



MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
December 14, 2015
6:30 p.m.

A. MEETING CALLED TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. PROCLAMATIONS

E. APPROVAL OF MINUTES

1. November 23, 2015 Regular Session minutes

F. APPOINTMENTS

1. Tom Sontag is nominated for reappointment to the Urban Forestry Commission by Councilmember Carr.
2. William Thomas and Mary Hart are nominated for reappointment to the Senior Commission by Councilmember Sharpe.
3. Garrie Burr and Barbara Santoro nominated for reappointment to the Arts & Letters Commission by Mayor Welsch.
4. Sandy Jacobson is nominated for appointment to the Historic Preservation Commission by Councilmember Crow, replacing James Guest.

G. SWEARING IN

1. Lucille Harris was sworn in to the Human Relations Commission in the City Clerk's office.

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

I. PUBLIC HEARINGS

J. CONSENT AGENDA

K. CITY MANAGER'S REPORT

1. Approval to award Anova Furnishings for 45 public space trash/recycling containers for the Loop area in the amount of \$36,900.
VOTE REQUIRED
2. Approval to award Missouri Machinery and Engineering Co. for pool pump replacement in the amount of \$73,719.
VOTE REQUIRED
3. Approval to authorize the City Manager to execute a one-year agreement with CBB for \$8,000, to provide traffic signal maintenance services.
VOTE REQUIRED

4. Approval to award Kelly Equipment for solid waste dumpsters in the amount of \$55,400.
VOTE REQUIRED

L. UNFINISHED BUSINESS

BILLS

1. **BILL 9277** - An ordinance amending Chapter 400 of the Municipal Code of the City of University City, relating to zoning, by amending Sections 400.030; 400.1190; 400.2020; and 400.2040; thereof, relating to landscaping and screening regulations; containing a savings clause and providing a penalty.
2. **BILL 9278** – An ordinance fixing the compensation to be paid to City Officials and employees as enumerated herein from and after its passage, and repealing ordinance No. 6988.

M. NEW BUSINESS

RESOLUTIONS

BILLS

1. **BILL 9279** – An ordinance of the City of University City, Missouri; repealing Section 120.480 of Chapter 120 of the City of University City Municipal Code; and enacting in lieu thereof a new Section 120.480.
2. **BILL 9280** – An ordinance of the City of University City, Missouri; repealing Section 120.490 of Chapter 120 of the City of University City Municipal Code; and enacting in lieu thereof a new Section 120.490
3. **BILL 9281** – An ordinance submitting to the qualified voters of the City of University City, Missouri, at an election to be held on April 5, 2016, a proposed amendment to Charter of the City of University City adding section 97 of Article XI of the Charter requiring the approval of a majority of the qualified voters prior to the sale, lease or disposition of University City Heritage Sites.

N. CITIZEN PARTICIPATION (continued if needed)

O. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions
3. Boards, Commissions and Task Force minutes
4. Other Discussions/Business
 - Discussion of options for dealing with breach of confidence on ongoing legal cases, by Councilmember Terry Crow, requested by Mayor Welsch and Councilmember Glickert.
DISCUSSION and possible VOTE
 - Parks' Policy requested by Councilmembers Carr and Crow.
DISCUSSION and VOTE

P. COUNCIL COMMENTS

Q. ADJOURNMENT

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
November 23, 2015
6:30 p.m.

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held on the fifth floor of City Hall, on Monday, November 23, 2015, Mayor Shelley Welsch called the meeting to order at 6:30 p.m.

B. ROLL CALL

In addition to the Mayor the following members of Council were present:

Councilmember Rod Jennings
Councilmember Paulette Carr
Councilmember Stephen Kraft
Councilmember Terry Crow
Councilmember Michael Glickert
Councilmember Arthur Sharpe, Jr.

Also in attendance was City Manager Lehman Walker.

C. APPROVAL OF AGENDA

Pursuant to Council Rules, Councilmember Carr requested that Bill 9279, the ordinance submitted by herself and Councilmember Crow, be added to the agenda and was seconded by Councilmember Crow.

Councilmember Carr provided Council with several documents and stated that prior to submitting this ordinance to the City Clerk on Friday, she had contacted the City Manager to determine whether he had received her request to (1) have the City Attorney draft an ordinance in conjunction with the County Board of Elections' results of the citizen initiative petitions and (2), to place the ordinance on tonight's agenda. Councilmember Carr stated that she then informed the City Manager, the City Attorney and the City Clerk, in writing, that she would draft the ordinance, utilizing a 1990 ordinance as a template. Thereafter, Mr. Walker responded that *"The Ordinance will be prepared and reviewed by the City Attorney and placed on the December 14th Council Agenda. It can be introduced at that time and passed at the first meeting in January."* Since no request was made to have this item withdrawn from the agenda, Council's rules should have been followed to place the ordinance on the agenda and members of the public should have had an opportunity to review it.

Councilmember Carr stated that she could find no provision which grants the City Manager the authority to deny placing an item on the agenda when it is in compliance with Council Rules and the Missouri Open Records and Open Meetings Law.

Point of Order: Councilmember Jennings asked for a clarification of the Ordinance number? Councilmember Carr stated that it was 9279.

Councilmember Crow stated that two members of Council submitted an item for the agenda pursuant to Council Rules and the Sunshine Law requirements, and somehow it was omitted from the agenda. Even though there may have been some concerns with respect to this

item, had the rules been followed, Council could have disposed of this item any way they choose to do so. It is clear that the rules have not been followed. If Council elects not to amend the agenda, they will have given the City Manager complete veto power over what can and cannot be placed on this agenda. Councilmember Crow stated that although Council may have another protocol they wish to follow with respect to the petition, he would strongly urge his colleagues to place this ordinance on the agenda.

Councilmember Sharpe stated that his only question is whether the ordinance needs to be reviewed by the City Attorney prior to being presented to Council? Councilmember Carr informed Councilmember Sharpe that after the ordinance is placed on the agenda, Council can make a determination as to whether it needs to be submitted to the City Attorney.

Mayor Welsch stated that while she has no doubt that this ordinance is going to pass, she is uncomfortable putting it on the agenda prior to a review by the City Attorney, especially when it contains specific language that needs to be included on the April 2016 ballot. She stated that Mr. Walker had informed Council that the ordinance was being reviewed by the City Attorney; that it would be placed on the December 14th agenda; and that it would be ready for final approval at the first meeting in January. She stated that the citizens of U City also need to understand that this petition was not received at City Hall until Tuesday, November 17th. Since Council's agenda goes out on the 19th the City Attorney was unable to get everything done in two days. Mayor Welsch said she believes it would be irresponsible to put it on tonight's agenda.

Councilmember Crow stated that no matter what the Mayor's rationale may be, this is really about the fact that no one has the authority to deny placing this ordinance on the agenda when it complies with Council's Rules. Since Council can dispose of it in any manner, he does not understand what would be irresponsible about asking members of this Council to follow the rules and move forth with this ordinance.

Councilmember Kraft stated that he doesn't know whether Council even has the option of voting against this ordinance. He asked if Council should place this item on the agenda and then remove it. Councilmember Crow stated that that was correct, the ordinance could be introduced and a motion made to postpone its adoption.

Councilmember Kraft stated that his concern with placing the ordinance on the agenda is that it contains a number of blank spaces. If Council is being asked to put an incomplete ordinance on the agenda and a motion to postpone, then he's fine with doing it that way.

Councilmember Glickert asked Mr. Walker if this ordinance would be placed on Council's December 14th agenda, and whether the City Attorney would be asked to review it? Mr. Walker stated that the ordinance would be placed on the December 14th agenda, and the City Attorney has been instructed to prepare an ordinance in accordance with the City's Charter. However, he cannot say for certain whether or not she will review this specific document,

Councilmember Glickert stated that since everyone seems to be pretty much in accord with the ordinance, all that is needed is to wait for it to be put on the agenda and then take a vote.

Councilmember Carr stated that this was not about the ordinance per se, it's about the City Manager's failure to respond to her requests and then denying Council's right to put something on the agenda. She stated that this was a deliberate attempt to block two members of Council from putting something on the agenda.

Councilmember Sharpe stated that he did not think that the City Manager was trying to be disrespectful or trying to keep something off of the agenda because someone was opposed to it. His belief is that his only intent was to ensure that the City Attorney had an opportunity to review the issue prior to it being submitted to Council.

Councilmember Crow stated that he does not think any member of this Council has the luxury of knowing what the City Manager was thinking; this is about a line of authority. Whether it was good-intentioned or ill-intentioned, the City Manager does not have the authority to deny placing an item on the agenda. For the majority of Council to say that he did it in good faith, is irrelevant.

Councilmember Carr requested that a roll call vote be taken.

Roll Call Vote on the motion to add Bill No. 9279 to this agenda was:

Ayes: Councilmembers Carr, Crow and Kraft

Nays: Councilmembers Jennings, Glickert, Sharpe and Mayor Welsch.

Voice vote to approve the agenda as presented carried by a majority with a Nay vote from Councilmember Carr.

D. PROCLAMATIONS

E. APPROVAL OF MINUTES

1. November 9, 2015 Regular Session minutes were moved for approval by Councilmember Sharpe and seconded by Councilmember Jennings.

Councilmember Crow abstained from voting since he was not present at this meeting.

Voice vote on the motion to approve carried unanimously.

F. APPOINTMENTS

1. Donna Marin and Richard Wasenberg were nominated for reappointment to the Historic Preservation by Councilmember Jennings. Councilmember Glickert seconded the motion which carried unanimously.

G. SWEARING IN

1. Kymal Dockett was sworn in to the CALOP Commission.

Mayor Welsch then provided the following reminder to those in the audience. If you would like to speak to the Council on agenda or non-agenda items, you should fill out a speaker request form that can be found to the left of the door into the Chamber. Please indicate on that sheet if you want to speak on an agenda or non-agenda item, and note the agenda item number on the form. Your completed form should be placed in the plastic trays in front of the City Clerk prior to the start of Council's discussion on an agenda item for which you would like to speak.

The Council Reports and Business section is for Council discussion. Citizens asking to speak on any of those issues may do so during the regular Citizen's Comment sections. Comments should be limited to five (5) minutes.

This Council cannot discuss personnel matters, legal or real estate issues in public sessions. Members of this Council and the City Manager will not immediately respond to questions raised at our meetings, however, responses will be provided by an appropriate person as quickly as possible.

If someone chooses to continue speaking beyond the Council-accepted time limit on an individual citizen comment, after being advised of their deadline, they will not be called to the podium at future meetings. Requests for additional time to speak will be considered, but the speaker must make a request to go beyond their limit and be given permission to do so. Residents are free to speak either on an agenda or non-agenda item.

It is Council's intent to conduct these meetings in a manner that is, at all times, respectful to members of City staff, the community, and fellow City Council members. Personal attacks on City Council members and staff will be ruled out of order.

Finally, Mayor Welsch encouraged members of Council to remember that, per Council rules, Roberts Rules of Order will be followed. And according to Robert's Rules, each member should desist in making personal attacks on their colleagues, limit comments to the merits of an issue, and not call into question any of your colleagues' motives. Again, personal attacks on City Council members and staff, by members of the public or by members of this Council, will be ruled out of order. These meetings are held for this Council to do the business of the people, and that is what every member should be focusing on.

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)
Carol Wofsey, 7171 Kingsbury Blvd., University City, MO

Ms. Wofsey announced her contention to run as a 1st Ward candidate for City Council in the April 2016 election. Her priorities include:

- A change in the chemical composition of Council
- A strategic 5-year plan to address extraordinary and capital needs
- Succession planning for administrative personnel
- Engagement and communication with residents

Elsie Glickert, 6712 Etzel, University City, MO

Ms. Glickert stated that for the past 40 years realtors have redlined the northeast section of U City by steering only black buyers to this area. Since that time, three housing agencies have built 15 or more low-income houses and now Northgate Development is slated to build 34 dense, low-rental houses within this same seven-block area. She stated that although this neighborhood looks better today than it did when she was growing up in U City, this kind of development certainly does not give broad consideration to what integration is supposed to mean. An update to the 2002 Northeast Plan recognized the need for *"Increased owner-occupied units in this area."* However this proposed development is the complete antithesis of *"homeowner."* Ms. Glickert stated that her belief is that these 34 vacant lots would better serve the neighborhood if homeowners were allowed to purchase the land to enhance their present 30-foot lots.

Don Fitz, 720 Harvard, University City, MO

Mr. Fitz provided an outline of the chain of events associated with the creation of the ordinance proposed by Councilmember Carr and stated that he is worried that some U City officials could be jockeying to prevent a fair vote on the Historic Sites Initiative. He stated that the Mayor has written that in order to respect the importance of the City Charter there must be a month delay between receiving notification from the Election Board and placing an ordinance on the ballot. However this month delay directly violates the portion of the Charter, which states that an ordinance must be passed at once. So failing to pass the proposed ordinance or to even consider it tonight, violates the Charter. Mr. Fitz stated that it seems odd to him that Council would require its citizens to uphold the Charter when they do not.

Kathy Straatmann, 6855 Plymouth Avenue, University City, MO

Ms. Straatmann asked that her comments of November 9th be amended to reflect that her concerns were related to Bywater's proposed project and not their integrity. She then

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acknowledged the frustration exhibited by residents of the 3rd Ward after attending two town hall meetings sponsored by Councilmembers Jennings and Sharpe. Ms. Straatmann suggested that meetings be held at a different location to avoid another occurrence of having to shush residents out of the building before they have had an opportunity to participate in the question and answer session.

Susan Greenwald, 836 Barkley Square, University City, MO

Ms. Greenwald stated that last week she and her husband emailed an appeal to the Mayor and Council regarding a Parks and Recreation policy that defies the values of U City, and has been used as a basis for recommending cuts in the recreational budget. She stated that residents of U City have always been proud to describe their City as diverse and inclusive. Yet, here is a policy which states that all recreational activities should be 100 percent self-supporting. At various points throughout this City's history our administration has recognized the importance of a high-quality summer camp and acknowledged that everyone could not afford to pay the fees needed to support such a camp. Hundreds of kids have attended U City's camps, which were either free or based on a nominal fee. Last year many children were excluded because of the fee. Ms. Greenwald requested that the policy be amended, and that her written comments, as well as her email, be attached to the minutes.

I. PUBLIC HEARINGS

1. Text amendment to the Zoning Code related to landscape buffer and screening regulations.

Mayor Welsch opened the public hearing at 7:11 p.m., and hearing no requests to speak, the hearing was closed at 7:12 p.m.

J. CONSENT AGENDA

K. CITY MANAGER'S REPORT

1. Site Plan application for 6358 Delmar Blvd, Unit 222 for operation of a tax-exempt corporation (church offices)

Councilmember Glickert moved to approve, was seconded by Councilmember Sharpe and the motion carried unanimously.

L. UNFINISHED BUSINESS

BILLS

M. NEW BUSINESS

RESOLUTIONS

Introduced by Councilmember Sharpe

1. **Resolution 2015 – 23** Submit grant application to St. Louis County Municipal Park Planning Grant for Majerus Park inventory and evaluation. The motion was seconded by Councilmember Jennings and carried unanimously.

BILLS

Introduced by Councilmember Glickert

2. **BILL 9277** – An ordinance amending Chapter 400 of the Municipal Code of the City of University City, relating to zoning, by amending Sections 400.030; 400.1190; 400.2020; and 400.2040, thereof, relation to landscaping and screening regulations; containing a savings clause and providing a penalty. Bill No. 9277 was read for the first time.

