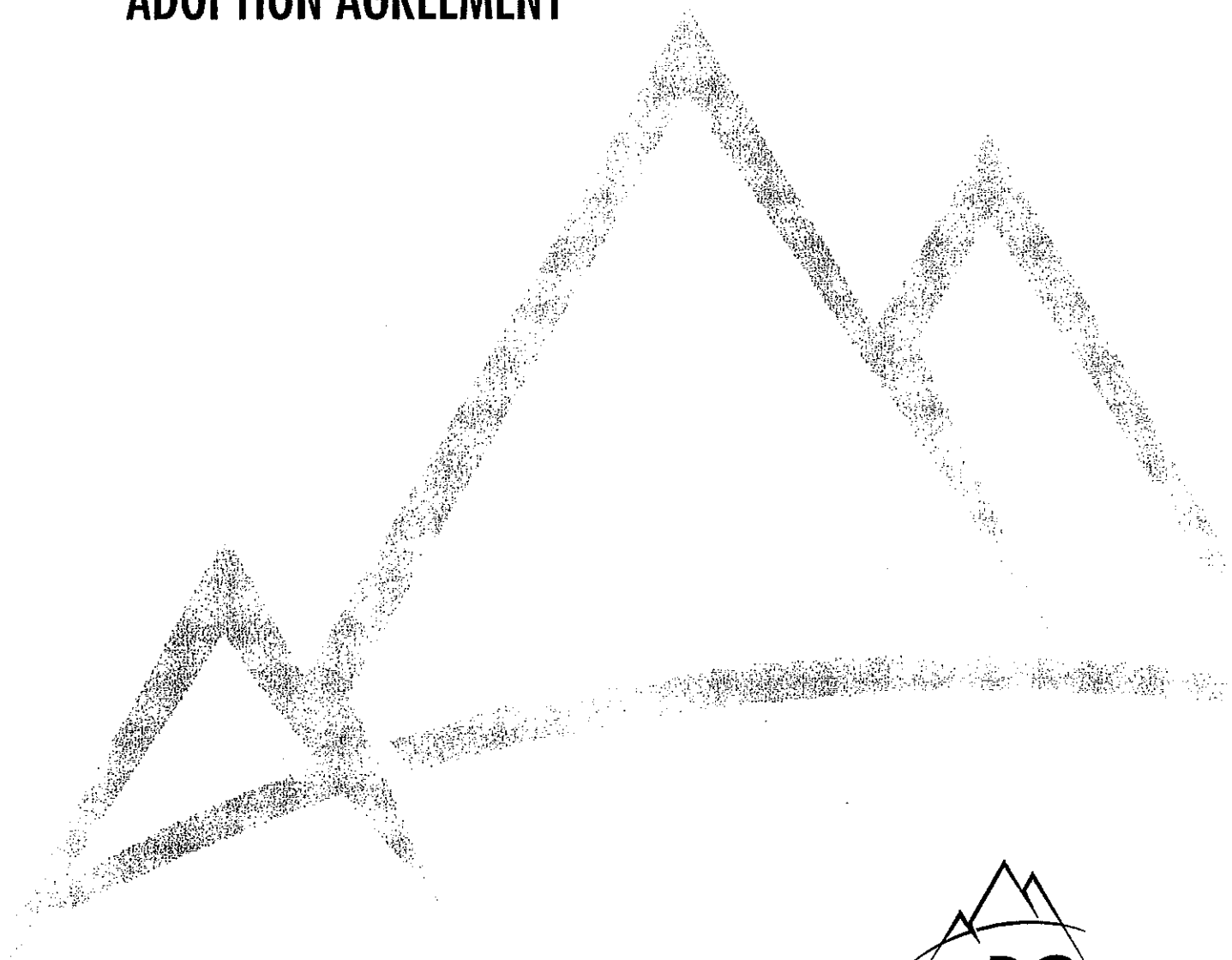
BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

ICMA RETIREMENT CORPORATION

GOVERNMENTAL MONEY PURCHASE PLAN & TRUST ADOPTION AGREEMENT



**ICMA RETIREMENT CORPORATION
GOVERNMENTAL MONEY PURCHASE PLAN & TRUST
ADOPTION AGREEMENT**

Plan Number 106148 _____

The Employer hereby establishes a Money Purchase Plan and Trust to be known as Creve Coeur MO 2006 Employee's Money Purchase Plan (the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust. _____ and Trust

This Plan is an amendment and restatement of an existing defined contribution money purchase plan.

☒ Yes

☐ No

If yes, please specify the name of the defined contribution money purchase plan which this Plan hereby amends and restates:

Creve Coeur MO 2006 Employee's Money Purchase Plan and Trust

I. Employer: CITY OF CREVE COEUR

II. Effective Dates

- ☒ 1. **Effective Date of Restatement.** If this document is a restatement of an existing plan, the effective date of the Plan shall be January 1, 2007 unless an alternate effective date is hereby specified: _____

(Note: An alternate effective date can be no earlier than January 1, 2007.)

- ☐ 2. **Effective Date of New Plan.** If this is a new Plan, the effective date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified: _____

3. **Special Effective Dates.** Please note here any elections in the Adoption Agreement with an effective date that is different from that noted in 1. or 2. above.

(Note provision and effective date.)

III. Plan Year will mean:

- ☒ The twelve (12) consecutive month period which coincides with the limitation year. (See Section 5.03(f) of the Plan.)

- ☐ The twelve (12) consecutive month period commencing on _____ and each anniversary thereof.

IV. Normal Retirement Age shall be age 55.0 (not to exceed age 65).

Important Note to Employers: Normal Retirement Age is significant for determining the earliest date at which the Plan may allow for in-service distributions. Normal Retirement Age also defines the latest date at which a Participant must have a fully vested right to his/her Account. There are IRS rules that limit the age that may be specified as the Plan's Normal Retirement Age. The Normal Retirement Age cannot be earlier than what is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed. An age under 55 is presumed not to satisfy this requirement, unless the Commissioner of Internal Revenue determines that the facts and circumstances show otherwise.

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good faith, reasonable determination will generally be given deference. A special rule, however, applies in the case of a plan where substantially all of the participants in the plan are qualified public safety employees within the meaning of section 72(t)(10)(B) of the Code, in which case an age of 50 or later is deemed not to be earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed.

V. ELIGIBILITY REQUIREMENTS

1. The following group or groups of Employees are eligible to participate in the Plan:

- ☐ All Employees
- ☐ All Full Time Employees
- ☐ Salaried Employees
- ☐ Non union Employees
- ☐ Management Employees
- ☐ Public Safety Employees
- ☐ General Employees
- ☒ Other Employees (Specify the group(s) of eligible employees below. Do not specify employees by name. Specific positions are acceptable.) All Full-Time Employees whose initial employment begins on or after the Effective Date (6-1-2006), except the City Administrator shall not be eligible to participate in the Plan.

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer. The eligibility requirements cannot be such that an Employee becomes eligible only in the Plan Year in which the Employee terminates employment. Note: As stated in Sections 4.07 and 4.08, the Plan may, however, provide that Final Pay Contributions or Accrued Leave Contributions are the only contributions made under the Plan.

- ~~2. The Employer hereby waives or reduces the requirement of a twelve (12) month Period of Service for participation. The required Period of Service shall be (write N/A if an Employee is eligible to participate upon employment) N/A.~~

~~If this waiver or reduction is elected, it shall apply to all Employees within the Covered Employment Classification.~~

3. A minimum age requirement is hereby specified for eligibility to participate. The minimum age requirement is N/A (not to exceed age 21. Write N/A if no minimum age is declared.)

VI. CONTRIBUTION PROVISIONS SEE ATTACHED REGARDING V1-3

1. **The Employer shall contribute as follows:** (Choose all that apply, but at least one of Options A or B. If Option A is not selected, Employer must pick up Participant Contributions under Option B.)

Fixed Employer Contributions With or Without Mandatory Participant Contributions. (If Option B is chosen, please complete section C.)

- ☐ A. Employer Contributions. The Employer shall contribute on behalf of each Participant _____ % of Earnings or \$ _____ for the Plan Year (subject to the limitations of Article V of the Plan).

Mandatory Participant Contributions

- ☐ are required ☐ are not required

to be eligible for this Employer Contribution.

- ☐ B. Mandatory Participant Contributions for Plan Participation.

Required Mandatory Contributions. A Participant is required to contribute (subject to the limitations of Article V of the Plan) the specified amounts designated in items (i) through (iii) of the Contribution Schedule below:

- ☐ Yes ☐ No

Employee Opt-In Mandatory Contributions. Each Employee eligible to participate in the Plan shall be given the opportunity to irrevocably elect to participate in the Mandatory Participant Contribution portion of the Plan by electing to contribute the specified amounts designated in items (i) through (iii) of the Contribution Schedule below for each Plan Year (subject to the limitations of Article V of the Plan):

☐ Yes ☐ No

Contribution Schedule.

- (i) _____ % of Earnings,
 (ii) \$ _____, or
 (iii) a whole percentage of Earnings between the range of _____ (insert range of percentages between 1% and 20% inclusive (e.g., 3%, 6%, or 20%; 5% to 7%)), as designated by the Employee in accordance with guidelines and procedures established by the Employer for the Plan Year as a condition of participation in the Plan. A Participant must pick a single percentage and shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

Employer "Pick up". The Employer hereby elects to "pick up" the Mandatory Participant Contributions¹ (pick up is required if Option A is not selected).

☐ Yes ☐ No ("Yes" is the default provision under the Plan if no selection is made.)

☐ C. Election Window (Complete if Option B is selected):

Newly eligible Employees shall be provided an election window of _____ days (no more than 60 calendar days) from the date of initial eligibility during which they may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Participation in the Mandatory Participant Contribution portion of the Plan shall begin the first of the month following the end of the election window.

An Employee's election is irrevocable and shall remain in force until the Employee terminates employment or ceases to be eligible to participate in the Plan. In the event of re-employment to an eligible position, the Employee's original election will resume. In no event does the Employee have the option of receiving the pick-up contribution amount directly.

2. The Employer may also elect to contribute as follows:

- ☐ A. Fixed Employer Match of Voluntary After-Tax Participant Contributions. The Employer shall contribute on behalf of each Participant _____ % of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has contributed _____ % of Earnings or \$ _____. Under this option, there is a single, fixed rate of Employer contributions, but a Participant may decline to make the required Participant contributions in any Plan Year, in which case no Employer contribution will be made on the Participant's behalf in that Plan Year.

- ☐ B. Variable Employer Match of Voluntary After-Tax Participant Contributions. The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):

_____ % of the Voluntary Participant Contributions made by the Participant for the Plan Year (not including Participant contributions exceeding _____ % of Earnings or \$ _____);

¹ Neither an IRS advisory letter nor a determination letter issued to an adopting Employer is a ruling by the Internal Revenue Service that Participant contributions that are "picked up" by the Employer are not includable in the Participant's gross income for federal income tax purposes. Pick-up contributions are not mandated to receive private letter rulings; however, if an adopting employer wishes to receive a ruling on pick-up contributions they may request one in accordance with Revenue Procedure 2012-4 (or subsequent guidance).

PLUS _____% of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Voluntary Participant Contributions exceeding in the aggregate _____% of Earnings or \$ _____).

Employer Matching Contributions on behalf of a Participant for a Plan Year shall not exceed \$ _____ or _____% of Earnings, whichever is _____ more or _____ less.

3. Each Participant may make a voluntary (unmatched), after tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan:

☐ Yes ☐ No ("No" is the default provision under the Plan if no selection is made.)

4. Employer contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

SEMI-MONTHLY

5. Participant contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

SEMI-MONTHLY

6. In the case of a Participant performing qualified military service (as defined in Code section 414(u)) with respect to the Employer:

- A. Plan contributions will be made based on differential wage payments:

☒ Yes ☐ No ("Yes" is the default provision under the Plan if no selection is made.)

If yes is selected, this is effective beginning January 1, 2009 unless another later effective date is filled in here:

- B. Participants who die or become disabled will receive Plan contributions with respect to such service:

☐ Yes ☒ No ("No" is the default provision under the Plan if no selection is made.)

If yes is selected, this is effective for participants who died or became disabled while performing qualified military service on or after January 1, 2007, unless another later effective date is filled in here:

VII. EARNINGS

Earnings, as defined under Section 2.09 of the Plan, shall include:

1. Overtime

☐ Yes☒ No

2. Bonuses

☐ Yes☒ No

3. Other Pay (specifically describe any other types of pay to be included below)

Note, earnings do not include commissions, expense allowance, pay-in-lieu of vacation, field training pay, acting pay, comp time paid or other similar items.

VIII. ROLLOVER PROVISIONS

1. The Employer will permit rollover contributions in accordance with Section 4.12 of the Plan:

☒ Yes☐ No ("Yes" is the default provision under the Plan if no selection is made.)2. Direct rollovers by non-spouse beneficiaries are effective for distributions after 2006 unless the Plan delayed making them available. If the Plan delayed making such rollovers available, check the box below and indicate the later effective date in the space provided.☐ Effective Date is _____.

(Note: Plans must offer direct rollovers by non-spouse beneficiaries no later than plan years beginning after December 31, 2009.)

IX. LIMITATION ON ALLOCATIONS

If the Employer maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Section 5.02 of the Plan).

1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, the provisions of Section 5.02(a) through (e) of the Plan will apply unless another method has been indicated below.

☐ Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any excess amounts, in a manner that precludes Employer discretion.)

2. The Limitation Year is the following 12 consecutive month period: Calendar year

3. Unless the Employer elects a delayed effective date below, Article 5 of the Plan will apply to limitations years beginning on or after July 1, 2007. _____

(The effective date listed cannot be later than 90 days after the close of the first regular legislative session of the legislative body with authority to amend the plan that begins on or after July 1, 2007.)

X. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the minimum vesting requirements and (2) the concurrence of the Plan Administrator. (For the blanks below, enter the applicable percent – from 0 to 100 (with no entry after the year in which 100% is entered), in ascending order.)

Period of Service Completed	Percent Vested
Zero	0 %
One	0 %
Two	20 %
Three	40 %
Four	60 %
Five	80 %
Six	100 %
Seven	100 %
Eight	100 %
Nine	100 %
Ten	100 %

XI. WITHDRAWALS AND LOANS

- In-service distributions are permitted under the Plan after a participant attains (select one of the below options):
 - ☐ Normal Retirement Age
 - ☒ Age 70½ (*"70½" is the default provision under the Plan if no selection is made.*)
 - ☐ Alternate age (after Normal Retirement Age): _____
 - ☐ Not permitted at any age
- A Participant shall be deemed to have a severance from employment solely for purposes of eligibility to receive distributions from the Plan during any period the individual is performing service in the uniformed services for more than 30 days.
 - ☐ Yes
 - ☒ No (*"Yes" is the default provision under the plan if no selection is made.*)
- Tax-free distributions of up to \$3,000 for the direct payment of qualifying insurance premiums for eligible retired public safety officers are available under the Plan.
 - ☐ Yes
 - ☒ No (*"No" is the default provision under the Plan if no selection is made.*)
- In-service distributions of the Rollover Account are permitted under the Plan, as provided in Section 9.07.
 - ☐ Yes
 - ☒ No (*"No" is the default provision under the Plan if no selection is made.*)
- Loans are permitted under the Plan, as provided in Article XIII of the Plan:
 - ☐ Yes
 - ☒ No (*"No" is the default provision under the Plan if no selection is made.*)

XII. SPOUSAL PROTECTION

The Plan will provide the following level of spousal protection (select one):

- ☐ 1. Participant Directed Election. The normal form of payment of benefits under the Plan is a lump sum. The Participant can name any person(s) as the Beneficiary of the Plan, with no spousal consent required.
- ☒ 2. Beneficiary Spousal Consent Election (Article XII). The normal form of payment of benefits under the Plan is a lump sum. Upon death, the surviving spouse is the Beneficiary, unless he or she consents to the Participant's naming another Beneficiary. (*"Beneficiary Spousal Consent Election" is the default provision under the Plan if no selection is made.*)
- ☐ 3. QJSA Election (Article XVII). The normal form of payment of benefits under the Plan is a 50% qualified joint and survivor annuity with the spouse (or life annuity, if single). In the event of the Participant's death prior to commencing payments, the spouse will receive an annuity for his or her lifetime. (If C is selected, the spousal consent requirements in Article XII also will apply.)

XIII. FINAL PAY CONTRIBUTIONS

The Plan will provide for Final Pay Contributions if either 1 or 2 below is selected.

The following group of Employees shall be eligible for Final Pay Contributions:

- ☐ All Eligible Employees
- ☐ Other: _____

Final Pay shall be defined as (select one):

- ☐ A. Accrued unpaid vacation
- ☐ B. Accrued unpaid sick leave
- ☐ C. Accrued unpaid vacation and sick leave
- ☐ D. Other (*insert definition of Final Pay – must be leave that Employee would have been able to use if employment had continued and must be bona fide vacation and/or sick leave*):

- ☐ 1. **Employer Final Pay Contribution.** The Employer shall contribute on behalf of each Participant _____ % of Final Pay to the Plan (subject to the limitations of Article V of the Plan).
- ☐ 2. **Employee Designated Final Pay Contribution.** Each Employee eligible to participate in the Plan shall be given the opportunity at enrollment to irrevocably elect to contribute _____ % (insert fixed percentage of final pay to be contributed) or up to _____ % (insert maximum percentage of final pay to be contributed) of Final Pay to the Plan (subject to the limitations of Article V of the Plan).

Once elected, an Employee's election shall remain in force and may not be revised or revoked.

XIV. ACCRUED LEAVE CONTRIBUTIONS

The Plan will provide for accrued unpaid leave contributions annually if either 1 or 2 is selected below.

The following group of Employees shall be eligible for Accrued Leave Contributions:

☐ All Eligible Employees

☐ Other: _____

Accrued Leave shall be defined as (select one):

☐ A. Accrued unpaid vacation

☐ B. Accrued unpaid sick leave

☐ C. Accrued unpaid vacation and sick leave

☐ D. Other (insert definition of accrued leave that is bona fide vacation and/or sick leave):

☐ 1. **Employer Accrued Leave Contribution.** The Employer shall contribute as follows (choose one of the following options):

☐ For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant the unused Accrued Leave in excess of _____ (insert number of hours/days/weeks (circle one)) to the Plan (subject to the limitations of Article V of the Plan).

☐ For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant _____ % of unused Accrued Leave to the Plan (subject to the limitations of Article V of the Plan).

☐ 2. **Employee Designated Accrued Leave Contribution.**

Each eligible Participant shall be given the opportunity at enrollment to irrevocably elect to contribute _____ % (insert fixed percentage of accrued unpaid leave to be contributed) or up to _____ % (insert maximum percentage of accrued unpaid leave to be contributed) of Accrued Leave to the Plan (subject to the limitations of Article V of the Plan). Once elected, an Employee's election shall remain in force and may not be revised or revoked.

XV. The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

XVI. The Employer understands that this Adoption Agreement is to be used with only the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust. This ICMA Retirement Corporation Governmental Money Purchase Plan and Trust is a restatement of a previous plan, which was submitted to the Internal Revenue Service for approval on April 2, 2012, and received approval on March 31, 2014.

The Plan Administrator hereby agrees to inform the Employer of any amendments to the Plan made pursuant to Section 14.05 of the Plan or of the discontinuance or abandonment of the Plan. The Employer understands that an amendment(s) made pursuant to Section 14.05 of the Plan will become effective within 30 days of notice of the amendment(s) unless the Employer notifies the Plan Administrator, in writing, that it disapproves of the amendment(s). If the Employer so disapproves, the Plan Administrator will be under no obligation to act as Administrator under the Plan.

XVII. The Employer hereby appoints the ICMA Retirement Corporation as the Plan Administrator pursuant to the terms and conditions of the ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN & TRUST.

The Employer hereby agrees to the provisions of the Plan and Trust.

XVIII. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

XIX. An adopting Employer may rely on an advisory letter issued by the Internal Revenue Service as evidence that the Plan is qualified under section 401 of the Internal Revenue Code to the extent provided in applicable IRS revenue procedures and other official guidance.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on this _____ day of _____, 20_____.

EMPLOYER

ICMA RETIREMENT CORPORATION
777 North Capitol St., NE Suite 600
Washington, DC 20002
800-326-7272

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____

Attest: _____

Attest: _____

UPDATED ATTACHMENT TO THE
CITY OF CREVE COEUR GOVERNMENT MONEY PURCHASE PLAN
AND TRUST ADOPTION AGREEMENT

PLAN 106148

Aug. 2013 (ORD. 5322)

Section VI.1. Fixed Employer Contributions With or Without Mandatory Participant Contributions.

*A1. During the first six years of service, the Employer shall contribute on behalf of each Participant 8% of Earnings for the Plan Year (subject to the limitations of Article V of the Plan). **Mandatory Participant Contributions.***

- ☐ are required
☒ are not required

to be eligible for this Employer Contributions.

*A2. After six years of service, the Employer shall contribute on behalf of each participant 8 or 9% of Earnings for the Plan Year. (subject to the limitations of Article V of the Plan). **Mandatory Participant Contributions.***

- ☒ are required
☐ are not required

to be eligible for total Employer Contributions of 9%, Absent such mandatory participant contributions, the Employer Contribution shall remain 8%.

B.

"Notwithstanding Section 4.03 of the Plan, each Employee eligible to participate in the Plan shall be given the opportunity to **irrevocably** elect to participate in the Mandatory Participant Contribution portion of the Plan by electing to contribute 0% to 2% of the Employee's Earnings to the Plan for each Plan Year (subject to the limitations of Article V of the Plan). The Employer shall "pick up" this contribution in accordance with Code section 414(h)(2). These contributions shall be accounted for in the Participant Contribution Account, and shall be nonforfeitable by the Participant at all times.

"Eligible Employees hired after November 1, 2008 shall be provided an election window of 60 days after completion of one year of service during which they may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Eligible Employees hired on or before November 1, 2008 shall be provided an election window of 60 days from November 1, 2009 during which they

may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Participation in Mandatory Participant Contribution portion of the Plan shall begin the first day of the first month after the Employee has completed six years of service.

"If the Employee does not make an election during the applicable election window, the election to participate in the Mandatory participant Contribution portion of the Plan may not be made in a later year.

"An Employee's election is irrevocable and shall remain in force until termination of employment or cessation of eligibility for participation in the Plan. In the event of re-employment to an eligible position, the Employee's original election will resume. In no event does the Employee have the option of receiving the pick-up contribution amount directly."

Section VI.2. Each Participant may make a voluntary (unmatched), after-tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan.

☐ Yes

☒ No

Section VI.3. Employer contributions and Participant contributions shall be contributed to the Trust in accordance with the following payment schedule.

Twice monthly

Eligible Participant is defined as:

☒ All Participants,

☐ Participants within __ (insert number) years of Normal Retirement Age, or

may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Participation in Mandatory Participant Contribution portion of the Plan shall begin the first day of the first month after the Employee has completed six years of service.

“If the Employee does not make an election during the applicable election window, the election to participate in the Mandatory participant Contribution portion of the Plan may not be made in a later year.

“An Employee’s election is irrevocable and shall remain in force until termination of employment or cessation of eligibility for participation in the Plan. In the event of re-employment to an eligible position, the Employee’s original election will resume. In no event does the Employee have the option of receiving the pick-up contribution amount directly.”

Section VI.2. Each Participant may make a voluntary (unmatched), after-tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan.

☐ Yes ☒ No

Section VI.3. Employer contributions and Participant contributions shall be contributed to the Trust in accordance with the following payment schedule.

Twice monthly

Eligible Participant is defined as:

- ☒ All Participants,
- ☐ Participants within __ (insert number) years of Normal Retirement Age, or



ICMA RETIREMENT CORPORATION
777 NORTH CAPITOL STREET, NE | WASHINGTON, DC 20002-4240
800-669-7400
WWW.ICMARC.ORG
BRC000-214-21268-201405-W1303



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

Meeting: 08/08/16 07:00 PM
Department: City Administrator
Category: New Business
Prepared By: Mark Perkins
Department Head: Carl Lumley

SCHEDULED

ORDINANCE

Bill No. 5608 - an Ordinance Calling an Election in the City of Creve Coeur, Missouri, on the Question of Issuing General Obligation Bonds for the Purpose of Constructing, Furnishing and Equipping a New Police Station on the Current Government Center Property and Making Safety, Security and Accessibility Renovations to the Existing Building, and Accordingly Increasing Tangible Property Taxes to Retire Such Bonds Within Twenty Years from Issuance. First Reading

The proposed bill will place Proposition P on the November 8 ballot, seeking approval of \$10.69 million in General Obligation Bonds for a new Police Station and related improvements. Proposition P is the culmination of more than two years of study by the citizens' Needs Assessment Task Force, the City Council, and City staff. The Task Force reviewed numerous options before determining that building a new Police Station on the existing Government Center property is the best course of action to ensure a continuation of high quality police services well into the future.

Ordinance

Meeting of August 8, 2016

BILL NO. 5608

ORDINANCE NO. _____

AN ORDINANCE CALLING AN ELECTION IN THE CITY OF CREVE COEUR, MISSOURI, ON THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS FOR THE PURPOSE OF CONSTRUCTING, FURNISHING AND EQUIPPING A NEW POLICE STATION ON THE CURRENT GOVERNMENT CENTER PROPERTY AND MAKING SAFETY, SECURITY AND ACCESSIBILITY RENOVATIONS TO THE EXISTING BUILDING, AND ACCORDINGLY INCREASING TANGIBLE PROPERTY TAXES TO RETIRE SUCH BONDS WITHIN TWENTY YEARS FROM ISSUANCE.

WHEREAS, the City Council hired Bond Architects, Inc. to assess the ability of current buildings to meet the needs of the City; and

WHEREAS, the City Council also appointed a citizen committee, the Government Center Assessment Task Force, to oversee the evaluation process and provide recommendations to the City Council; and

WHEREAS, the Government Center Assessment Task Force and Bond Architects, Inc. issued a final report in May 2014 recommending the construction, furnishing and equipping of a new police station on the current government center property and making safety, security and accessibility renovations to the existing building (the "Project"); and

WHEREAS, the Project would among other things address the need for an improved police emergency operations center, multiple safety, security and accessibility concerns, space shortages for training, meeting, office and storage, plumbing deficiencies and unsafe parking and traffic circulation conflicts; and

WHEREAS, the City Administrator and Chief of Police have recommended that the City proceed with the Project; and

WHEREAS, by separate action the City Council has engaged bond counsel to assist in the issuance of such bonds to fund the Project and has received their counsel and advice regarding this Ordinance; and

WHEREAS, based on the foregoing recommendations and its own analysis the City Council finds it necessary and hereby declares its intent to borrow up to \$10,690,000 for the purpose of undertaking and completing the Project and to evidence such borrowing by the issuance of general obligation bonds of the City in accordance with applicable law in the maximum amount of \$10,690,000, with a corresponding tangible property tax increase to retire such debt within 20 years (the "Bonds"); and

WHEREAS, the City Council has also determined that it is necessary and appropriate that certain expenses regarding the Project incurred prior to the election and subsequent Bond issuance be reimbursed from the proceeds of the Bonds, in the event of voter approval of the Bonds; and

WHEREAS, the bond issue is expected to result in an increase of \$61 in property taxes annually on a house with a market value of \$400,000;

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

BILL NO. 5608

ORDINANCE NO. _____

Section 1. An election is hereby ordered to be held in the City on November 8, 2016, on the following proposition:

PROPOSITION P

Shall the City of Creve Coeur, Missouri, issue its general obligation bonds in an amount up to \$10,690,000 for the purpose of constructing, furnishing and equipping a new police station on the current government center property and making safety, security and accessibility renovations to the existing building?

The authorization of the bonds (the "Bonds") will authorize the levy and collection of an annual tax in addition to the other taxes provided for by law on all taxable tangible property in the City sufficient to pay the interest and principal of the Bonds as they fall due and to retire the same within twenty years from the date thereof.

Section 2. The form of the Notice of Bond Election for said election, a copy of which is attached hereto as **Exhibit A** and made a part hereof, is hereby approved.

Section 3. The City Clerk is hereby authorized and directed to notify the Board of Election Commissioners of St. Louis County, Missouri, of the adoption of this Ordinance no later than 5:00 p.m. on August 30, 2016, and to include in said notification all of the terms and provisions required by law.