Introduced by Councilmember Sharpe

3. **Bill 9278** – An ordinance fixing the compensation to be paid to city officials and

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employees as enumerated herein from and after its passage and repealing Ordinance No. 6988. Bill No. 9278 was read for the first time.

Councilmember Carr stated that since this bill creates a new position; part-time Paramedic/Firefighter, she would like to know if the City Manager has given consideration to the following:

1. Did the Civil Service Board approve this position? And if not, why not?
2. Will these part-time employees already be trained as a paramedic?
3. Will they be eligible to attend the St. Louis County Fire Academy if they are not so certified?
4. Who will pay for their training?
5. Will these part-time employees be paid while they are in training?
6. How will part-time employees handle the City's 48 hour shifts?
7. Will part-time employees be covered under Workman's Comp?
8. Will continuing education be required for part-time employees? And if so, who will be responsible for providing this education?
9. How will the hiring of part-time employees affect the City's ISO Rating?
10. Is there a plan to supplement and retain part-time employees?

Mr. Walker stated that he would respond to Councilmember Carr's questions in writing.

N. CITIZEN PARTICIPATION (continued if needed)

Leif Johnson, 836 Barkley Square, University City, MO

Mr. Johnson stated that with respect to the Parks and Recreation Policy which demands that fees and charges pay 100 percent of recreation costs, the record shows that at the May 26, 2015, Study Session of Council, the City Manager presented information illustrating that the cost-recovery of the City's summer camp program was currently at 55 percent. He then suggested three options, (1) eliminate the program at a savings of \$98,826 a year; (2) increase fees to improve cost-recovery, or (3), seek a partner to improve cost-recovery.

Mr. Johnson stated that there is no question that this income-based discriminatory policy is being enforced and ask that this policy be eliminated.

Raheem Adegboye, 7629 Canton Avenue, University City, MO

Mr. Adegboye stated that he was appearing before Council once again, to appeal to the six members of Council to forget about the little differences and find a way to come together and form an alliance that enables them to work together. He stated that U City can be the Mecca of Missouri, and that is what citizens want. But just coming here and stating that you are working for your constituency is not enough, because you have done nothing until you work for the good of your constituency. Mr. Adegboye encouraged Council to work on diversity, inclusion and integrity.

Thomas Jennings, 7055 Forsyth, University City, MO

Mr. Jennings stated that he finds it absolutely absurd that a member of Council would ask the City Manager and City Attorney for information and is totally disregarded. He stated that it is unrealistic to have personnel who works for the City, who cannot get the job done.

Mark Strahm, 6303 Delmar Blvd., University City, MO

Mr. Strahm stated that he attended the last meeting to talk to Council about a bill that was introduced three meetings ago and then tabled by Council. He then provided an example of how the Loop Trolley construction has severely impacted businesses in the Loop. Mr. Strahm stated that during that crucial time period of the trolley construction, his business has lost 30 percent of their yearly income due to the fact that the streets were blocked off. He stated that his hope is that the reason this bill is not on tonight's agenda is because negotiations are going on to finalize the assistance to the businesses that have been impacted.

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O. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed

Mayor Welsch made the appointments that were needed.

2. Council liaison reports on Boards and Commissions

Councilmember Jennings thanked Mr. Joe Edwards for providing lanes and drinks, at no charge, for the Youth Commission's bowling party that was held last Friday.

Mayor Welsch stated that the EDRST Board conducted a meeting last week where the quarterly reports from organizations who received funding this fiscal year were heard, and a recommendation will be forthcoming to Council.

The Land Clearance and Redevelopment Authority has approved a redevelopment plan for the second phase of the Mansions on the Plaza project.

3. Boards, Commissions and Task Force minutes

4. Other Discussions/Business

P. COUNCIL COMMENTS

Councilmember Carr stated that she is disappointed and appalled at her fellow Councilmembers who have said that it is all right to prohibit two members from putting something on the agenda and for giving the City Manager much more authority than is clearly mandated to him by the Charter. She stated that she is trying to figure out what rules she should follow, since her colleagues apparently do not have to follow any.

Councilmember Carr provided information on an incident with Ms. Ricci and the City Attorney. She noted that history is repeating itself and she will make sure that all of the emails associated with this situation are put into the record.

Councilmember Carr stated that she has not shut the door to working with anyone who does not try to limit her rights to represent her constituents and her rights as a duly elected officer of the City. She will however, stand firm to oppose anyone who seeks to remove those rights and responsibilities from her or from other Councilmembers, regardless of who they are.

Councilmember Carr asked Mr. Walker if he would also provide her with information if the Economic Development Sales Tax Fund to provide a forgivable loan to retail businesses in the Loop due to loss of sales from the Loop Trolley construction would be brought back to Council.

She wished everyone a happy Thanksgiving, with the hope that peace follows one and all.

Councilmember Jennings stated that he would like to apologize to the residents of the 3rd Ward for having to conclude the meeting so abruptly. Unfortunately, they were not apprised of the fact that they needed to vacate the building by nine o'clock until the night of the meeting. He noted they are looking for a different location to conduct a follow-up meeting. Councilmember Jennings stated that Bywater has agreed to participate in as many meetings as necessary to ensure that all questions and concerns related to their development have been resolved.

Councilmember Crow stated that on behalf of his family he would like to express appreciation to everyone for their condolences with respect to his mother's recent death.

He stated that although he would merely second Councilmember Carr's comments, he would like to say to the citizens in this room witnessed one more example of how this City is conducting business. Councilmember Carr just took us to school with respect to the actions of previous Councils and staff, because even though these rules were established to allow us to do our jobs, there are limitations on what authority this City's employees have. What Council had done tonight, was to empower the City Manager to have veto authority over the agenda items for these meetings, which is far beyond what he believes any person in this room ever expected to see happen. Councilmember Crow urged any of his colleagues who were

disagreement with his comments, to demonstrate how his logic was incorrect. He then expressed the need for everyone to be appreciative of their families and wished all a very happy Thanksgiving.

Mayor Welsch wished everyone a happy Thanksgiving, and reminded those who like to shop during this season to consider patronizing the many small businesses within U City.

Mayor Welsch thanked Councilmember Glickert for directing Ms. Greenwald and Mr. Johnson to the Parks Commission, because that is the entity that develops policies related to parks and provides recommendations to Council for final approval. She noted that although Mr. Walker had recommended some cuts for the 2016 summer camp season, they were not approved by Council. She then made the following announcements:

- A group of volunteers interested in discussing a new vision for U City's Summer Camp Program will meet on Monday, November 30th, at the Heman Park Community Center at 6 p.m.
- Half Price Books will be opening on Thursday, December 3rd, at the old Walgreen's store located on McKnight. The ribbon cutting will be held at 9 a.m.
- The U City Education Foundation will host its annual fundraiser at Plowsharing Crafts on December 8th, along with a corresponding event, which will be held at Chipotle Mexican Grill.
- The citizen's volunteer group on Race, Class and Culture will meet on December 10th, at the home of Liz and Rick Aurbach. Anyone interested in attending should contact Mayor Welsch.
- The last free health screening for 2015, sponsored by Health, Protection and Education Services, will be held on December 12th from 9 a.m. to 10:30 a.m., at the U City Public Library.

Q. ADJOURNMENT

Mayor Shelley Welsch adjourned the meeting at 7:41 p.m.

Respectfully submitted,

Joyce Pumm
City Clerk, MRCC/CMC

MEMO TO: Mayor and City Council
FROM: Elsie Glickert *Elsie A*
DATE: 23 November 2015
RE: 30 lots Northeast U. C.
Bywater/North Gate Development

To give a better mental picture of my presentation, the area for this proposed development is between Sutter Ave. on the east and Ferguson Ave. on the west, with the heaviest concentration being east of Kingsland (24 lots). Over the past 40 years this area has been redlined and steered by the 5,000 realstate dealers of St. Louis who brought only Black buyers; White buyers were steered elsewhere.

The proposed 24 houses will be concentrated in only 7 blocks. This is not "scattered" housing, but dense low rental housing. It is not lease purchase as we were led to believe. Over the past few years 3 social service housing agencies have built 15 or more low income houses in the same 7 block area, with a predominance of Black tenants.

These 24 vacant lots exist today because substandard buildings were removed thru urban renewal or code enforcement.

As a resident of this area for 90 years, let me say the neighborhood looks better today than when I was growing up here. I do not see malice in this proposal, but certainly not broad consideration for what integration is supposed to mean. The Northeast Plan, introduced in 2002, had various updates and as recent as 2006 stated "increase owner-occupied units." This is the complete antithesis of "home owner" -- it is obviously low income housing at \$625 per month for a 3 bedroom 2 bath house.

These 24 vacant lots would better serve the neighborhood if they were sold to adjacent owners to enhance their 30 foot lots and improve the aesthetics of the neighborhood.

The owners in this neighborhood should be able to sell to 100% of the buyers market and not 25% of the purchasers as it is now headed as an enclave.

My name is Leif Johnson, 836 Barkley Square, U. City, Tel: 725-5429

You will recall that I brought to your attention on June 8th of this year the Parks and Recreation policy that demanded that fees and charges pay 100% of recreation costs, and that the fees and charges should be used to "alter behaviors" of recreation users.

I spoke with Councilmen Sharpe, Jennings and Dr. Kraft, and with Councilwoman Carr regarding deleting this discriminatory policy from the Parks and Recreation Policy.

Dr. Kraft felt that no action should be taken since this policy was never used or enforced. I said that it was used by City Manager Lehman Walker to justify his \$232,000 cut in the budget for recreational activities, including elimination of the Summer Camp.

The record shows that at the May 26, 2015 Study Session of the City Council, as reported by the City Clerk, and attended by Dr. Kraft, City Manager Lehman Walker said:

"... the cost recovery of the Summer Camp for the City is presently 55 percent."

Mr. Walker suggested three options:

- **"Eliminate program at a savings of \$98,826 a year."**
- **"Increase fees so program has more cost-recovery."**
- **"Seek a partner so program has more cost-recovery."**

Mr. Walker then reminded the Council that, **"the Council-approved policy** (Attachment A, University City Parks, Recreation and Forestry, Management Policies and Procedures, "Fees and Charges", Approved by City Council, last revised April 21, 2008) **is that the Summer Camp would pay for itself."**

Therefore there is no question that the income-based discriminatory policy is currently in force and was used by City Manager Lehman Walker on May 26, 2015 to justify budgetary cuts in various recreation programs, including elimination of the Summer Camp.

Councilman Glickert left me a message stating that he did not feel this was a matter for the City Council and that we should take this up with the Parks Commission

At the November 19th Parks Commission meeting, my wife, Suzanne Greenwald, briefed the Parks Commission on the policy and they agreed to take this up at their next scheduled session.

However, the record shows that Mr. Walker was correct in stating that this policy was adopted by the City Council. Therefore I believe there can be no question that the City Council is the proper agency to eliminate this discriminatory policy.

I request that the City Clerk print this statement in its entirety.

June 8, 2015

I am Leif Johnson. I live at 836 Barkley Square. My phone is: 725-5429

I am here tonight to oppose all reductions in the recreation budgets for the Commons, the Aquatic Programs and the Community Center. I am also here to ask the City Council to eliminate the portions of the recreational management policies that discriminate against those of us unable to pay.

Why is the City Manager asking for these last-minute budget cuts to police, fire and recreation? How did this come about? On May 18th the City Manager announced a huge shift in the budget, taking the Capital Improvements and Park tax surplus out of the General Fund. Why this last minute shift? I don't know, but the City Manager, in order to fill this budget hole took money from police, fire and recreation, resulting in the almost quarter million dollar reduction in the recreation budget.

On May 21, the City Manager provided, as justification for the recreation budget cuts, an addendum to his budget amendment which read, "Attachment A, University City Parks, Recreation and Forestry, Management Policies and Procedures, Fees and Charges, Number 001, Approved by City Council, Effective Date: February 15, 2004, Revised April 21, 2008."

We were shocked that this was the governing policy of the fees charged at our recreational facilities, and had been on the books since 2004. Since when do we have a "Don't pay, don't play" policy in U. City? Since when do we use higher fees to "encourage particular behaviors"? (We have police to arrest law-breakers.) Since when do we believe that recreational facilities should be 100% self-supporting? Since when do we believe that residents "should pay in proportion to the benefits they receive?"

These recreational services are *services*, dedicated to all our residents, without favor, and without discrimination based on income or "desirability." I am asking the City Council to remove the following offensive paragraphs from our parks and recreation "Management Policies":

(Page 1)"**V. POLICY**

(A) **Basis for fees and charges:** In general, those who benefit from the goods or services provided should pay in proportion to the benefits they receive. The fundamental basis for fees and charges decision making is a determination of who benefit from the service."

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"(E.) **Social Implications:** It may be desirable to use the fees & charges system to encourage particular behaviors which enhance the recreational experiences for all users; e.g. alter demand patterns, encourage reasonable uses of staff time, or alter behaviors which disturb other participants." (keep out poor and 'undesirables'?)

To clarify "alter demand patterns", we have on Page 3,

"PROGRAM AND SERVICE COST ALLOCATIONS":

"2. **Recreation Programs:** "Recreation programs; including leisure education, special events, fitness, and athletic programs will, when considered in there [sic] entirety, generate 100% of direct, indirect and overhead costs. Some programs may generate less than 100% as long as other programs generate over 100% and make up the overall difference in a fiscal year.

[Leif Johnson page 2]

“3. **Day Camps:** In general, Day camps will generate enough revenues to cover 100% of direct, indirect and overhead costs.”

Items 4 through 7, Community Center, Aquatics, Centennial Commons and Golf are mandated to raise fees to cover 50% to 100% of costs.

We do not pay taxes in proportion to our use of municipal services. The Commons, Aquatics and Summer camp are services that should be available to all residents, not depending on their incomes, frequency of use, number of users, or behavior (unless it becomes a police matter). The theory of taxation is that everyone pays taxes whether he or she uses any particular public service or not. Those taxes are spent in areas of need. These recreational facilities are, in our opinion, tax monies spent on filling very needed services. It's tax money very well spent.

City government is not a business. City government's role is to provide services to all of its citizens regardless of their income status, just as much as it does not discriminate on the basis of race, creed, religion, gender, or sexual orientation..

I am asking that the Mayor and City Council

- (1) Restore the cuts in the recreational budgets—all of them.
- (2) Eliminate the discriminatory paragraphs from the parks and recreation “Management Policies and Procedures”.

(I request that the City Clerk report my entire statement in the minutes of this meeting.)

Testimony of Suzanne Greenwald, 836 Barkley Square. November 23, 2015

Last week my husband, Leif Johnson, and I e-mailed an appeal to the Mayor and the council members. I am here tonight to re-iterate that appeal

I am here to point out a Parks and Recreation Policy that defies the values of University City and has been used as a basis for recommending cuts in the recreation and parks budget.

Residents of University City have always been proud to describe our city as diverse and inclusive, and yet we have a policy that says in general that all recreation should be self supporting and that the Summer Camp, specifically, should be 100% self-supporting. At various points in our history we recognized the importance of a high-quality Summer Camp, yet acknowledged that not everybody could afford to pay the fees needed to support such a camp. In the 50s and 60s the Camp was free; well into the 90s there was only a small nominal fee; families were clamouring to enroll their children; hundreds attended. (The City of St. Louis still offers a free Summer Camp.) Last year our Summer Camp cost \$360 per child; about 120 attended. **Clearly, because of the cost, many children have been and will continue to be excluded.**

Why do we have such a policy? I will read you a short paragraph from the Parks Policy that supplies the answer. Please listen closely, because from this paragraph you may learn how discrimination works. Listen closely, because you will learn how words can be used to confuse, how an ugly, shameful policy can be so worded as to appear beneficial. This paragraph is labeled, "Social Implications". I quote:

"It may be desirable to use the fees and charges system to encourage particular behaviors which enhance the recreational experience of all users; e.g. alter demand patterns, encourage reasonable use of staff time, or alter behaviors that disturb other participants."

It doesn't say, keep the fees high enough to exclude the poor. Oh no, it says 'use the fees and charges...to alter demand patterns.' It doesn't say that by excluding the poor you will keep out those whose behaviors will disturb others. It says, 'use the fees and charges system to alter behaviors that disturb other participants.'

By retaining this policy we are promoting discrimination. I am here to ask the City Council to amend this policy.

Please include this speech as well as our e-mail in the minutes as an attachment.

Thank You,

Suzanne Greenwald
836 Barkley Square
U. City MO 63130
725-5429
suz836@hotmail.com

[Print](#)[Close](#)

FW: Recreation Policy

From: **Suzanne Greenwald** (suz836@hotmail.com)
Sent: Tue 11/17/15 12:10 PM
To: Suzanne Greenwald (suz836@hotmail.com)
1 attachment
Parks Policy_proposed amendments.pdf (345.1 KB) ,

Date: Thu, 12 Nov 2015 21:23:33 -0600
Subject: Fwd: Recreation Policy

Begin forwarded message:

From: Suzanne Greenwald <suz836@hotmail.com>
Subject: Recreation Policy
Date: November 11, 2015 9:59:10 PM CST
To: "mayor@ucitymo.org" <mayor@ucitymo.org>, "terry@cttlaw.net" <terry@cttlaw.net>, "imglickert@yahoo.com" <imglickert@yahoo.com>, "gforlifeasj@att.net" <gforlifeasj@att.net>, "rjmiracle007@gmail.com" <rjmiracle007@gmail.com>, Paulette Carr <paulette_carr@sbcglobal.net>, "kraftstephene@gmail.com" <kraftstephene@gmail.com>

Dear Mayor and City Council Members,

We request that you amend the Parks and Recreation Policy "Fees and Charges" by eliminating the highlighted sections in the attached current policy of the City. This policy is discriminatory towards those who cannot pay and furthermore specifically states that this policy is to be used to "alter demand patterns" and "alter behaviors which disturb other participants". **Using a 100% cost recovery policy to "alter behaviors" implies that using fees to eliminate the poor from recreational activities will eliminate those individuals who "disturb other participants".**

Making U. City residents pay 100% of the costs of recreation is wrong:

1. It violates the legitimate purpose of taxation. **Taxes are collected generally and**

<https://snt146.mail.live.com/ol/mail.mvc/PrintMessages?mkt=en-us>

11/19/2015

then distributed to areas of need. We have not use the school system since 1957 but we gladly pay a large part of our property taxes to pay for those schools. Would you instead have parents with school-age children pay 100% of the cost of educating their children? We have never used the Fire or Police Departments. Should we be exempted from those taxes and let those who are victimized by fire or crime pay "in proportion to the benefits they receive"?

2. Recreation is a service to the people which is paid for by the taxes collected from the people, just as much as any other public service.

3. The "Fees and Charges" policy states: "The City does not discriminate on the basis of race, color, national origin, religion, sexual orientation, age or disability", **but it does explicitly discriminate on the basis of ability to pay. In recreation, this is a greater discrimination that all the others listed in the City's non-discrimination policy.**"

4. To believe that the present 100% cost recovery recreational policy can be use to "alter behaviors that disturb other participants" is reprehensible. **Do you believe that keeping out the poor will "alter behaviors that disturb other participants?"**

5. We believe that this "Can't pay, Don't play" policy is contrary to the morality and wishes of the majority of U. City citizens and would be soundly defeated if citizens were allowed to vote on it. We believe that the reason "Can't pay, Don't play" is still in effect is that the overwhelming majority of our citizens are not even aware that this policy exists.



ATTACHMENT A



University City Parks, Recreation and Forestry

MANAGEMENT POLICIES AND PROCEDURES	
FEES AND CHARGES	Number: 001
Approved By: CITY COUNCIL	Effective Date: February 15, 2004
	Page 1 of 6

I. PURPOSE

Parks and Recreation services are essential for an urban government to provide its residents and visitors. The City's General Fund contribution for support of department programs and services are limited. Accordingly, the community, as a whole, should support the services and be supplemented by participant fees. In order to continue providing and expanding the quality and quantity of services, fees and charges are necessary.

II. REVISION HISTORY

February 15, 2004	Adopted
January 24, 2006	Revised
July 24, 2007	Revised
April 21, 2008	Revised

III. PERSONS AFFECTED

All Department staff

IV. REFERENCES

Scholarship Policy #002
Membership Cancellation Policy # 020

V. POLICY

- A. **Basis for fees and charges:** In general, those who benefit from the goods or services provided should pay in proportion to the benefits they receive. The fundamental basis for fees and charges decision making is a determination of who benefits from the service. It is recognized that pricing decisions may be

influenced by practical considerations such as collections costs, market effects, legal constraints, or ability to pay. To the extent that participants can afford to pay they can be asked to pay.

- B. Determining Community Benefit: In general, if all or substantially all, of the benefits accrue to the community as a whole (a "Public Good"), the community as a whole should pay for the service through taxes. "Public good" is a value determined by U City citizens and established by City Council policy and budgetary appropriations. If all, or substantially all, of the benefits are to an individual or group that is to consume the good or service, not for the benefit of the general public, fees & charges should be paid whether by the individual or group or other means such as donations, scholarships etc. Consideration must be given of the extent that the community desires programs that will attract participants which will benefit the community as well as the individual (i.e. overall community/individual health and/or safety).
- C. Scholarship Program: All U City residents, who desire access to programs and services, will have the opportunity to participate. Therefore, a scholarship program should be in effect for those U City residents who do not have the ability to pay either all or part of the established fee or charge. The scholarship policy will establish a program which provides staff the guidelines and procedures to provide reduced fees for those residents who do not have the means to pay in full. The guidelines will be based upon established standards, such as the Federal rules for school free lunch program. The guidelines will respect the privacy of the individual/family and will be applied consistently. There will be certain programs and activities where it is impractical to implement a scholarship program; for example drop in programs like daily open swim.
- D. Cost to Collect Fee: The revenue collected from fees and charges must always be greater than the costs of collection of the revenue.
- E. Social Implications: It may be desirable to use the fees & charges system to encourage particular behaviors which enhance the recreational experience for all users; e.g., alter demand patterns, encourage reasonable uses of staff time, or alter behaviors which disturb other participants.
- F. Fee Establishment: City Council will establish all fees and charges during the adoption of the annual budget. Flexibility is needed to accommodate changing factors which impact the approved budget and fees. The department must respond to market trends in a timely manner. If during the fiscal year the costs or demand for a particular program or service needs to be adjusted staff will modify the fee after consultation with the Park Commission. When a new program is offered staff will follow this policy in establishing the program fee and the Park Commission will be notified at their next meeting.

G. **Park Usage:** Parks are generally free and open to the public for general park use. Fees for specialized facilities in parks, and additional services beyond the normal park use itself, will be assessed. The use of public recreation areas and facilities by private groups should be considered secondary to general public use or usage by nonprofit recreation or service organizations. Only under unusual circumstances should a private use hamper ongoing Department programs, general park use or recreation facility rental. The community has a right to profit on the use of its facilities when public resources are utilized by profit-motivated individuals, organization, or businesses.

H. **Special Interest Groups:** Individuals and special interest groups will not receive special or preferential treatment in the waiving or reduction of fees that is inconsistent with established policy. Groups offering desirable parks and recreation services, that if not provided by them would need to be provided by U City, are not considered special interest groups.

I. **Costs:** When establishing fees and charges, all costs will be considered.

PROGRAM AND SERVICE COST ALLOCATION:

1. **Financing Park Facilities:** Costs for the provision (acquisition, development and routine maintenance) of traditional park facilities will not be factored in when determining fees. However, rental facilities will include the cost of maintenance when determining the appropriate fee. Also, (individuals or organizations) desirous of specialized and/or new facilities beyond existing city resources may be required to pay the costs for the acquisition, development, operation, maintenance and program costs associated with the new facility.
2. **Recreation Programs:** Recreation programs, including leisure education, special events, fitness, and athletic programs will, when considered in their entirety, generate 100% of direct, indirect and overhead costs. Some programs may generate less than 100% as long as other programs generate over 100% and make up the overall difference in a fiscal year.
3. **Day Camps:** In general, Day camps will generate enough revenues to cover 100% of direct, indirect and overhead costs.
4. **Community Center:** The Community Center will generate enough revenues to cover 75% of direct, indirect and overhead costs but not any debt service for the development and future capital needs.
5. **Aquatics:** Aquatics will generate enough revenues to cover 50% direct, indirect and overhead costs but not any debt service for the development and future capital

needs. Aquatic programs such as swim lessons and aquatic aerobics will generate enough revenues to cover 100% of the direct, indirect and overhead costs.

6. **Centennial Commons:** Centennial Commons will generate enough revenues to cover 75% of direct, indirect and overhead costs but not any debt service for the development and future capital needs
7. **Golf:** Golf will generate enough revenues to cover 100% direct, indirect and overhead costs but not any debt service for the development and future capital needs.
8. **New Programs:** To encourage participation in new programs a lower fee may be initially established and/or minimum participation requirements may be waived.

Miscellaneous

- a) **Meeting Community or Neighborhood Needs:** Occasionally, the Director of Parks, Recreation and Forestry may reduce or waive fees and charges for activities/events which benefit the overall community and/or meet specific neighborhood needs. An organizer must be a not-for-profit agency with 501 (c)3 status, community or neighborhood organization recognized or affiliated with the City. The Park Commission will be advised when this has occurred.
- b) **Meeting Targeted Needs:** Programs specifically provided for those who are unable to pay will generate enough revenue, through fees, scholarships and other methods, to cover the direct costs.
- c) **Meeting Department or City Needs:** Some programs and services which serve as a marketing tool for the department, or the City as a whole, may be offered free or with reduced fees to the public. When collaborating or co-sponsoring a program or service, the costs attributed to all parties will be factored in when determining fees and charges. An equitable distribution of revenues will be maintained.
- d) **Gifts and Donations:** Corporate and individual sponsorships, gifts and scholarships can be accepted to reduce or offset the costs of a program, service or facility.
- e) **Satisfaction Guarantee:** With the exception of child care programs, sports leagues, open swim or medical conditions, any participant not completely satisfied with a program will receive a full refund. As our customer we are committed to providing you the highest quality of services. If you are not satisfied with the program or service a refund will be provided. Membership Cancellation Policy #020 covers the Centennial Commons memberships. Request for class refund due to medical conditions will be granted only with

documentation from a licensed physician. The individual will incur a \$5.00 class refund service charge or no service charge if refund is credited to their household account. Refunds will be prorated based on the number of remaining classes.

- f) Early Bird Discount: To encourage customers to register prior to or by the established deadline for class cancellation the department may establish an early bird discount. The fee for the program will be established and published as the "early bird" rate and any registration received after the deadline will be charged a higher fee based upon the overall cost of the program. For example: for a recreation class a \$5 fee could be charged and for a softball league team a \$30 fee would be charged.
- g) Equal Opportunity & Non Discrimination : The fees and charges policy and implementation will comply with the city's equal opportunity and non-discrimination policy. The City does not discriminate on the basis of race, color, national origin, gender, religion, sexual orientation, age or disability.
- h) Resident vs. Non-Resident Fees and Charges: For the establishment of fees and charges, there are circumstances which warrant a non-resident fee or reduction in fees for residents.
 - 1. When demand for recreational services exceeds the resources available, a non-resident fee can be established; for example, picnic and facility rental. When a program or facility can be fully utilized by residents, or there is a need to limit use, a non-resident fee can be established. Special services for residents may be provided including preferential registration times or special discounts such as season swim passes.
 - 2. Scholarships provided for individual or families should be limited to U City residents.
 - 3. When demand for leisure education programs exceeds resources available, with pre-registration required, there can be different fees for non-residents. In general, a 50% increase for non-residents should be charged to non-residents.
 - 4. Programs or services which are in the introductory stage may not differentiate between resident and non-residents in order to build interest in a new activity.
 - 5. Programs that serve the region as a whole, such as a jointly sponsored program with the neighboring communities, should not have a non-resident fee.

6. A drop-in program where it is impractical to require identification should not have non-resident fees.
7. When the costs to administer a different fee system are greater than the revenues produced there should not be non-resident fees.
8. When facility operation and maintenance is subsidized with General Fund tax dollars, a non resident fee can be established.

VI. DEFINITIONS

Direct

These are costs which if the program or service were not offered, would not be expended.

Indirect

Costs which support the provision of the program or service such as office support for registration, supervisory and/or administrative staff to plan, supervise and evaluate programs/services, marketing and advertising costs associated with the program/service.

Overhead

Costs which support the overall department operations which cannot be attributed to any particular program or service the department offers.

VII. RESPONSIBILITIES

All department staff

VIII. PROCEDURES

Paulette Carr November 17, 2015 11:32 AM
<paulette_carr@sbcglobal.net>
To: Lehman Walker <lwalker@ucitymo.org>
Cc: "Kathryn B. Forster" <kforster@crotzerormsby.com>
Fwd: Request for a written Legal Opinion on Civic Plaza Master Plan

5 Attachments, 6.8 MB

Mr. Walker:

Can you please tell me the status of my Nov. 6, 2015 request for a written legal opinion on the Civic Plan Master Plan (see below)? I have not heard anything from you in response to my request. When can I expect to receive a written legal opinion?

Thank you for your assistance.

Sincerely,
Paulette Carr



Paulette Carr
Councilmember, Ward 2
City of University City

7901 Gannon Ave.
University City, MO 63130
PH.: (314) 727-0919
email: paulette_carr@sbcglobal.net

Begin forwarded message:

From: Paulette Carr <paulette_carr@sbcglobal.net>
Subject: Request for a written Legal Opinion on Civic Plaza Master Plan
Date: November 6, 2015 1:27:42 PM CST
To: Lehman Walker <lwalker@ucitymo.org>
Cc: "Kathryn B. Forster" <kforster@crotzerormsby.com>

Mr. Walker:

Please ask the City Attorney to provide a written opinion on the following:

According to our zoning code for the Historic Civic Plaza:

Chapter 400. Zoning Code

ARTICLE VI. Historic Landmarks and Districts

Division 7. University City Civic Complex Historic District

Section 400.1760. District Standards.

[R.O. 2011 §34-82.3; Ord. No. 6139 §1(Exh. A (part)), 1997]

A. In reviewing applications within this district, the Historic Preservation Commission shall be guided by the following standards:

1. In reviewing an application for a proposed undertaking that involves a color change or alteration that affects the external appearance of any building, structure or part thereof or any appurtenance related thereto or that affects the interior spaces designated above, the Commission shall approve such proposed undertaking only if it is satisfied that the historical and general architectural character of the building, structure or appurtenance will be properly preserved.