Section 4. The City has previously made and expects to continue to make expenditures on and after the date of adoption of this Ordinance in connection with the Project, and the City intends to reimburse itself for such expenditures with the proceeds of the Bonds, including but not limited to such expenditures incurred within 60 days prior to the date of this Ordinance. The maximum principal amount of Bonds expected to be issued for the Project is \$10,690,000.

Section 5. The City Council hereby authorizes and empowers the officers and representatives of the City to take all such acts and to execute, acknowledge and deliver all such documents as may in their discretion be determined to be necessary or desirable in order to carry out or comply with the terms and provisions of this Ordinance, including but not limited to submittal of election documents as provided herein with such final changes consistent herewith as may be necessary and proper, the conduct of such election, the issuance of such Bonds upon voter approval, the related adjustment of tax rates, and the payment of related expenses as provided herein. All of the acts and undertakings of such officers and representatives which are in conformity with the intent and purpose of this Ordinance whether heretofore or hereafter taken or done shall be and the same are hereby in all respects ratified, confirmed and approved.

Section 6. This Ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2016.

BILL NO. 5608

ORDINANCE NO. _____

ELLEN LAWRENCE
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2016

BARRY GLANTZ, MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

BILL NO. 5608

ORDINANCE NO. _____

EXHIBIT A**NOTICE OF BOND ELECTION
CITY OF CREVE COEUR, MISSOURI**

Notice is hereby given to the qualified voters of the City of Creve Coeur, Missouri (the "City"), that the City Council of the City has called an election to be held in the City on November 8, 2016, commencing at 6:00 a.m. and closing at 7:00 p.m., on the proposition contained in the following sample ballot:

**OFFICIAL BALLOT
MUNICIPAL ELECTION
CITY OF CREVE COEUR, MISSOURI****November 8, 2016****PROPOSITION P**

Shall the City of Creve Coeur, Missouri, issue its general obligation bonds in an amount up to \$10,690,000 for the purpose of constructing, furnishing and equipping a new police station on the current government center property and making safety, security and accessibility renovations to the existing building?

YES ☐
NO ☐

INSTRUCTIONS TO VOTERS: If you are in favor of the proposition, place an X in the box opposite "YES." If you are opposed to the proposition, place an X in the box opposite "NO."

The election will be held at the following polling places in the City:

PRECINCT**POLLING PLACE**

DATED: _____, 2016.

Board of Election Commissioners
of St. Louis County, Missouri



CITY OF CREVE COEUR

August 3, 2016

To: Mayor and City Council

Re: Proposition P – Ballot Measure for November 8

The City Attorney has prepared an ordinance placing Proposition P on the November 8, 2016 ballot for voter consideration. The ballot question will read as follows:

Shall the City of Creve Coeur, Missouri, issue its general obligation bonds in an amount up to \$10,690,000 for the purpose of constructing, furnishing and equipping a new police station on the current government center property and making safety, security and accessibility renovations to the existing building?

This ballot measure is the culmination of more than two years of study by the citizens' Needs Assessment Task Force, the City Council, and City staff. The Creve Coeur Government Center has housed the Police Department since it was converted from an elementary school in 1989, and no major renovation has occurred since that time. The Task Force reviewed numerous options before determining that building a new Police Station on the existing Government Center property is the best course of action to ensure a continuation of high quality police services well into the future.

If approved by the required four-sevenths majority of voters, the measure will provide funding for the following:

- Construction of a new Police Station on the north end of the Government Center Property - \$7,912,766
- Sitework for the Police Station, utilities, grading and improving parking for Police and Government Center, new access road to Magna Carta to provide better emergency access - \$1,731,363
- Fixtures, furniture and equipment for the Police Station - \$391,353
- Safety, security, and accessibility improvements to the Government Center - \$498,405
- Bond Underwriting and issuance costs - \$153,275

The above cost estimates have been developed by the city's consultants, Cooper Construction Estimating, following an extensive needs analysis conducted by Bond Architects.



The bond issue will enable the Police Department to continue to meet the high expectations of the community well into the future. Specifically, a new Police Station will:

- Provide much-needed additional work space for Police Officers, Detectives, Crime Prevention Officers and support staff. When the Police Department moved into the existing Government Center in 1989, the City's population and corresponding Policing needs were substantially less (pre-annexation of Ward IV).
- Address the inadequate Police training facilities, evidence storage and private interview rooms with victims of crime.
- Eliminate the unsafe parking lot configuration which creates hazards between Police vehicles and community center patrons and other pedestrians.
- Address multiple safety, security and accessibility deficiencies in the current building.
- Provide a vastly improved Emergency Operations Center, which is a critical component to managing public safety and security during major incidents. The squad room currently serves as the EOC, lacking adequate space, technology or the physical strength to withstand natural disasters.
- Provide an environment to allow our Police Officers to keep the community safe as effectively and efficiently as possible.

The City is also in the process of hiring an Owner's Representative to manage the project, provide cost and quality control, and ensure the project is completed on schedule and within budget.

General obligation bonds totaling \$10,690,000 will be issued upon voter authorization, resulting in an estimated real and personal property tax levy of \$0.080 for twenty years. This will result in an estimated increase in real estate taxes of \$60.80 annually on a home with a market value of \$400,000. The City's Finance Committee has reviewed the proposed financing plan and has recommended approval.

Upon completion of the Police Station, the Government Center will be renovated to address safety, security and accessibility issues, improve efficiency and provided additional and improved work and public space. Aside from the allocation in the bond issue for safety, security and accessibility improvements as mentioned above, the Government Center renovation will be funded by a combination of existing city funds and financing within the Capital Improvement Fund - so no additional taxes will be needed for this work.

Sincerely,

Mark Perkins
City Administrator



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

Meeting: 08/08/16 07:00 PM
Department: Police Department
Category: Amendment
Prepared By: Pam Manning
Department Head: Glenn Eidman

SCHEDULED

ORDINANCE

Bill No. 5609 - an Ordinance Revising Sections 205.300, 205.305 and 205.310 of the Code of Ordinances of the City of Creve Coeur, Missouri, Regarding Deer Control Policy and Hunting Regulations. First Reading

Changes to the City ordinance, section 205, which update the deer control policy and hunting regulations to allow use of crossbows with a goal of facilitating mitigation.

Ordinance

Meeting of August 8, 2016

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE REVISING SECTIONS 205.300, 205.305 AND 205.310 OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI, REGARDING DEER CONTROL POLICY AND HUNTING REGULATIONS.

WHEREAS, Sections 205.300 et seq of the City Code of Ordinances set forth the City's Deer Control Policy and Hunting Regulations; and

WHEREAS, it is a matter of public health and safety to try to control the deer population in the City; and

WHEREAS, certain improvements are necessary to make the City's policy and regulations more effective,

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

Section 1. Sections 205.300, 205.305 and 205.310 of the City Code of Ordinances are revised to read as follows:

Section 205.300. Definitions.

[Ord. No. 5226 §1, 10-10-2011]

As used in this Article, the following terms shall have these prescribed meanings:

ARCHERY DEVICE

Any longbow or compound bow or crossbow.

CROSSBOW

A device for discharging quarrels, bolts, or arrows, formed of a bow set crosswise on a stock, usually drawn by means of a mechanism and discharged by the release of a trigger.

FIREARM

1.

The term "*firearm*", as is used in this Article, means any rifle, shotgun, weapon or similar mechanism by whatever name known, which is designed to expel a projectile or projectiles through a gun barrel, tube, pipe, cylinder or similar device by the action of any explosive. The term "*firearm*" shall not apply to devices used exclusively for commercial, industrial or vocational purposes.

2.

The term "*projectile weapon*" means any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

UNDER THE INFLUENCE

Under the influence shall be defined by the State regulation applied to motor vehicle operation.

Section 205.305. Regulations.

[Ord. No. 5226 §1, 10-10-2011]

A.

Establishing regulations of hunting within the corporate limits of the City of Creve Coeur during deer hunting season set by the Department of Conservation or such other specific time authorized by the City of Creve Coeur.

1.

Discharging or releasing arrows from archery devices within the City limits is limited to hunting permitted under this Article. ~~Crossbows are not permitted under this Article.~~

2.

Prior to any hunting activity under this Section, the property owner shall notify the Creve Coeur Police Department of his or her intent to hunt on his or her property. The notification shall include the names of all property owners, the address of the proposed hunt property, the dates of the proposed hunt, and the names of all proposed hunters. In addition to the foregoing, the property owner shall complete a notification of intent to hunt form and return said form to the Police Department prior to engaging in or permitting any hunting activity on his or her property.

3.

Prior to the engagement of any hunting activity, the property owner shall provide to the City, a certificate of insurance or indemnity bond providing evidence of a policy of liability insurance and/or indemnity bond in an amount not less than two million dollars (\$2,000,000.00) per occurrence insuring or bonding the property owner and/or the designated hunter. The indemnity of the property owner and the hunter may be combined to reach the minimum limits mandated by this Subsection. Said liability insurance and/or indemnity bond shall provide insurance coverage and/or indemnity for all claims for damages resulting from any act of negligence of the designated hunter or by any agent, assign, employee, independent contractors, or licensee of the designated hunter.

4.

All current laws of the State of Missouri as regards to the regulations of hunting shall be obeyed within the corporate limits of Creve Coeur.

5.

The hunt shall conform to all State regulations as defined by the Missouri Department of Conservation.

6.

Permission to hunt.

a.

It shall be unlawful for any person carrying an archery device of any type, to knowingly enter into the premises of another, or to discharge any of the aforesaid devices while on the premises or property of another without first having obtained permission in writing from the owner, lessee, or person in charge of such premises or property. The duly obtained written permission shall be carried on the person of the hunter requesting and receiving such permission. This Section shall not apply to a person carrying or discharging such a device while in the immediate presence of the owner, lessee, or person in charge of said premises or property.

b.

In addition to the requirements set forth herein, it shall be at the discretion of the owner, lessee, or person in charge of any premises or property to set the parameters under which any person may hunt upon any such premises or property under the control of the owner, lessee, or person in charge.

c.

Each hunter on any property, upon which the permission to hunt has been granted, shall be held responsible for the actions of such other persons to whom such permission has been granted for the same time period by the landowner, lessee, or person in charge.

d.

No person without lawful authority, or without the expressed or implied consent of the owner, lessee or his/her agent, shall enter any building or enter upon any enclosed or improved real estate, lot or parcel of ground in the City of Creve Coeur; or being upon the property of another shall fail or refuse to leave such property when requested to do so by owner, lessee, or person in charge of said property.

e.

Contiguous neighbors must be notified in writing by the property owner and the property owner must be able to show the appropriate documentation of receipt of the notification of the ~~approximate~~ date and time period of the hunt. For purposes of this Subsection, "*contiguous*" shall mean any adjoining property that shares a common property line (or point) with the lot on which the proposed hunt shall occur. Lots separated by streets, common areas, or other public thoroughfares shall not be considered contiguous.

7.

In addition to any requirements imposed by Missouri Department of Conservation regulations, any individual who successfully harvests a deer during a hunt must report the hunter's name, sex of the deer, and the location of the harvest within two (2) business days by calling the Creve Coeur Police Department during normal business hours or by delivering written notification to the Police Chief.

8.

Prior to discharging an archery device intended to be used for hunting, it shall be the hunter's responsibility to permanently mark each arrow or other projectile with his or her Missouri Department of Conservation identification number.

9.

Nothing in this Deer Control Policy shall authorize the parking or standing of vehicles on private property without the consent of the property owner or to park a vehicle in any manner otherwise prohibited by the City Code. All hunters shall park their vehicles on the same property on which they are hunting.

10.

Prior to hunting within the City limits of Creve Coeur, every individual seeking to hunt shall provide a certificate of completion of an archery device hunter safety course as approved or provided by the Missouri Department of Conservation.

Section 205.310. Specific Actions Prohibited/Required.

[Ord. No. 5226 §1, 10-10-2011]

A.

It shall be unlawful for any person to discharge any archery device across any street, sidewalk, road, highway or playground.

B.

It shall be unlawful for any person to discharge an archery device at or in the direction of any person, vehicle, dwelling, house, church, school, playground or building that is within the range of discharge including a safety margin of at least seventy-five (75) feet.

C.

It shall be unlawful any person to discharge an archery device within one hundred fifty (150) yards of any church, school, or playground. It shall be unlawful for any person to discharge an archery device, within thirty (30) yards of any dwelling, building, structure, or vehicle, unless the hunter has previously received express authority to discharge the archery device within thirty (30) yards from the owner of the dwelling, building, structure, or vehicle.

D.

No arrow or other projectile used to hunt deer pursuant to the Deer Control Policy may be discharged or projected at such an angle or distance as to land on public or private property other than the property on which the hunt has been authorized.

E.

No arrow or other projectile used to hunt deer pursuant to the Deer Control Policy may be discharged or projected at such an angle or distance as to land within seventy-five (75) feet of any front yard property line.

F.

No arrow or other projectile used to hunt deer pursuant to the Deer Control Policy may be discharged or projected at such an angle or distance as to land within fifty (50) feet of any street or public right-of-way.

G.

All hunting shall be conducted from an elevated position that is at least ten (10) feet in height and faces the interior of the property. The elevated position (deer stand) shall be located in such a way as to direct arrows towards the interior of the property and to prevent any arrow from landing any closer than twenty-five (25) feet from any side or rear property line.

H.

No hunting is authorized on tracts of land under one (1) acre in area, except that adjacent property owners may combine their parcels to satisfy the property line discharge restrictions contained in Subsections (E) and (G) herein. All other provisions of the Deer Control Policy shall apply to combined lots.

I.

It shall unlawful for any person under the age of eighteen (18) years old to hunt deer within the City limits of Creve Coeur.

J.

No person shall possess, consume or be under the influence of alcohol or any other controlled substance while engaged in hunting activities within the City limits of Creve Coeur.

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

ADOPTED THIS ____ DAY OF _____, 2016.

ELLEN LAWRENCE
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2016

BARRY GLANTZ, MAYOR

ATTEST:

DEBORAH RYAN, CITY CLERK, MPCC



CREVE COEUR POLICE DEPARTMENT INTEROFFICE MEMO

DATE: 7/29/2016
TO: Chief Eidman #58
FROM: Captain J. Romas #516
SUBJECT: Deer Mitigation Program – Ordinance Update

Chief,

In reference to my earlier memo dated 6/27/2016, after consideration by the City Council and review by the City Attorney, attached you will find a bill which includes changes to city ordinance, section 205, which updates the deer control policy and hunting regulations.

Respectfully submitted,

Capt. J. Romas # 516

Capt. J. Romas DSN 516



CREVE COEUR POLICE DEPARTMENT INTEROFFICE MEMO

DATE: 6/27/2016
 TO: Chief Eidman #58
 FROM: Captain J. Romas #516
 SUBJECT: Deer Mitigation Program

Chief,

In late 2011, the City passed several ordinances (chapter 205) which regulated hunting deer within the city limits during Missouri deer hunting season. Some of the restrictions established in these ordinances are (this list is not all inclusive):

- * The location where the hunt is to take place is at least 1 acre comprised of a single or adjacent properties.
- * Contiguous neighbors must be notified of the hunt.
- * Property owner must notify the Police Department, providing the address, date, and proposed hunters information.
- * Hunters must not enter neighboring premises without prior permission.
- * Hunting may only be by the use of archery devices which discharge arrows (excluding crossbows).
- * Property owner must provide proof of two million dollars' worth of liability insurance or indemnity bond (can be a combination of the resident's and the hunter's coverage).
- * The designated hunter must have completed a Missouri Dept. of Conservation hunter's archery safety course and be over 18 years of age.
- * Hunters shall face the interior of the property and be elevated at least 10'. Projectiles shall be pointed to land no closer than 75' of front property line, 50' of street or right-of-way or 25' of any side or rear property line.
- * Archery devices cannot be discharged towards or in direction of any person, dwelling, church, school, vehicle or playground, including a safety margin of 75'.
- * Devices may not be discharged within 150 yards of a church, school or playground. Additionally, they may not be discharged within 30 yards of any building or vehicle unless prior consent of the owner has been obtained.
- * Hunting laws and regulations established by the State of Missouri and the Missouri Department of Conservation must be adhered to.
- * Specific information about the deer harvested must be reported to the Police Department within two business days.

Notably, the number of deer harvested has significantly declined since 2011:

	Hunter Permits	Deer Killed
2011	11	19
2012	8	17
2013	7	8
2014	7	7
2015	8	4

In the same period of time the Police Department responded to an increasing amount of calls for service involving deer. In most cases, the deer had been struck by a vehicle, which was no longer on the scene, or became impaled on a fence or other structure. See chart below:

	Deer vs. Vehicle Crashes*	Deer Euthanized by Officers	Deer Related Calls for Service (including injured/deceased deer)
2011	17	9	78
2012	17	13	74
2013	13	17	95
2014	18	19	98
2015	15	15	114

* Some drivers do not report these crashes to the Police Department.

Neighboring jurisdictions were surveyed to determine what, if any, differences there were in similar programs. Differences from the Creve Coeur ordinances are highlighted in red.

	Lot Size (acres)	Liability Insurance	Crossbows Allowed
Creve Coeur	1	\$2 million	No
Ballwin	1	\$2 million	No
Chesterfield	1	\$2 million	Yes
Clarkson Valley	1	\$2 million	Not Specified
Ladue	2	Not required	Yes
Manchester	2	\$2 million	Yes
Maryland Heights	3	Not required	Yes
Sunset Hills	1	\$2 million	No

In order to increase participation in the program, the City may wish to consider some changes to the current ordinance(s).

Ms. Erin Shank, urban wildlife biologist for the Missouri Department of Conservation, was contacted to discuss possible changes in the program. Ms. Shank advised me that the State of Missouri will begin allowing crossbows this deer season and allowing crossbows in our program may bring more

hunter interest. Ms. Shank advised that crossbows are efficient, use a smaller arrow and have a shorter range than traditional compound bows. As noted above, at least four other local jurisdictions already allow the use of crossbows.

I also spoke with Ms. Shank about the lot size restriction, since this is the factor that seems to limit participation more often than others. We discussed how some residents may have a lot which is slightly less than a full acre, yet their plot may slope downward towards a creek or adjacent to a large plat of undeveloped property. These lots may be more favorable for hunting than larger lots that border other residential property. Ms. Shank agreed that an absolute threshold may not be as advantageous as a regulation that has a limitation which includes an ability to make exceptions.

Finally, consideration may be given to reducing the insurance requirement to \$1 million. This may make the program more appealing to residents who do not wish to provide the insurance necessary and would instead rely upon the hunter to provide the entire coverage.

In summary, there are three changes that can be considered in order to increase interest in participation in the program: permitting crossbows, allowing exceptions to the one acre minimum restriction and reducing the insurance requirement to \$1 million.

These are reflected in the following proposed changes to the existing ordinances:

205.305 Regulations

Section A, subsection 1: delete “Crossbows are not permitted under this Article.”

Section A, subsection 3: “... in an amount not less than two million dollars (\$2,000,000.00) per occurrence insuring or bonding the property owner and/or the designated hunter.”

change to: “... in an amount not less than one million dollars (\$1,000,000.00) per occurrence insuring or bonding the property owner and/or the designated hunter.”

205.310 Specific Actions Prohibited/Required

Section H: “H. No hunting is authorized on tracts of land under one (1) acre in area, except that adjacent property owners may combine their parcels to satisfy the property line discharge restrictions contained in Subsections (E) and (G) herein. All other provisions of the Deer Control Policy shall apply to combined lots.”

change to: “No hunting is authorized on tracts of land under one (1) acre in area, except that:

1. Adjacent property owners may combine their parcels to satisfy the property line discharge restrictions contained in Subsections (E), (F) and (G) herein.
2. Property owners with tracts of land under one (1) acre may request an on-site evaluation by a designated member of the Police Department to determine the feasibility of a hunt. In such cases, the property will be evaluated on topography, type of adjacent properties and proximity to inhabited areas. Properties deemed favorable for hunting which provide an acceptable level

of safety may be exempted from the acreage requirement, however, must satisfy the property line discharge restrictions contained in Subsections (E), (F) and (G) herein.

3. All other provisions of the Deer Control Policy shall apply to combined lots.”

See proposed draft ordinances attached.

Respectfully submitted,

Capt. J. Romas + 516

Capt. J. Romas DSN 516



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

Meeting: 08/08/16 07:00 PM
Department: Legislative /City Clerk
Category: New Business
Prepared By: Carl Lumley
Department Head: Debbie Ryan

SCHEDULED

ORDINANCE

**Bill No. 5610 - an Ordinance Revising Chapter 160 of the
Code of Ordinances of the City of Creve Coeur, Missouri,
Regarding Access to Public Records. First Reading**

Chapter 160 of the City Code of Ordinances governs access to public records under the Missouri Sunshine Law and changes in state law (2016 SB 732 and 765) require revisions to the City's ordinances regarding law enforcement photographs and videos.

Ordinance

Meeting of August 8, 2016

BILL NO. 5610

ORDINANCE NO. _____

AN ORDINANCE REVISING CHAPTER 160 OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI, REGARDING ACCESS TO PUBLIC RECORDS.

WHEREAS, Chapter 160 of the City Code of Ordinances governs access to public records under the Missouri Sunshine Law; and

WHEREAS, changes in state law (2016 SB 732 and 765) require revisions to the City's ordinances;

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

Section 1. Sections 160.130 and 160.140 of the City Code of Ordinances are revised to read as follows:

Section 160.130. Definitions.

[Ord. No. 5220 §3(Exh. A §16), 9-8-2011]

As used in this policy, the following terms shall have these prescribed meanings:

ARREST

An actual restraint of the person of the defendant, or by his or her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked.

ARREST REPORT

A record of a Law Enforcement Agency of an arrest and of any detention or confinement incident thereto together with the charge therefor.

INACTIVE

An investigation in which no further action will be taken by a Law Enforcement Agency or officer for any of the following reasons:

1.

A decision by the Law Enforcement Agency not to pursue the case;

2.

Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten (10) years after the commission of the offense; whichever date earliest occurs;

3.

Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons.

INCIDENT REPORT

A record of a Law Enforcement Agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime

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or incident, including any logs of reported crimes, accidents and complaints maintained by that agency.

INVESTIGATIVE REPORT

A record, other than an arrest or incident report, prepared by personnel of a Law Enforcement Agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by Law Enforcement Officers in the course of their duties.

MOBILE VIDEO RECORDER

Any system or device that captures visual signals that is capable of being installed in a vehicle or being worn or carried by personnel of a law enforcement agency and that includes, at minimum, a camera and recording capabilities.

MOBILE VIDEO RECORDING

Any data captured by a mobile video recorder, including audio, video, and any metadata.

NONPUBLIC LOCATION

A place where a person would have a reasonable expectation of privacy including, but not limited to, a dwelling, school or medical facility.

[1]

State Law Reference — As to similar provisions, §610.100, RSMo.

Section 160.140. Police Department Records.

[Ord. No. 5220 §3(Exh. A §17), 9-8-2011]

A.

The City Police Department shall maintain records of all incidents reported to it, and investigations and arrests made by it. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of Subsections (4), (5) and (6) of Section 610.100, RSMo., or Section 320.083, RSMo., except as provided herein mobile video recordings and investigative reports are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty (30) days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in Section 610.120, RSMo.

B.

Except as provided in subsections 3 and 5 of Section 610.100 RSMo., a mobile video recording that is recorded in a nonpublic location shall be a closed record, except that any person who is depicted in the recording or whose voice is in the recording, or their legal guardian or parent if such person is a minor, or a family member within the first degree of consanguinity if such person is deceased or incompetent, or an attorney or insurer for such person, may obtain a complete, unaltered, and unedited copy of the recording upon written request, once any related investigation has become inactive or as otherwise required by law. Any person who requests and receives such a mobile video recording shall be subject to the restrictions on display and disclosure set forth in subsection 8 of Section 610.100 RSMo.

CB.

Except as provided in Subsections (4), (5), (6) and (7) of Section 610.100, RSMo., if any portion of a record or document of a law enforcement officer or agency, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or

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guidelines for law enforcement investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to Chapter 610, RSMo.

DC.

Any person, including a legal guardian or parent of such person if he or she is a minor, family member of such person within the first degree of consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to Section 610.100, RSMo., or Section 610.150, RSMo., for purposes of investigation of any civil claim or defense, as provided by Section 610.100.4, RSMo., and this policy. Any individual, legal guardian or parent of such person if he or she is a minor, his or her family member within the first degree of consanguinity if such individual is deceased or incompetent, his or her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by the Police Department pursuant to Section 610.100, RSMo. Within thirty (30) days of such request, the Department shall provide the requested material or file a motion with the Circuit Court of St. Louis County stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized and thereafter comply with the final rulings of the courts thereon.

ED.

The victim of an offense as provided in Chapter 566, RSMo., may request that his or her identity be kept confidential until a charge relating to such incident is filed.

[1]

State Law Reference — As to similar provisions, §610.100, RSMo.

Section 2. Section 160.175 is added to the City Code of Ordinances to read as follows:

Section 160.175. Crime Scene Photographs and Video Recordings.

1. Crime scene photographs and video recordings, including photographs and video recordings created or produced by a state or local agency or by a perpetrator or suspect at a crime scene, which depict or describe a deceased person in a state of dismemberment, decapitation, or similar mutilation including, without limitation, where the deceased person's genitalia are exposed, shall be considered closed records and shall not be subject to disclosure under the provisions of this chapter unless otherwise ordered by court or required by law; provided, however, that this section shall not prohibit disclosure of such material to the deceased's next of kin or to an individual who has secured a written release from the next of kin. It shall be the responsibility of the next of kin to show proof of the familial relationship. For purposes of such access, the deceased's next of kin shall be:

- (1) The spouse of the deceased if living;
- (2) If there is no living spouse of the deceased, an adult child of the deceased; or
- (3) If there is no living spouse or adult child, a parent of the deceased.

2. The provisions of this section shall not apply to disclosure of crime scene material to counsel representing a convicted defendant in a habeas corpus action, on a motion for new trial, or in a federal habeas corpus action under 28 U.S.C. Section 2254 or 2255 for the purpose of preparing to

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file or litigating such proceedings. Counsel may disclose such materials to his or her client and any expert or investigator assisting counsel in accordance with Section 610.205 RSMo. A request under this subsection shall clearly state that such request is being made for the purpose of preparing to file and litigate proceedings enumerated in this subsection.

State Law Reference — As to similar provisions, §610.205, RSMo.

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

ADOPTED THIS ____ DAY OF _____, 2016.

ELLEN LAWRENCE
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2016

BARRY GLANTZ, MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



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

Meeting: 08/08/16 07:00 PM
Department: Legislative /City Clerk
Category: New Business
Prepared By: Carl Lumley
Department Head: Debbie Ryan

SCHEDULED

ORDINANCE

Bill No. 5611 - an Ordinance Revising Chapter 600 of the Code of Ordinances of the City of Creve Coeur, Missouri, Regarding Alcoholic Beverages. First Reading

Chapter 600 of the City Code of Ordinances governs alcoholic beverages. Changes in state law (SB 919) require revisions to the City's ordinances regarding types of permits, original packaging, and self-dispensing systems.

Ordinance

Meeting of August 8, 2016

BILL NO. 5611

ORDINANCE NO. _____

AN ORDINANCE REVISING CHAPTER 600 OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI, REGARDING ALCOHOLIC BEVERAGES.

WHEREAS, Chapter 600 of the City Code of Ordinances governs alcoholic beverages; and

WHEREAS, changes in state law (SB 919) require revisions to the City's ordinances;

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

Section 1. Sections 600.010, 600.020, 600.030, 600.060, 600.150, and 600.165 of the City Code of Ordinances are revised to read as follows:

Section 600.010. Licenses Offered.

[R.O. 2008 §4-0; Ord. No. 3010 §1, 1-6-2005]

A.

The City offers the following liquor licenses:

1.

Retail liquor by the drink license (including original package sales). Retail liquor by the drink license may include licenses to a restaurant, restaurant-bar, microbrewery, amusement place, place of entertainment, hotel, common eating and drinking area or caterer. (Section **600.150(A)(1)**)

2.

Sunday by drink liquor license (including original package sales). (Section **600.150(A)(2)**)

3.

Original package license (not including Sunday sales). (Section **600.150(A)(3)**)

4.