2. No specific architectural style shall be required for the construction of a new building, building addition or other structure; but the Commission shall not approve such proposed undertaking unless it makes a determination that it is compatible with other buildings and structures in the district, and with open spaces to which it may be visually related in terms of form, proportion, scale, configuration, arrangement of openings, rhythm of elements, architectural details, building materials, texture, color and location on the lot.

3. The Historic Preservation Commission may prepare and recommend to the City Council, with review opportunity to the Plan Commission and general public, a plan for the future development of this district, which, following adoption, shall be utilized in the review of any proposed development as well as in the proposing of development by the Commission.

In July 1985, the Historic Preservation Commission prepared the University City Streetscape Master Plan Civic Plaza Historic District. That plan is attached here:



[Civic Plazapdf \(3.7 MB\)](#)

This Master Plan was adopted by the Council on March 10, 1986 (see Minutes from Council Meeting):



[1986/03-1.....pdf \(839 KB\)](#)

These plans were drawn up by the Historic Preservation Commission at the cost of tens of thousands of dollars and hundreds of hours of staff and citizen time (detailed in the Master Plan above). The City executed these plans and installed all the specified improvements through, in part a \$450,000 voter-approved bond issue (1993 or 1994).

I am aware that there is a follow-up Landscape Design Phase Report in 1993 that references this 1985 Master Plan, and sets the standards for landscape and lighting. That 1993 report/plan is attached here:



[Civic Plazapdf \(2.2 MB\)](#)

I asked former City Manager Frank Ollendorff about the adoption of this plan since he was the City Manager at the time of adoption and he stated that former Director of Planning and Development Al Goldman, former City Attorney John Mulligan and former City Zoning Attorney Shulamith Simon all advised that this Master Plan is the plan provided for and mentioned in paragraph 3 of Section 400.1760. District Standards.

What is the written opinion of this City attorney with regard to the University City Streetscape Master Plan Civic Plaza Historic District (July, 1985) as it relates to paragraph 3 of Section 400.1760. District Standards of our City Code? Specifically, is the University City Streetscape Master Plan Civic Plaza Historic District (July, 1985), adopted by the City Council on March 3, 1986, the plan mentioned and provided provided for in paragraph 3 of Section 400.1760. District Standards of our City Code?

Thank you for your assistance.

Sincerely,
Paulette Carr



Paulette Carr
Councilmember, Ward 2
City of University City

7901 Gannon Ave.
University City, MO 63130
PH.: (314) 727-0919
email: paulette_carr@sbcglobal.net

arc, email

From: Walker, Lehman [lwalker@cityofevanston.org]
Sent: Monday, March 15, 2010 8:45 AM
To: Shelley Welsch; shellewelsch@ucitymo.com
Subject: [Defender Restored] FW: Citizens Important - goes to your choice of leadership: Re: Budget Transfer Legal Opinion

Shelley,

Have you seen this from Julie Feier to Lynn Ricci? It is insubordination and should be added to the list of actions to justify termination for just cause.

Lehman

From: Walker, Lehman
Sent: Monday, March 15, 2010 8:37 AM
To: 'Lynn Ricci'
Subject: RE: Citizens Important - goes to your choice of leadership: Re: Budget Transfer Legal Opinion

Hello Lynn,

Thanks for the update. I will have the W-2 information you requested within the next few days. Of course the boxes in the forms for employee compensation in the W-2's are filled out. Hopefully after the election the new Council and new Mayor will terminate Ms. Feier for just cause in April. University City deserves a professional City Manager and does not have one at present.

Lehman

From: Lynn Ricci [mailto:ricci.ucity@gmail.com]

16

Hanawalt, Curtis

From: Walker, Lehman [lwalker@cityofevanston.org]
Sent: Monday, March 15, 2010 8:37 AM
To: Lynn Ricci
Subject: [Defender Restored] RE: Citizens Important - goes to your choice of leadership: Re: Budget Transfer Legal Opinion

Hello Lynn,

Thanks for the update. I will have the W-2 information you requested within the next few days. Of course the boxes in the forms for employee compensation in the W-2's are filled out. Hopefully after the election the new Council and new Mayor will terminate Ms. Feier for just cause in April. University City deserves a professional City Manager and does not have one at present.

Lehman

From: Lynn Ricci [mailto:ricci.ucity@gmail.com]
Sent: Monday, March 15, 2010 12:30 AM
To: Walker, Lehman
Subject: Fwd: Citizens Important - goes to your choice of leadership:
Re: Budget Transfer Legal Opinion

----- Forwarded message -----

From: Lynn Ricci <ricci.ucity@gmail.com>
Date: Mon, Mar 15, 2010 at 12:26 AM
Subject: Citizens Important - goes to your choice of leadership: Re: Budget Transfer Legal Opinion
To: Julie Feier <jfeier@ucitymo.org>
Cc: Janet Watson <jwatson@ucitymo.org>, "Jfmulliganjr@aol.com" <Jfmulliganjr@aol.com>, Joseph Adams <jadams@ucitymo.org>, "Crow, Terry" <crow@cttlaw.net>, "Crow, Terry" <terry@cttlaw.net>, "Glickert, L. Michael" <lmglickert@yahoo.com>, "Price, Byron" <pricebyron@hotmail.com>, Joyce Pumm <jpumm@ucitymo.org>, "Sharpe, Arthur" <qforlifeasj@att.net>, "Wagner, Robert" <rgwagner7052@yahoo.com>

Council, Ms. Feier, Public:

I have taken time to respond to Ms. Feier's email so as to be thoughtful.

ISSUE: Council delegated to the City Manager non-delegable duties and allows the City Manager to transfer [and spend] without prior council approval up to \$25,000 per line item. After it is transferred / spent, council approval is then sought. This is potentially over a million dollar exposure as we have more than 100 line items.

I have for 5 months requested a legal opinion on our processes.

I have attempted to resolve this issue with council and the City Manager. But no councilmember has responded absent Mr. Glickert and from time to time Mr. Wagner. And by the below we are clear on the City Manager's response.

So by City Manager's actions and council's silence, I am left with no option but to take it to the public, and beyond.

Just providing the legal opinion would have been the easy thing. City Manager's gargantuan efforts to thwart this simple request heighten my concerns that indeed we are acting illegally and administration is attempting to hinder discovery of the illegal acts.

This issue of budget transfer approval is a fundamental issue and goes to the essence of our duty of accountability. Public, keep this in mind when you are considering leadership in this next election. How important is doing it right and accountability to you? Who above shows you that financial accountability is important to them? Better yet, who shows by their silence it is not important?

Go to our website [www.ucitymo.org <<http://www.ucitymo.org/>>] and pull down meeting minutes to see for yourself how councilmembers vote.

Lynn Ricci

=====

To the substance of the City Manager's mail,

First, I am individually entitled by our laws to a legal opinion. I do not need the majority of council to obtain. You know this, yet you keep attempting to stop me by this type of response.

We went through this exercise last year when you attempted to deny individual councilmembers the right to inquire of the Directors. You received legal advise that individual councilmembers have the absolute right inquire. [For the citizens, this was the incident where the City Manager threatened to fire our Directors if they spoke with individual councilmenbers].

Next, you are diengenous with the "finally agreeing to explain." My 5 month old request is crystal clear and your games playing is evident, never mind unprofessional and not in the city's best interest.

By separate email I will forward to Ms. Pumm and you for public dissemination my notes of our 2-16-10 meeting which includes among other things the City Manager advising our laws [charter / ordinances] don't work for her so she is not following them [!!!], ie getting us audited financials in 60 days as required by charter; publishing our bids to minority / woment owned businesses; putting to bid contracts above the threshold. At no time in that meeting did I receive advise from Mr. Mulligan. Remember if you will, he was going to go back and research the questions.

As to the study session, you insinuate a legal opinion was given when it was so definately not.

Finally, It is regrettable that this is how the majority of council and you choose to operate.

Lynn Ricci

On Tue, Feb 23, 2010 at 4:28 PM, Julie Feier <jfeier@ucitymo.org> wrote:

You are welcome. Thank you for finally agreeing to explain your concerns last week when we met with Councilman Wagner, Ms. Watson and Mr. Mulligan. Mr. Mulligan was able to provide you legal feedback at that time and again last night. At your request, Ms. Watson surveyed numerous cities on their practices and found that our practices are consistent with their practices. In addition, our auditor confirmed that our financial practices are acceptable, and he even contacted the State Auditor to confirm.

We addressed the issues below and others in the study session last night, and legal opinions were provided and discussed. I will follow up on the revisions to the Code which were discussed last night and for which the City Council indicated its support. We have spent a considerable amount of staff and legal time on the issues, and they appeared to have been addressed to the City council's satisfaction. We will incorporate the feedback into the revised policies for your consideration by June. Council did not indicate last night that this was an issue they desired to spend additional funds to research. If City Council desires more legal research on budget transfers, I can certainly provide it upon the City Council's request.

Thank you,

Julie

From: Lynn Ricci [mailto:ricci.ucity@gmail.com]
Sent: Tuesday, February 23, 2010 10:24 AM
To: Julie Feier
Cc: Joseph Adams; Crow, Terry; Crow, Terry; Glickert, L. Michael; Price, Byron; Joyce Pumm; Lynn Ricci (external); Sharpe, Arthur; Wagner, Robert

Subject: Budget Transfer Legal Opinion

Thank you for the study session on Budget Transfers, Purchasing Agent, etc.

I am now following up on receipt of the written legal opinion on these issues. Please advise when I can receive. It has been over 4 months since the first request.

Thank you,

Lynn

--

5

Lynn Ricci
Councilmember, Ward 2
City of University City
7833 Gannon Avenue
63130
314-725-9090

--
Lynn Ricci
Councilmember, Ward 2
City of University City
7833 Gannon Avenue
63130
314-725-9090

--
Lynn Ricci
Councilmember, Ward 2
City of University City
7833 Gannon Avenue
63130
314-725-9090

BILL NO. 9279

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF UNIVERSITY CITY AN AMENDMENT TO THE CHARTER OF SAID CITY, THE SAME TO BE SUBMITTED TO SAID ELECTORS AT THE GENERAL ELECTION TO BE HELD APRIL 5, 2016, PROPOSING THE FOLLOWING AMENDMENT: TO AMEND ARTICLE XI, PUBLIC IMPROVEMENTS GENERALLY, BY ADDING A NEW SECTION TO BE DESIGNATED "SECTION 97 - RESTRICTION ON THE SALE, LEASE OR DISPOSAL OF ANY DESIGNATED HERITAGE SITES LAND AND STRUCTURES OWNED BY THE CITY IN UNIVERSITY CITY WITHOUT A MAJORITY VOTE OF THE ELECTORS.

WHEREAS, Section 122 of the Charter of the City of University City provides that the charter may be amended by the qualified electors of the City after adoption of an Ordinance by the City Council; and that "The council shall at once provide by ordinance that any amendment so proposed shall be submitted to the electors at the next available election date as determined by Missouri state statute"; and

WHEREAS, the St. Louis County Board of Election Commissioners determined on November 16, 2015, that the University City Heritage Sites amendment received more than the required number of valid signatures for placement on the ballot; and

WHEREAS, the next general election will be held on April 5, 2016.

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

Section 1. That at the general election to be held in the City of University City, Missouri, on Tuesday, the 5th day of April, 2016, there be submitted to the qualified electors of said City the proposition referred to as the Charter Amendment, Proposition No. ___ as set out in Section 3 of this Ordinance.

Section 2. That said election shall be held in all of the voting precincts in the said City as heretofore established by order of the Board of Election Commissioners for St. Louis County Missouri, and as hereinafter set forth in the Notice of Election as contained in Section 3 of this Ordinance.

Section 3. That, there being no newspaper of general circulation published in the City of University City, the City Clerk of said City shall be and the said Clerk is hereby authorized and directed to cause to be published in the _____ a newspaper published in the County of St. Louis, wherein said City of University City is located, a notice of said election in substantially the following form, to-wit:

**NOTICE OF CHARTER AMENDMENT ELECTION
CITY OF UNIVERSITY CITY
ST. LOUIS COUNTY, MISSOURI**

**NOTICE is hereby given that a general election will be held in the City of University City, St. Louis
County, Missouri, on**

Tuesday, the 5TH day of April, 2016

**for the purpose of submitting to the qualified electors of said City the following amendment to the
City Charter:**

PROPOSITION ____

**The Charter of University City, Missouri, shall be amended by adding the following to
Article XI, 'Public Improvement Generally' to be designated Section 97.**

UNIVERSITY CITY HERITAGE SITES:

**The following land and structures, to the extent now or hereafter owned by the City
or any agency or instrumentality of the City, shall not be sold, leased, given away or
otherwise disposed of unless such sale, lease, disposal or gift be approved by a
majority of the qualified electors voting on an ordinance to be submitted by the
council in the manner prescribed in Article XII, Section 122 of this Charter: (a) the
land and buildings on the site described in the general warranty deed of May 15,
1930, deed book 1088, page 113, including City Hall at 6801 Delmar Boulevard, the
Annex commonly known as the police station and old firehouse, and the Old Public
Library at 630 Trinity Avenue; (b) the University City Public Library at 6701 Delmar
Boulevard and the land described in the general warranty deed of June 20, 1968,
deed book 6333, page 2313; (c) the Sutter-Meyer house at 6826 Chamberlain Court
and the site described in the general warranty deed of October 22, 2003, deed book
15429, page 3043; (d) The Gates of Opportunity, commonly known as the Lion Gates
monument on the public right-of-way near Delmar Boulevard and Trinity Avenue.**

Section 4. Except as otherwise provided by the Comprehensive Election Act of 1977 (Chapter 115,
Revised Statutes of Missouri, as amended) no person shall be allowed to vote whose name does not
appear in the proper precinct register for the polling place in question without the express sanction of

the St. Louis County Board of Election Commissioners, and, in order to vote in said election a person must be registered no later than 5:00 P.M. on the third Wednesday prior to the election.

Section 5. That the ballot to be used at the election shall be in substantially the following form, with such changes therein as shall be required by or appropriate for use in an electronic voting system.

OFFICIAL BALLOT CHARTER AMENDMENT ELECTION CITY OF UNIVERSITY CITY, MISSOURI

INSTRUCTIONS TO VOTERS:

To vote in favor of the proposition submitted upon this ballot, place an (X) in the square opposite the word "YES"; and to vote against the proposition submitted on this ballot, place an (X) in the square opposite the word "NO".

PROPOSITION NO _____

Shall the City of University City amend Article XI 'Public Improvement Generally' by adding a new section to be designated Section 97 so that no designated Heritage Site in the City of University City may be sold, leased or otherwise disposed of without a majority vote of the qualified electors voting thereon at an election called pursuant to an ordinance duly adopted by the Council. This amendment shall become effective on its adoption by a majority of the qualified electors voting thereon.

YES ()
NO ()

Section 6. That the election shall be held at the polling places for the City of University City designated by the Board of Election Commissioners for St. Louis County, Missouri, said polling places to be set out in the final notice of said election in accordance with the provisions of Section 115.129, Revised Statutes of Missouri.

Section 7. That the election shall be held and conducted and the results thereof shall be canvassed in all respects in conformity with the Constitution and the laws of the State of Missouri and the Charter and Ordinances of the City of University City. The judges of the election shall be selected and appointed by the Board of Election Commissioners of St. Louis County, Missouri, in accordance with applicable law. The returns of the election shall be certified to the City of University City, Missouri, by the Board of Election Commissioners of St. Louis County, Missouri. Without limiting the generality of the foregoing and notwithstanding anything contained in this Ordinance or any other Ordinance of the City of University

City, Missouri, to the contrary, the City Clerk of the City of University City, Missouri, and the Board of Election Commissioners of St. Louis County, Missouri, be and they hereby are authorized to take all action necessary or appropriate such that the election shall be conducted in full compliance with the requirements of applicable law and particularly the Comprehensive Election Act of 1977 (Chapter 115, Revised Statutes of Missouri, as amended).

Section 8. That the City Clerk be and the said Clerk is hereby authorized and directed forthwith to file with the Board of Election Commissioners for St. Louis County, Missouri, a duly certified copy of this Ordinance, to the end that said Board may take such action as may be required of it under the laws of the State of Missouri with respect to the election herein provided for.

Section 9. That this Ordinance shall be in force and shall take effect from and after its passage.

PASSED by the City Council of the City of University City, Missouri this ____ day of _____, 201__

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM

CITY ATTORNEY

INTRODUCED BY MAYOR MAJERUS

BILL NO. - 7946 (As Amended)

ORDINANCE NO. - 5738

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF UNIVERSITY CITY AN AMENDMENT TO THE CHARTER OF SAID CITY, THE SAME TO BE SUBMITTED TO SAID ELECTORS AT THE GENERAL ELECTION TO BE HELD APRIL 3, 1990, PROPOSING THE FOLLOWING AMENDMENT: TO AMEND ARTICLE XI, PUBLIC IMPROVEMENTS GENERALLY, BY ADDING A NEW SECTION TO BE DESIGNATED "SECTION 98 - RESTRICTION ON THE SALE OF ANY DEDICATED PARK IN UNIVERSITY CITY WITHOUT A MAJORITY VOTE OF THE ELECTORS."

WHEREAS, Section 122 of the Charter of the City of University City provides that the charter may be amended by the qualified electors of the City after adoption of an Ordinance by the City Council; and

WHEREAS, the next general election will be held on April 3, 1990.

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

Section 1. That at the general election to be held in the City of University City, Missouri, on Tuesday, the 3rd day of April, 1990, there be submitted to the qualified electors of said City the proposition referred to as the Charter Amendment, Proposition No. 19 as set out in Section 3 of this Ordinance.

Section 2. That said election shall be held in all of the voting precincts in the said City as heretofore established by order of the Board of Election Commissioners for St. Louis County Missouri, and as hereinafter set forth in the Notice of Election as contained in Section 3 of this Ordinance.

Section 3. That, there being no newspaper of general circulation published in the City of University City, the City Clerk of said City shall be and the said Clerk is hereby authorized and directed to cause to be published in the St. Louis Countian, a newspaper published in the County of St. Louis, wherein said City of University City is located, a notice of said election in substantially the following form, to-wit:

NOTICE OF CHARTER AMENDMENT ELECTION
CITY OF UNIVERSITY CITY
ST. LOUIS COUNTY, MISSOURI

NOTICE is hereby given that a general election will be held in the City of University City, St. Louis County, Missouri, on

Tuesday, the 3rd day of April, 1990

for the purpose of submitting to the qualified electors of said City the following amendment to the City Charter:

PROPOSITION rj0_.19

The Charter of University City, Missouri, shall be amended by adding the following to Article XI, 'Public Improvement Generally' to be designated Section 98.

Any real estate, now or hereafter owned by the City or any agency or instrumentality of the City, which is included in the land now designated as a public park or recreational facility in Ordinance No. _____, and any real estate which may be acquired by purchase, gift or otherwise and designated by the City Council for use as a public park or recreational facility, shall not be sold or otherwise disposed of, and shall remain unimproved or be used only as a public park or recreational facility, unless a sale, disposal, or change in use is approved by a majority of the qualified electors voting thereon at an election called pursuant to an ordinance duly adopted by the Council. As used in this section the term 'public park, or recreational facility' includes, without limitation, nature study areas, gardens, playgrounds, golf courses and all areas accommodating activities customarily associated with park usage or outdoor recreation and the activities in the locations specifically designated in Ordinance No. _____. This amendment shall become effective on its adoption by a majority of the qualified electors voting thereon.

Section 4. Except as otherwise provided by the Comprehensive Election Act of 1977 (Chapter 115, Revised Statutes of Missouri, as amended) no person shall be allowed to vote whose name does not appear in the proper precinct register for the polling place in question without the express sanction of the St. Louis County Board of Election Commissioners, and, in order to vote in said election a person must be registered no later than 5:00 P.M. on the third Wednesday prior to the election.

Section 5. That the ballot to be used at the election shall be in substantially the following form, with such changes therein as shall be required by or appropriate for use in an electronic voting system.

OFFICIAL BALLOT
CHARTER AMENDMENT ELECTION
CITY OF UNIVERSITY CITY, MISSOURI

TUESDAY, APRIL 3, 1990

INSTRUCTIONS TO VOTERS:

To vote in favor of the proposition submitted upon this ballot, place an (X) in the square opposite the word "YES"; and to vote against the proposition submitted on this ballot, place an (X) in the square opposite the word "NO".

PROPOSITION NO. 19

Shall the City of University City amend Article XI 'Public Improvement Generally' by adding a new section to be designated Section 98 so that no designated park in the City of University City may be sold without a majority vote of the qualified electors voting thereon at an election called pursuant to an ordinance duly adopted by the Council. This amendment shall become effective on its adoption by a majority of the qualified electors voting thereon.

YES ()

NO ()

Section 6. That said election shall be held at the polling places for the City of University City designated by the Board of Election Commissioners for St. Louis County, Missouri, said polling places to be set out in the final notice of said election in accordance with the provisions of Section 115.129, Revised Statutes of Missouri.

Section 7. That the election shall be held and conducted and the results thereof shall be canvassed in all respects in conformity with the Constitution and the laws of the State of Missouri and the Charter and Ordinances of the City of University City. The judges of the election shall be selected and appointed by the Board of Election Commissioners of St. Louis County, Missouri, in accordance with applicable law. The returns of the election shall be certified to the City of University City, Missouri, by the Board of Election Commissioners of St. Louis County, Missouri. Without limiting the generality of the foregoing and notwithstanding anything contained in this Ordinance or any other Ordinance of the City of University City, Missouri, to the contrary, the City Clerk of the City of University City, Missouri, and the Board of Election Commissioners of St. Louis County, Missouri, be and they hereby are authorized to take all action

necessary or appropriate such that the election shall be conducted in full compliance with the requirements of applicable law and particularly the Comprehensive Election Act of 1977 (Chapter 115, Revised Statutes of Missouri, as amended).

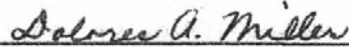
Section 8. That the City Clerk be and the said Clerk is hereby authorized and directed forthwith to file with the Board of Election Commissioners for St. Louis County, Missouri, a duly certified copy of this Ordinance, to the end that said Board may take such action as may be required of it under the laws of the State of Missouri with respect to the election herein provided for.

Section 9. That this Ordinance shall be in force and shall take effect from and after its passage.

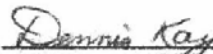
PASSED this 22nd day of January, 1990.


MAYOR

ATTEST:


CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:


CITY ATTORNEY

Paulette Carr <paulette_carr@sbcglobal.net>
To: Lehman Walker <lwalker@ucitymo.org>, "Kathryn B. Forster" <kforster@crotzerormsby.com>, Joyce Pumm <jpumm@ucitymo.org>
Fwd: Ordinance to Place Heritage Sites Citizen Initiative on the April Ballot

November 20, 2015 1:38 PM

2 Attachments, 150 KB

Mr. Walker, Ms. Forster and Ms. Pumm:

Below, please find an ordinance for an Amendment to the Charter:

HERITAGE SL...docx (147 KB)



Please correct any form and place this ordinance on the Agenda for Monday, Nov. 23, 2015. Terry Crow will be my second.

If there are any problems or concerns, please contact me IMMEDIATELY.

Thank you for your assistance.

Sincerely,
Paulette Carr

Begin forwarded message:

From: Paulette Carr <paulette_carr@sbcglobal.net>
Subject: Fwd: Ordinance to Place Heritage Sites Citizen Initiative on the April Ballot
Date: November 20, 2015 11:22:22 AM CST
To: Lehman Walker <lwalker@ucitymo.org>, Joyce Pumm <jpumm@ucitymo.org>
Cc: "Kathryn B. Forster" <kforster@crotzerormsby.com>

Mr. Walker:

Since you did not do me the courtesy of responding to my request for confirmation (yea or nay) on this ordinance (see email below), and it does not appear of the Agenda for the Council meeting on Nov. 23, 2015, I will be preparing an ordinance for Amendment to the Charter, and will submit it to you and the City Attorney by no later than 1:30 PM (and possibly, before) for inclusion on the agenda for Monday's meeting. This will meet the requirements of the Sunshine Law. I will provide a second at the time of submission.

Thank you for your assistance.

Sincerely,
Paulette Carr



Paulette Carr
Councilmember, Ward 2
City of University City

7901 Gannon Ave.
University City, MO 63130
PH.: (314) 727-0919
email: paulette_carr@sbcglobal.net

Paulette Carr <paulette_carr@sbcglobal.net>
To: Lehman Walker <lwalker@ucitymo.org>, Joyce Pumm <jpumm@ucitymo.org>
Cc: "Kathryn B. Forster" <kforster@crozerormsby.com>
Fwd: Ordinance to Place Heritage Sites Citizen Initiative on the April Ballot

November 20, 2015 11:23 AM

4 Attachments, 2.9 MB

Mr. Walker:

Since you did not do me the courtesy of responding to my request for confirmation (yea or nay) on this ordinance (see email below), and it does not appear of the Agenda for the Council meeting on Nov. 23, 2015, I will be preparing an ordinance for Amendment to the Charter, and will submit it to you and the City Attorney by no later than 1:30 PM (and possibly, before) for inclusion on the agenda for Monday's meeting. This will meet the requirements of the Sunshine Law. I will provide a second at the time of submission.

Thank you for your assistance.

Sincerely,
Paulette Carr



Paulette Carr
Councilmember, Ward 2
City of University City

7901 Gannon Ave.
University City, MO 63130
PH.: (314) 727-0919
email: paulette_carr@sbcglobal.net

Begin forwarded message:

From: Paulette Carr <paulette_carr@sbcglobal.net>
Subject: Ordinance to Place Heritage Sites Citizen Initiative on the April Ballot
Date: November 17, 2015 8:56:33 AM CST
To: Lehman Walker <lwalker@ucitymo.org>
Cc: Joyce Pumm <jpumm@ucitymo.org>

Mr. Walker:

As you are aware, the County has completed the verification of the signatures and contacted our City Clerk Pumm to pick up the petition. According to Mr. Eric Fey, the Democratic Director of Elections of the St. Louis County Board of Elections, "The final count of valid signatures is 2,933, well over the amount required." I am attaching a copy of the report signed by Mr. Fey and provided to the organizers of the initiative petition:

RICHARD H. KELLETT
Chairman
TRUDI MCCOLLUM FOUSHEE
Commissioner
ERIC FEY
Director of Elections



JOHN W. MAUPIN
Secretary
JOHN P. KING
Commissioner
GARY B. FUHR
Director of Elections

Results of University City Charter Amendment Initiative Petition
(11/16/2015)

Total Pages Submitted	266
Total Lines Submitted	3590
Total Signatures Submitted	3477

Minimum Signature Requirement	2547
Acceptance of Minimum Requirement	115%

Accepted Signature Reasons	
Registered Voter	2809
Registered Voter at Different Address (Within University City)	124
Total Accepted Signatures	2933

Rejected Line Reasons	
No Signature	2
Crossed Out	57
Missing Address	3
Blank	1
Total Rejected Lines	63

Rejected Signature Reasons	
Not Registered in St. Louis County	302
Registered Outside of University City	150
Duplicate	124
Wrong Signature	17
Wrong Address	1
Total Rejected Signatures	594


11/16/15
 Signature of Election Official(s) Date

BOARD OF ELECTION COMMISSIONERS
 12 Sunnen Drive • Saint Louis, MO 63143 • PH 314/615-1800 • FAX 314/615-1999
 RelayMO 711 or 800-735-2966 • web: <http://www.stlouisco.com/elections>

I just confirmed with Ms. Pumm that she is in possession of the petition and the report from the St. Louis County Board of Elections.

Following the verification, our Charter states that "the council shall at once provide an ordinance that any amendment so proposed shall be submitted to the electors at the next available election date as determined by Missouri state statute", which would be the upcoming April 5th election:

Article XII. General Provisions
Section 122. Amendments.

[R.O. 2011 Charter Art. XII § 122; Ord. No. 5736, Prop. No. 18, 4-3-1990]

Amendments to this Charter may be framed and submitted to the electors by a commission in the manner provided by law for framing and submitting a complete Charter. Amendments may also be proposed by the council or by petition of not less than ten per centum of the registered qualified electors of the city, filed with the city clerk, setting forth the proposed amendment. The council shall at once provide by ordinance that any amendment so proposed shall be submitted to the electors at the next available election date as determined by Missouri state statute. Any amendment approved by a majority of the qualified electors voting thereon shall become a part of the Charter at the time and under the conditions fixed in the amendment; and sections or articles may be submitted separately or in the alternative and determined as provided by law for a complete Charter.

★ For the upcoming City Council meeting on Nov. 23, 2015, please prepare an ordinance "PROVIDING FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF UNIVERSITY CITY AN AMENDMENT TO THE CHARTER OF SAID CITY, THE SAME TO BE SUBMITTED TO SAID ELECTORS AT THE GENERAL ELECTION TO BE HELD APRIL 5, 2016," proposing the amendment on the verified initiative petition. We have a template for such an ordinance: Ordinance 5738 passed in Jan. 1990. For your convenience, I am attaching a copy of Ordinance 5738 here:

★ [ORD5738-p....pdf \(2.8 MB\)](#)

★ Please confirm that you have received this request and that this ordinance will be on the agenda for Nov. 23, 2016.

Thank you for your assistance.

Sincerely,
 Paulette Carr



Paulette Carr

Paulette Carr <paulette_carr@sbcglobal.net>

November 20, 2015 6:32 PM

To: Lehman Walker <lwalker@ucitymo.org>, Joyce Pumm <jpumm@ucitymo.org>, Terry Crow <terry@cttllaw.net>, Stephen Kraft <kraftstephene@gmail.com>, Paulette Carr <paulettexcarr@gmail.com>, Michael Glickert <imglickert@yahoo.com>, rjmiracle007 Jennings <rjmiracle007@gmail.com>, Arthur Sharpe <qforlifeasj@att.net>, Shelley Welsch <mayer@ucitymo.org>, "Kathryn B. Forster" <kforster@crozierormsby.com>
Cc: Don Fitz <fitzdon@aol.com>, Barbara Chicherio <Chicherio@aol.com>, Henry Robertson <chenryr874@gmail.com>
Additional Item on the Agenda

4 Attachments, 2.9 MB

Fellow Councilmembers, Mr. Walker and Ms. Pumm:

This morning, upon opening our Agenda packet I discovered that an ordinance I asked Mr. Walker to prepare for the citizen initiated Charter Amendment was not on the agenda. Though I requested that you, Mr. Walker, confirm my request. I heard nothing from you regarding this ordinance. If you could not put it on the agenda, you should have informed me.