Original package license (Sunday sales). (Section **600.150(A)(4)**)

5.

Consumption of liquor on premises license. (Section **600.150(A)(5)**)

6.

Picnic license or Festival Permit. (Section **600.150(A)(6)**)

7.

Wine and malt beverage tasting permit. (Section **600.150(A)(7)**)

8.

Hotel controlled access liquor cabinet system. (Section **600.170**)

Section 600.020. Definitions.

[R.O. 2008 §4-1; Ord. No. 3010 §1, 1-6-2005; Ord. No. 5247 §1, 4-9-2012]

As used in this Chapter, the following terms shall have these meanings:

AMUSEMENT PLACE

Any establishment whose business building contains a square footage of at least six thousand (6,000) square feet and where games of skill commonly known as billiards,

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volleyball, indoor golf, bowling or soccer are usually played or has a dance floor of at least two thousand five hundred (2,500) square feet or any outdoor golf course with a minimum of nine (9) holes and which has annual gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts is non-alcoholic sales.

CLOSED PLACE

A place where all doors are locked and where no patrons are in the place or about the premises and all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed are securely locked.

CLUB OR ORGANIZATION

Includes any organization, whether incorporated or not, of ten (10) or more members not formed for profit which maintains in the City any facilities for the benefit and convenience of its members.

COMMON EATING AND DRINKING AREAS

Those areas within a building or group of buildings designated for the eating of food and drinking of liquor sold at retail by establishments which do not provide areas within their premises for the consumption of food and liquor; where the costs of maintaining such area or areas are shared by the payment of common area maintenance charges as provided in the respective leases permitting the use of such areas or otherwise; and where the annual gross income from the sale of such prepared meals or food consumed in such common eating and drinking area is or is projected to be at least two hundred seventy-five thousand dollars (\$275,000.00).

CONTROLLED ACCESS LIQUOR CABINET SYSTEM

A system for the sale of intoxicating liquor in qualified packages or containers in the rooms provided for the overnight accommodation of transients guests in a qualified hotel by means of a controlled access liquor cabinet in accordance with Section 311.099, RSMo.

ENTERTAINMENT PLACE

Any establishment which has gross annual sales in excess of two hundred fifty thousand dollars (\$250,000.00) and the establishment has been in operation for at least one (1) year.

INTOXICATING LIQUOR

Includes alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors or combinations of liquors, a part of which is spirituous, vinous or fermented and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (0.5%) of alcohol by volume.

MALT LIQUOR OR BEVERAGE (BEER)

Any intoxicating liquor manufactured from pure hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water. Beer shall be brewed from malt or a malt substitute, which only includes rice, grain of any kind, bean, glucose, sugar, and molasses. Honey, fruit, fruit juices, fruit concentrate, herbs, spices, and other food materials may be used as adjuncts in fermenting beer.

[Ord. No. 5413 §1, 2-9-2015]

MICROBREWERY

A business whose primary activity is the brewing and selling of beer with an annual production of ten thousand (10,000) barrels or less.

ORIGINAL PACKAGE

Any package containing one (1) or more standard bottles, cans or pouches of beer, fifty (50) milliliters (1.7 ounces) or more of spirituous liquors or one hundred (100) milliliters (3.4 ounces) of vinous liquors in the manufacturer's original container. ~~A standard bottle or can of beer is any bottle or can containing twelve (12) ounces or less.~~

[Ord. No. 5413 §1, 2-9-2015]

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PERSON

Includes any individual, association, joint stock company, syndicate, co-partnership, corporation, receiver, trustee, conservator or other officer appointed by any State or Federal court.

PICNIC LICENSE

A temporary permit for the sale of intoxicating liquor for consumption on the premises where sold and may be issued to a church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of such intoxicating liquor at a picnic, bazaar, fair or similar gathering.

PREMISES

Includes the entire building or that portion of any building in which a licensee hereunder has a place of business and any additional building or portion thereof used in connection therewith and the entire lot or lots, parcel or parcels of land on which said building are situated or which are used in connection with the sale or consumption of intoxicating liquor.

RESTAURANT-BAR

Any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars (\$200,000.00) from the sale of prepared meals or foods consumed on such premises.

SPIRITUOUS

Preparations or mixtures for beverage purposes that contain alcohol obtained by distillation, including brandy, rum, whiskey, gin and all other preparations or mixtures for beverage purposes of a like character and excluding all vinous, fermented or malt liquors.

VINOUS

Relating to wine.

WINE

Any vinous liquor produced by fermentation of juice of grapes, berries and other fruits or a preparation of certain vegetables by fermentation and containing alcohol not in excess of twenty-two percent (22%) by volume.

[1]

Cross Reference — Rules of construction and definitions generally, §100.020.

State Law References — Similar provisions, §§311.030, 311.096, 311.097, 311.098, 311.102, 311.195, 311.290, 311.482, 312.010, RSMo.

Section 600.030. Minors.

A.

Persons Eighteen Years Of Age Or Older May Sell Or Handle Liquor Or Beer, When.

1.

Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.

2.

In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales

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does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.

3.

In any distillery, warehouse, wholesale distributorship or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to this Chapter may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor.

4.

Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages.

B.*Sales To Minor — Exceptions.*1.

No licensee, his/her employee, or any other person shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only or to the administering of such intoxicating liquor to such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment.

2.

Any owner, occupant, or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his/her parent or guardian, is guilty of an ordinance violation.

3.

It shall be a defense to prosecution under this Subsection if:

a.

The defendant is a licensed retailer, club, drinking establishment, or caterer or holds a temporary permit, or an employee thereof;

b.

The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and

c.

To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) years of age and of the legal age for consumption of intoxicating liquor.

C.

Misrepresentation Of Age By Minor To Obtain Liquor — Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.

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1.

No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in liquor control enforcement activity cases authorized by law.

2.

In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., or other form of identification for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.

D.

Minors In Possession Of Intoxicating Liquor.

1.

No person under the age of twenty-one (21) years, shall purchase or attempt to purchase, or have in his/her possession, any intoxicating liquor as defined in Section 600.020 or, shall be visibly intoxicated as defined in Section 577.001, RSMo., or shall have a detectable blood alcohol content of more than two-hundredths of one percent (.02%) or more by weight of alcohol in such person's blood.

2.

The provisions of this Subsection shall not apply to a student who:

a.

Is eighteen (18) years of age or older;

b.

Is enrolled in an accredited college or university and is a student in a culinary course;

c.

Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum; and

d.

Tastes a beverage under Subsection (D)(2)(c) of this Section only for instructional purposes during classes that are part of the curriculum of the accredited college or university.

The beverage must at all times remain in the possession and control of any authorized instructor of the college or university, who must be twenty-one (21) years of age or older. Nothing in this Subsection may be construed to allow a student under the age of twenty-one (21) to receive any beer, ale, porter, wine or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum.

3.

Any person under the age of twenty-one (21) years who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, or who is visibly in an intoxicated condition as defined in Section 577.001, RSMo., shall be deemed to have given consent to a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood. The implied consent to submit to the chemical tests listed in this Subsection shall be limited to not more than two (2) such tests arising from the same arrest, incident, or charge. Chemical analysis of the person's breath, blood, saliva, or urine shall be performed according to methods approved by the State Department of Health and Senior Services by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health and Senior Services for this purpose. The State Department of Health and Senior Services shall approve satisfactory techniques, devices, equipment, or methods to be considered valid and shall establish standards to ascertain the qualifications and competence of individuals to conduct

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analyses and to issue permits which shall be subject to termination or revocation by the State Department of Health and Senior Services. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. "Full information" is limited to the following:

a.

The type of test administered and the procedures followed;

b.

The time of the collection of the blood or breath sample or urine analyzed;

c.

The numerical results of the test indicating the alcohol content of the blood and breath and urine;

d.

The type and status of any permit which was held by the person who performed the test;

e.

If the test was administered by means of a breath-testing instrument, the date of performance of the most recent required maintenance of such instrument.

"Full information" does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the State. Additionally, "full information" does not include information in the possession of the manufacturer of the test instrument.

Section 600.060. Size of Original Package Restricted.

[R.O. 2008 §4-6; Ord. No. 3010 §1, 1-6-2005; Ord. No. 5247 §2, 4-9-2012]

No person licensed under the provisions of this Chapter to sell intoxicating liquor at retail in the original package not to be consumed on the premises where sold shall sell any such intoxicating liquor in any package containing less than an original package as defined in this Article, except they may sell from 32 to 128 fluid ounces of draft beer to customers in containers filled by an employee of the licensee (who is at least 21 years of age) on the premises for consumption off the premises in accordance with Section 311.201 RSMo. Any ~~othersuch~~ sale of intoxicating liquor in any package ~~containing less than an original package as defined in this Article~~ shall require the applicable "by the drink" license.

Section 600.150. License Fees, Description, in Lieu of, Disposition, Times of Sale.

[R.O. 2008 §4-31; Ord. No. 3010 §1, 1-6-2005; Ord. No. 4029 §2, 6-26-2006; Ord. No. 5171 §2, 1-24-2011]

A.

License fees for the licenses required by this Article are hereby established as follows:

1.

Retail liquor by the drink license (including original package sales). Issued for the sale of all kinds of intoxicating liquor at retail by the drink for consumption on the premises where sold and also allows

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the sale of intoxicating liquor in the original package as defined in this Chapter, regardless of where the intoxicating liquor is to be consumed, between the hours of 6:00 A.M. and 1:30 A.M. on weekdays and on Saturday from 6:00 A.M. until 1:30 A.M. on Sunday. Notwithstanding any other provisions of this Article, a "retail liquor by the drink" license may also be issued to the following types of establishments, to wit: Restaurant, restaurant-bar, microbrewery, amusement place, entertainment place, hotel, common eating or drinking area or caterer. The annual fee shall be four hundred fifty dollars (\$450.00).

2.

Sunday by drink license (including original package sales). Issued for the sale of all kinds of intoxicating liquor at retail by the drink for consumption on the premises only between the hours of 9:00 A.M. and Midnight on Sunday and shall also allow the sale of intoxicating liquor in the original package as defined in this Chapter, regardless of where the intoxicating liquor is to be consumed. Only persons issued a "retail liquor by the drink license" may apply for this additional license. The annual fee shall be three hundred dollars (\$300.00).

3.

Original package license (not including Sunday sales). Issued for the sale of all types of intoxicating liquors in the original package, not for consumption on the premises or for resale, from 6:00 A.M. on weekdays to the next day at 1:30 A.M. and on Saturday from 6:00 A.M. until 1:30 A.M. on Sunday. Notwithstanding any other provisions of this Article, an original package license (not including Sunday sales) may be issued to the following types of establishments: A drug store, a cigar and tobacco shop, a grocery store, a general merchandise store, a confectionery or delicatessen store. The annual fee shall be one hundred fifty dollars (\$150.00).

4.

Original package license (Sunday sales). Issued for the sale of all types of intoxicating liquors in the original package, as defined in this Chapter, not for consumption on the premises or for resale, on Sunday between the hours of 9:00 A.M. and Midnight. Only persons having been issued a license for "original package (not including Sunday sales)" license may apply for this additional license. The annual fee shall be three hundred dollars (\$300.00).

5.

Consumption of intoxicating liquor on premises license. Issued to any establishment where food, beverage or entertainment are sold or provided for compensation and where patrons are allowed to bring their own intoxicating liquor on the premises for consumption. The annual fee shall be ninety dollars (\$90.00).

6.

Picnic license or Festival Permit. A Picnic license is issued for the temporary sale of all kinds of intoxicating liquor at retail by the drink for consumption on the premises where sold by any church, school, civic, service, fraternal, veteran, political, charitable club or organization, or any entity with a temporary State sales license issued pursuant to Sections 311.483-311.485, RSMo., between the hours of 11:00 A.M. and Midnight daily for sale at a picnic, bazaar, fair or similar gathering. Said permit shall be issued only for the day or days named therein and it shall not authorize the sale of the aforesaid beverages for more than seven (7) days by any said organization as described above in any fiscal year. A Festival Permit is issued to an entity with a special permit issued by the state pursuant to Section 311.915 RSMo, subject to the restrictions thereon, and is only valid for 72 hours. The fee for ~~this picnic license or festival permit license~~ shall be thirty-seven dollars fifty cents (\$37.50). If alcoholic beverages will not be sold and no permit under this Section is required, then a permit under Section ~~405.480~~ shall be required.

7.

Wine and malt beverage tasting permit. Issued to persons licensed to sell intoxicating liquor in the original package at retail

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Section 600.165. ~~Table Tap~~ Self-Dispensing Systems.

[Ord. No. 5271 §2, 9-24-2012]

Any person licensed to sell liquor at retail by the drink for consumption on the premises where sold may use a ~~table tap self~~-dispensing system which is monitored and controlled by the licensee and to allow patrons of the licensee to self-dispense beer or wine at a table. Before a patron may dispense beer or wine, an employee of the licensee must first authorize an amount of beer or wine, not to exceed thirty-two (32) ounces of beer or sixteen (16) ounces of wine per patron per authorization, to be dispensed by the ~~table tap self~~-dispensing system.

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

ADOPTED THIS ____ DAY OF _____, 2016.

ELLEN LAWRENCE
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2016

BARRY GLANTZ, MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



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

Meeting: 08/08/16 07:00 PM
Department: Legislative /City Clerk
Category: New Business
Prepared By: Carl Lumley
Department Head: Debbie Ryan

SCHEDULED

ORDINANCE

Bill No. 5612 - an Ordinance Revising Sections 310.050 and 310.060 of the Code of Ordinances of the City of Creve Coeur, Missouri, Regarding Emergency Vehicles. First Reading

Sections 310.050 and 310.060 of the City Code of Ordinances governs emergency vehicle traffic regulations. Changes in state law (2016 SB 732) require revisions to the City's ordinances regarding MoDOT contractors working roadside.

Ordinance

Meeting of August 8, 2016

BILL NO. 5612

ORDINANCE NO. _____

AN ORDINANCE REVISING SECTIONS 310.050 AND 310.060 OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI, REGARDING EMERGENCY VEHICLES.

WHEREAS, Sections 310.050 and 310.060 of the City Code of Ordinances governs emergency vehicle traffic regulations; and

WHEREAS, changes in state law (2016 SB 732) require revisions to the City's ordinances;

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

Section 1. Section 310.050 of the City Code of Ordinances is revised to read as follows:

Section 310.050. Emergency Vehicles — Use of Lights and Sirens — Right-Of-Way — Stationary Vehicles, Procedure — Penalty.

[Ord. No. 5264 §12, 8-27-2012]

A.

Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section ~~307.175 RSMo 310.060 of this Chapter~~, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the ~~roadway~~ highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a Police or Traffic Officer.

B.

Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, or a stationary vehicle owned by the Missouri Highways and Transportation Commission and operated by an authorized employee of the Department of Transportation or a stationary vehicle owned by a contractor or subcontractor performing work for the department of transportation displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

1.

Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

2.

Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

C.

Responsibilities Of Driver Of Emergency Vehicle.

BILL NO. 5612

ORDINANCE NO. _____

1.

The driver of any "emergency vehicle" defined in Section **300.010** of this Code shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator or when responding to, but not upon returning from, a fire.

2.

The driver of an emergency vehicle may:

a.

Park or stand irrespective of the provisions of Sections 304.014 to 304.025, RSMo., and the provisions of this Code;

b.

Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

c.

Exceed the prima facie speed limit so long as the driver does not endanger life or property;

d.

Disregard regulations governing direction of movement or turning in specified directions.

3.

The exemptions granted to an emergency vehicle pursuant to Subsection **(C)(2)** of this Section shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.

D.

No person shall purchase an emergency light as described in this Section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

Section 2. Section 310.060 of the City Code of Ordinances is revised to read as follows:

Section 310.060. Sirens and Flashing Lights Emergency Use — Persons Authorized — Violation — Penalty.

Motor vehicles and equipment, not otherwise defined in this Title as an authorized emergency vehicle, ~~which are operated by any member of an organized Fire District, ambulance association or rescue squad, whether paid or volunteer,~~ may be operated on streets and highways in this City as an emergency vehicle under the provisions of Section **310.050** of this Chapter only by permit and otherwise in accordance with Section 307.175 RSMo.; ~~while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the Chief of an organized Fire District, organized ambulance association or rescue squad and no person shall use or display a siren or rotating blue lights on a motor vehicle, fire, ambulance or rescue equipment without a valid permit authorizing the use. Permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this Section constitutes an ordinance violation.~~

BILL NO. 5612

ORDINANCE NO. _____

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

ADOPTED THIS ____ DAY OF _____, 2016.

ELLEN LAWRENCE
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2016

BARRY GLANTZ, MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



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

Meeting: 08/08/16 07:00 PM
Department: Legislative /City Clerk
Category: New Business
Prepared By: Carl Lumley
Department Head: Debbie Ryan

SCHEDULED

ORDINANCE

Bill No. 5613 - an Ordinance Revising Article I of Chapter 215 and Section 220.070 of the Code of Ordinances of the City of Creve Coeur, Missouri, Regarding Nuisances and Property Maintenance. First Reading

Article I of Chapter 215 of the City Code of Ordinances governs nuisance abatement and Section 220.070 of the City Code of Ordinances governs certain related property maintenance matters. Changes in state law (2016 SB 572) require revisions to the City's ordinances and other necessary updates have been identified regarding nuisance abatement and property maintenance procedures.

Ordinance

Meeting of August 8, 2016

BILL NO. 5613

ORDINANCE NO. _____

AN ORDINANCE REVISING ARTICLE I OF CHAPTER 215 AND SECTION 220.070 OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI, REGARDING NUISANCES AND PROPERTY MAINTENANCE.

WHEREAS, Article I of Chapter 215 of the City Code of Ordinances governs nuisance abatement and Section 220.070 of the City Code of Ordinances governs certain related property maintenance matters; and

WHEREAS, changes in state law (2016 SB 572) require revisions to the City's ordinances and other necessary updates have been identified;

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

Section 1. Article I of Chapter 215 of the City Code of Ordinances is revised to read as follows:

Chapter 215. Health and Sanitation

Article I. Nuisances

Section 215.010. Definitions.

[R.O. 2008 §14-16; Ord. No. 1896 §1, 10-27-1997]

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

LESSEE

Any person who leases all or a portion of a premises on day to day, week to week, month to month or yearly basis.

LITTER

A disorderly accumulation of objects or items carelessly discarded or allowed to collect.

OWNER

Any person or persons who have either solely or jointly a fee simple title, an equitable interest or a life interest in any lot or tract of land or in a particular part thereof, whether such tract or lot of land is held in common by joint owners.

PERSON HAVING CONTROL

Any occupant, agent, servant, representative or employee of any owner or lessee or renter of any property who exercises any control or authority of the premises on behalf of the owner, lessee or renter.

RENTER

Any person who rents all or a part of a premises on a day to day, week to week, month to month or yearly basis. For purposes of this Article, a person over the age of eighteen (18) years who is living in a household with the parent but who is neither the owner, the lessee, the

head of household or the person having control shall be considered to be a "renter", regardless of whether they pay rent for such occupancy in money.

WASTE

Refuse, garbage, trash or other useless or worthless materials or by-products.

Section 215.020. Nuisances Designated.

[R.O. 2008 §14-17; Ord. No. 1896 §1, 10-27-1997]

A.

The following are hereby declared to be nuisances:

1.

Any act done or committed or suffered to be done or committed by any person or any substance or thing kept, maintained, placed or found in or upon any public or private place that is injurious, harmful or dangerous to the public health.

2.

Any building kept or maintained in a condition unhealthy or unsanitary to the public.

3.

The deposit into any sewer, sewer inlet or privy vault, which has a sewer connection, any article, materials or substance that may obstruct, contaminate or damage the sewer.

4.

Any cellar or basement, wet or damp from defective hydrants, water pipes, sewer pipes, cisterns, wells, gutters, drains or rainspouts.

5.

Any urine, liquid waste from stables, swills, water from privy vaults, waste water from sinks, wash water or other foul or nauseous liquid waste allowed to accumulate on any public property or private property or discharge upon public or private property.

6.

Any well or cistern where a chemical analysis shows the water of such well or cistern to be of any impure or unwholesome nature.

7.

Any garbage, ashes, foul, nauseous or unclean animal or vegetable matter, yard waste or other substance that is or may become putrid, offensive or unhealthy to the public thrown, deposited or allowed to escape into or upon any private property or accumulate thereon.

8.

Any partly dismantled, wrecked, dilapidated, abandoned or non-operative automobile, tractor, trailer or other motor vehicle or parts thereof which are found upon any private property and which are not housed in a garage, basement or other enclosed building. Any motor vehicle or automobile or any elements thereof found disassembled upon private property shall be considered to be dismantled, abandoned, wrecked or dilapidated for the purpose of this Article when such automobile or other vehicle is found lacking essential component parts that prevent it from being immediately operative under its own power or which vehicle or automobile is not properly licensed; the procedure for removal of a vehicle or item described herein shall be in accordance with Chapters **217** and **390** of this City Code.

9.

Any partially dismantled, wrecked, junked, dilapidated, unfloatable, abandoned or discarded boat or parts thereof which are found upon any private property and allowed to remain on such property unless said boat or parts thereof are housed in an enclosed garage, basement, other enclosed building or stored in conformance with the restrictions of the Zoning Code; the procedure for removal of such item described herein shall be in accordance with Chapters **217** and **390** of this City Code.

10.

Any fence, wall, shed, deck, house, garage, building, structure or any part of the aforesaid; or any tree, pole, smokestack; or any excavation, hole, pit, basement, cellar, dock or loading dock; or any lot or land, yard, premises or location which in its entirety or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one (1) or more individuals in the City in any one (1) or more of the following particulars:

a.

By reason of being a nuisance, threat and/or hazard to the general health and safety of the community.

b.

By reason of being a fire hazard.

c.

By reason of being unsafe, dangerous or unhealthy for occupancy or use on, in, upon, about or around the aforesaid property.

d.

By reason of lack of sufficient or adequate maintenance of the property and/or being vacant, any of which depreciates the enjoyment, value, appearance or use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such conditions exists.

11.

The abandonment, neglect or disregard of any premises so as to permit the premises to become unclean with an accumulation of litter or waste thereon or to permit the premises to become unsightly, unsanitary or obnoxious or a blight to the vicinity or offensive to the senses of users of the public way abutting the premises ~~and so to continue for a period longer than ten (10) days.~~

12.

Any house, building or room in which persons are allowed or permitted by the owner, keeper or occupant to resort or use for the purpose of prostitution or similar sexual activity.

13.

Any non-conforming property, lot, use, building or structure, as defined by the City zoning ordinance, which is allowed by reason of lack of sufficient or adequate maintenance of the property, lot, use, building or structure to fall below the standards and level of maintenance as the surrounding properties and/or being vacant, any of which depreciates the enjoyment and the use of the property in the immediate vicinity to such an extent that it is harmful to the community in which the property is situated or such conditions exists.

Section 215.030. Nuisance Prohibited.

[R.O. 2008 §14-18; Ord. No. 1896 §1, 10-27-1997]

No person shall create, cause, permit or maintain a nuisance as defined by law or Section **215.020** or other ordinance.

See Section 67.398 RSMo.

Section 215.040. Notice To Abate.

[R.O. 2008 §14-19; Ord. No. 1896 §1, 10-27-1997; Ord. No. 3098 §4, 12-12-2005]

A.

Whenever it comes to the attention of the City or the City becomes aware of the existence of a nuisance, the City shall investigate the nuisance and have prepared a report concerning the same. If a nuisance is found to exist, a warning notice shall be left with any person occupying such property,

whether such person is the owner, renter or lessee thereof, by delivering such warning notice to such person or if no one is present on the property or refuses to accept the notice, then by posting the warning notice on the front, side or rear entrance to the residence or building.

B.

The warning notice provided in Subsection (A) shall contain:

1.

The address or legal description of the property;

2.

The number of the Chapter of this Code being violated;

3.

A specific description of each condition of the lot or land declared to be a public nuisance. The nature of the violation and the date by which such violation(s) shall be removed or abated, and the action(s) that will remedy the public nuisance;

4.

The number of days in which the nuisance shall be removed or abated, which time shall be reasonable and not be less than ten (10) days nor more than thirty (30) days, except in emergency cases as set out in Section 215.070.

5.

A notice of the potential penalty for failure to timely remove or abate the nuisance, including that a complaint will be filed and a summons will be issued for hearing before the Municipal Court and a statement that if the nuisance reoccurs within a period of twelve (12) months after the aforesaid date by which the violation shall be removed or abated, a summons may be issued without further notice.

C.

If the nuisance occurs on unimproved property or where the residence or building is unoccupied, the property may be posted as provided in Subsection (B) and if the property is unimproved by placing the notice upon a tree or other object upon such property, as may be available.

D.

To the extent not accomplished pursuant to subsection B, Aa notice in writing containing the same information as provided on the warning notice provided in Subsection (B) shall be personally delivered or sent by first class mail to both an occupant of the property at the property address and, if a different person, sent to to the owner of the property at their last known address. or any other person having control of the property at the last known address of the owner, or at the address of the person having control, by ordinary mail, postage prepaid.

See Section 67.398 RSMo.

Section 215.050. Recurring Creation or Maintenance of Nuisance.

[R.O. 2008 §14-20; Ord. No. 1896 §1, 10-27-1997; Ord. No. 3098 §5, 12-12-2005]

The Municipal Judge may provide in any judgment determining that a violation has occurred that Onee notice has been given to a person regarding a nuisance, if the same nuisance recurs in or on the same lot or tract of land or land adjacent thereto within twelve (12) months after the date of the judgment that stated in the notice as the deadline to remove or abate the nuisance, no further notice shall be required and the same person may be summoned upon complaint and information into Municipal Court regarding the recurring nuisance.

Section 215.060. Procedure Upon Neglect of Notice.

[R.O. 2008 §14-21; Ord. No. 1896 §1, 10-27-1997; Ord. No. 3098 §§6 — 8, 12-12-2005]

A.

Summons, Service Of. If a warning notice is given as provided in Section **215.040** and if after the time for removal or abatement has lapsed, the property is reinspected and the inspector finds and determines that the nuisance has not been removed or abated, the inspector may fill out and sign as the complainant a complaint ~~and information form, hereinafter referred to as a summons,~~ directed by name to the occupant, owner ~~and/or~~ person in charge of the property showing the address or legal description of the property on which the nuisance is located and such other information as may be available to the inspector and setting forth in general the nature of the nuisance. ~~and may serve the summons on the occupant, owner or person in charge or any or all such persons.~~ If a notice is not required under Section **215.050**, the inspector who finds and determines that a nuisance has recurred may fill out and sign as the complainant a complaint ~~and information form~~ as provided above. ~~and may serve the summons on any person who is not entitled to notice under Section 215.050. The summons shall contain a date on which the case will be on the Municipal Court docket for a hearing.~~ The City's prosecuting attorney or assistant prosecuting attorney shall, ~~if he or she determines action to be appropriate,~~ sign the ~~complaint as an information and its original copy of all such summons and the original thereof~~ shall ~~then~~ be forwarded to the Clerk of the Municipal Court for issuance of summons ~~and~~ inclusion on the court's docket for the date shown on the summons. If the violation is corrected prior to the court date, the inspector may request the prosecuting attorney to dismiss the matter. If the matter is dismissed, notice of dismissal shall be promptly provided to the summoned party.

B.

Summons, Delivery By Mail. ~~If no one is found at the property to accept a summons for failure to remove or abate a nuisance, the inspecting officer shall fill out and sign the summons as the complainant as provided in Subsection (A) and deliver the original and one (1) copy of the summons to the Clerk of the Municipal Court who shall verify insert the date that the case has been set for hearing before the Municipal Court.~~ The Clerk shall ~~then~~ mail ~~at the~~ copy of the summons by ordinary mail, postage prepaid, to the person(s) named therein at the address shown on the summons or at such other address as the person(s) charged therewith may be found or shall be known to reside. If the mail is duly addressed to the person(s) named in the summons at the address as provided above and is not returned to the City, it shall be deemed to have been delivered and received by the person(s) to whom addressed.

C.

Abatement By City — Costs Assessed To Person Responsible. If the occupant, owner or person in charge of property for which a warning notice has been given to remove or abate a nuisance fails to remove or abate the nuisance in the time specified in the notice, whether on public or private property, or if a notice is not required under Section **215.050**, the City may remove the same and thereby abate the nuisance and, if necessary, may lawfully enter upon the property on which the nuisance remains unabated to remove or abate such nuisance at the costs of the person or persons responsible for creating or maintaining the nuisance.