When the organizers of the initiative petition heard that the Ordinance for a Charter Amendment was not on the agenda for Monday night's meeting, they asked me to place an ordinance on the agenda in compliance with our Charter:

Article XII. General Provisions

Section 122. Amendments.

[R.O. 2011 Charter Art. XII § 122; Ord. No. 5736, Prop. No. 18, 4-3-1990]

Amendments to this Charter may be framed and submitted to the electors by a commission in the manner provided by law for framing and submitting a complete Charter. Amendments may also be proposed by the council or by petition of not less than ten per centum of the registered qualified electors of the city, filed with the city clerk, setting forth the proposed amendment. The council shall at once provide by ordinance that any amendment so proposed shall be submitted to the electors at the next available election date as determined by Missouri state statute. Any amendment approved by a majority of the qualified electors voting thereon shall become a part of the Charter at the time and under the conditions fixed in the amendment; and sections or articles may be submitted separately or in the alternative and determined as provided by law for a complete Charter.

No one from the City contacted the organizers to tell them of a delay or a problem - nor did Mr. Walker or anyone contact me to let me know that there would be a delay and the reason for the delay.

Immediately, and before 11:30AM, I contacted Mr. Walker and Ms. Pumm and told them I was preparing an ordinance and would submit it by 1:30PM. I prepared an ordinance and submitted it to Mr. Walker, City Attorney Forster, and Ms. Pumm around 1:30 PM with Terry Crow as my second. We met the requirements of our Council Rules. We met the requirements of the Sunshine Law for placing and item on the Agenda. Once again, however, I have heard nothing from Mr. Walker, Ms. Pumm or the City Attorney. Ms. Pumm released the agenda for Monday's meeting nearly 3 hours after Mr. Crow and I submitted our Ordinance and the Ordinance was not included on the Agenda.

I am asking that the Ordinance for a Charter Amendment (re: Heritage Sites Initiative) be placed on the agenda immediately as per our Council Rules, and that the City Clerk reissue a new Agenda and Packet with this item included.

Thank you.

Sincerely,
Paulette Carr



Paulette Carr
Councilmember, Ward 2
City of University City

7901 Gannon Ave.
University City, MO 63130
PH.: (314) 727-0919
email: paulette_carr@sbcglobal.net

Begin forwarded message:

From: Paulette Carr <paulette_carr@sbcglobal.net>
Subject: Ordinance to Place Heritage Sites Citizen Initiative on the April Ballot
Date: November 17, 2015 8:56:33 AM CST
To: Lehman Walker <lwalker@ucitymo.org>

Cc: Joyce Pumm <jpumm@ucitymo.org>

Mr. Walker:

As you are aware, the County has completed the verification of the signatures and contacted our City Clerk Pumm to pick up the petition. According to Mr. Eric Fey, the Democratic Director of Elections of the St. Louis County Board of Elections, "The final count of valid signatures is 2,933, well over the amount required." I am attaching a copy of the report signed by Mr. Fey and provided to the organizers of the initiative petition:

RICHARD H. KELLETT Chairman	Saint Louis COUNTY ELECTION BOARD	JOHN W. MAUPIN Secretary
TRUDI MCCOLLUM FOUSHEE Commissioner		JOHN P. KING Commissioner
ERIC FEY Director of Elections		GARY B. FUHR Director of Elections

Results of University City Charter Amendment Initiative Petition

(11/16/2015)

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Acceptance of Minimum Requirement	115%

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Registered Voter	2809
Registered Voter at Different Address (Within University City)	124
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Rejected Line Reasons	
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Crossed Out	57
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Rejected Signature Reasons	
Not Registered in St. Louis County	302
Registered Outside of University City	150
Duplicate	124
Wrong Signature	17
Wrong Address	1
Total Rejected Signatures	594

 _____ Signature of Election Official(s)	<u>11/16/15</u> Date
---	-------------------------

BOARD OF ELECTION COMMISSIONERS
12 Sunnen Drive • Saint Louis, MO 63143 • PH 314/615-1800 • FAX 314/615-1999
RelayMO 711 or 800-735-2968 • web <http://www.stlouisco.com/elections>

I just confirmed with Ms. Pumm that she is in possession of the petition and the report from the St. Louis County Board of Elections.

Following the verification, our Charter states that "the council shall at once provide an ordinance that any amendment so proposed shall be submitted to the electors at the next available election date as determined by Missouri state statute", which would be the upcoming April 5th election:

Article XII. General Provisions
Section 122. Amendments.

[R.O. 2011 Charter Art. XII § 122; Ord. No. 5736, Prop. No. 18, 4-3-1990]

Amendments to this Charter may be framed and submitted to the electors by a commission in the manner provided by law for framing and submitting a complete Charter. Amendments may also be proposed by the council or by petition of not less than ten per centum of the registered qualified electors of the city, filed with the city clerk, setting forth the proposed amendment. ~~The council shall at once provide by ordinance that any amendment so proposed shall be submitted to the electors at the next available election date as determined by Missouri state statute.~~ Any amendment approved by a majority of the qualified electors voting thereon shall become a part of the Charter at the time and under the conditions fixed in the amendment; and sections or articles may be submitted separately or in the alternative and determined as provided by law for a complete Charter.

For the upcoming City Council meeting on Nov. 23, 2015, please prepare an ordinance "PROVIDING FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF UNIVERSITY CITY AN AMENDMENT TO THE CHARTER OF SAID CITY, THE SAME TO BE SUBMITTED TO SAID ELECTORS AT THE GENERAL ELECTION TO BE HELD APRIL 5, 2016," proposing the amendment on the verified initiative petition. We have a



Council Agenda Item Cover

MEETING DATE: December 14, 2015

AGENDA ITEM TITLE: Delmar Loop Public Space Recycling Containers

AGENDA SECTION: City Manager's Report

CAN THIS ITEM BE RESCHEDULED?: Yes

BACKGROUND REVIEW:

The City Of University City applied for and was awarded grant funds through the St. Louis County Department of Public Health to expand the City's commercial sanitation/recycling program. It is the City's intention to expand the commercial recycling program and this initiative was proposed to begin with the University City Loop businesses for this grant. In the Delmar Loop commercial area only three of the businesses have City sanitation service. The remaining businesses have one of five different private hauler service providers. Only a portion of the businesses choose to pay for recycling service in addition to their trash service with the private haulers. In support of the effort to expand its program in the Delmar Loop commercial area, the City needs to focus on increasing all aspects of recycling in the Loop. A portion of the grant project includes public space recycling/trash containers to replace the current dated trash containers in the Loop and at the same time demonstrate the City's dedication to recycling.



One pilot container was purchased and placed at the northeast corner of Leland and Delmar as seen in the picture. Success has been seen with the use of the container. Bids were requested for a variation of this container.

The City advertised for bids for the Public Space combination trash/recycling containers and posted the bid on the City's website. On December 2, 2015, the City opened bids for this project. The tabulation of bid proposals is as follows:

Description:	45 Outdoor Public Space Combination Trash/Recycling Containers
Vendor	Bid
Anova Furnishings	\$36,900
Highland Products Group	\$37,525
Prestwick Group Max-R Division	\$62,612
Officitta — Designer public furniture	\$49,500

OCC Outdoors, Inc	\$62,815
WasteWise Products Group - Option 1	\$40,275
WasteWise Products Group - Option 2	\$47,575

RECOMMENDATION:

It is recommended that the City Council approve the purchase of 45 public space trash/recycling combination containers from Anova Furnishings in the amount of \$36,900. Of this cost, \$13,284 will be paid for from Grant Funds and \$23,616 will be paid for from City funds.

Not only was Anova Furnishings the lowest bidder, they are a St. Louis based company and are dedicated to improvements in the St. Louis region. In addition, Anova Furnishings has committed to meeting a timeline to provide a portion of these containers to be placed on the street in time for the Ice Carnival on the Loop on January 15th. The remaining containers will be scheduled to arrive in spring for a full rollout of the project.

ATTACHMENTS: All bid proposals submitted for Public Space Recycling Containers purchase

Proposal: ANOVA FURNISHINGS BID PROPOSAL:

Item	Cost/Description
TOTAL Price for 45 containers (including shipping)	\$820 Each \$36,900
TOTAL Price for 55 containers (including shipping)	\$820 Each \$45,100
Price for future orders of individual containers	\$820 Each
Access type (side, front, top, etc.)	Top
Finish Warranty (years)	7 Years (See attached for details)
Structural Warranty (years)	20 Years
Access (side, front, top, etc.)	Top
Gallon size (per side)	32 Gallons
Locking Mechanism (with description)	None
Warranty verbiage	See attached
Coating description	Plastisol / Powder Coat Fusion combination
If your container does NOT meet all of the requested specifications, please describe.	No side entry
ALTERNATE BID ITEM 1: 1 - TOTAL Price for 45 containers with laser cut logo (including shipping)	\$2500 Each
2 - TOTAL Price for 55 containers with laser cut logo (including shipping)	\$2500 Each
3 - Price for future orders of individual containers with laser cut logo	\$2500 Each
ALTERNATE BID ITEM 2: Additional charge per container for side/front door access instead of top access (if applicable)	N/A

Please provide a quote sheet for 45 containers, a quote sheet for 55 containers, plus photos and specifications of containers.

Highland Products Group / the Park Catalog

HIGHLAND PRODUCTS GROUP BID PROPOSAL

Proposal:

Item	Cost/Description
TOTAL Price for 45 containers (including shipping)	\$37,525 \$833.89 each
TOTAL Price for 55 containers (including shipping)	\$45,860 \$833.82 each
Price for future orders of individual containers	\$785 - shipping Approx \$160
Access type (side, front, top, etc.)	Front
Finish Warranty (years)	5 years
Structural Warranty (years)	5 years
Access (side, front, top, etc.)	Front
Gallon size (per side)	32 gallon per side
Locking Mechanism (with description)	Allen Head Key
Warranty verbiage	5 year - all parts & materials excluding vandalism or acts of Nature
Coating description	Thermoplastic Coated Lids & cans
If your container does NOT meet all of the requested specifications, please describe.	
ALTERNATE BID ITEM 1: 1 - TOTAL Price for 45 containers with laser cut logo (including shipping)	\$42,250 \$933.89 each
2 - TOTAL Price for 55 containers with laser cut logo (including shipping)	\$51,635 \$938.82 each
3 - Price for future orders of individual containers with laser cut logo	\$890 - shipping Approx \$160
ALTERNATE BID ITEM 2: Additional charge per container for side/front door access instead of top access (if applicable)	

Please provide a quote sheet for 45 containers, a quote sheet for 55 containers, plus photos and specifications of containers.

OFFICITA BID PROPOSAL

Proposal:

Item	Cost/Description
TOTAL Price for 45 containers (including shipping)	1 containers set (1+1) = 1,100\$. 45 containers = 49,500\$.
TOTAL Price for 55 containers (including shipping)	1 containers set (1+1) = 1,050\$. 55 containers = 57,750\$.
Price for future orders of individual containers	1 containers set = 1,100\$
Access type (side, front, top, etc.)	Frontal access. Exactly like the sample design.
Finish Warranty (years)	10 years
Structural Warranty (years)	15 years
Access (side, front, top, etc.)	
Gallon size (per side)	
Locking Mechanism (with description)	Key locking system
Warranty verbiage	
Coating description	Waste bins will be made of 3 mm pre-galvanized steel and powder coated. All used screws will made of stainless steel. There will be used stainless steel bag holder inside or inner liner made of rods We do not recommend galvanized inner liner made of tin, because it will be too heavy to empty whet it is full.
If your container does NOT meet all of the requested specifications, please describe.	
ALTERNATE BID ITEM 1: 1 - TOTAL Price for 45 containers with laser cut logo (including shipping)	
2 - TOTAL Price for 55 containers with laser cut logo (including shipping)	
3 - Price for future orders of individual containers with laser cut logo	
ALTERNATE BID ITEM 2: Additional charge per container for side/front door access instead of top access (if applicable)	

Please provide a quote sheet for 45 containers, a quote sheet for 55 containers, plus photos and specifications of containers.

OCC OUTDOORS, INC BID PROPOSAL

Proposal:

Item	Cost/Description
TOTAL Price for 45 containers (including shipping)	\$62,815.00
TOTAL Price for 55 containers (including shipping)	\$72,480.00
Price for future orders of individual containers	
Access type (side, front, top, etc.)	Side Access
Finish Warranty (years)	5 Year limited
Structural Warranty (years)	10 year
Access (side, front, top, etc.)	side of your choice
Gallon size (per side)	32-36 gallons
Locking Mechanism (with description)	As specified in RFQ
Warranty verbiage	See warranty attached
Coating description	See paint details attached.
If your container does NOT meet all of the requested specifications, please describe.	
ALTERNATE BID ITEM 1: 1 - TOTAL Price for 45 containers with laser cut logo (including shipping)	Logo design is not the best suited for laser cutting.
2 - TOTAL Price for 55 containers with laser cut logo (including shipping)	
3 - Price for future orders of individual containers with laser cut logo	
ALTERNATE BID ITEM 2: Additional charge per container for side/front door access instead of top access (if applicable)	

Please provide a quote sheet for 45 containers, a quote sheet for 55 containers, plus photos and specifications of containers.

Not just a blue bin anymore

Date: Dec. 2, 2015

EXPIRATION DATE: 30 days



Jennifer Wendt

Project Manager

City of University City

6801 Delmar Boulevard

University City, MO 63130

P: [314.505.8562](tel:314.505.8562) | www.ucitymo.org

jwendt@ucitymo.org

Salesperson	Job	Shipping Method	Shipping Terms	Delivery Date	Payment Terms	Due Date
Paul D		Truck	Prepay and add to invoice	Approx. 4 weeks	Net 30	

Quantity	Item #	Description	Unit Price		Line Total
45	XD35-2	Double Recycled plastic lumber Dome top container, with (2) 35 gallon liners labels, posters are included 42.00" x 19.00" x 47.25"	\$895.00 ea.		\$40,275.00
		5 year warranty on parts, Made from 97% recycled HDPE plastic, this material does not chip, crack or peel and will never need painting			
		Includes: cam lock and all units keyed the same -each liner is 35 gallons -deposit openings on both sides -flap doors to keep out: wasps, animals and the weather., flaps can be easily removed -unit easily bolts to hard surfaces -Solid wall between liners to prevent cross contamination Snug fitting liners to prevent materials from falling to bottom of container and missing liners -stainless steel hardware -curved top to discourage seating and water runoff			
1	SFH	Ships on pallets dock to dock	included		
				Subtotal	\$40,275.00

Not just a blue bin anymore

Date: Dec. 2, 2015

EXPIRATION DATE: 30 days



Jennifer Wendt

Project Manager

City of University City

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University City, MO 63130

P: [314.505.8562](tel:314.505.8562) | www.ucitymo.org

jwendt@ucitymo.org

Salesperson	Job	Shipping Method	Shipping Terms	Delivery Date	Payment Terms	Due Date
Paul D		Truck	Prepay and add to invoice	Approx. 4 weeks	Net 30	

Quantity	Item #	Description	Unit Price		Line Total
55	XD35-2	Double Recycled plastic lumber Dome top container, with (2) 35 gallon liners labels, posters are included 42.00" x 19.00" x 47.25"	\$865.00 ea.		\$47,575.00
		5 year warranty on parts, Made from 97% recycled HDPE plastic, this material does not chip, crack or peel and will never need painting			
		Includes: cam lock and all units keyed the same -each liner is 35 gallons -deposit openings on both sides -flap doors to keep out: wasps, animals and the weather., flaps can be easily removed -unit easily bolts to hard surfaces -Solid wall between liners to prevent cross contamination Snug fitting liners to prevent materials from falling to bottom of container and missing liners -stainless steel hardware -curved top to discourage seating and water runoff			
1	SFH	Ships on pallets dock to dock	included		
				Subtotal	\$47,575.00



RECYCLING/TRASH COMBINATION RECEPTACLES LOOP BUSINESS DISTRICT - REQUEST FOR PROPOSALS

The City of University City is requesting bids for public space trash/recycling containers to replace the current trash only containers along the Delmar Loop - Delmar Blvd. between Kingsland and Limit Ave. There is talk but no final decision to also replace the containers between Limit Ave. and Skinker Blvd. in the City of St. Louis. This improvement is being partially funded by the St. Louis Department of Public Health as part of an overall project to increase recycling in this area.