D.

Payment Of Costs — Special Tax Bill Or Judgment. All costs and expenses incurred by the City in removing or abating any nuisance on any private property may be assessed against the property in the form of a special tax bill upon certification by the chief building official of the City or his or her designee to the City Clerk or City Finance Director of such costs and proof of notice to the owner of the property in the same manner and with the same effect as special tax bills issued for the paving of streets, which special tax bill shall be issued by the City Clerk or City Finance Director become a lien on the property or be added to the annual real estate tax bill for the property at the collecting official's option, and thereafter collected in the same manner and procedure for collecting real estate taxes, including delinquent and back taxes if not timely paid. The tax bill from the date of issuance shall be deemed a personal debt against the owner of the property and shall also be a lien on the property

from the date the tax bill is delinquent until paid. Alternatively, the cost of removing or abating the nuisance, whether on public or private property, may be made a part of the judgment by the Municipal Judge, in addition to any other penalties and costs imposed, if the person charged either pleads guilty or is found guilty of causing, permitting, creating or maintaining a nuisance on public or private property.

E.

(Reserved)

~~Warning Notice, First Offense. In all cases where the nuisance on public or private property is the first (1st) offense for the person charged therewith, the warning notice provisions of Section 215.040 shall be observed. The notice shall specify the number of days in which the nuisance shall be removed or abated, which time shall not be less than three (3) days nor more than thirty (30) days, except in emergency cases as set out in Section 215.070.~~

F.

(Reserved)

See Section 67.398 RSMo.

Section 215.070. Summary Abatement.

[R.O. 2008 §14-22; Ord. No. 1896 §1, 10-27-1997; Ord. No. 3098 §9, 12-12-2005]

The City may prevent, abate or remove ~~all~~ nuisances on public or private property in a summary manner when an existing nuisance creates an emergency that presents an immediate, specifically identified risk to the public health or safety that reasonably requires the necessity of immediate removal or abatement ~~thereof for reasons of health, safety, morals or general welfare of the inhabitants of the City.~~ The cost of such summary abatement shall be assessed to the person(s) responsible as set out in Section 215.060(C) and (D).

See Section 67.398 RSMo.

Section 2. Section 220.070 of the City Code of Ordinances is revised to read as follows:

Section 220.070. Maintenance of Vegetation in The Right-Of-Way or Easement.

[R.O. 2008 §14-50; Ord. No. 2047 §1, 1-24-2000; Ord. No. 4071 §1, 4-9-2007]

Whenever private property abuts a public right-of-way or easement and there exists in such right-of-way or easement a tree, lawn or ~~landscaped grassy~~ area between the private property line and the edge of the street pavement, then such tree, lawn or ~~landscaped grassy~~ area shall be considered, for purposes of this Section, to be a part of the private lot which abuts the right-of-way or easement, and it shall be the duty of those responsible under this Section for the maintenance of the private lot to equally maintain the tree, lawn or ~~landscaped grassy~~ area within the abutting right-of-way or easement. Whenever the public right of way or easement includes an island with a tree, lawn or landscaped area, then such tree, lawn or landscaped area shall likewise be considered for purposes of this Section to be part of the common ground to be maintained by the homeowner association or subdivision trustees of the surrounding area or if none then part of the private lots with frontage on the circular roadway area surrounding the island to be maintained jointly by the owners of such lots. Such requirements

shall not apply to landscaped areas for which the City or another governmental entity regularly conducts maintenance.

Section 3. Section 420.050 of the City Code of Ordinances is revised to read as follows:

Section 420.050. Violations.

[R.O. 2008 §24-32(a,4)]

A.

Unlawful Acts. It shall be unlawful for any person, firm or corporation to perform any land disturbance activities or cause or allow same to be done in conflict with or in violation of any of the provisions of this code.

B.

Notice Of Violation.

1.

Whenever the enforcement personnel find evidence of a violation of any provision of this Chapter, written notice thereof shall be given to the responsible party (owner and/or occupant as the case may be). Such notice shall be in writing and shall include:

a.

A statement of the provisions being violated, together with a designation of the remedial action to be taken;

b.

The period of time within which such remedial action shall be completed, which time shall be a reasonable period of time under all of the circumstances;

c.

A notice of the penalty for failure to timely remove or abate the violation including that a summons will be issued for hearing before the Municipal Court; and

d.

A statement that if the violation reoccurs within a period of twelve (12) months after the aforesaid date by which the violation shall be removed or abated, a summons may be issued without further notice. Such notice shall be served by the enforcement personnel by delivering a copy to the responsible party or by sending a copy of the notice by registered or certified mail with return receipt requested to the last known address or if the address of the responsible part is unknown, by posting a copy of such notice in a conspicuous place in or about the property affected by the notice. The notice shall be deemed served on the date delivered or received or ten (10) days after posting.

2.

The responsible party shall remedy the conditions specified in such notice within the time designated therein, provided that the enforcement personnel may, for good cause, extend the time for compliance with any such notice.

3.

Once notice has been given to a person regarding a violation, if the same violation recurs in or on the same lot or tract of land or land adjacent thereto within twelve (12) months after the date stated in the notice as the deadline to remove or abate the violation, no further notice shall be required and the same person may be summoned into Municipal Court regarding the recurring violation.

4.

If a warning notice is given as provided in Subsection **(B)** and if after the time for removal or abatement has lapsed, the property is reinspected and the inspector finds and determines that the violation has

not been removed or abated, the inspector shall fill out and sign as the complainant a complaint ~~and information form, hereinafter referred to as a summons,~~ directed by name to the occupant, owner and/or person in charge of the property showing the address or legal description of the property on which the violation is located and such other information as may be available to the inspector and setting forth in general the nature of the violation. ~~and may serve the summons on the occupant, owner or person in charge or any or all such persons.~~ If a notice is not required under Subsection **(B)(1)**, the inspector who finds and determines that a violation has occurred may fill out and sign as the complainant a complaint ~~and information form~~ as provided above ~~and may serve the summons on any person who is not entitled to notice under Subsection (B)(1).~~ The summons shall contain a date on which the case will be on the Municipal Court docket for a hearing. The City's prosecuting attorney or assistant prosecuting attorney shall, if he or she determines action is appropriate, sign the complaint as an information and its original copy of all such summons and the original thereof shall be then be forwarded to the Clerk of the Municipal Court for issuance of summons and inclusion on the court's docket for the date shown on the summons. If the violation is corrected prior to the court date, the inspector may request the prosecuting attorney to dismiss the matter. If the matter is dismissed, notice of dismissal shall be promptly provided to the summoned party.

5.

~~If no one is found at the property to accept a summons for failure to remove or abate a violation, the inspector shall fill out and sign the summons as the complainant as provided in Subsection (B)(4), and deliver the original and one (1) copy of the summons to the Clerk of the Municipal Court.~~ The Clerk shall ~~then~~ mail at the copy of the summons by ordinary mail, postage prepaid to the person(s) named therein at the address shown on the summons or at such other address as the person(s) charged therewith may be found or shall be known to reside. If the mail is duly addressed to the person(s) named in the summons at the address as provided above and is not returned to the City, it shall be deemed to have been delivered and received by the person(s) to whom addressed.

C.

Violation, Penalties. Any person, firm or corporation who shall violate any provision of this Code or who shall fail to comply with any of the requirements thereof or who shall perform work in violation of the approved construction documents or the Storm Water Pollution Prevention Plan or any directive of the Department of Public Works or of a permit or certificate issued under the provisions of this Code or shall start any work requiring a permit without first obtaining a permit therefore or who shall continue any work in or about a structure after having been served a stop work order, except for such work which that person, firm or corporation has been directed to perform to remove a violation or unsafe conditions, or any owner of a property or any other person who commits, takes part or assists in any violation of this Code or who maintains any property on which such violation shall exist shall be guilty of a misdemeanor and be subject to the general penalties of Section **100.090** of the Creve Coeur Municipal Code.

1.

No permit penalty. In addition to the penalties set out above, the following procedure shall be followed where the Department of Public Works determines that work has been started prior to the acquisition of a permit required by this Code:

a.

The Department of Public Works shall issue a stop work order.

b.

The Department of Public Works Director shall notify the violator of his/her assessment regarding the appropriate penalty amount to be assessed against the violator, which shall not exceed one thousand dollars (\$1,000.00) for each day that work occurs without a permit. In making the assessment, the Department of Public Works shall consider whether the violator has previously violated this Code and whether the occupation or experience of the violator indicates that he/she knew or should have known

that a permit was required. In no case will a no permit penalty be assessed against a property owner unless he/she actually performed the work involved.

C.

The violator shall either accept the penalty assessment and pay the assessed penalty amount (certified check or cash only) to the City or pursue a timely appeal.

d.

In the event of an appeal, the Department of Public Works may revise its assessment upon notice to both the City Administrator and the violator at any time prior to the hearing. Likewise, at any time prior to the hearing, the violator may accept and pay the recommended penalty amount and the hearing will be canceled.

D.

Abatement Of Violation. The imposition of the penalties herein prescribed shall not preclude the City from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal use of a property or to stop an illegal act.

E.

Permit Suspension Or Revocation. When a land disturbance activity is conducted in violation of the requirements of this Code or the terms of the permit in such a manner as to materially adversely affect the safety, health or welfare of persons or materially be detrimental or injurious to property or improvements, the Department of Public Works may suspend or revoke such permit.

F.

Stop Work Order. Upon notice from the Department of Public Works that work on any property is being prosecuted contrary to the provisions of this Code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.

1.

Unlawful continuance. Any person who shall continue any work in or about the property after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as specified in Subsection **(C)** of this Section.

Section 4. Sections 505.100 and 505.230 of the City Code of Ordinances are revised to read as follows:

Section 505.100. Enforcement.

[R.O. 2008 §6-120; Ord. No. 1231 §1, 6-22-1987; Ord. No. 3098 §§1 — 2, 12-12-2005]

A.

It shall be the duty and responsibility of the Building Official and his/her delegated representatives to enforce the provisions of this Article.

B.

Enforcement personnel are authorized and directed to make inspections to determine whether all property subject hereto conforms to the requirements of this Article. For the purpose of making such inspections, the enforcement personnel are hereby authorized to enter the publicly-accessible portions of all non-residential property within the City at any reasonable hour.

[Ord. No. 5434 §1, 8-10-2015]

C.

Whenever the enforcement personnel find evidence of a violation of any provision of this Article, written notice thereof shall be given to the responsible party (owner and/or occupant as the case may be). Such notice shall be in writing and shall include:

1.

A statement of the provisions being violated, together with a designation of the remedial action to be taken;

2.

The period of time within which such remedial action shall be completed, which time shall be a reasonable period of time under all of the circumstances;

3.

A notice of the penalty for failure to timely remove or abate the violation, including that a summons will be issued for hearing before the Municipal Court; and

4.

A statement that if the violation reoccurs within a period of twelve (12) months after the aforesaid date by which the violation shall be removed or abated, a summons may be issued without further notice. Such notice shall be served by the enforcement personnel by delivering a copy to the responsible party or by sending a copy of the notice by registered or certified mail with return receipt requested to the last known address or if the address of the responsible party is unknown, by posting a copy of such notice in a conspicuous place in or about the property affected by the notice. The notice shall be deemed served on the date delivered or received or ten (10) days after posting.

D.

The responsible party shall remedy the conditions specified in such notice within the time designated therein, provided that the enforcement personnel may, for good cause, extend the time for compliance with any such notice.

E.

Once notice has been given to a person regarding a violation, if the same violation recurs in or on the same lot or tract of land or land adjacent thereto within twelve (12) months after the date stated in the notice as the deadline to remove or abate the violation, no further notice shall be required and the same person may be summoned into Municipal Court regarding the recurring violation.

F.

If a warning notice is given as provided in Subsection (C) and if after the time for removal or abatement has lapsed, the property is reinspected and the inspector finds and determines that the violation has not been removed or abated, the inspector may fill out and sign as the complainant a complaint ~~and information form, hereinafter referred to as a summons,~~ directed by name to the occupant, owner and/or person in charge of the property showing the address or legal description of the property on which the violation is located and such other information as may be available to the inspector and setting forth in general the nature of the violation. ~~and may serve the summons on the occupant, owner or person in charge or any or all such persons.~~ If a notice is not required under Subsection (E), the inspector who finds and determines that a violation has recurred may fill out and sign as the complainant a complaint ~~and information form~~ as provided above. ~~and may serve the summons on any person who is not entitled to notice under Subsection (E). The summons shall contain a date on which the case will be on the Municipal Court docket for a hearing.~~ The City's prosecuting attorney or assistant prosecuting attorney shall, if he or she determines action to be appropriate, sign the complaint as an information and its original copy of all such summons and the original thereof shall then be forwarded to the Clerk of the Municipal Court for issuance of summons and inclusion on the court's docket for the date shown on the summons. If the violation is corrected prior to the court date, the inspector may request the prosecuting attorney to dismiss the matter. If the matter is dismissed, notice of dismissal shall be promptly provided to the summoned party.

G.

~~If no one is found at the property to accept a summons for failure to remove or abate a violation, the inspector shall fill out and sign the summons as the complainant as provided in Subsection (A) and deliver the original and one (1) copy of the summons to the Clerk of the Municipal Court.~~ The Clerk shall ~~then~~ mail ~~at~~ the copy of the summons by ordinary mail, postage prepaid, to the person(s) named therein at the address shown on the summons or at such other address as the person(s) charged therewith may be found or shall be known to reside. If the mail is duly addressed to the person(s) named in the summons at the address as provided above and is not returned to the City, it shall be deemed to have been delivered and received by the person(s) to whom addressed.

Section 505.230. Written Notice, Complaint and Summons.

[R.O. 2008 §6-139; Ord. No. 1232 §1, 6-22-1987; Ord. No. 3098 §3, 12-12-2005]

A.

Whenever the Building Official determines that there are reasonable grounds to believe that there has been a violation of any provision of this Article, the official shall give written notice of such alleged violation to the persons responsible therefore as hereinafter provided. Such notice shall:

1.

Include a statement of the reasons for it being issued.

2.

Allow a reasonable time, up to a specific date, for the performance of any act it requires.

3.

Include a notice of the penalty for failure to timely remove or abate the violation, including that a summons will be issued for hearing before the Municipal Court, and a statement that if the violation reoccurs within a period of twelve (12) months after the aforesaid date by which the violation shall be removed or abated, a summons may be issued without further notice.

4.

Be served upon the owner or the owner's agent or the lessee, tenant or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such lessee, tenant, occupant, if a copy thereof is served upon them personally; or if a copy thereof is sent by certified mail, return receipt requested, to the last known address; or if a copy thereof is posted in a conspicuous place in or about the structure or premises affected by the notice.

B.

Once notice has been given to a person regarding a violation, if the same violation recurs in or on the same lot or tract of land or land adjacent thereto within twelve (12) months after the date stated in the notice as the deadline to remove or abate the violation, no further notice shall be required and the same person may be summoned into Municipal Court regarding the recurring violation.

C.

If a warning notice is given as provided in Subsection (A) and if after the time for removal or abatement has lapsed, the property is reinspected and the inspector finds and determines that the violation has not been removed or abated, the inspector may fill out and sign as the complainant a complaint ~~and information form, hereinafter referred to as a summons,~~ directed by name to the occupant, owner ~~and/or~~ or person in charge of the property showing the address or legal description of the property on which the violation is located and such other information as may be available to the inspector and setting forth in general the nature of the violation. ~~and may serve the summons on the occupant, owner or person in charge or any or all such persons.~~ If a notice is not required under Subsection (B), the inspector who finds and determines that a violation has recurred may fill out and sign as the complainant a complaint ~~and information form~~ as provided above ~~and may serve the summons on any person who is not entitled to notice under Subsection (B).~~ ~~The summons shall contain a date on which the case will be on the Municipal Court docket for a hearing.~~ The City's prosecuting attorney or

assistant prosecuting attorney shall, ~~if he or she determines that action is appropriate,~~ sign the ~~complaint as an information and its original copy of all such summons and the original thereof~~ shall ~~be then be~~ forwarded to the Clerk of the Municipal Court for issuance of summons and inclusion on the court's docket for the date shown on the summons. If the violation is corrected prior to the court date, the inspector may request the prosecuting attorney to dismiss the matter. If the matter is dismissed, notice of dismissal shall be promptly provided to the summoned party.

D.

~~If no one is found at the property to accept a summons for failure to remove or abate a violation, the inspector shall fill out and sign the summons as the complainant as provided in Subsection (A) and deliver the original and one (1) copy of the summons to the Clerk of the Municipal Court who shall verify and insert the date that the case has been set for hearing before the Municipal Court.~~ The Clerk shall ~~then~~ mail ~~at the~~ copy of the summons by ordinary mail, postage prepaid, to the person(s) named therein at the address shown on the summons or at such other address as the person(s) charged therewith may be found or shall be known to reside. If the mail is duly addressed to the person(s) named in the summons at the address as provided above and is not returned to the City, it shall be deemed to have been delivered and received by the person(s) to whom addressed.

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

ADOPTED THIS ____ DAY OF _____, 2016.

ELLEN LAWRENCE
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2016

BARRY GLANTZ, MAYOR

ATTEST:

DEBORAH RYAN, CITY CLERK, MPCC



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

Meeting: 08/08/16 07:00 PM
Department: Legislative /City Clerk
Category: New Business
Prepared By: Carl Lumley
Department Head: Debbie Ryan

SCHEDULED

ORDINANCE

**Bill No. 5614 - an Ordinance Revising Chapters 135 and 360
of the Code of Ordinances of the City of Creve Coeur,
Missouri, Regarding Municipal Court and Related Police
Procedures. First Reading**

Chapter 135 of the City Code of Ordinances governs municipal court procedures and Chapter 360 of the City Code of Ordinances governs related police procedures. Changes in state law (2016 SB 572) require revisions to the City's ordinances regarding those procedures.

Ordinance

Meeting of August 8, 2016

BILL NO. 5614

ORDINANCE NO. _____

AN ORDINANCE REVISING CHAPTERS 135 AND 360 OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI, REGARDING MUNICIPAL COURT AND RELATED POLICE PROCEDURES.

WHEREAS, Chapter 135 of the City Code of Ordinances governs municipal court procedures and Chapter 360 of the City Code of Ordinances governs related police procedures; and

WHEREAS, changes in state law (2016 SB 572) require revisions to the City's ordinances;

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

Section 1. Chapter 135 of the City Code of Ordinances is revised to read as follows:

Chapter 135. Municipal Court

Article I. In General

Section 135.010. Established.

[R.O. 2008 §17-1; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

Pursuant to ~~the option granted in~~ Chapter 479, ~~RSMo., RSMo.~~, there ~~shall be~~ **is hereby established** in this City a Municipal Court, to be known as the "Creve Coeur Municipal Court, a division of the 21st Judicial Circuit Court of the State of Missouri". This Court is a continuation of the Police Court of the City as previously established and is termed herein the "Municipal Court".

Section 135.020. Jurisdiction.

[R.O. 2008 §17-2; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

The jurisdiction of the Municipal Court shall extend to all cases involving alleged violations of the ordinances of the City.

[1]

State Law Reference — Similar provisions, §479.020(1), RSMo.

Section 135.030. Superintending Authority.

[R.O. 2008 §17-3; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

The Municipal Court of the City shall be subject to the rules of the Circuit Court of St. Louis County and to the rules of the Missouri Supreme Court. The Municipal Court shall be subject to the general

administrative authority of the Presiding Judge of the Circuit Court and the Municipal Judge and the Court personnel of such Court shall obey their directives.

[1]

State Law Reference — Similar provisions, §479.020(5), RSMo.

Section 135.040. Court Administrator.

[R.O. 2008 §17-4; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

A.

The City Administrator shall designate a suitable and qualified person to serve as the Administrator of the Municipal Court with such assistants as may be needed from time to time. The duties of the Court Administrator shall include the following:

1.

Supervise the personnel and overall operation of the Municipal Court.

2.

Collect such fines for violations of such offenses as may be prescribed and the Court costs thereof.

3.

Take oaths and affirmations regarding Municipal Court proceedings.

4.

Accept signed complaints and allow the same to be signed and sworn to or affirmed before them.

5.

Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum.

6.

Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in Violations Bureau cases or as directed by the Municipal Judge and perform all other duties as provided by [this Chapter 135 and by Chapters ~~300 and~~ 479, RSMo.](#)

7.

Perform all other duties as provided for by ordinance, by rules of practice and procedure adopted by the Municipal Judge and by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by Statute.

8.

Maintain, properly certified by the City Clerk, a complete copy of the ordinances of the City, which shall constitute prima facie evidence of such ordinances before the Court and, further, on request shall provide a similar certified copy for filing with the Clerk serving the Circuit Court of St. Louis County.

[1]

State Law References — Municipality to provide, by ordinance, for clerk, §479.060(1), ~~RSMo.~~, RSMo. see §479.250.

Section 135.050. Marshal.

[R.O. 2008 §17-5; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

The Chief of Police or their designees shall serve as Marshal and deputy Marshals, respectively, of the Municipal Court and shall enforce its orders, judgments and decrees.

Section 135.060. Continuances and Dismissals.

[R.O. 2008 §17-6; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

All applications for continuance shall be made prior to the opening of the Court on the day on which the case is set for trial and at no other time, unless by leave of the Court, and all motions for dismissal on account of informality or illegality in the papers or proceedings and all other motions not necessarily arising during the trial must be made and filed in writing and argued when the case is called for trial and at no other time, unless by leave of the Court.

Section 135.070. Violations Bureau.

[R.O. 2008 §17-7; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

The City shall provide for all lawful expenses incident to the operation of the Violations Bureau. The Municipal Court Clerk and the deputy clerks are hereby designated as the Violations Clerks for the Bureau.

Section 135.075. When Person Charged May Appear At Violations Bureau or Before Municipal Judge.

[R.O. 2008 §16-88; Ord. No. 977 §1(2.31), 1-5-1981; Ord. No. 5433 §1, 8-10-2015]

A.

Any person charged with an offense for which payment of a fine may be made to the Violations Bureau shall have the option of paying such fine within the time specified in the citation at the Violations Bureau upon entering a plea of guilty and upon waiving appearance in court.

B.

The payment of a fine to the Bureau shall be deemed an acknowledgment of conviction of the alleged offense and the Bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof.

[1]

State Law Reference — [§479.050](#), Similar provisions, [§300.555](#), [RSMo. Rule 37.49](#).

Section 135.080. Sessions.

[R.O. 2008 §17-8; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

There shall be a session of the Municipal Court on such days as determined by the Municipal Judge and all cases set for each day shall be tried on such day at an hour fixed by the Municipal Judge, unless continued on application to or on motion of the Municipal Judge.

Section 135.090. Procedure.

[R.O. 2008 §17-9; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

All decisions of the Municipal Judge and all matters before the Municipal Court shall be governed by the procedural and substantive law of the Revised Statutes of Missouri, Supreme Court Rule 37, the ordinances of the City and case law applicable to Missouri Municipal Courts.

Section 135.100. Issuance and Execution of Arrest Warrants.

[R.O. 2008 §17-10; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

All arrest warrants issued by a Municipal Judge shall be directed to the Chief of Police or any other Police Officer of the municipality or to the Sheriff of the County. The arrest warrant shall be executed by the Chief of Police, Police Officer or Sheriff any place within the limits of the County and not elsewhere unless the warrant is endorsed in the manner provided for warrants in criminal cases and, when so endorsed, shall be served in other Counties as provided for in warrants in criminal cases.

[1]

State Law Reference — Similar provisions, §479.100, RSMo, [Rule 37.46](#).

Section 135.110. Reserved.

[1]

Editor's Note: Former Section 135.110, List of Persons in Custody to be Furnished Court — Trial, enacted by R.O. 2008 §17-11 and 5-27-2008 by §1 of Ord. No. 5041, was repealed 8-10-2015 by §1 of Ord. No. 5433.

Section 135.115. Records and Reports of Convictions.

[R.O. 2008 §16-95; Ord. No. 977 §1(15.8), 1-5-1981; Ord. No. 5075 §1, 2-9-2009; Ord. No. 5433 §1, 8-10-2015]

A.

The Municipal Court shall keep or cause to be kept a record of every information filed with the court and shall keep a record of every official action by the court, in accordance with State law and court rules.

B.

Within thirty (30) days after the final conviction, or forfeiture of bail not vacated, of a person upon a charge for which a report may then be required by the State Director of Revenue, the Municipal Judge or Clerk of the Municipal Court shall prepare or cause to be prepared an abstract of the record of the court covering the case and immediately forward the abstract to the Director. The abstract shall be certified by the person required to prepare the same to be true and correct.

Section 135.120. Release and Bail.

[R.O. 2008 §17-12; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5058 §7, 9-4-2008; Ord. No. 5264 §1, 8-27-2012; Ord. No. 5433 §1, 8-10-2015]

A.

Any person in custody pursuant to an initial arrest warrant issued by the Municipal Court shall have an opportunity to be heard by the Municipal Judge in person, by telephone, or video conferencing as soon as practicable and not later than forty-eight (48) hours after being taken into custody, and if not given that opportunity shall be released. Any person in municipal custody shall not be held more than twenty-four (24) hours without a warrant after arrest. Any person arrested for violation of any ordinance and not released by an arresting officer either pursuant to the bail schedule furnished by the Municipal Judge or otherwise, shall be released from custody pending trial or other proceedings on personal recognizance, unless the Municipal Judge determines in the exercise of discretion that such a release is not sufficient reasonably to assure the appearance of the person as required, or the person poses a danger to a victim, the community or any other person. When such a determination is made, the Municipal Judge may impose any combination of the following conditions of release which will reasonably assure the appearance of the person as required, taking into account available information, without regard to rules of admissibility of evidence, concerning the

nature and circumstances of the charged offense, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, length of residence in the community, record of convictions, and record of appearances at court proceedings or flight to avoid prosecution or failure to appear:

1.

Place the person in the custody of a designated person or organization agreeing to supervise the person;

2.

Place restriction on the travel, association, or place of abode of the person during the period of release;

3.

Require the execution of a bail bond with sufficient solvent sureties, or in lieu thereof the deposit in cash or negotiable bonds of the United States or the State of Missouri or any political subdivision thereof, or in lieu thereof execution of an unsecured bond;

4.

Require the person to report regularly to some officer of the court, or Peace Officer, in such manner as the Municipal Judge directs;

5.

Require the execution of a bond in a stated amount and the deposit in the registry of the Court of ten percent (10%), or such lesser sum as the Municipal Judge directs, of such sum in cash or negotiable bonds of the United States or the State of Missouri or any political subdivision thereof;

6.

Place the person on house arrest with electronic monitoring, with all costs associated therewith to be charged to the person, provided the Municipal Judge does not find the person unable to afford such costs;

7.

Any other condition deemed reasonably necessary to assure appearance as required, including a condition that the person return to custody after specified hours.

B.

When authorizing the release of a person under this Section, the Municipal Judge shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform the person of the penalties applicable to violations of the conditions of release and shall advise him that a warrant for arrest will be issued immediately upon any such violation. When issuing a warrant for arrest, the Municipal Judge shall likewise set the conditions for release, which shall be stated on the warrant.

C.

A person for whom conditions of release are imposed who continues to be detained after twenty-four (24) hours from the time of the release hearing as a result of inability to meet the conditions of release, or who has been ordered to return to custody after specified hours, shall upon application be entitled to have the conditions reviewed by the Municipal Judge who imposed them, which application shall be determined promptly.

D.

The Municipal Judge may amend an order of release by imposing additional or different conditions, subject to the other provisions of this Section and applicable Court rules. The Court shall review such conditions when it enters a judgment.

E.

In accordance with this Section, a person shall be admitted to bail by executing a bond to the City, with sufficient security to be approved by the Municipal Judge in a sum not to exceed one thousand dollars (\$1,000.00), conditioned that such person will appear on the day therein stated before the Municipal Court to answer to the charge against them and all bonds so taken shall forthwith be filed with the Municipal Judge or the Clerk of the Court by the officer approving and taking the same.

F.

If the person is not released or does not meet the conditions of release, they shall be committed to jail until discharged by due course of law. There shall be a presumption that releasing the person under any conditions shall not reasonably assure the appearance of the person as required if the Judge reasonably believes that the person is an alien unlawfully present in the United States. If such presumption exists, the person shall be committed to the County Jail as provided in Section 135.200, until such person provides verification of their lawful presence in the United States or otherwise rebuts such presumption. If the person adequately proves their lawful presence or otherwise rebuts such presumption, the Judge shall review the issue of release, without regard to previous issues concerning whether the person is lawfully present in the United States. If the person cannot prove their lawful presence or otherwise rebut such presumption, the person shall continue to be committed to the jail and remain until discharged by due course of law.

G.

Notwithstanding the foregoing, any person arrested and charged with violating a traffic ordinance of the City may, if afforded the opportunity to deposit his motor vehicle operator's license pursuant to Section 360.050 in lieu of bail, decline to do so and instead post bail of \$50 per traffic offense allegedly committed.

[1]

State Law References — See §§544.045, 544.455 and 544.470, RSMo., Rules 37.15 to 37.20.

Section 135.130. Arrests Without Warrants.

[R.O. 2008 §17-13; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

The Chief of Police or other Police Officer of the City may, without a warrant, make arrest of any person who commits an ordinance violation in their presence or of any person for whom they have probable cause to believe committed, is committing, or is about to commit an ordinance violation, but such officer shall promptly file a written complaint with the Court hearing violations of municipal ordinances and comply with Section 135.120.

[1]

State Law Reference — Similar provisions, §479.110 and 546.216, RSMo.

Section 135.140. Jury Trials.

[R.O. 2008 §17-14; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5075 §3, 2-9-2009; Ord. No. 5433 §1, 8-10-2015]

To the extent required by City of Kansas City v. Darby, 544 S.W.2d (Mo. banc 1976) and subsequent cases, any person charged with a violation of a municipal ordinance of this City involving obscenity shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an Associate Circuit Judge. Whenever a defendant accused of a violation of a municipal ordinance involving obscenity timely demands trial by jury, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court for reassignment, as provided by applicable Court Rule and Section 479.150, RSMo.

[1]

State Law Reference — Similar provisions, §479.130, RSMo., Rule 37.61

Section 135.150. Duties of City's Prosecuting Attorney.

[R.O. 2008 §17-15; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

It shall be the duty of an attorney designated by the City to prosecute the violations of the City's ordinances before the Municipal Judge or before any Circuit or Associate Circuit Judge hearing violations of the City's ordinances. The salary or fees of the attorney and necessary expenses incurred in such prosecutions shall be paid by the City. The compensation of such attorney shall not be contingent upon the result in any case.

[1]

State Law Reference — Similar provisions, §479.120, RSMo.

Section 135.160. Summoning of Witnesses.

[R.O. 2008 §17-16; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

A.

It shall be the duty of the Municipal Judge, acting through the Court Administrator, to summon all persons whose testimony may be deemed essential as witnesses at the trial and to enforce their attendance by subpoena and attachment, if necessary. Any fees of witnesses shall be the same as those fixed for witnesses in trials before Associate Circuit Judges and shall be taxed as other costs in the case. When a trial shall be continued by a Municipal Judge, it shall not be necessary to summon any witnesses who may be present at the continuance; but the Municipal Judge shall orally notify such witnesses as either party may require to attend before the Court on the day set for trial to testify in the case and enter the names of such witnesses on the docket, which oral notice shall be valid as a subpoena. Other witnesses may be notified of their obligation to attend court from time to time until the case is disposed pursuant to Rule 37.55.

B.

Officers shall attend as witnesses against persons whom they have arrested without summons or subpoena and if they fail to appear at the time of the trial, they may be attached and punished for contempt in like manner as witnesses subpoenaed or summoned.

[1]

State Law Reference — Similar provisions, §479.160, RSMo., Rule 37.55.

Section 135.170. ~~Reserved~~Use of Depositions.

~~[R.O. 2008 §17-17; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]~~

~~Depositions taken in conformity with the laws of the State may be read in evidence in any case pending in the Municipal Court in accordance with applicable law.~~

Section 135.180. Transfer of Complaint To Circuit or Associate Circuit Judge.

[R.O. 2008 §17-18; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

If, in the progress of any trial before a Municipal Judge, it shall appear to the Judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before a Municipal Judge, the Judge shall immediately stop all further proceedings and cause the complaint to be made before some Circuit or Associate Circuit Judge within St. Louis County.

[1]

State Law Reference — Similar provisions, §479.170, RSMo.

Section 135.190. Judgment.

[R.O. 2008 §17-19; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5264 §2, 8-27-2012; Ord. No. 5433 §1, 8-10-2015]

If the defendant pleads or is found guilty, the Municipal Judge shall declare and assess the punishment prescribed or allowed by ordinance and Statute according to such finding and render a judgment accordingly. Prior to rendering such judgment, the Municipal Judge shall allow a defendant to present evidence of their financial condition and shall take such evidence into account when determining fines and costs and establishing any related payment requirements. Additionally, the Municipal Court shall use alternative payment arrangements and community service alternatives, including for which no associated costs are charged to defendants, as and when required or appropriate for a particular defendant. For violation of ordinances involving alcohol- or drug-related traffic offenses, the Municipal Judge shall order the person to participate in and successfully complete a substance abuse traffic offender program under Section 577.049~~577.001~~, RSMo., RSMo. (renumbered 302.580 effective 1-1-2017) and the person shall pay the fees for such program as determined by the State Department of Mental Health. In the event a sentence of confinement is ordered executed, the Municipal Judge may order that a person serve all or any portion of such sentence on electronic monitoring with all costs associated therewith to be charged to the person, provided the Municipal Judge does not find the person unable to afford such costs.

[1]

State Law Reference — Similar provisions, §577.049, RSMo. (302.580 eff 1-1-2017)

Section 135.200. Jailing of Defendants.

[R.O. 2008 §17-20; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

If, in the opinion of the Municipal Judge, the City has no suitable and safe place of confinement, the Municipal Judge may commit a defendant who is to be confined to the County Jail and it shall be the duty of the Director of Justice Services, if space for the prisoner is available in the County Jail, upon receipt of a warrant of commitment from the Judge, to receive and safely keep such prisoner until discharged by due process of law. The City shall pay the board of such prisoner at the same rate as may now or hereafter be allowed to such Director of Justice Services for the keeping of such prisoner in their custody. The same shall be taxed as costs. No person shall be placed in confinement for failure to pay a fine or court costs unless such non-payment violates terms of probation, and- n No person shall be detained in order to coerce payment of fines and costs, unless found to be in contempt after strict compliance by the court with due process procedures mandated by Missouri Supreme Court Rule 37.65 or its successor rule.

[1]

State Law Reference — Similar provisions, §479.180, RSMo.

Section 135.210. Parole and Probation.

[R.O. 2008 §17-21; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

Any Judge hearing violations of municipal ordinances may, when in their judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before such Judge on such conditions as may be imposed, all in accordance with Section 479.190, RSMo.

[1]

State Law Reference — Similar provisions, §479.190, RSMo.

Section 135.220. Right of Appeal.

[R.O. 2008 §17-22; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

In all cases tried before the Municipal Court, except where there has been a plea of guilty ~~or a jury trial~~, the defendant shall have a right to trial de novo before a Circuit Judge or on assignment before an Associate Circuit Judge. An application for a trial de novo shall be filed within ten (10) days after judgment and shall be filed in such form and perfected in such manner as provided by Supreme Court rules and the rules of the Circuit Court of St. Louis County. No trial de novo shall be available after a jury trial.

[1]

State Law Reference — Similar provisions, §479.200(2), RSMo.

Section 135.225. Failure To Appear — Driver's License Renewal/Suspension.

[R.O. 2008 §16-99; Ord. No. 977 §1(15.12), 1-5-1981; Ord. No. 5075 §1, 2-9-2009; Ord. No. 5433 §1, 8-10-2015]

~~Pursuant to Section 302.341.1 RSMo., if~~ If a Missouri resident charged with a moving traffic violation under City ordinance, other than a "minor traffic violation" as defined by Section 479.350 RSMo., fails to dispose of the charges through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against him or her for any such violation within the period of time specified or in such installments as approved by the Municipal Court or as otherwise provided by law, the Municipal Court shall proceed to follow the procedures set forth in Section 302.341.1 and 544.045 RSMo., regarding renewal of and sanctions upon the person's driver's license.

Section 135.230. Breach of Recognizance.

[R.O. 2008 §17-23; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

In the case of a breach of any recognizance entered into before the Municipal Judge, the same shall be deemed forfeited and if necessary the Judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a Circuit Judge or Associate Circuit Judge and in the event of cases caused to be prosecuted by a Municipal ~~Judge, Judge~~; such shall be on the transcript of the proceedings before the Municipal Judge. All monies recovered in such actions shall be paid over to the municipal Treasury to the General Revenue Fund of the City.

[1]

State Law Reference — Similar provisions, §479.210, RSMo.

Section 135.240. Court Costs — Generally.

[R.O. 2008 §17-24; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5079 §1, 3-23-2009; Ord. No. 5264 §3, 8-27-2012; Ord. No. 5315 §1, 8-12-2013; Ord. No. 5404 §1, 11-24-2014~~u~~; Ord. No. 5433 §1, 8-10-2015]

A.

In addition to any fine that may be lawfully imposed by the Municipal Judge, there shall be assessed as costs in all cases, except cases in which charges of a "minor traffic violation" or "municipal ordinance violation" as defined in Section 479.350 RSMo., are dismissed and cases in which the Municipal Court finds the defendant to be indigent pursuant to applicable standards, the following:

1.

Costs of Court in the amount of twelve dollars (\$12.00).

2.

Actual costs assessed against the City by the County Director of Justice Services for apprehension or confinement in the County Jail pursuant to Section 221.070, RSMo.

3.

In addition to any other costs of Court pursuant to Section 488.5336, RSMo., an assessment of two dollars (\$2.00) on all ordinance violations (including infractions, moving and non-moving traffic violations), but excluding cases dismissed by the Court or when the costs are to be paid by the City, such additional assessment to be used for the training of Law Enforcement Officers.

4.

Pursuant to the authority granted by Section 488.607, RSMo., an assessment of an additional Court cost of three dollars (\$3.00) on all ordinance violations, except when the proceedings or defendant have been dismissed by the Court or when costs are to be paid by the City. Such costs shall be collected by the Clerk of the Court and disbursed by the City Council for the purpose of providing operating expenses for shelters for battered persons as defined by Section 455.200 et seq., RSMo.

5.

In addition to any other costs of Court pursuant to Section 488.5336, RSMo., an assessment of one dollar (\$1.00) on all ordinance violations (including infractions, moving and non-moving traffic violations), but excluding cases dismissed by the Court or when the costs are to be paid by the City, such additional assessment to be used for the Peace Officer's Standards and Training Commission (P.O.S.T.) Fund created by Section 590.178, RSMo.

6.

In addition to any other costs of Court pursuant to Sections 488.5339 and 595.045, RSMo., an assessment of seven dollars fifty cents (\$7.50) on all ordinance violations (including infractions, moving and non-moving traffic violations), except when the proceedings or defendant have been dismissed by the Court or when the costs are to be paid by the City, such additional assessment to be used for the Crime Victims' Compensation Fund.

7.

Upon plea of guilty or a finding of guilty for an offense of violating the provisions of municipal ordinances involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the City Police Department pursuant to Section 488.5334, RSMo., for the reasonable costs associated with the arrest, including the cost of any chemical test made under Chapter 577, RSMo., to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody. The Police Department may establish a schedule of such costs, but the Court may order the costs reduced if it determines them to be excessive.

8.

Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this Court, other costs, such as for the issuance of a warrant, a commitment or a summons, as provided before the Circuit or Associate Circuit Judge in criminal prosecutions and any and all other costs, assessments and surcharges as required by applicable law.

9.

Other fees as lawfully determined by the Court, including credit card fine fees and probation deterrent fees.

10.

A surcharge of two dollars (\$2.00) pursuant to the provisions of Section 488.5026, ~~RSMo.~~RSMo., shall be collected in all cases, except where the proceeding is dismissed by the Court or when the costs are to be paid by the City. All fees collected pursuant to this Subsection shall be transmitted

monthly to the Finance Director of the City of Creve Coeur for deposit into the Inmate Security Fund. All funds collected pursuant to this Subparagraph shall be used only to acquire, develop, maintain, repair, and replace biometric verification systems and information sharing systems to ensure that inmates, prisoners or detainees in a holding cell facility or other detention facility or area which holds persons detained only for a shorter period of time after arrest or after being formally charged can be properly identified upon booking and tracked within the local law enforcement administration system, criminal justice administration system, or the local jail system, and to pay for any expenses related to detention, custody and housing and other expenses for inmates, prisoners and detainees.

11.

Pursuant to Section 488.650 RSMo, ~~there~~ there shall be assessed as costs a surcharge in the amount of one hundred dollars (\$100.00) on all petitions for expungement filed under the provisions of Section 610.140, ~~RSMo., RSMo.~~ in the Municipal Court, provided such surcharge shall be two hundred and fifty dollars (\$250.00) effective January 1, 2018. Such surcharge shall be collected and disbursed by the Clerk of the Court as provided by Sections 488.010 to 488.020, RSMo. Monies collected from this surcharge shall be payable to the City's General Fund.

B.

No refund shall be required for overpayments of Court costs of five dollars (\$5.00) or less, nor shall the Clerk be required to pursue unpaid amounts less than five dollars (\$5.00) as provided in Section 488.014, RSMo.

[1]

Editor's Note: This ordinance also provided that it shall become effective 1-1-2015.

Section 135.250. Court Costs — Assessment Against Prosecuting Witness.

[R.O. 2008 §17-25; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

The costs of any action may be assessed against the prosecuting witness and judgment be rendered against them that they pay the same and stand committed until paid in any case where it appears to the satisfaction of the Municipal Judge that the prosecution was commenced without probable cause and from malicious motives, but this Section shall not apply to "minor traffic violations" or "municipal ordinance violations-as" as defined in Section 479.350 RSMo.

Section 135.260. Installment Payment of Fine.

[R.O. 2008 §17-26; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

When a fine is assessed for violating an ordinance, it shall be within the discretion of the Municipal Judge assessing the fine to provide for payment of a fine on an installment basis under such terms and conditions as the Judge may deem appropriate and if it appears to the Judge that the defendant does not have the present means to pay, the judge shall comply with Supreme Court Rule 37.65.

[1]

State Law Reference — Similar provisions, §479.240, RSMo.

Section 135.270. Public Defender.

[R.O. 2008 §17-27; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

The duties of a public defender shall be to serve as counsel when appointed by the Municipal Judge to represent persons appearing before the Municipal Court and accused of a violation of the ordinances of the City for which the prosecutor intends to seek a sentence of confinement who

demonstrate to the satisfaction of the Municipal Judge that they are unable to employ counsel on their own behalf and ~~should desire to~~ have counsel appointed to represent them. No such person shall be sentenced to any period of confinement unless they are represented by counsel.

See Rules 37.47, 37.50.

Section 135.280. Procedures When Defendant Fails To Appear — Section Not To Affect Judge's Contempt Power.

[R.O. 2008 §17-28; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

A.

Any person who has promised to appear, or who has been notified or directed to appear, before the Court of the 21st Judicial Circuit, Municipal Division, of the City by summons, bail, recognizance, bond or other legal notice shall appear at the time and date so specified in said document or notice.

B.

Any person who fails to appear in Court pursuant to their promise or legal direction or notice to do so as required by Subsection **(A)** of this Section shall be guilty of violating this Section and, upon conviction thereof, the violator shall be punished as provided in Section **100.090** of this Title, regardless of the disposition of the charge for which he/she was originally arrested, provided, however, this Subsection **(B)** shall not apply to "minor traffic violations" as defined in Section 479.350 RSMo.

C.

Nothing contained in this Section shall prevent the exercise by the Judge of the power to lawfully punish for contempt of court.

Article II. Judge

Section 135.290. Selection.

[R.O. 2008 §17-44; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

The Judge of the City's Municipal Court shall be known as a Municipal Judge of the 21st Judicial Circuit Court and shall be selected as provided in Section **7.2** of the City Charter.

Section 135.300. Term of Office.

[R.O. 2008 §17-45; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

The Municipal Judge shall hold office for a period of four (4) years as provided in the City Charter.

Section 135.310. Vacation of Office.

[R.O. 2008 §17-46; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

A.

The Municipal Judge shall vacate office under the following circumstances:

1.

Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges as provided in Missouri Supreme Court Rule 12, or

2.

Upon attaining age seventy-five (75), or

3.

As provided in Section 7.2 of the City Charter or other applicable law.

Section 135.320. Qualifications For Office.

[R.O. 2008 §17-47; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

A.

The Municipal Judge shall possess the following qualifications before taking office:

1.

Must be a licensed attorney qualified to practice law within this State.

2.

Must be a resident of the State.

3.

Must be between the ages of twenty-one (21) and seventy-five (75) years.

4.

May not hold any other office within the City Government.

5.

Must meet all qualifications for the office set forth in Section 7.2 of the City Charter and any and all other qualifications imposed by State law or Supreme Court Rule.

B.

Additionally, the Municipal Judge shall meet all requirements concerning course of instruction and continuing education, including pursuant to Sections 479.020 and 479.172, ~~RSMo.~~, RSMo., and Supreme Court Rule 18.

Section 135.330. May Serve As Judge For Other Municipalities and Accept Other Employment.

[R.O. 2008 §17-48; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

A.

The Municipal Judge may serve as Municipal Judge for up to four~~any~~ other municipalities.

B.

The Municipal Judge shall be considered as holding a part-time contractor position and as such may accept (within the requirements of the Code of Judicial Conduct, Missouri Supreme Court Rule 2) other employment.

See Section 479.020 RSMo.

Section 135.340. Powers and Duties Generally.

[R.O. 2008 §17-49; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

A.

The Municipal Judge shall be and is hereby authorized to:

1.

Establish a Violations Bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and Chapters ~~300 and~~ 479, RSMo.

2.

Administer oaths and enforce due obedience to all rules and judgments made by the Court and fine and imprison for contempt committed before the Judge while holding Court, in the same manner and to the same extent as a Circuit Judge.

3.

Commute the term of any sentence, stay execution of any fine or sentence, suspend any fine or sentence and make such other orders as the Municipal Judge deems necessary relative to any matter that may be pending in the Municipal Court.

4.

Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the Municipal Court and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts.

5.

Make use of a public or private probation program of the Court's choice if such program or programs are available for the referral of defendants for any of the following purposes: To conduct a pre-sentence investigation and prepare a report thereof for the Court; to enroll the defendant in a counseling program or short-term educational program appropriate to the offense for which the defendant has been charged; to supervise defendants placed on probation by the Court; and for such other purposes as the Municipal Judge may direct. A report of a pre-sentence investigation shall not be submitted to the Court or its contents disclosed to anyone unless the defendant has pleaded guilty or has been found guilty. The report of a pre-sentence investigation shall contain any prior record of the defendant and such information about their characteristics, their financial condition, their social history and the circumstances affecting their behavior as may be helpful in imposing sentence or in recommending probation or in the correctional treatment of the defendant. The Probation Officer shall secure such other information as may be required by the Court and whenever it is practicable and requested by the Court, investigation may include a physical and mental examination of the defendant by a licensed physician, psychiatrist or psychologist.

6.

The Municipal Judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this State or other ordinances of this City.

[1]

State Law Reference — Similar provisions, §479.070, RSMo.

Section 135.350. Reports.

[R.O. 2008 §17-50; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

The Municipal Judge shall cause to be prepared such reports as may be required by law.

Section 135.360. Docket and Court Records.

[R.O. 2008 §17-51; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

The Municipal Judge shall be a conservator of the peace. The Judge shall keep a docket and shall enter therein every case commenced before the Court and the proceedings therein and shall keep such other records as may be required. Such docket and records shall be records of the Circuit Court of St. Louis County. The Municipal Judge shall deliver the docket and records of the Municipal Court and all books and papers pertaining to the office to any successor in office or to the Presiding Judge of the Circuit Court.

[1]

State Law Reference — Similar provisions, §479.070, RSMo.

Section 135.370. Disqualification of Municipal Judge From Hearing Particular Case.

[R.O. 2008 §17-52; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

A Municipal Judge shall be disqualified to hear any case in which they are related to the defendant or in anywise interested or otherwise disqualified by law, or, if ~~before the trial is commenced~~, the defendant or the prosecutor timely files an application for change of judge pursuant to Rule 37.53~~affidavit that the defendant or the municipality, as the case may be, cannot have a fair and impartial trial by reason of the interest or prejudice of the Judge.~~ Neither the defendant nor the municipality shall be entitled to file more than one application for change of judge~~(1) affidavit or disqualification~~ in the same case, except that no party shall be precluded from requesting any change of Judge for cause at any time pursuant to applicable Court rule.

[1]

State Law Reference — Similar provisions, §479.220, RSMo.; rule 37.53.

Section 135.380. ~~Alternate~~Temporary Municipal Judge.

[R.O. 2008 §17-53; Ord. No. 5041 §1, 5-27-2008; Ord. No. 5433 §1, 8-10-2015]

Pursuant to Section 7.2 of the City Charter, ~~an alternate-provisional~~ Judge shall be appointed to serve if the Municipal Judge is absent, sick or disqualified from acting and as otherwise directed by the Municipal Judge. If neither the Municipal Judge nor the ~~alternate-provisional~~ Judge is able to serve at a particular time due to absence, sickness or disqualification, a special interim Municipal Judge may be appointed by the Presiding Judge of the Circuit Court of St. Louis County pursuant to Section 479.230, RSMo. The City Council shall provide by ordinance for the compensation of any person designated to act as Municipal Judge under the provisions of this Section.

[1]

State Law Reference — Similar provisions, §479.230, RSMo.

Section 2. Chapter 360 of the City Code of Ordinances is revised to read as follows:

Chapter 360. Procedure On Arrest

Article I. Procedure On Arrest

Section 360.010. Complaint, Information, Summons Form Used.

[R.O. 2008 §16-91; Ord. No. 977 §1(15.4), 1-5-1981; Ord. No. 5075 §1, 2-9-2009]

A.

In traffic cases, the complaint or information and summons shall be substantially in the form prescribed by the Supreme Court of the State known as the Missouri Uniform Traffic Ticket and when such ticket is executed in the manner provided by law, it shall be deemed to be lawful information for the purpose of prosecution in the Municipal Court for offenses set out in this Title III~~Chapter~~.

B.

The Missouri Uniform Traffic Ticket shall be used in traffic cases, whether the complaint is made by a Police Officer or by any other person or the information is made by the prosecutor.

Section 360.020. Uniform Forms, Record and Reports.

[R.O. 2008 §16-92; Ord. No. 977 §1(15.5), 1-5-1981; Ord. No. 5075 §1, 2-9-2009]

A.

The Municipal Court shall approve uniform citation, information and summons forms as prescribed by the Supreme Court.

B.

The Chief of Police shall be responsible for maintaining records regarding the issuance of serially numbered citation forms in electronic, paper or other formats to individual members of the Police Department.

[1]

State Law Reference — Similar provisions, §300.575, RSMo.

Section 360.030. Disposition and Record of Uniform Citations.

[R.O. 2008 §16-93; Ord. No. 977 §1(15.6), 1-5-1981; Ord. No. 5075 §1, 2-9-2009]

A.

The Chief of Police or other responsible officer shall cause a copy of every traffic citation issued to an alleged violator of any of the provisions of this Chapter to be provided to the prosecuting attorney or his/her duly authorized representative and to the office of the Municipal Court Clerk.

B.

It shall be unlawful and official misconduct for any Police Officer or other officer or public employee to dispose of, alter or deface a traffic citation or any copies thereof or the record of the issuance or disposition of any traffic citation or warrant in any unauthorized manner.

C.

The Chief of Police, the prosecutor and the Municipal Court Clerk shall cause to be maintained a record of every traffic citation, information and summons issued to an alleged violator of any provisions of this Chapter, as well as any forms which have been damaged or otherwise voided or upon which any entry has been made and not issued to an alleged violator. Such latter cases shall require a concise statement by the officer, approved by his/her immediate supervisor, as to the reason the citation was voided or not issued.

D.

The Chief of Police shall cause to be maintained a record of all warrants issued by the Municipal Court which are delivered to the Police Department for service and of the final disposition of all warrants.

Section 360.040. Illegal Cancellation of Traffic Citations.

[R.O. 2008 §16-94; Ord. No. 977 §1(15.7), 1-5-1981; Ord. No. 5075 §1, 2-9-2009]

No person shall cancel or solicit the cancellation of any traffic citation in any manner other than as authorized by law.

Section 360.050. Driver's License Presented in Lieu of Bail — Offenses Requiring Posting of Bail.

[R.O. 2008 §16-99; Ord. No. 977 §1(15.12), 1-5-1981; Ord. No. 5075 §1, 2-9-2009]

A.

Any person arrested and charged with violating any of the traffic ordinances of the City may at the discretion of the officer authorized by law or rule of court to accept bail and the person arrested, deposit his/her ~~chauffeur's or~~ operator's license issued by the State with the officer demanding bail in lieu of any other security for an appearance in court to answer any such charge except:

1.

When directed under law to take a person immediately before a judge;

2.

When the violation involves ~~personal injury or~~ death;

3.

When the violation involves a person who is ~~an habitual user of drugs or who is~~ under the influence of intoxicating liquor or drugs ~~or one who permits another person who is an habitual user of drugs or under the influence of intoxicating liquor or drugs to operate a motor vehicle owned by the defendant or in his/her custody or control;~~

4.

When the violation involves leaving the scene of an accident;

5.

When the violation involves driving with a suspended or revoked driver's license ~~or a driver's license which has been expired for more than sixty (60) days;~~

6.

~~When the violator is not a resident of the State of Missouri, does not live within fifty (50) miles of the City of Creve Coeur, or it appears doubtful the violator will appear pursuant to a written summons; or~~

7.

When bail is ordered by the court or by court rule.

B.

The Law Enforcement Officer requiring security for an appearance may accept the deposit of the driver's license in lieu of bail, and if the driver's license is accepted, shall issue a receipt to the licensee for the license upon a form approved by the Municipal Court. The licensee may, until he/she has appeared at the proper time and place as stated in the receipt to answer the charge placed against him/her, operate motor vehicles while in possession of the receipt. If a continuance is requested and granted, the licensee shall be given a new receipt for his/her license or the Municipal Court Clerk may return the license.

C.

Notwithstanding the foregoing, any person arrested and charged with violating a traffic ordinance of the City may, if afforded the opportunity to deposit his motor vehicle operator's license pursuant to this Section in lieu of bail, decline to do so and instead post bail of \$50 per traffic offense allegedly committed as provided in Section 135.120..

See Section 544.045 RSMo.

Section 360.060. Warning of Arrest Sent Upon Failure To Appear.

If a violator of the restrictions on stopping, standing or parking under the traffic ~~laws or~~ ordinances of the City does not appear in response to a uniform traffic ticket affixed to such motor vehicle within a

period of five (5) days, the Violations Bureau shall send to the owner of the motor vehicle to which the traffic ticket was affixed a letter informing him or ~~her~~ of the violation and warning him or ~~her~~ that in the event such letter is disregarded for a period of five (5) days a warrant of arrest will be issued.

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

ADOPTED THIS ____ DAY OF _____, 2016.

ELLEN LAWRENCE
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2016

BARRY GLANTZ, MAYOR

ATTEST:

DEBORAH RYAN, CITY CLERK, MPCC



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

Meeting: 08/08/16 07:00 PM
Department: Public Works Department
Category: Grant
Prepared By: Matt Wohlberg
Department Head: Jim Heines

SCHEDULED

RESOLUTION

Resolution No. 1237 - a Resolution Authorizing the City Administrator to Execute the Project Proposal Application and to Later Execute an Agreement for a Grant-In-Aid from the Municipal Park Grant Commission.

City staff recommends that the City pursue a Municipal Park Grant for improvements to the cart paths, bridges, and fences at the Creve Coeur Golf Course. The City is eligible for up to \$475,000 in funding through this grant, and the City would need to contribute approximately \$30,000 to receive this level of assistance.