Container Specifications

- Design and construction must comply with ADA guidelines.
- Container must have two compartments for two separate waste streams:
 - one side to hold single-stream recyclables
 - one side to hold trash
- One side of the container must be blue for recyclables; one side must be black for trash.
- Container must have two different opening plates, one blue for recycling and one black for trash. The openings must be labeled adequately at all visible openings indicating different discards appropriate within, and must have a label adjacent to opening for indicating what goes in each bin.
- Container should be aesthetically complimentary to business district.
- Container construction must ensure strength and durability for extended use outdoors.
- Container preferred to be made of minimum 11 gauge steel (or a material with equivalent durability – explain on proposal sheet).
- Container finish must be coated to prevent rust, scratches and fading.
- Container must have a minimum of 5 year finish warranty against both rust and fade
- Container must have a minimum of 5 year structural warranty
- Container must have a rain-guard to assist runoff of rain as well as to prevent being used as a seat.
- All hardware must be stainless steel to prevent rust.
- Access door preferred to be lockable by Allen head wrench, lock must be durable, and lock must be easily replaceable. If not available, explain on proposal sheet.
- Must include built-in liner guides to ensure liner is aligned under restrictive openings after servicing.
- Liners must be high enough in the container to ensure that discards cannot enter inappropriate waste streams (or equivalent solution – explain on proposal sheet).
- Container capacity must hold between 30 – 32 gallons on each side.
- Text (“Trash”, “Recycling”) laser cut into all visible sides of container for clear reference. If text cannot be cut into the sides, provide an equivalent solution for clear visibility of contents on each side of container.

Rigid Liner

- Container is to include two rigid liners which hold separate waste streams
- Liners to be manufactured using minimum 30% recycled content.

Container Labels:

- Integrated graphic panel near openings on 2 open sides; “trash only” for the black side, “recyclables only” for the blue side.
- Replacement graphic panels must be provided



Council Agenda Item Cover

MEETING DATE: December 14, 2015

AGENDA ITEM TITLE: Heman Pool Pump Replacement (Funding from The Missouri Department of Economic Development's Division of Energy - Energy Efficiency Loan Program)

AGENDA SECTION: City Manager's Report

CAN THIS ITEM BE RESCHEDULED?: Yes

BACKGROUND: In January 2015, the City was awarded a low-interest loan offered by the Division of Energy dedicated to completion of energy-efficiency and renewable energy projects throughout the State of Missouri. This loan is designed to be paid back based on the energy savings from the projects. One of the proposed projects is upgrading the inefficient pool pumps to energy efficient pumps. This project is for equipment and installation.

There are three pumps that are used at the pool, two 40 horsepower pumps and one 10 horsepower pump. These three pumps are near the end of their lifecycle as well as inefficient.

The City advertised for bids for the Pool Pump Replacement Project and posted the bid on the City's website. On November 20, 2015, the City opened bids for this project. The tabulation of bid proposals is as follows:

Description:	2 x 40 Horsepower pumps, 1 x 10 Horsepower pump, equipment and installation at Heman Park Pool
Contractor	Bid
Westport Pools Inc.	\$81,584
Missouri Machinery and Engineering Co.	\$73,719

RECOMMENDATION: Staff recommends that the City Council approve staff to award the contract for the pool pump replacement to Missouri Machinery and Engineering Co. in the amount of \$73,719.



Council Agenda Item Cover

MEETING DATE: December 14, 2015

AGENDA ITEM TITLE: Traffic Signal Maintenance Agreement

AGENDA SECTION: City Manager's Report

CAN THIS ITEM BE RESCHEDULED? : Yes

BACKGROUND REVIEW:

The City of University City owns and maintains eight (8) traffic signals. St. Louis County Highways and Traffic has provided maintenance services on these signals under a maintenance agreement signed in June of 2003. In a letter dated March 27, 2015, St. Louis County notified all the area municipalities that their traffic signal maintenance services contract will cease on December 31, 2015. The County's decision was predicated on their maintenance needs for their own infrastructure which have escalated beyond their ability to perform municipal contract work.

In October 2015, staff obtained a proposal from Crawford, Bunte & Brammeier (CBB) Transportation Engineers for maintenance and specialized traffic engineering services for the University City signals, as needed. CBB is a prequalified traffic engineering consultant by the Missouri Department of Transportation (MoDOT). The agreement includes the following services:

1. Initial Services: Collect existing intersection info and upload controller programming
2. Annual Maintenance Services
3. Scheduled maintenance Services
4. Emergency Maintenance Services
5. Signal Timing and Programming
6. Signal Locate Services

Before obtaining the proposed agreement from CBB the City staff engaged in a discussion for the City of St. Louis municipal traffic division to perform contracted traffic signal maintenance services for University City with a possibility of future signal interconnection on Delmar Blvd. between the two neighbor cities. The City of St. Louis has to date not decided whether it is feasible to provide these services externally. If that City becomes a provider of traffic signal maintenance/engineering services, then University City can consider entering into an agreement with them in the future after the expiration of its 1-year contract with CBB Transportation Engineers.

The costs associated with the signal maintenance services under the CBB Agreement are comparable to the costs provided to neighboring municipalities planning to use the same services.

STAFF RECOMMENDATION:

Staff recommends that the City Council authorize the City Manager to execute the attached 1-year agreement with CBB for \$8,000 to provide Traffic Signal Maintenance Services. This work is budgeted under the Public Works-Parks Street Maintenance section of the General Revenue Fund.

Attached:

- Proposed draft agreement between CBB and University City



Department of Public Works and Parks

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-0694

Council Agenda Item Cover

Meeting Date: December 14, 2015

Agenda Item Title: Annual Dumpster Bid Fiscal Year 2016

Agenda Section: City Manager's Report

Can This Item Be Rescheduled: Yes

Background:

A request for bids to purchase additional solid waste dumpsters was advertised on October 29, 2015 on St. Louis American newspaper and the City's website. The City specified 1.5 to 3 cubic yard containers in the bid request. The bids were due on November 17, 2015.

The bid results are as follows:

COMPANY	DUMPSTER SIZE	UNIT PRICE	QUANTITY	TOTAL
Downing Sales	1.5 c/y	\$339.00	40	\$13,560.00
	2 c/y	\$392.00	50	\$19,600.00
	3 c/y	\$409.00	30	\$12,270.00
	Freight		\$1488 x 3loads	<u>\$4464.00</u>
				\$49,894.00
Kelly Equipment	1.5 c/y	\$426.00	40	\$17,040.00
	2 c/y	\$457.00	50	\$22,850.00
	3 c/y	\$517.00	30	\$15,510.00
	Freight			<u>\$0.00</u>
				\$55,400.00
Key Equipment	1.5 c/y	\$475.00	40	\$19,000.00
	2 c/y	\$585.55	50	\$29,250.00
	4 c/y	\$690.00	30	\$20,700.00
	Freight			<u>\$2,400.00</u>
				\$71,350.00

Each company provided a sample container except Key Equipment who supplied a sample piece in the bid envelope. Kelly Equipment provided the lowest bid after accounting for approximately \$20,000-worth of replacement parts that the Solid Waste Division has available in-stock such as lids, rods, and hooks for the dumpsters that are being proposed by that company. This will provide future savings on parts. In addition, the dumpster proposed by Kelly Equipment is the same as that which is currently utilized in all city alleys making all equipment uniform.

Recommendation: It is the staff's recommendation that the City Council approve the purchase of dumpster containers from Kelly Equipment in their bid amount of \$55,400.00. This



Original

BID Side Load Containers

Date: 11-17-15

To: City of University City, MO

Ship To:
University City, MO

Shipping Method

Roll Offs USA

Delivery Date

Approx. 30 Days ARO

Qty	Item #	Description	Unit Price	Line Total
		Roll Offs USA Container		
40.00		1.5 Cubic Yard Side Load Container 12 Gauge, EMCO Hook, 2 Piece Plastic Lids, Beige	\$ 339.00	\$ 13,560.00
50.00		2 Cubic Yard Side Load Container 12 Gauge, EMCO Hook, 2 Piece Plastic Lids, Beige	\$ 392.00	\$ 19,600.00
30.00		3 Cubic Yard Side Load Container 12 Gauge, EMCO Hook, 2 Piece Plastic Lids, Beige	\$ 409.00	\$ 12,270.00
3.00		Freight to University, MO Containers must be ordered & shipped in truckload quantities. Sizes may be mixed.	\$ 1,488.00	\$ 4,464.00
		Customer Responsible For Unloading		
Total				\$ 49,894.00

Quoted By:

Harry Gaab

Phone: 417-589-6227

Cell: 314-599-2818

3 Indigo Road, Phillipsburg, MO 65722

jDecember 14, 2015

K-4-3

Kelly Equipment, Inc

1682 295th Avenue
Fort Madison, IA 52627
319-750-5074

Estimate

Date	Estimate #
11/12/2015	1605

Name / Address
City of University City 6801 Delmar Blvd University City, Missouri 63130

			Project
Description	Qty	Rate	Total
1.5 yard side load container	40	426.00	17,040.00T
2 yard side load container	50	457.00	22,850.00T
3 yard side load container	30	517.00	15,510.00T
Primed and painted your choice of color with all ANSI labels applied.			
Pricing includes freight			
Please feel free to call with any questions. I look forward to your order.			
Thank you.			
Subtotal			\$55,400.00
Sales Tax (0.0%)			\$0.00
Total			\$55,400.00

**Branch Office**

P.O. Box 692109
Tulsa, OK 74169
918-809-8011

Branch Office

P.O. Box 11035
Kansas City, KS 66111
913-371-8260

Main Office

P.O. Box 2007
Maryland Heights, MO 63043
314-298-8330

November 13, 2015

Dennis Luckett, Sanitation Superintendent
City of University City
1015 Pennsylvania
University City, MO 63130

Dear Dennis,

This Bid is for Par-Kan side loading containers. The containers will be drop shipped to your location.

Cost per container 1.5 yard	\$ 475.00	each	x 40 = \$19,000.00
Cost per container 2 yard	\$ 585.00	each	x 50 = \$29,250.00
Cost per container 4 yard	\$ 690.00	each	x 30 = <u>\$20,700.00</u>
Shipping for total quantity*			\$ 2,400.00*

Total Invoice with shipping

\$71,350.00

***Change of quantity will affect/adjust price of shipping**

Par-Kan Mfg. bakes on powder coating on all containers inside and out at 400 degrees to give the container a much longer life - no other container manufacturer offers this paint procedure.

A small powder coat painted piece of metal is included in the envelope for your review and approval.

If you need any product information or if you would like to inspect a sample container, please call our office at 314-298-8330. If I am traveling and you have an urgent need for information, a message will be forwarded immediately to my mobile phone. I am also available by e-mail at zac@keyequipment.com.

For general information about the history of our company, our facilities or links to the products we offer, please visit our website at www.keyequipment.com. We have experience, training, parts inventory and a positive attitude towards customer support.

We appreciate the opportunity to provide you with high quality Par-Kan refuse containers.

Yours truly,

Zac Scheetz
Territory Manager



Council Agenda Item Cover

MEETING DATE: December 14, 2015

AGENDA ITEM TITLE: Text Amendments to Sections 400.030, 400.1190, 400.2020, and 400.2040 in Articles 2, 5, and 7 of the University City Zoning Code (pertaining to landscaping and screening regulations)

AGENDA SECTION: Unfinished Business

COUNCIL ACTION: Passage of Ordinance required for Approval

CAN THIS ITEM BE RESCHEDULED? : No

BACKGROUND REVIEW: Attached are the documents for the above-referenced Zoning Text Amendments to the University City Zoning Code.

The proposed text amendments improve upon the existing landscaping requirements between certain types of land uses as well as add new requirements for multi-family residential developments when abutting single-family or two-family residential zoning districts. The proposal will also enhance existing landscaping requirements for parking lots. These changes will help to create additional green space for any new commercial and multi-family residential developments and improve the appearance throughout the City as redevelopment occurs over time.

The Plan Commission considered the matter at their October 28 meeting and recommended approval of the proposed Text Amendments by a vote of 6 to 0.

This agenda item requires a public hearing at the City Council level and passage of an ordinance. The public hearing and first reading should take place on November 23, 2015. The second and third readings and passage of the ordinance could occur at the subsequent December 14, 2015 meeting.

Attachments:

- 1: Transmittal Letter from Plan Commission
- 2: Material for October 28, 2015 Plan Commission meeting
- 3: Draft Ordinance

RECOMMENDATION: Approval

ATTACHMENT 1:
Transmittal Letter from Plan Commission



Plan Commission

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

November 10, 2015

Ms. Joyce Pumm, City Clerk
City of University City
6801 Delmar Boulevard
University City, MO 63130

RE: Zoning Text Amendments –
Landscaping and screening regulations

Dear Ms. Pumm,

At its regular meeting on October 28, 2015 at 6:30 pm in the Heman Park Community Center, 975 Pennsylvania Avenue, the Plan Commission considered a Zoning Text Amendments to certain sections of the Zoning Code pertaining to landscaping and screening regulations.

By a vote of 6 to 0, the Plan Commission recommended approval of the proposed Amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Locke", written in a cursive style.

Linda Locke, Chairperson
University City Plan Commission

ATTACHMENT 2:
Material for October 28, 2015 Plan Commission meeting

**Department of Community Development**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

MEMORANDUM

TO: Plan Commission members

FROM: Zach Greatens, Planner

DATE: October 23, 2015

SUBJECT: Proposed Text Amendments related to landscape buffer/screening requirements

At the upcoming Plan Commission meeting on October 28, the Plan Commission will consider Text Amendments to the Zoning Code pertaining to landscape buffer and screening requirements as requested by the Plan Commission at their April 22, 2015 meeting. Specifically, Plan Commission members requested staff to research landscape buffer and screening requirements for multi-family residential developments when adjacent to single-family residential uses, since the current Code does not address such.

The Code Review Committee (CRC) of the Plan Commission has since met and discussed the subject matter at their meeting on June 24, 2015. After discussion, the CRC members recommended approval of the proposed Text Amendments subject to a few minor clarifications. The proposed Text Amendments are shown in Attachment A and reflect the clarifications made per the CRC recommendation.

For background information, a summary of the current Zoning Code requirements for landscape buffers and screening between certain uses is described in of Attachment B. There are currently no landscape buffer requirements for multi-family residential uses when established adjacent to single-family or two-family zoning districts ("SR" – Single Family Residential District and "LR" – Limited Residential District).