RESOLUTION NO. 1237**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE PROJECT PROPOSAL APPLICATION AND TO LATER EXECUTE AN AGREEMENT FOR A GRANT-IN-AID FROM THE MUNICIPAL PARK GRANT COMMISSION.**

WHEREAS, the City of Creve Coeur City Council deems it necessary to improve its parks to serve its citizens as well as those in the metropolitan area.

WHEREAS, the 2015 Analysis of Golf Course Conditions for Needs Assessment urged improvements to the bridges and cart paths at the Creve Coeur golf course to promote safety, ease of maintenance, and a positive golfing experience in order to preserve the viability of the course as a public amenity.

WHEREAS, the City Council recognizes this Municipal Park Grant as an excellent opportunity to improve City parks for the benefit of the community.

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

1. An application shall be made to the Municipal Park Grant Commission of St. Louis County for a grant-in-aid for a portion of costs required to make improvements to the cart paths, bridges, and fences at the Creve Coeur Golf Course.
2. The project proposal described herein shall be prepared and submitted to the Municipal Parks Grant Commission.
3. The City Administrator is hereby authorized to sign and execute the necessary documents for forwarding the project proposal application and later executing an agreement for a grant-in-aid under the Municipal Park Grant Commission.
4. If a grant is awarded, the City of Creve Coeur will enter into an agreement or contract with the Municipal Park Grant Commission regarding the grant.

Adopted this 8th day of August, 2016.

Barry Glantz, Mayor

ATTEST:

Deborah Ryan, City Clerk



DEPARTMENT OF PUBLIC WORKS STAFF MEMORANDUM

DATE: August 1, 2016

TO: Mark Perkins, City Administrator

CC: Jim Heines, Director of Public Works

FROM: Jason Valvero, Director of Recreation
Matt Wohlberg, P.E., City Engineer

SUBJECT: Recommendation for Golf Course Improvements
FY2017 Municipal Park Grant

Staff recommends pursuit of a Municipal Park Grant for various improvements to the Creve Coeur Golf Course and requests that the City Council pass a resolution to commit to the project and the grant, as is required for the grant application.

Municipal Park Grant

The Municipal Park Grant originated in 2000 and is funded through sales taxes in St. Louis County. This grant program reimburses cities in St. Louis County for improvements to public facilities and parks.

To date, the City of Creve Coeur has been awarded seven grants, with a total grant award of \$1.4 million. Among the improvements that these funds have made possible are new playgrounds, refurbished tennis courts, renovations to the Dielmann Recreation Complex, and studies determining park needs.

The City will be eligible for \$475,000 in grant funding in FY2017. The City's grant match needs to be at least 6% to score well in the application, which would be approximately \$30,000 if the full grant amount is sought. This would translate into a total project budget of \$505,000.

Project Proposal

Staff recommends to submit an application for a grant for a project involving several improvements to the Creve Coeur Golf Course:

Cart Path Resurfacing

Estimated Cost: \$ 300,000

Full replacement of the cart paths has been discussed with the City Council several times since 2014, most recently at one of the work sessions dedicated to the capital improvement plan in April 2016. It appears that full replacement of the paths will not be necessary. Core samples taken along the length of the paths in July found that the paths are an average of 3.75" thick and that an average of 6" of rock lies beneath the thinnest of sections. From these results, staff recommends that the City pursue resurfacing the paths rather than full reconstruction of them.

Staff proposes to resurface the paths (i.e. to remove the top inch of pavement and replace it with 1.5 inches of new pavement) and to widen the paths at the tee boxes and greens to provide passing areas where carts are typically parked.

Bridge Replacement

Estimated Cost: \$ 150,000

Several of the bridges at the golf course are old, inadequate, and failing. Replacement of two bridges in particular are being considered for the grant project:

1. Near the #5 green, a wooden bridge crosses the creek to provide a bypass route around the ailing dam and spillway. This bridge has no substantial guardrail and has recently been dislodged by a heavy storm, but it is now used daily by both players and maintenance staff.
2. A wooden bridge crosses the main channel between fairways of hole #5 and hole #6 to provide access to the restroom facility and to serve as a crossing for maintenance vehicles. This bridge consists of wooden planks set across telephone poles. While this was once a sturdy bridge, it has deteriorated and is becoming a hazard to use.

Both of these bridges were identified for replacement in the 2015 needs study.

The new bridges would resemble the bridges that were installed in 2009 at the north end of the course. The full scope of the bridge work would include design, fabrication, new abutments, and placement of the bridges.

Fence Replacement

Estimated Cost: \$ 50,000

The fences along the eastern and southern borders of the golf course property are overgrown, failing, and unattractive. The proposed project would include replacing these fences with PVC-coated chain link fence.

In summary, the estimated costs for the project will be about \$500,000. These costs are based upon staff estimates and quotes from contractors.

Grant and Project Schedule

Grant applications are due by the end of August, and grant awards are anticipated by the end of 2016. Upon notification of award of the grant, staff would begin bidding and contracting the various aspects of the project. Assuming notification of the grant in December 2016, staff estimates the following schedule for the project:

Notification of AwardDecember 2016
 Bridge AbutmentsJanuary-March 2017
 BridgesFebruary-May 2017
 Fencing.....February-April 2017
 Cart Path ResurfacingJune-August 2017
 Grant ReimbursementFall 2017

The time estimates above include design, bidding, and construction. The actual time that work will occur on the golf course will vary for each portion of the project.

Budget

Funding has been allocated in account 02-61-71-9506-17319 of the FY2017 capital improvements fund for the City's portion of the project. The City's share of the grant will be 6%, which is estimated to be \$30,000 for the project if the project cost is as estimated.

The FY2017 CIP identifies \$21,000 for the project. This represents the grant match only. A budget adjustment will be necessary upon award of the grant to provide the funding and account for the grant reimbursement.

Recommendation

The City's parks and public facilities have benefitted greatly from past Municipal Park Grants, and staff expects the same for the golf course through the projects proposed for the upcoming grant opportunity. Deficiencies with the cart paths, bridges, and fencing can be substantially improved with a majority of the cost subsidized by the grant. Therefore, staff recommends that the City pursue the Municipal Park Grant for the improvements to the golf course outlined above.

Attachments: Golf course improvements exhibit

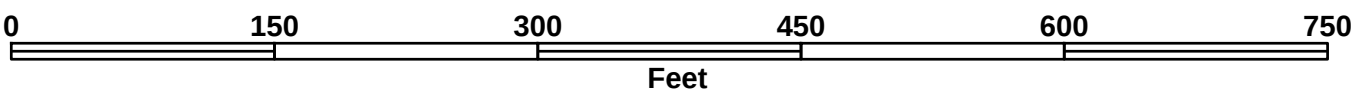
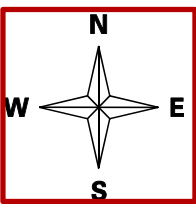
Analysis of Golf Course Existing Conditions for Needs Assessment. Michael Vogt, 2015.

CART PATH, BRIDGE, AND FENCE IMPROVEMENTS

2017 MUNICIPAL PARK GRANT



LEGEND	
	CART PATH RESURFACING
	RESURFACING AND WIDENING TO 8 FEET
	RESURFACING AND WIDENING TO 10 FEET
	BRIDGE REPLACEMENT
	FENCE REPLACEMENT
	TEE BOX
	GREEN



CREVE COEUR GOLF COURSE

ANALYSIS OF GOLF COURSE EXISTING CONDITIONS FOR NEEDS ASSESSMENT



11400 OLDE CABIN ROAD
CREVE COEUR, MISSOURI 63141

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EXECUTIVE SUMMARY

Site Description

Property Name:	Creve Coeur Golf Course														
Property Location:	11400 Olde Cabin Road, Creve Coeur, Missouri Approximately .7 of a mile east of U.S. Highway 270 and .4 of a mile south of Missouri 340 (Olive Boulevard).														
Course Owner:	City of Creve Coeur;														
Current Target Market:	The primary customer base or market for the Creve Coeur Golf Course originates from Creve Coeur and the surrounding suburbs of Saint Louis. Additionally, the course competes for tournament and outing play originating from the local and regional market area.														
Site Description:	The site encompasses a total of 53.8 acres, improved with the Creve Coeur Golf Course, Creve Coeur Indoor Ice Arena, Maintenance Building and supporting improvements: • <i>Main Building Ice Arena, Meeting Rooms, Cart Storage, Golf Shop, Offices – Approximately 43,150 ft²;</i> • <i>Maintenance Building – Approximately 6,000 ft².</i>														
Golf Course Specifications:	<table> <tr> <td>Number of Holes:</td><td>9</td></tr> <tr> <td>Par:</td><td>35</td></tr> <tr> <td>Yardage:</td><td>3,050 yards</td></tr> <tr> <td>Number of Tees:</td><td>36</td></tr> <tr> <td>Course Type:</td><td>9-Hole</td></tr> <tr> <td>Practice Facilities:</td><td>Practice Green</td></tr> <tr> <td>Zoned:</td><td>Subject property is not zoned</td></tr> </table>	Number of Holes:	9	Par:	35	Yardage:	3,050 yards	Number of Tees:	36	Course Type:	9-Hole	Practice Facilities:	Practice Green	Zoned:	Subject property is not zoned
Number of Holes:	9														
Par:	35														
Yardage:	3,050 yards														
Number of Tees:	36														
Course Type:	9-Hole														
Practice Facilities:	Practice Green														
Zoned:	Subject property is not zoned														
Surrounding Property Uses:	Surrounding zoning is designated Single Family Residential (east and south of subject property), Planned Office District (north of subject) and Core Business (directly west of subject property). See Addendum 1 - Zoning Map on page 31.														
Topography:	Level to slightly undulating;														
Drainage:	On course retention ponds;														
Irrigation Water:	Creve Coeur Golf Course irrigates the golf course with potable water purchased from Missouri American Water. Irrigation system operates off supplied water pressure without additional booster pumps.														

*Creve Coeur Golf Course
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In the executive summary my findings are broken into sections relating to:

- Renovations/Projects that improve **health** and **safety** for employees and patrons;
- Renovations/Projects that would save **labor and overall expense savings**;
- Renovations/Projects that would add to the **positive patron experience**;
- Renovations/Projects that will prove to have a positive impact on **overall ease of golf course maintenance**.

Many golf course features and equipment assets have been deferred from renewal and/or replacement on a needed basis over the years. In the pages to follow I will outline a strategy to renew these features and assets on a schedule that will begin to enhance the valuable golf course asset and patron experience that is the Creve Coeur Golf Course. See page 29, Project Timeline,

Renewing or replacing assets well after the useful life is most always more expensive than planning for renovation or renewal on a planned basis, prior to exceeding the assets complete normal life-expectancy.

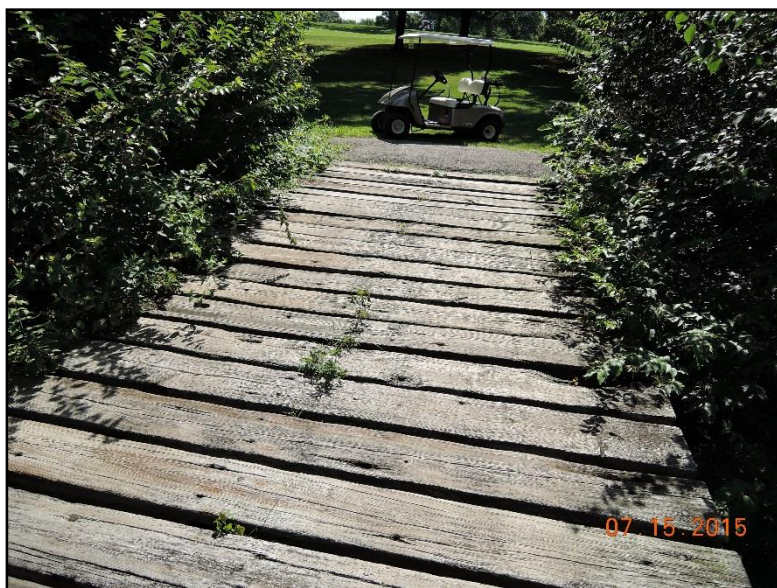
Existing conditions are reported in pages 11 through 28 and organized by features and assets beginning with greens.

A map illustrating major projects and their location on the course is located in Addendum 2 – Project Map on page 32.

SAFETY

General safety of patrons and employees should be considered most important when considering any renovations or capital intense projects. The following safety items are based upon my observations and cannot be all inclusive during just five days of observation. However, these items should be considered important in comparison to other capital items that would save operating costs or add to golf playability, operation ease or expense savings or income enhancements.

BRIDGES



Safety issues include maintenance service bridge at the maintenance facility, player/service bridge near #5 green and service bridge between holes number 6 and #5. These bridges lack proper decking, and/or superstructure and/or safety rails and should be repaired or replaced as soon as reasonably possible.

It may be advisable to consider prefabricated bridges that would conform to all applicable safety regulations for weight, railing height and needed width.

Photo 1 Equipment bridge between hole 5 and 6

MAINTENANCE FACILITY

There are several issues that employee safety may be at risk:

- No emergency eye wash station;
- Turf chemical storage not locked.

These safety items should be addressed as soon as possible.

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Maintenance Facility (continued)



Photo 2 Maintenance facility

Generally, the maintenance building and surrounding parking and yard area is very poorly suited for the performance of golf course maintenance. A site plan should be considered to arrange a proper building and a specific area to inventory, mix and load turf chemicals. If buildings were arranged with the back to play area a safe parking and yard area could be shielded by the structure. A separate building may be considered to house turf chemical application equipment and turf chemical inventory. Securing turf chemical inventory and spill containment should be considered high priority safety items. More information on maintenance building planning may be obtained by contacting McMahon Group at www.mcmahongroup.com.

Photo 2 illustrates the exterior of the maintenance building is of a wood frame and wood siding construction. Nearly all modern golf maintenance buildings constructed are cement masonry units (CMU) and steel.

Photo 3 shows the designated area for cleaning equipment and mixing turf chemicals. There is no spill containment should an unintended turf chemical release occur.

The under-roof facility is approximately 6,000 ft². Based on size of staff and equipment fleet the current size the building may undersized by as much as 4,000 ft².



Photo 3 Wash pad at maintenance facility

NUMBER 4 TEE



Photo 4 Retaining wall at 4 tee

Number 4 tee has a cement masonry unit (CMU) wall that is in jeopardy of failure, as shown in Photo 4. This retaining wall should be repaired or replaced as soon as possible.

It is impossible to know just how long or to what extent a failure will manifest itself. It's possible that a failure will be a gradual collapse or a catastrophic rapid collapse involving patrons and/or employees. As plainly illustrated by the red line visible in Photo 4, the retaining wall is leaning well past 90° (see Addendum 2 - Project Map, page 32).

TEE HARDSCAPES

As seemingly appropriate as these features look, the hardscapes at tees 5, 4, 6, 8 are potential hazards as well as maintenance struggles. Trip and fall accidents as well as where the hardscape ends and turf resumes have developed distinct wear areas.

Many courses I have been associated with have removed the hardscapes and have added turf back into the slope. The flow of foot traffic may necessitate barrier signage to distribute wear.



Photo 5 Worn tee top area on number 6 tee, from shade and foot traffic

NUMBER 1 TEE

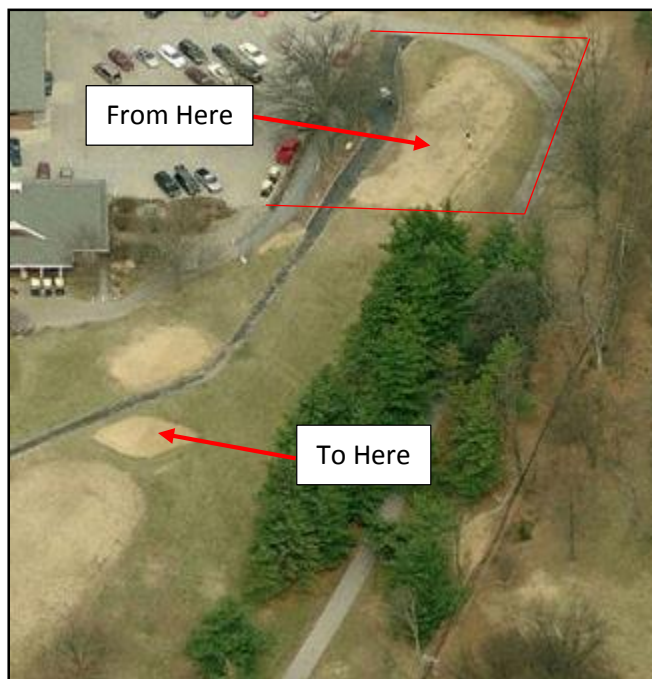


Photo 6 Move number 1 tee forward

Number 1 tee faces many issues; copious amounts of shade, increase foot traffic of players waiting to tee off, limited egress onto the tee and errant shots traveling right in close proximity to the practice green. An alternative would be to shorten the hole by moving the tee forward and slightly to the west.

By moving the tee forward by approximately 60 yards it could perhaps limit most dangerous errant shots, improve turf quality, enlarge the tee to better serve the patron and just marginally change the shot value into number 1 green.

Also, by moving the tee forward the City could then increase parking by nearly 11,000 square feet (approximately 25 additional parking spots) and make the number 1 tee visible from the golf shop window.

Number 1 hole will still play to a respectable 257 yards from the back tee as opposed to 317 currently. This yardage change would still preclude most golfers from driving this hole (see Addendum 2 - Project Map page 32).

LABOR AND OVERALL EXPENSE SAVINGS

IRRIGATION SYSTEM REPLACEMENT

Perhaps the most complex system at any golf course is the irrigation system. It's maze of pumps, wires, pipe and tubing must be extraordinarily dependable and efficient enough to apply water to turf in a reasonably timely and efficient manner.

The irrigation system at Creve Coeur Golf Course is well past its useful life. We have conducted an audit to quantify the poor distribution, performance, wasted labor time and wasted precious water. I would put this renovation on top of the list of replacements (see page 27 for evaluation of irrigation system).

POSITIVE PATRON EXPERIENCE

GOLF COURSE CART PATHS

In the years when petroleum was lower priced many golf courses elected to use asphalt as the product of choice for golf cart paths. Now, concrete is priced nearly equal with asphalt and is far superior in durability. The cart paths at Creve Coeur are in very poor repair. As the city begins to repair or replace paths the preferred material should be concrete. The path should be at least 6 feet wide along fairways and 7 feet wide around greens and tees. Areas around greens and tees may have curbing installed to curtail turf wear in these critical areas.

DRAINAGE REPAIRS

Mainline drainage may be installed on fairway areas intersecting holes 6 and 7. Once installed these mainlines could be tapped to add ancillary drainage to dry areas adjacent to these holes (see Addendum 2 - Project Map, Page 32).

SAND BUNKERS

The lack of sand bunkers is a topic that has been discussed. Currently Creve Coeur Golf Course does not have any sand bunkers. Before a decision is made to add any sand hazards the subject should be studied to include:

Design	Location
Initial Cost	Maintenance

These cost may be in excess of \$12 per square foot for new sand bunker construction, maintenance cost may be upwards of \$25 per season, per square foot. Any considerations for sand bunker construction should be made before irrigation system installation.

OVERALL EASE OF GOLF COURSE MAINTENANCE

EQUIPMENT INVENTORY

Equipment is an ongoing expense at all golf courses. The city should consider leasing high use machines such as greens and tee mowers. This is especially a good strategy for golf courses similar to Creve Coeur that does not employ a full time mechanic and no back-up machines are inventoried for these most critical routine duties.

A proper minimum list of equipment for a course similar to Creve Coeur Golf Course is illustrated in Table 1 with the current inventory.

Overall Ease of Golf Course Maintenance (continued)

Creve Coeur Golf Course Equipment Inventory Recommendations	
RECOMMENDED	IN INVENTORY
Greens - Triplex Mower (lease)	Greens - Triplex Mower (owned)
Tees - Triplex Mower (lease)	Tees - Triplex Mower (owned)
Fairway – Fiveplex Mower	Fairway – Fiveplex Mower
Rough – Triplex Rotary Trim Mower	2 Rough – Rotary Trim Mower (Replacement Needed)
Rough – Fiveplex Rotary Mower	Rough – Fiveplex Rotary Mower
Greens Roller	Greens Roller (Replacement Needed)
Turf Sprayer	Turf Sprayer
(2) Heavy Duty Utility Trucksters	(2) Heavy Duty Utility Trucksters (One Replacement Needed)
(4) Light Duty Utility Carts	(2) Light Duty Utility Carts (Two Replacements Needed)
Topdress Machine	Topdress Machine
Debris Blower (3 Point Hitch)	Debris Blower (3 Point Hitch)
Debris Blower (Tow-Behind Truckster)	Not in Inventory
Front Loader Tractor	Front Loader Tractor
Utility Tractor	Utility Tractor
Seed Planter (3 Point Hitch)	Seed Planter (3 Point Hitch)
Greens Aerifier	Greens Aerifier
Fairway Aerifier (3 Point Hitch)	Fairway Aerifier (3 Point Hitch)
Vertical Mower Attachments (For Triplex)	Vertical Mower Attachments (For Triplex)

Table 1 Equipment recommendations



Photo 7 Heavy duty utility truckster



Photo 8 Triplex tee mower

GOLF COURSE EXISTING CONDITIONS

The purpose of this study is to investigate current conditions, assess golf course maintenance equipment, golf course features and components that comprise the golf course assets specifically at Creve Coeur Golf Course. Feature valuations and irrigation systems are based on industry averages¹. For equipment actual replacement costs from manufacturers and/or distributors have been used.

Upon arrival at the facility I was met by Golf Course Superintendent, Cory Gettemeier. Mr. Gettemeier and I began with discussing the history and operating characteristics of the golf course. After a brief run-down of the golf course history, an overview of Creve Coeur Golf Course's equipment fleet and a hole-by-hole tour of the golf course was begun.

Overall, the golf course appeared to be in very good condition. With above average rainfall during the beginning of the 2015 golf season, turf exhibited good color and density, with few exceptions.

Greens are a mixture of Annual Bluegrass (*Poa annua*) and Creeping Bentgrass (*Agrostis stolonifera*). Fairways and tees are a mixture of several Zoysia grass varieties (*Zoysia Japonica*) and varieties of Bermuda grass (*Cynodon dactylon*).

¹ Golf Course Construction & Renovation Costing, Version 6, Golf Course Builders Association of America

GREENS



Number 1 green is typical of the majority of greens at Creve Coeur Golf Course. Illustrated in the Photo to the left the sand root zone extends just 3 inches below the turf canopy. Roots rarely extend into dissimilar textures in a green root-zone.

On #1 we can see the bright colored sand from past aerification and topdressing. The turf coverage is very good. No disease present, overall quality is very good.

This green, with proper corrective measures should perform reasonably well in the future. Continued aerification, vertical mowing and topdressing are recommended cultural practices. During the season spiking and venting may be needed to increase gas

exchange in the lower root-zone. Thatch is controlled well with less than 1/2 inch visible.

Number 1 green is 26 years old.

Number 2 green is not typical with a sand profile well below 6 inches. Rooting on this green was deeper than most at greater than 4 inches. Although the sand profile extended below 6 inches we can still see the positive benefits and signs of proper aerification and sand topdressing. Turf cover was very good and disease free. Superintendent Gettemeier mentioned that #2 green dries much faster than the other greens most likely attributable to the large column of sand that comprises the root-zone and irrigation inefficiencies.

Number 2 green is 22 years old.



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Greens (continued)



Number 3 green has a sand profile of at least 6 inches. The green is severely shaded by a number of oak and hickory trees to the south and east limiting the critical morning sunlight on the turf surface. The turf population is very good and the green appeared to be in very good condition with a root system depth of 1 to 2 inches.

It is highly recommended to remove and/or heavily prune the trees that are limiting sunlight to the #3 green. Also helpful would be to install an oscillating fan to improve air circulation to this particular green that is situated in an area that receives little air movement. A complete installation for an oscillating fan, purpose-built for green use would cost an estimated \$8,500 installed.

As shown in the photo to the right, #3 green, nearly half of the green is receiving sunlight, this photo was taken at approximately 9:00 am. Early morning sunlight is most critical to golf green turf. Also, an unrestricted flow of air is of great importance to turf leaf drying and proper gas exchange in the turf leaf blade. For these reasons proper tree placement in the future and careful pruning and in some cases tree removal is essential in a good turf maintenance regime.

Number 3 green is 27 years old



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Greens (continued)



Number 4 green has a root-zone comprised mostly of sand over heavy clay. The clay layer is at approximately at 3½ inches below the turf canopy. Rooting is restricted to the sand layer and especially the aerification holes with topdressing sand incorporated.

Turf population on #4 green was very good. Color was good with no disease or weeds present.

Limited hole-cup positions are available on this green, for this and perhaps additional parking options it may be practical to move this green forward by at least 15 yards with a less severe slope.

Number 4 green is 36 years old.

Number 5 green is sand above heavy clay. Rooting was slightly less deep than average at just 3 inches. On several spots I did notice a slight occurrence of blue-green algae. The algae is most common on greens that have poor drainage that retains water in the top layer of the root-zone for extended periods of time. Additional aerification and sand topdressing may alleviate this problem.

Although they do not infect grasses, blue-green algae is a significant pest. Algae have historically been thought of as secondary colonizers, meaning that they only fill-in areas where turf density has been reduced by some other problem. However, mounting evidence indicates that high levels of algae activity can directly cause thinning of putting green turf, possibly by production of toxins or competition for air, water, and nutrients. An aggressive algae management program can greatly increase the density and overall quality of putting greens during periods of warm and humid weather.



Take steps to correct algae problems with removal of shade and increased air circulation. Mow at the recommended height for each turfgrass species, and if possible, increase mowing heights in shady areas to compensate for the reduced light levels. Irrigation should be applied deeply and infrequently; apply sufficient water to wet the entire root zone, and then reapply as needed when the turf shows signs of wilt. Putting greens and other heavily trafficked areas must be cultivated (aerified, spiked or small diameter solid tines) regularly to maintain soil drainage and aeration.

Fungicide treatments may slow down the progression of algae. However, once a severe algae infestation has occurred, fungicide applications alone will not provide acceptable control. Additional steps must be taken to physically break-up the mat of algal growth so that the turf can recover.

Number 5 green is 30 years old.

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Greens (continued)

Irrigation practices have a great effect on turf rooting. Deep, infrequent irrigation produced a greater number of roots, longer roots, a larger root surface, lower soil temperatures, less thatch, and generally higher water-soluble and total nonstructural carbohydrates than light, frequent irrigation. For these reasons it should be attempted to practice deep infrequent irrigation. It should be noted that this deep irrigation practice is best performed with an adequate irrigation system that will deliver water with a greater distribution uniformity that is being currently used at Creve Coeur Golf Course.

Aerification timing, diameter of tine and depth of tine is also a significant practice that will invoke deeper rooting.



Number 6 has a good profile of solid sand to a depth well over 7 inches. Although sand depth on 6 green is greater than most greens at Creve Coeur, roots are not growing significantly deeper in the root-zone as would be expected.

The front of the green remains wet even in dry conditions. An addition of a perimeter drain on the lower front may eliminate this problem; this work could be accomplished in house.

Number 6 green 24 years old.

Number 7 green has a deep sand root-zone with viable turf roots penetrating to 4 inches below the turf canopy. Blue-green algae is also present on 7 green to a small extent.

Number 7 green is 22 years old.



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Greens (continued)



Number 8 green has a root-zone of sand over heavy clay. The sand depth is approximately 4 inches below the turf canopy. Rooting depth is slightly less than 3½ inches from the turf canopy. No weeds or disease was present during my visit.

Turf population and density is good. A severe shade issue is present on the east side of the green until approximately 10:00 am limiting critical morning light and turf drying.

Number 8 green is 37 years old.

Number 9 green consists of sand to a depth of more than 7 inches. Rooting extends to slightly below 4 inches. Turf population and density is very good. No weeds or disease was present during my visit.

There is severe slope to the green surface from north sloping down to south. This radical slope is rendering much of the green surface not acceptable for placing a hole-cup.

If green reconstruction is considered number 9 would be a good candidate based purely on the contour on slope of the green. Due to the green's significant slope cupping/flag stick positions are greatly limited. This may cause undue wear on the flattest areas of the green. Rebuilding this green to a flatter surface would have an impact on patron satisfaction and ease of maintenance.



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Greens (continued)



The practice green is in generally good condition considering the amount of traffic it endures. Sand depth is greater than 7 inches. Root depth is slight greater than 4 inches below the turf canopy.

Similar to green number 6, the front low area suffers from a waterlogged condition, additional drainage tile may alleviate this problem.

No weeds or disease was present during my visit.

The practice green is 19 years old.

Greens at Creve Coeur Golf Course are all very serviceable for the foreseeable future with proper care. The issues demonstrated with morning sunlight and perhaps a more aggressive aerification regime and topdressing will only be beneficial in the short and long term. Deep tine aerification has been used successfully to “Breathe” new life into tired greens². I would recommend deep tine aerification on greens along with a moderately high application of sand topdressing. Moderately heavy would be 100 tons of sand or 60 cubic yards for all 11 greens. This sand topdressing should be brushed into the deep tine channels as soon as possible as to not allow the channels to collapse. Often, with deep tining additional brushing may be necessary after several days of settling.



Photo 9 Deep tine aerification on a golf green

² Deep-Tine Aerification in Compacted Soil, Golf Course Maintenance, December 2003, E.A. Guertal, Ph.D.; C.L. Derrick; and J.N. Shaw, Ph.D.

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Greens (continued)

Many superintendents sand topdress prior to aerification with a solid deep tine machine such as the one illustrated in Photo 9. The sand acts to cushion the tractor weight and tire tread. This operation can be contracted for approximately \$800.00 per acre for greens.

The American Society of Golf Course Architects, several years ago published a guide to help golf course stakeholder's understand useful life estimates for golf course assets (Figure 1). While each golf course can be dramatically different these guidelines may be used as a general rule for asset replacements.

HOW LONG SHOULD PARTS OF THE GOLF COURSE LAST?	
No two golf courses are alike except for one thing: deferring replacement of key items can lead to greater expense in the future, as well as a drop in conditioning and player enjoyment. The following information represents a realistic timeline for each item's longevity.	
Component life spans can vary depending upon location of the golf course, quality of materials, original installation and past maintenance practices. The American Society of Golf Course Architects (ASGCA) encourages golf course leaders to work with an ASGCA member, superintendents and others to assess their course's components.	
ITEM	YEARS
Greens (1)	15 – 30 years
Bunker Sand	5 – 7 years
Irrigation System	10 – 30 years
Irrigation Control System	10 – 15 years
Pump Station	15 – 20 years
Cart Paths – asphalt (2)	5 – 10 years (or longer)
Cart Paths – concrete	15 – 30 years (or longer)
Practice Range Tees	5 – 10 years
Tees	15 – 20 years
Corrugated Metal Pipes	15 – 30 years
Bunker Drainage Pipes (3)	5 – 10 years
Mulch	1 – 3 years
Grass (4)	Varies
NOTES: (1) Several factors can weigh into the decision to replace greens: accumulation of layers on the surface of the original construction, the desire to convert to new grasses and response to changes in the game from an architectural standpoint (like the interaction between green speed and hole locations). (2) Assumes on-going maintenance beginning 1 - 2 years after installation. (3) Typically replaced because the sand is being changed – while the machinery is there to change sand, it's often a good time to replace the drainage pipes as well. (4) As new grasses enter the marketplace – for example, those that are more drought and disease tolerant — replanting may be appropriate, depending upon the site.	

Figure 1 American Society of Golf Course Architects list of golf course feature lifespans

USGA Method of Green Construction

The USGA construction method makes use of a common principle of water movement in soil - a perched water table. This principle is graphically illustrated in the time-lapse movie *Water Movement in Soils*, produced by Dr. Walter Gardner, at Washington State University, in 1957. This means that water resists flow from a fine-textured soil into a coarser material below it until the upper profile has become saturated and gravity overcomes the adhesive nature of water for soil and the cohesive force of water molecules. Thus, even a sandy surface mixture need not be droughty if there is an abrupt change in particle size between the root zone mixture and the drainage layers below. In effect, it made use of stratification (often called layering) for beneficial results.

If any greens are rebuilt at Creve Coeur Golf Course it is highly recommended that USGA construction methods be followed.

Greens (continued)

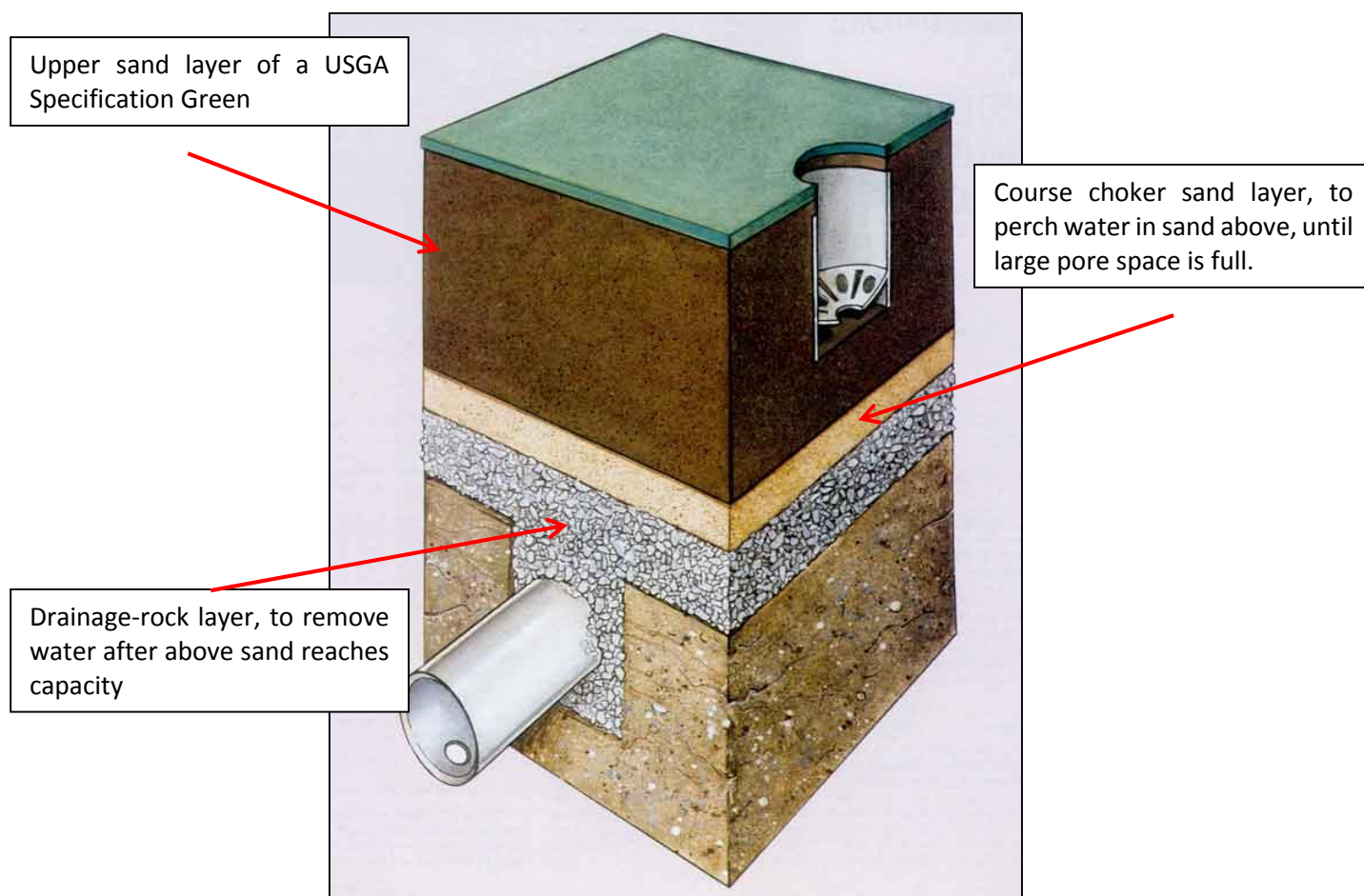


Figure 2 Typical USGA specification green profile

Figure 2 is a cutaway of a properly constructed USGA specification green. I believe this is such a critical subject to stakeholders in the golf business, I include this short explanation in each of my agronomic based reports.

Sand based constructed root-zones are living structures that change over time due to the presence of plants and microorganisms. These impacts include:

Negative changes in hydrological properties due to the development of water repellency and pore clogging;

- Organo-mineral complexes that impact nutrient retention;
- Fluxes in microbial community structure that impact nutrient cycling and plant performance;
- Build-up of debris and shifts in plant community structure at the root-zone surface;
- Mechanical reinforcement of root-zone soil by the enmeshment of particles by roots and fungi, as well as biological exudates that bind particles.

For these reasons aeration, vertical mowing, sand topdressing and other cultural practices are critical to long lived healthy USGA construction specification root-zones and most other green root-zones.

TEES

Number 1 tee is situated in a poor area of shade and traffic congestion. Wayward tee shots often end up far right, causing a dangerous situation on the practice green. Moving the tee forward may alleviate this problem and solve:

- Morning light on turf surface;
- Golf cart and player congestion;
- Additional parking area;
- Move tee 60 yards forward and slightly west.

Additionally, there is already a tee in this area.

Number 2 tee has just undergone a re-surfacing to Zoysia. The tee is large enough to sustain normal play for a par 3 golf-hole. Selective pruning or tree removal may be necessary to sustain turf growth on front ¼ of tee. Additionally, several applications of sand topdress is recommended to level and allow sod seams to “knit”. The retaining wall is in good repair.

Number 3 tee is in good condition



Photo 10 retaining wall at 4 tee

Number 4 tee should be completely rebuilt as soon as possible. As mentioned earlier the retaining wall that surrounds the front of the lower level is beginning to lean well past 90°. If left un-repaired eventually the wall will succumb to waterlogged soil (hydraulic pressure) and to gravity and fail. Steps, and other hardscapes should be considered in the reconstruction project.

Number 5 tee is in good condition. The hardscape east is functioning well and looks attractive. As mentioned earlier in this report hardscapes on the course should be kept at a minimum.

Number 6 tee could be moved 50 feet east to eliminate shade from trees as well as give more of a buffer form approach shots to 5 green. Turf quality is poor from traffic and shade. By slightly elevating the tee and moving the tee east the angle to the fairway on 6 would also be improved.

Number 7 tee is in good condition. However, the bridge that crosses the water feature directly in from of the tee has a railing that may affect the tee shot. It may be possible to lower the railing slightly to eliminate the tee shot interference.

Number 8 tee is thin in the area where the steps end. The hardscape on this tee may be removed and replaced with just a turf slope leading to the tee surface.

Number 9 tee is large enough and in reasonably good condition. The back positions do not give the player a view of the target and may be considered a waste of resources to maintain.

Tees (continued)

Tees as a whole are in reasonably good condition. It should be noted that any turf will survive much better if given proper light, especially morning sunlight³. However, even tees in perfect condition will occasionally need to be resurfaced due to wear and unevenness over time. Also of note, as with any highly maintained turf aerification will improve turf population and density overtime.

FAIRWAYS

Number 1 fairway was found to be in reasonably good condition.

Number 2 fairway consists of a small area directly in front of the green. This small landing area is in good condition.



Photo 11 Fairway number 4, arrow denotes Goosegrass filling voids

Numbers 3, 4 and 5 fairways have several areas of Bermuda grass encroaching on the Zoysia. Additionally, the soil seems to be very compacted and signs of annual grassy weeds have emerged⁴. Goosegrass (*Eleusine indica*) can be particularly difficult to control when soils are compacted. Aerification on these fairways as well as all other fairways may be a remedy for poor turf performance and difficult to control annual grassy weeds.

Deep-tine aerification relieves soil compaction at lower levels than typical aerification. The tines fracture the soil creating channels through the root-zone allowing oxygen, water and nutrients to penetrate deep into the soil profile. Deep-tine aerification may penetrate the soil up to 16" below the turf canopy. Contractors will perform deep tine aerification on fairways for approximately \$300 per

acre. This operation will most certainly improve grassy weed control and turf quality.

While it's true that the root system usually stops where the aeration tine stops, if aerification reaches 16 inches below the turf canopy, the root system will support a very healthy stand of turf. With a deeper root system from deep tine aerification, irrigation intervals can be lengthened, fertilizer applications last longer, and more oxygen is introduced into the soil.

³ Addressing Shade Issues, http://usga.org/Shade_Issues, Pat Gross, director, USGA Southwest Region, May, 2011

⁴ Getting a Grip on Goose Grass, Superintendent , January 2015, Pages 59-60, John Fech

Fairways (continued)



Photo 12 Solid PVC drainage pipe

Number 6 fairway has a very serious wet area just short of the water feature. It is apparent that some type of drainage work is needed to elevate the problem. If drainage is installed, a solid PVC pipe may be used with drain grate perforated risers to grade. Budget \$16.00 per foot for 8 inch drainage (refer to page 32, Addendum 2 - Project Map for locations).



Photo 13 ADS type perforated pipe

Number 7 fairway is in relatively good condition with the exception of several voids and perhaps the addition of drainage in the two swale areas, adjacent to number 6 fairway.

Number 8 fairway is in excellent condition. The fairway was observed to be weed free and the turf population was excellent with Zoysia dominating the surface. Aerification would ensure the fairway remains in very good condition. Full sun is available all day as well as good natural drainage.

Number 9 fairway/approach is in good condition.

CART PATHS



Photo 14 Deteriorating paths near 9 green

Cart paths are generally well past their useful life. Many of the paths are severely fragmented and/or the asphalt is cracked or broken. It would be wise to budget for replacement with concrete. Concrete cart paths are close to the cost of asphalt and have a much longer life. Budget \$7.50 per ft². The average par 4-hole at Creve Coeur would cost approximately \$75,000 to install concrete cart paths 7 feet wide at greens and tees and 6 feet wide along fairways and other areas on golf holes.

BRIDGES

Bridge on number 3 is in good condition with the exception of the railing may need to be built to higher strength standard to withstand a more substantial vehicular impact.

Bridge on number 4 is more of a culver pipe than a true bridge, although some sort of guardrail may be desirable.

Bridges (continued)



Photo 15 Equipment bridge at number 5

Bridge on number 5 is in very poor repair and should be placed out of service and repaired. Guardrails will not support a mis-step by pedestrian, broken or split lumber is present which could easily cause a trip and fall.

Maintenance bridge from 5 to 6 is in poor repair. The bridge has no guardrail and deck boards are beginning to split. This bridge should be repaired as soon as possible.

Bridge on number 6 is only 5 years old and is in very good condition.

Bridge on number 7 is only 5 years old and is very good condition. Both prefabricated steel bridges with wood decking should be maintained. The wood decking should be sealed at least every three years or as needed. This bridge does have a railing that is in elevation higher than the tee and may be lowered to accommodate players tee shots.

The bridge on 9 is more of a culvert pipe than a bridge.

The equipment bridge at maintenance/dump area is sinking and should be completely replaced as soon as practical. This bridge has no guardrails.

See Major Project Timelines, page 29, for cost and recommended schedule of project, see page 32, Addendum 2 – Project Map for locations.

PRACTICE AREAS



Photo 16 Computerized Golf Simulator

Currently there is no practice area except for the practice putting green that exists at Creve Coeur Golf Course. However, with indoor space available, many fine golf simulators are currently on the market. A word of caution, cheap golf simulators will not stand-up to the rigors of commercial play. If the city chooses to purchase a golf simulator be certain it will be reliable and perform to a high standard.

EQUIPMENT

On the following page (Page 26) is listed the complete inventory of golf maintenance equipment. These pieces are listed to help guide management to the relative usable life that remains and the amount of replacement funds necessary to keep the inventory in good condition.

Some items may last longer and some may not last as long as estimated, these estimates are based on industry averages for a like golf course.

EQUIPMENT – INVENTORY AUGUST, 2015

Creve Coeur Golf Course											
Cory Gettemeier, Golf Course Superintendent											
Owned Equipment Inventory											
											
# of Units	People Movers / Utility Cars	Year Purchased	Original Unit Cost	Condition 1-5 (Poor=5 Excellent)	Unit Cost for New Replacement	Replacement Cost	Useful Life Remaining	Replacement Year	Comments		
2	Club Car Carry-All Turf 2	2014	\$ 3,578	4	\$ 4,700.00	\$ 9,400	6	2021			
1	Toro Workman 3300D (2005)	2008	\$ 9,500	3	\$ 19,000.00	\$ 19,000	3	2018			
1	Toro Workman MD	2012	\$ 4,900	2	\$ 19,000.00	\$ 19,000	4	2019			
1	Cushman Truckster	1997	\$ 11,200	1	\$ 25,000.00	\$ 25,000	1	Replace or Salvage			
1	Cushman Truckster	2001	\$ 9,304	1	\$ 25,000.00	\$ 25,000	1	Replace or Salvage			
# of Units	Tractors / Trucks	Year Purchased	Original Unit Cost	Condition 1-5 (Poor=5 Excellent)	Unit Cost for New Replacement	Replacement Cost	Useful Life Remaining	Replacement Year	Comments		
1	Dodge Ram Pick-Up Truck (2003)	2008	\$ 5,500	3	\$ 30,000	\$ 30,000	3	2018			
1	Chew 1 Ton	1990	\$ 16,686	1	\$ 40,000	\$ 40,000	1	Replace or Salvage			
1	John Deere 5200	1995	\$ 13,959	3	\$ 28,000	\$ 28,000	12	2027			
1	Ford 2820 Tractor	1996	\$ 14,172	3	\$ 35,000	\$ 35,000	6	2021			
1	John Deere 240 Skid Steer	1995	\$ -	3	\$ 38,000	\$ 38,000	10	2025	Transfer from another city department		
1	Chew ¾ Ton	2003	\$ -	2	\$ 35,000	\$ 35,000	5	2020	Transfer from another city department		
# of Units	Greens Mowers	Year Purchased	Original Unit Cost	Condition 1-5 (Poor=5 Excellent)	Unit Cost for New Replacement	Replacement Cost	Useful Life Remaining	Replacement Year	Comments		
1	John Deere 2500 E	2014	\$ 30,349	4	\$ 31,000	\$ 31,000	9	2024			
1	Toro GreensMaster 1000	2005	\$ 5,783	3	\$ 6,000	\$ 6,000	2	2017			
1	Toro GreensMaster 1000 (2002)	2007	\$ 1,955	3	\$ 6,000	\$ 6,000	2	2017			
# of Units	Tee Mowers	Year Purchased	Original Unit Cost	Condition 1-5 (Poor=5 Excellent)	Unit Cost for New Replacement	Replacement Cost	Useful Life Remaining	Replacement Year	Comments		
1	Toro GreensMaster 3100 (2000)	2007	\$ 10,000	4	\$ 23,000	\$ 23,000	2	2017			
1	Jacobsen Greens King IV	1995	\$ 14,000	2	\$ 28,000	\$ 28,000	1	Replace or Salvage			
# of Units	Fairway Mowers	Year Purchased	Original Unit Cost	Condition 1-5 (Poor=5 Excellent)	Unit Cost for New Replacement	Replacement Cost	Useful Life Remaining	Replacement Year	Comments		
1	Jacobsen LF 3400	2007	\$ 15,350	1	\$ 30,000	\$ 30,000	1	Replace or Salvage			
# of Units	Rough Mowers	Year Purchased	Original Unit Cost	Condition 1-5 (Poor=5 Excellent)	Unit Cost for New Replacement	Replacement Cost	Useful Life Remaining	Replacement Year	Comments		
1	Toro GroundsMaster 4500-D (2010)	2013	\$ 33,500	3	\$ 55,000	\$ 55,000	3	2018			
2	Kubota F 2560	2003	\$ -	2	\$ 16,500	\$ 33,000	1	Replace or Salvage	Transfer from another city department		
# of Units	Other Equipment	Year Purchased	Original Unit Cost	Condition 1-5 (Poor=5 Excellent)	Unit Cost for New Replacement	Replacement Cost	Useful Life Remaining	Replacement Year	Comments		
1	Salco Roller	2011	\$ 7,500	2	\$ 8,000	\$ 8,000	1	Replace or Salvage			
1	Toro ProCore 648	2010	\$ 19,471	4	\$ 27,000	\$ 27,000	10	2025			
1	Toro AeroHatch Seeder	2005	\$ 5,932	4	\$ 6,500	\$ 6,500	10	2025			
1	Lely Fertilizer Spreader	1993		3	\$ 4,000	\$ 4,000	5	2020			
1	Turbo Sod Cutter	1992		1	\$ 5,500	\$ 5,500	1	Replace or Salvage			
1	Toro 686 Aerifier	1989	\$ 3,200	1	\$ 12,000	\$ 12,000	1	Replace or Salvage	May be less expensive to contract fairway aerification		
1	Jacobsen Walkbehind Seeder	1994	\$ 4,675	3	\$ 7,500	\$ 7,500	10	2025			
1	Toro 2613 Blower	1998		4	\$ 5,500	\$ 5,500	15	2030			
1	Toro Propass 200	2010	\$ 11,834	3	\$ 15,000	\$ 15,000	12	2027			
1	Toro SprayPro 200 Gallon w/ Workman	2004	\$ 15,491	3	\$ 40,000	\$ 40,000	5	2020			
# of Units	Shop Equipment	Year Purchased	Original Unit Cost	Condition 1-5 (Poor=5 Excellent)	Unit Cost for New Replacement	Replacement Cost	Useful Life Remaining	Replacement Year	Comments		
1	Foley Bed Knife Grinder (1992)	2008	\$ 2,000	2	\$ 20,000	\$ 20,000	1	Replace or Salvage	May be less expensive to contract sharpening		
1	Foley 600 Reel Grinder	2008	\$ 4,300	3	\$ 25,000	\$ 25,000	1	Replace or Salvage	May be less expensive to contract sharpening		

IRRIGATION SYSTEM

Distribution Uniformity or DU in irrigation is a measure of how uniformly water is applied to the area being irrigated, expressed as a percentage. The distribution uniformity is often calculated when performing an irrigation audit, such as we performed on the 4 greens at Creve Coeur Golf Course.

The most common measure of DU is the Low Quarter DU (DU_{LQ}), which is a measure of the average of the lowest quarter of samples, divided by the average of all samples. The higher the DU_{LQ} , the better the performance of the system. If all samples are equal, the DU_{LQ} is 100%. If a proportion of the area greater than 25% receives zero application the DU will be 0%.

According to the Irrigation Association's Certified Golf Irrigation Auditor manual, rotary sprinkler DU_{LQ} is listed in 3 categories, with 80% considered excellent (achievable), 70% good (expected), and 55% or less considered poor. It stands to reason that the lower the DU_{LQ} the longer the irrigation head or heads have to run to achieve uniformity at the worst area of coverage (watering to the driest area).



Photo 17 Irrigation audit on 4 green with catchments

⁵These are the results from an irrigation audit performed by me on greens #1, 2, 4 and 5.

Irrigation Audit			
Golf Green	DU_{LQ}	Inches Per Hour	PSI at Sprinkler
1	65%	0.85	40
2	53%	0.76	27
4	33%	0.59	34.5
5	74%	0.89	45.5

Table 2 Irrigation Audit

The current irrigation system at Creve Coeur Golf Course is technology from the 1960's. All of the golf sprinklers at Creve Coeur Golf Course are held closed by spring and hydraulic pressure from the active system pressure. If this hydraulic pressure falls below static pressure in the pipe these sprinklers will activate. This hydraulic tubing runs from each control satellite box to the sprinklers in the field. After time these systems become weak and begin to weep pressure from these tubes and sprinklers begin to leak slowly at first then control is often lost completely. Most modern day irrigation systems are comprised of electrically controlled solenoids.

⁵ Irrigation Audit performed by Certified Golf Irrigation Auditor, Michael D. Vogt, Candidate #58853, in accordance with the Irrigation Association's prescribed guidelines

*Creve Coeur Golf Course
Analysis of Existing Golf Course Conditions for Needs Assessment
July, 2015*

Irrigation System (continued)

These modern systems have replaced the long runs of tubing with copper wires conducting a 24 volt signal to operate the solenoids opening the sprinkler to pressure. These electric systems have a much improved reliability and have an instantaneous operation of the sprinkler.

Irrigation head pressure was observed at well below operating parameters for the model of sprinkler. Recommended pressure at the sprinkler head should be at least 50 PSI for proper water distribution. As shown in Table 2, none of the pressure samples reached the minimum recommended pressure.

It is recommended that a new irrigation system be installed immediately after management is satisfied with correcting all deficiencies with regards to safety and health. Based on a drawing from the local Toro dealer an estimate to replace irrigation for all turf areas will be \$480,000. It is highly advisable to have an irrigation designer work with Superintendent Gettemeier to hydraulically balance the system and produce documents for bid and installation. These irrigation designers will work for the city of Creve Coeur, they do not have an allegiance to any brand of irrigation equipment or products. By using an Irrigation Design Consultant it is my opinion the final project will be superior.

EC Design Group, Ltd.

PO Box 65036
West Des Moines, IA 50265
Phone: (515) 225-6365

OR

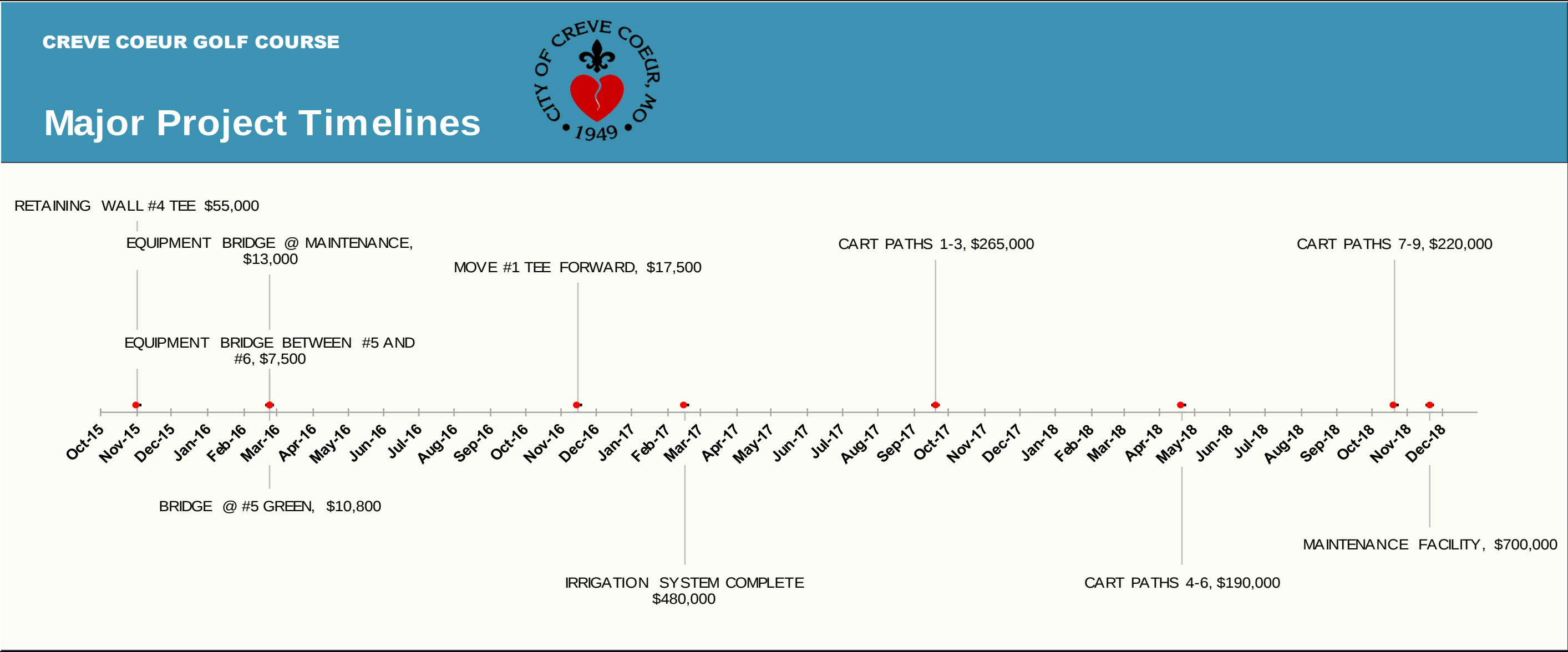
Jeffrey L. Bruce & Company

1907 Swift Street, Suite 204
North Kansas City, Missouri 64116
Phone: (816) 842-8999

WATER FEATURES

The main water feature at Creve Coeur Golf Course is the storm water impoundment on holes 5, 6, 7 and 9. This area accounts for 48,983 ft². The water feature on hole-5 is in need of a silt removal program. It is my understanding the city has already secured plans to renovate the far south number 5 water feature. This renovation should include retaining walls, weir system, silt removal, and bridge structure from 5 fairway to 5 green.

PROJECT TIMELINE



CONCLUSION

Creve Coeur Golf Course is maintained in fine fashion. Aside from immediate safety issues the critical question to ask will these improvements increase revenues or even pay for themselves overtime. The answer is almost always no, large capital investments most certainly will not ever amortize in the current climate of golf participation. The question should be this: If committed to golf at this location, and if the community desires a full spectrum of recreation does the golf course fill this citizen desire?

Municipal Golf Courses as well as parks provide intrinsic environmental, aesthetic, and recreation benefits to our cities. They are also a source of positive economic benefits. They enhance property values, increase municipal revenue, bring in homebuyers and workers, and attract high quality businesses and retirees.

At the bottom line, parks and golf courses are a good financial investment for a community. Understanding the economic impacts of golf courses can help decision makers better evaluate the creation and maintenance of municipal golf courses. Business and property tax revenues are difficult to quantify as well as pride in community and what the municipality has to offer.

It is vital to the future condition, playability and health of the golf course to renew assets as they become aged to the useful life. Many golf course decision makers postpone renewing assets until the asset becomes no longer functional – it has been my experience that costs and patron satisfaction can be negatively affected in many of these cases.

Addendum 3 is a report from the International Sports Turf Research Center. This report reiterates the need to increase core aerification and sand topdressing to remediate heavy soil in the root-zone areas on greens. With judicious aerification, Creve Coeur Golf Course will be able to virtually rebuild green root-zones from the top down. Again, more on this subject is available on pages 12 – 19 and the Addendum 3 beginning on page 33.

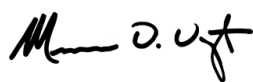
Another matter of management that should be considered is a written standard of golf course maintenance, whereby the stakeholders and management all understand what the cost are relative to level of acceptable maintenance standards.

My thanks to the staff members at Creve Coeur Golf Course for their complete cooperation and help during my visit; you should be proud of the work you accomplish at this outstanding course. Also, my hats off to Superintendent Gettemeier and Manager Tim Brinks for accomplishing many forward thinking programs that places Creve Coeur Golf Course in the position they enjoy today.

It will be the City of Creve Coeur's ultimate responsibility to act as it feels is proper to execute any recommendations or make decisions in its own best interest.

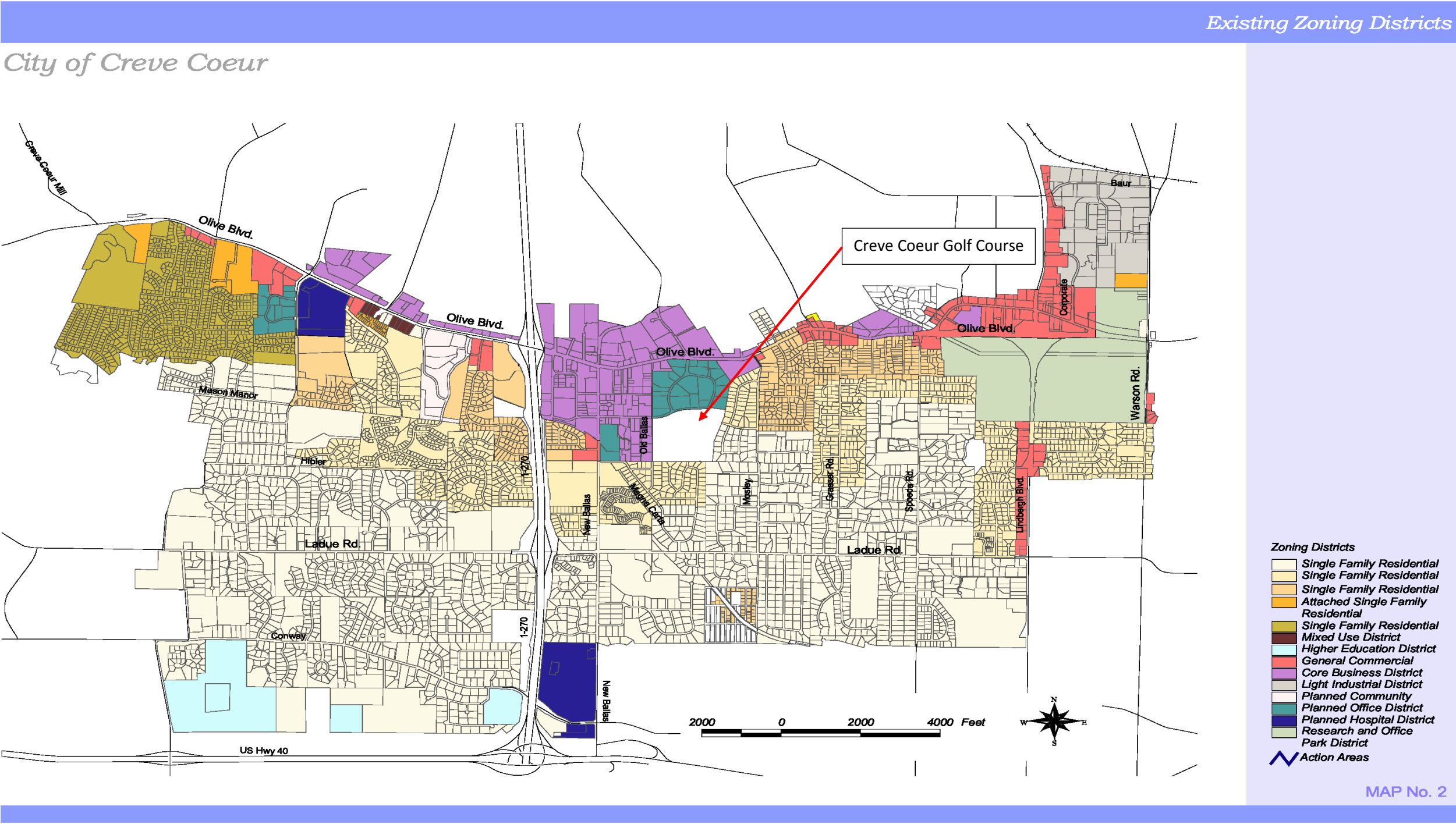
Please feel free to contact me at your convenience with any question or comments.

Respectfully Submitted,



Michael D. Vogt, CGCS, CGIA, LLC

ADDENDUM 1 - CITY OF CREVE COEUR ZONING MAP



ADDENDUM 2 - PROJECT MAP



**YOUR
ISTRC SYSTEMTM
REPORT**

**CREVE COEUR
GOLF COURSE**

August 11, 2015
Greens 3, 5, 6 & 7
Lab ID: 15070041

Presented To:

Mr. Cory Gettemeier, GCS

11372 Strang Line Road
Lenexa, KS 66215



Phone: 800-362-8873
Phone: 913-829-8873
Fax: 913-829-4013
E-Mail: office@istrc.com
Website: www.istrc.com

August 11, 2015

Mr. Cory Gettemeier, GCS
CREVE COEUR GOLF COURSE
300 N. Ballas
Creve Coeur, MO 63141

re: Lab ID: 15070041; ISTRC SYSTEM™ BenchMarking of undisturbed core samples from Green #3 [back left]; Green #5 [back center]; Green #6 [back center] and Green #7. **ISTRC Rep:** Mr. Bob Brandt.

Dear Cory;

We have completed the ISTRC SYSTEM™ BenchMarking of the undisturbed core samples taken from Greens 3, 5, 6 & 7. The test results are attached and the time lapse photos are included. The section references in this report are to our **ISTRC's Guidebook**.

I. BACKGROUND (per Information Supplied to ISTRC)

Creve Coeur Golf Course is a nine hole facility that supports play seven days a week on greens that were constructed out of varying material over different periods of time. This is the first testing performed on the greens so there are no comparisons included within the report. We will utilize USGA style green guidelines in the tables to better illustrate how the profiles are performing despite Green #s 3 & 5 resembling profiles closer to native soil greens. The primary objective for testing is to establish an initial benchmark as a basis for monitoring the aging of the root zone and evaluating the impact of the past & current cultural practices.

Table 1 is used to incorporate your evaluation of the tested green's turf quality and micro-environment (growing conditions). As a general rule, turf quality is a function of the interrelationship between the physical properties of the root zone and the green's micro-environment. Our research has found that it is possible to compensate for poor growing conditions by manipulating the physical properties of the root zone. Conversely, it is possible to compensate for poor physical properties with an excellent micro-environment. See, Section IV, D – *The Green's Micro-Environment* – at page 15.

Table 1.

Scale: 1 [bad] – 5 [moderate] – 10 [excellent]

	Turf Quality (Current)	Air Movement	Direct Sunlight	Comments
Green #3	6	6	5	
Green #5	6	8	9	
Green #6	8	8	9	
Green #7	6	8	8	

II. DISCUSSION OF LAB RESULTS

The laboratory data can be found in its entirety at the end of this report. There are two sets of data. The first set of data consists of the physical evaluation, the evaluation of the root systems, and the measurement of the organic matter by layer.

The second set of data contains the textural & particle size analysis. The textural analysis measures the percentage of gravel, sand, silt and clay comprising the soil. The particle size distribution analyzes the size distribution of the sand.

We have also attached an aerification displacement chart at the end of the report. We designed the displacement chart to calculate the percentage of surface area that is removed from the green with various size tines and spacing. We have found that the chart is an excellent reference to evaluate the effectiveness of your program.

On the following pages we will discuss the current test results. Included with the discussion are selected time lapse photos of the root zone, our Target Table with the greens' physical properties, and an inch-by-inch analysis of the Textural & Sand Particle Size Distribution. Tables 2 & 3 compare the current test results to our recommended target range for well-drained, sand-based greens.

The time lapse photos included on the following pages were taken to monitor the drying process of your greens and to provide visual confirmation of the tested physical properties. We have found the photos are an excellent indicator of layering and/or variations in water holding properties throughout the profile.

Green #3**Green #5**

These two samples represent some of the first greens that were constructed and the blend resembles more of a soil based material. The combination of organic build-up and compaction are discouraging any ability to breathe or drain that might promote consistency on the surface. These greens in particular are in need of hollow tine aerifications to displace the heavy amounts of organic matter in the upper 3 inches. Also, a critical component of the program is to continue to involve venting in between the larger tine procedures to encourage breathability through the surface. The profile must have a means of drying out.

Table 2.

ISTRC Target Ranges

	Green #3	Green #5	Well-Drained Greens (1 st tier Sample)
Infiltration Rate [In/hr]	1.27	0.00	At least 6
Air Porosity [Non-Capillary]	7.80%	9.26%	~20%
Water Porosity [Capillary]	39.02%	33.78%	15% to 25%
Bulk Density [g/cc]	1.47	1.51	1.35 to 1.45
Water Holding	26.53%	22.43%	10% to 20%
Organic Content: 0-1"	2.93%	3.40%	1.5% to 2.5%
Organic Content: 1-2"	2.82%	2.18%	1.0% to 2.0%
Organic Content: 2-3"	2.69%	1.36%	0.5% to 2.0%
Organic Content: 3-4"	0.16%	0.71%	0.5% to 1.5%
Root Mass	3/8 in.	3/8 in.	at least ½ in.
Feeder Roots	Less than 3 in.	Less than 3 in.	at least 3 ½ in. —med. density

Green #6**Green #7**

You can immediately recognize the differences between these two greens and the previous two when looking at the infiltration ability. The increase in air porosities and the organic build-up being confined to the top two inches are contributing factors to the more balanced profiles that should behave more like mature sand based greens. Even though the styles and ages are different, the recommendations are the same; the plants require oxygen and the ability to dry out from excessive water holding.

Table 3.

ISTRC Target Ranges

	Green #6	Green #7	Well-Drained Greens (1 st tier Sample)
Infiltration Rate [In/hr]	11.54	8.08	At least 6
Air Porosity [Non-Capillary]	15.34%	11.11%	~20%
Water Porosity [Capillary]	26.10%	32.57%	15% to 25%
Bulk Density [g/cc]	1.42	1.44	1.35 to 1.45
Water Holding	18.35%	22.67%	10% to 20%
Organic Content: 0-1"	3.21%	3.44%	1.5% to 2.5%
Organic Content: 1-2"	2.89%	2.10%	1.0% to 2.0%
Organic Content: 2-3"	0.58%	0.55%	0.5% to 2.0%
Organic Content: 3-4"	0.01%	0.14%	0.5% to 1.5%
Root Mass	3/8 in.	3/8 in.	at least ½ in.
Feeder Roots	4 ½ in. Sparse	Less than 3 in.	at least 3 ½ in. –med. density

Particle Distribution

		Textural Analysis				Sand Particle Size Distribution						
		Sand	Silt	Clay	Gravel	Very Coarse	Coarse	Medium	Medium	Med/Fine	Fine	Very Fine
	USDA (mm)	.05 to 2.00	.002 to .05	<.002	2.00	1.00	0.50	0.25	0.18	0.15	0.10	0.05
	U.S. Sieve (mesh)	270 to 18	(Pan)	(Pan)	10	18	35	60	80	100	140	270
	SAMPLE NAME	% Retained on Sieve										
Green #3's 1 st tier	.25 - 1.0 in.	96.67	1.42	1.91	0.00	3.22	32.53	45.50	10.95	2.50	1.40	0.57
	1.0 - 2.0 in.	95.33	1.65	3.02	0.00	4.10	21.67	47.63	14.30	4.03	2.30	1.30
	2.0 - 3.0 in.	90.81	6.60	1.94	0.65	5.88	23.35	41.53	11.95	4.22	1.85	2.03
	3.0 - 4.0 in.	92.53	4.77	1.40	1.30	2.95	26.33	38.93	16.70	3.30	1.47	2.85
Green #5's 1 st tier	.25 - 1.0 in.	96.23	2.62	1.15	0.00	3.40	34.47	44.40	9.70	2.18	1.23	0.85
	1.0 - 2.0 in.	90.17	5.84	3.99	0.00	3.57	21.27	47.63	10.67	2.47	1.53	3.03
	2.0 - 3.0 in.	91.11	7.10	1.79	0.00	2.45	16.77	45.40	10.03	2.90	2.63	10.93
	3.0 - 4.0 in.	96.81	2.35	0.84	0.00	0.77	12.53	39.10	16.73	2.53	3.05	22.10
Green #6's 1 st tier	.25 - 1.0 in.	96.33	2.00	1.67	0.00	2.47	29.43	48.85	10.73	2.67	1.65	0.53
	1.0 - 2.0 in.	95.39	2.35	1.96	0.30	3.35	21.70	48.32	13.57	4.45	2.85	1.15
	2.0 - 3.0 in.	94.85	1.95	1.63	1.57	6.08	24.55	39.53	13.87	5.27	4.08	1.47
	3.0 - 4.0 in.	94.83	1.99	1.65	1.53	7.57	25.33	36.47	14.88	5.25	4.13	1.20
Green #7's 1 st tier	.25 - 1.0 in.	97.75	1.23	1.02	0.00	2.30	28.47	45.85	12.95	4.03	3.05	1.10
	1.0 - 2.0 in.	97.51	1.36	1.13	0.00	2.73	23.43	42.27	15.03	6.20	5.97	1.88
	2.0 - 3.0 in.	94.65	1.81	3.19	0.35	0.95	25.03	31.52	19.47	12.95	1.33	3.40
	3.0 - 4.0 in.	97.27	1.11	1.45	0.17	0.95	17.35	29.35	19.55	13.35	13.57	3.15
		89 to 100	5 Max.	3 Max.	3 Max.	10 Max.	At least 60		20 Max.		5 Max.	
specifications			10 Max. w/ Fine & V.F.		10 Max.					10 Max. w/Silt & Clay		
res		89 to 100	5 Max.	3 Max.	3 Max.	10 Max.	15 to 25	40+	10 to 15	20 - #80	5 Max.	
			10 Max. w/ Fine & V.F.		10 Max.	65 to 85 Optimum				10 Max. w/Silt & Clay		

Above is the inch-by-inch analysis (upper 4") of the Textural & Sand Particle Size Distribution for Green #3's 1st tier, Green #5's 1st tier, Green #6's 1st tier and Green #7's 1st tier. A complete inch-by-inch analysis for all the tested greens is also attached to the end of the report. The lower box contains the USGA specifications & ISTRC Guidelines - the upper set is the USGA specifications and the lower set is the expanded guidelines from ISTRC.

The particle distribution is difficult to analyze due to the fact that the way they were constructed forces us to use common sense while still utilizing the USGA guidelines to a limit. The distributions do not meet USGA specifications due to several erratic spikes in fines and Silt and Clay readings; however the top inch of each green does meet USGA specifications which indicates the recent topdressing programs are using an appropriate topdressing sand that should be proper for both light dustings as well as regular aerification fills. With different construction times using different blends, we cannot expect the profiles to represent one uniformed mix. The goal is to amend all the profiles effectively with consistency using a USGA style sand.

III. SUMMARY

A general discussion on Maintenance Practices is contained in Section V of **The ISTRC Guidebook**. We encourage you to reference the Guidebook for a wide range of topics relating to the root zone, environmental factors, and maintenance.

It's difficult to orchestrate a program to effectively manage two or more different styles of greens that were constructed at different times. That said; the main idea is to create balance and promote breathability with hollow tine aerifications and venting to discourage any moisture related diseases and to establish deep root structures for sustainable health. One cultural program can be implemented to effectively manage the different styles by taking the more aggressive approach in controlling the organic production.

We are recommending that no less than 20% surface material be removed each season by hollow tine aerifications to control and diminish the current water properties and transfer them back into air porosities. This can be achieved following a traditional spring and fall schedule, but will more than likely require a third application to utilize smaller tines to lessen the heal time associated with aerifications. Regardless of the schedule, the important goal to keep in mind is to lessen the organic matter that is prevalent in all the greens we tested in the top 2 to 3 inches.

In our discussion, the use of a solid tine procedure was discussed and what the good and bad effects of this application could be. True, the application will serve as a venting tool without sacrificing any revenue due to disruption during that time. However, with the elevated amounts of organic being reported, it's our advice to first lessen the cumulative organic percentages with hollow tine applications and then possibly implement a solid tine application towards the end of a season when monitoring has validated that the organic has been controlled.

The current program is utilizing venting techniques every other week and we couldn't agree more with this philosophy. The majority of water holding is taking place near the surface and in between the larger tine applications; the greens need help in the form of venting past the heavy organic matter and compaction.

While we need to encourage balance beneath the surface, it's no surprise that Green #3 is one of the more problematic greens and it also possesses one of the more pocketed microenvironments. The plant needs oxygen and sunlight! Especially in greens that are prone to holding moisture, we need to do everything we can to encourage proper evaporation and air flow to limit the problems associated with excessive moisture. If pruning or the removal of trees isn't possible, then we highly recommend the use of portable or permanent fans to artificially create air flow for the green's surface. We often times compare wet profiles with flooded basements; the first thing you do is open up windows, put on fans and remove the water as quickly as possible before it becomes anaerobic. Greens' profiles are no different in that we need to provide the ability to dry out and achieve balance so we have the control in managing the moisture levels and to fine tune the greens as we see fit to suit playability and climate changes.

The current testing has established an initial benchmark of your greens. We recommend that you continue to monitor your greens with regular testing. The information derived from regular testing will allow you to monitor the aging process of the greens, evaluate the effectiveness of the current cultural practices, modify the program based on hard data, make adjustments to the program to meet the individual needs of specific greens, and detect problems before they affect the health of the greens.

If you have any questions or need any additional information we encourage you to give us a call. We are always available to answer questions and discuss ideas with you. Our service is not confined to analyzing undisturbed cores. We do not charge for telephone calls and we encourage our client superintendents to use us as a resource.

Sincerely,

I.S.T.R.C.

by: 

Eric J. Doherty, President

encl.: ISTRC's Guidebook

I.S.T.R.C.

"International Sports Turf Research Center, Inc."

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11372 Strang Line Rd.
Lenexa, KS 66215

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The I.S.T.R.C. System™

Company: CREVE COEUR GOLF COURSE
Name: Mr. Cory Gettemeier, GCS
Address: 300 N. Ballas
City, ST, Zip: Creve Coeur, MO 63141

Account No. 3146000
Date 21-Jul-15

Facility Creve Coeur G.C.

ISTRC Rep. Bob Brandt

Physical Evaluation

ISTRC SYSTEM™ Core Analysis

ISTRC SYSTEM™ Core Analysis						Porosity		
		Infiltration Rate in/hr.	40 cm Water Holding %	Bulk Density g/cc	Solids %	Total Porosity %	Capillary [Water Pores] %	Non-Capillary [Air Pores] %
LAB ID NO.	SAMPLE NAME							
15070041-G03	Green #3, Back Left	1.27	26.53	1.47	53.18	46.82	39.02	7.80
	Organic [ISTRC Walkley/Black] .25 to 1 in.	2.93%				Root Mass: 3/8 in.		
	Organic [ISTRC Walkley/Black] 1 to 2 in.	2.82%				Feeders: Less than 3 in.		
	Organic [ISTRC Walkley/Black] 2 to 3 in.	2.69%						
	Organic [ISTRC Walkley/Black] 3 to 4 in.	0.16%						
15070041-G05	Green #5, Back Center	0.00	22.43	1.51	56.96	43.04	33.78	9.26
	Organic [ISTRC Walkley/Black] .25 to 1 in.	3.40%				Root Mass: 3/8 in.		
	Organic [ISTRC Walkley/Black] 1 to 2 in.	2.18%				Feeders: Less than 3 in.		
	Organic [ISTRC Walkley/Black] 2 to 3 in.	1.36%						
	Organic [ISTRC Walkley/Black] 3 to 4 in.	0.71%						
15070041-G06	Green #6, Back Center	11.54	18.35	1.42	58.56	41.44	26.10	15.34
	Organic [ISTRC Walkley/Black] .25 to 1 in.	3.21%				Root Mass: 3/8 in.		
	Organic [ISTRC Walkley/Black] 1 to 2 in.	2.89%				Feeders: 4 1/2 in. Sparse		
	Organic [ISTRC Walkley/Black] 2 to 3 in.	0.58%						
	Organic [ISTRC Walkley/Black] 3 to 4 in.	0.01%						
15070041-G07	Green #7	8.08	22.67	1.44	56.32	43.68	32.57	11.11
	Organic [ISTRC Walkley/Black] .25 to 1 in.	3.44%				Root Mass: 3/8 in.		
	Organic [ISTRC Walkley/Black] 1 to 2 in.	2.10%				Feeders: Less than 3 in.		
	Organic [ISTRC Walkley/Black] 2 to 3 in.	0.55%						
	Organic [ISTRC Walkley/Black] 3 to 4 in.	0.14%						
	USGA Sample Range [Root Zone Mix]	at least 6	10 to 20	1.4 to 1.7	45 to 65	35 to 55	15 to 25	15 to 30

Reviewed by: _____

I.S.T.R.C.**International Sports Turf Research Center, Inc."**

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Address: 300 N. Ballas
City, ST, Zip Creve Coeur, MO 63141

Account No. 3146000

Date 21-Jul-15

Facility Creve Coeur G.C.

ISTRC Rep. Bob Brandt

		Textural Analysis				Sand Particle Size Distribution							
		Sand	Silt	Clay	Gravel	Very Coarse	Coarse	Medium	Medium	Med/Fine	Fine	Very Fine	
		USDA (mm)	.05 to 2.00	.002 to .05	<.002	2.00	1.00	0.50	0.25	0.18	0.15	0.10	0.05
		U.S. Sieve (mesh)	270 to 18	(Pan)	(Pan)	10	18	35	60	80	100	140	270
LAB ID NO.	SAMPLE NAME					% Retained on Sieve							
15070041-G03	.25 - 1.0 in.	96.67	1.42	1.91	0.00	3.22	32.53	45.50	10.95	2.50	1.40	0.57	
Green #3	1.0 - 2.0 in.	95.33	1.65	3.02	0.00	4.10	21.67	47.63	14.30	4.03	2.30	1.30	
1st Tier	2.0 - 3.0 in.	90.81	6.60	1.94	0.65	5.88	23.35	41.53	11.95	4.22	1.85	2.03	
Back Left	3.0 - 4.0 in.	92.53	4.77	1.40	1.30	2.95	26.33	38.93	16.70	3.30	1.47	2.85	
15070041-G05	.25 - 1.0 in.	96.23	2.62	1.15	0.00	3.40	34.47	44.40	9.70	2.18	1.23	0.85	
Green #5	1.0 - 2.0 in.	90.17	5.84	3.99	0.00	3.57	21.27	47.63	10.67	2.47	1.53	3.03	
1st Tier	2.0 - 3.0 in.	91.11	7.10	1.79	0.00	2.45	16.77	45.40	10.03	2.90	2.63	10.93	
Back Center	3.0 - 4.0 in.	96.81	2.35	0.84	0.00	0.77	12.53	39.10	16.73	2.53	3.05	22.10	
15070041-G06	.25 - 1.0 in.	96.33	2.00	1.67	0.00	2.47	29.43	48.85	10.73	2.67	1.65	0.53	
Green #6	1.0 - 2.0 in.	95.39	2.35	1.96	0.30	3.35	21.70	48.32	13.57	4.45	2.85	1.15	
1st Tier	2.0 - 3.0 in.	94.85	1.95	1.63	1.57	6.08	24.55	39.53	13.87	5.27	4.08	1.47	
Back Center	3.0 - 4.0 in.	94.83	1.99	1.65	1.53	7.57	25.33	36.47	14.88	5.25	4.13	1.20	
15070041-G07	.25 - 1.0 in.	97.75	1.23	1.02	0.00	2.30	28.47	45.85	12.95	4.03	3.05	1.10	
Green #7	1.0 - 2.0 in.	97.51	1.36	1.13	0.00	2.73	23.43	42.27	15.03	6.20	5.97	1.88	
1st Tier	2.0 - 3.0 in.	94.65	1.81	3.19	0.35	0.95	25.03	31.52	19.47	12.95	1.33	3.40	
	3.0 - 4.0 in.	97.27	1.11	1.45	0.17	0.95	17.35	29.35	19.55	13.35	13.57	3.15	
USGA		89 to 100	5 Max.	3 Max.	3 Max.	10 Max.	At least 60		20 Max.		5 Max.		
Recommended Specifications		10 Max. w/ Fine & V.F.		10 Max.						10 Max. w/Silt & Clay			
ISTRC Guidelines		89 to 100	5 Max.	3 Max.	3 Max.	10 Max.	15 to 25	40+	10 to 15	20 - #80	5 Max.		
		10 Max. w/ Fine & V.F.		10 Max.		65 to 85 Optimum				10 Max. w/Silt & Clay			

Reviewed by: EJD

ISTRC

International Sports Turf Research Center Aerification Displacement Chart

Tine Size	1.25" x 1.25" Centers	1.5" x 1.5" Centers	2.0" x 2.0" Centers	2.5" x 2.5" Centers	5" x 5" Centers
1/4" Hollow Tines	3.14%	2.18%	1.23%	0.79%	
3/8" Hollow Tines	7.07%	4.91%	2.76%	1.77%	
1/2" Hollow Tines	12.57%	8.73%	4.91%	3.14%	
5/8" Hollow Tines		13.64%	7.67%	4.91%	
5/8" Hollow Vertidrain					1.23%
3/4" Hollow Tines				7.07%	1.77%
3/4" Hollow Vertidrain					1.77%
1" Hollow Tines					3.14%
1" Hollow Vertidrain					3.14%
7/8" Drill & Fill (7" Ctrs)					1.23%
Graden Verticutter (15 Blades @ 1" Spacings)	<u>1mm Blade</u> 3.93%	<u>2mm Blade</u> 7.87%	<u>3mm Blade</u> 11.81%		

Note: 1/4" Quadlines remove as much material as Regular 1/2" Hollow Tines

3/8" minimum for ease of topdressing fill if replacement of material is required

For double aerification make two passes at approx. 37° (slightly less than 45°) to minimize overlap

International Sports Turf Research Center, Inc.

For Additional Information Please Call:

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Fax:

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Or Visit Our Website At:

www.istrc.com

-End of Report-