On review of these requirements in a comprehensive manner, it was the opinion of staff that, beyond multi-family residential uses when adjacent to single-family residential uses, landscaping requirements between different types of land uses, e.g. non-residential uses adjacent to residential, as well as for parking lots should also be enhanced to allow additional green space and improvements in the aesthetics of properties in University City.

A summary of the current Zoning Code requirements for landscaping of parking lots is described in Attachment C. There is currently no side yard setback requirement for parking lots, possibly resulting in no landscaping for areas between parking lots on adjacent properties.

For your reference, Attachment D includes a table summarizing landscape buffer and screening requirements of other municipalities in the region. As shown in the table, some of the municipalities have similar buffer and screening requirements to University City's while some have varying degree of requirements.

The goal of the proposed Text Amendments is to maximize opportunities for more green space in new developments and require appropriate buffering between certain land uses that offer additional screening and protection of residential land uses, especially for single-family and two-family uses. It should be noted that the proposed changes, if approved, will apply to new developments only. All

existing properties will be allowed to remain as non-confirming, or “grandfathered,” until they are redeveloped. The proposed amendments will also help to improve the appearance of parking areas.

The proposed Text Amendments related to landscaping between different types of land uses are as follows:

- Introduce landscape buffer requirements for multi-family residential developments when adjacent to single-family or two-family zoning districts – “SR” – Single Family Residential District and “LR” – Limited Residential District.
- Revise the current landscape buffer requirements for commercial uses when established adjacent to residential zoning districts, and for residential subdivisions (more than 3 lots) and multi-family residential developments when adjacent to commercial/industrial zoning districts by requiring more evergreen trees and additional trees and shrubs as approved by the Zoning Administrator.

The proposed Text Amendments related to landscaping for parking lots are as follows:

- Apply the current requirements of providing landscaping abutting the streets and interior landscaping to all parking lots in lieu of a minimum number of parking spaces.
- Establish a side yard setback of five feet for parking lots to create more green space.

On a related matter, a proposed amendment includes the requirement of a side yard setback of five feet for driveways on residential lots that are 60 feet or greater in width in order to avoid potential conflicts generated from driveway encroachments and shared driveways and result in additional green space between adjacent properties.

As stated above, Attachment A shows the detailed changes proposed in each applicable Code Section.

Based on the preceding discussions, staff recommends the Plan Commission make a recommendation for approval of the proposed Text Amendments as set forth in Attachment A. The Plan Commission’s recommendation would be forwarded to City Council. A formal public hearing would be held at the City Council level.

ATTACHMENT A

Proposed Text Amendments – Landscape Buffer/Screening Requirements

Proposed additions are shown as blue/underlined, proposed deletions are shown as ~~red/strikethrough~~.

Add Definition for sight-proof fence.

ARTICLE II. Definitions

Section 400.030 Definitions

Fence, sight-proof – A solid fence that effectively conceals the activities conducted behind it from the view of adjacent properties, streets, or alleys.

Chapter 400. Zoning Code

ARTICLE V. Supplementary Regulations

Division 6. Landscaping and Screening Requirements

Section 400.1190. Screening Between Non-Residential and Residential Zoning Districts.

A. In situations where a non-residential use is established adjacent to residentially zoned property, the developer of the non-residential use shall provide the following screening within the required rear and/or side yard building setback areas:

1. Within this setback, there shall be a landscaped buffer area not less than ten (10) feet in width planted with one (1) ~~canopy~~ evergreen tree for every ~~thirty (30)~~ twenty (20) lineal feet of common property line ~~or planted with evergreen trees spaced so that such evergreen trees create a continuous visual screen within five (5) years after planting.~~ In addition, combinations of canopy trees, evergreen trees, ornamental trees and shrubs are permissible and encouraged, shall be provided as approved by the Zoning Administrator provided that such landscaping, in the opinion of the Zoning Administrator, will effectively screen the non-residential uses from the view of the abutting residential-zoned properties.

2. In addition, there shall be placed at the property line a neat, clean and maintained sight-proof fence or wall having a minimum height of six (6) feet but not more than eight (8) feet. Where a loading area or access drive thereto is within thirty-five (35) feet of residentially zoned property, the fence shall be eight (8) feet in height. Exception. The above requirements shall not apply to development within the "CC" district.

B. In situations where a residential subdivision (more than three (3) lots) or other multiple dwelling unit development is constructed on a site that is adjacent to commercial or an "IC" zoned lot, the developer of the residential subdivision or development shall provide the following increase in setbacks and screening:

1. The minimum setback for the principal residential buildings shall be increased by ten (10) feet along the common property line separating the residential and commercial or "IC" zoning district. A permanent buffer strip of a minimum of ten (10) feet shall be established adjacent to and parallel to the said common property line(s). This strip shall be indicated on the approved subdivision plat and/or development plan and annotated with the following statement: "This strip is reserved for landscape screening. The placement of buildings or other structures hereon is prohibited."

2. Within this buffer strip, there shall be a landscaped area planted with one (1) ~~canopy evergreen~~ tree for every ~~thirty (30)~~ twenty (20) lineal feet of common property line ~~or planted with evergreen trees spaced so that such evergreen trees create a contiguous visual screen within five (5) years after planting. In addition, combinations of canopy trees, evergreen trees, ornamental trees and shrubs are permissible and encouraged, shall be provided as approved by the Zoning Administrator provided that such landscaping, in the opinion of the Zoning Administrator, will effectively screen the non-residential uses from the view of the abutting residential zoned properties.~~

3. In addition, there shall be placed at the property line a neat, clean and maintained sight-proof fence or wall having a minimum height of six (6) feet, but not more than eight (8) feet.

C. In situations where a multi-family residential use, including a townhouse apartment, garden apartment, or elevator apartment development, is established adjacent to a property in the "SR" or "LR" zoning district, the developer of the multi-family residential use shall provide the following screening within the required rear and/or side yard building setback areas:

1. Within this setback, there shall be a landscaped buffer area of not less ten (10) feet in width planted with one (1) evergreen tree for every twenty (20) lineal feet of common property line. In addition, combinations of canopy trees, ornamental trees, and shrubs shall be provided as approved by the Zoning Administrator.

2. In situations where the requirements set forth in Subsection 1 do not effectively screen the multi-family residential uses from the adjacent residential properties, there shall be placed at the property line a neat, clean and maintained sight-proof fence or wall having a height of six (6) feet as otherwise approved by the Zoning Administrator.

ARTICLE VII. Off-Street Parking and Loading Requirements

Division 2. Design and Location Requirements

Section 400.2020. Parking and Loading Area Setback Requirements.

Add...

D. Except for lots developed with single-family or two-family dwellings, off-street parking lots shall maintain a minimum side yard setback of five (5) feet, excluding any access drives between adjacent properties. The area within this setback shall require landscaping as approved by the Zoning Administrator.

E. On residential lots with a lot width of greater than sixty (60) feet, off-street parking areas and access drives shall maintain a minimum side yard setback of five (5) feet.

Section 400.2040. Landscaping Requirements.

C. Landscaping Requirements For Parking Areas Adjacent To Streets. Where a parking lot, ~~having twenty (20) or more parking spaces,~~ is adjacent to ~~or is visible from~~ any public or private street, the entire frontage along said parking area, excluding entrance drives, shall be landscaped as follows:

1. One (1) canopy tree and four (4) shrubs shall be planted for every thirty (30) feet of frontage, to be located within a strip of land paralleling the adjacent street and having a width of not less than ten (10) feet. Trees do not have to be placed thirty (30) feet on center. Strategic placement and grouping of trees and shrubs ~~is encouraged~~ shall be required as approved by the Zoning Administrator. ~~Incorporation of ground cover in the planting scheme is also encouraged.~~

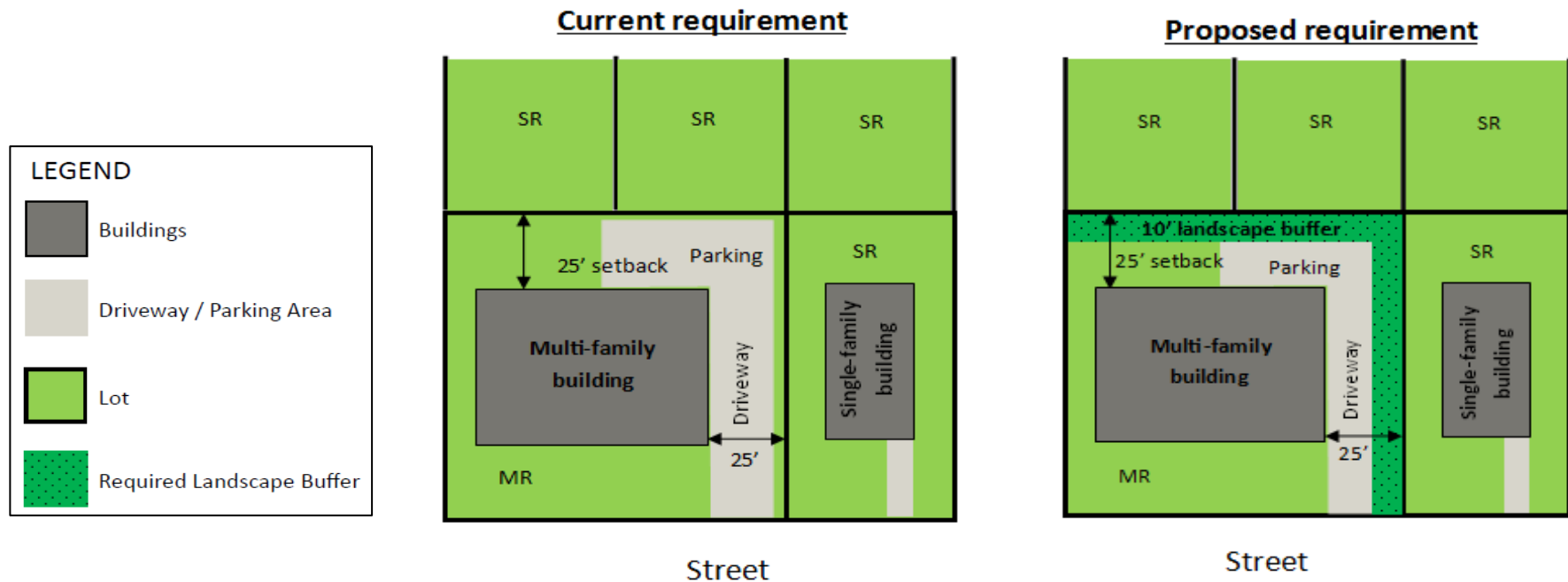
D. Landscaping Requirements For Interior Areas. ~~A~~ Parking lots, ~~having forty (40) or more parking spaces,~~ shall be landscaped as follows:

1. A minimum of twenty (20) square feet of interior landscaped areas shall be provided for each parking space. The landscaping shall be in ~~one (1)~~ two (2) or more areas so as to break up the apparent expanse of the parking area and, ~~whenever feasible, located~~ required at the ends of parking rows abutting circulation aisles as approved by the Zoning Administrator. In order to qualify as interior landscaped area, said area shall be located wholly within or projecting inward from the boundaries of the parking area. The landscaped strip, as required under Subsection (B) above, shall not qualify as an interior landscaped area, regardless of its width or depth.

ATTACHMENT B

Summary of current and proposed landscaping requirements between different types of land uses

Scenario	Current regulations	Proposed regulations
Multi-family residential use (MR, HR, HRO) established adjacent to single-family or two-family zoning district (SR, LR) - <i>See illustrative diagrams below</i>	No landscape buffer or screening requirements	10 foot buffer; 1 evergreen tree every 20 feet; additional trees and shrubs as approved by Zoning Administrator; 6 foot privacy fence optional if sufficient screening is provided
Non-residential use (LC, GC, CC, IC, PA, or HRO) established adjacent to residential zoning district (SR, LR, MR, HR, HRO)	10 foot buffer; 1 canopy tree every 30 feet or continuous evergreen trees; privacy fence 6 to 8 feet tall; additional trees and shrubs encouraged	1 evergreen tree every 20 feet; additional trees and shrubs as approved by Zoning Administrator; other regulations remain same
Multi-family residential use (MR, HR, HRO) or residential subdivision (SR, LR, MR, HR, HRO) with more than 3 lots established adjacent to commercial zoned property (LC, GC, CC, IC)	Increased building setback (10 feet); 10 foot buffer; 1 canopy tree every 30 feet or continuous evergreen trees; privacy fence 6 to 8 feet tall; additional trees and shrubs encouraged	1 evergreen tree every 20 feet; additional trees and shrubs as approved by Zoning Administrator; other regulations remain same



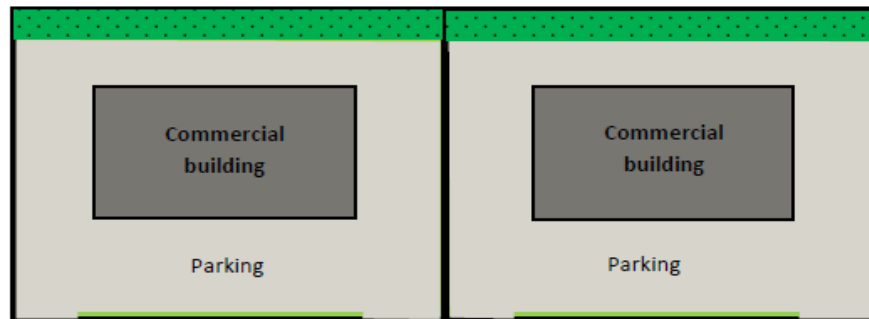
NOT TO SCALE - ILLUSTRATIVE PURPOSES ONLY (TO SHOW LANDSCAPE BUFFER)

ATTACHMENT C

Summary of current and proposed landscaping requirements for parking lots

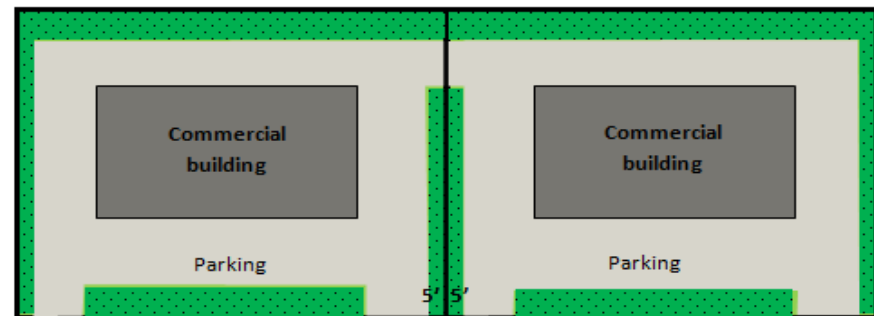
Scenario	Current regulations	Proposed regulations
Parking lot adjacent to street with 20 or more spaces	10 foot buffer parallel to street; 1 canopy tree and 4 shrubs every 30 feet; grouping of trees and use of ground cover encouraged	Apply to all parking lots; groupings of trees and shrubs required as approved by Zoning Administrator; other regulations remain same
Parking lots with 40 or more spaces	20 square feet of interior landscaping for each space; 1 canopy tree every 400 square feet; located at ends of parking rows where feasible	Apply to all parking lots; location of landscaping at ends of parking rows required as approved by Zoning Administrator; other regulations remain same
Parking lots located in side yard adjacent to property in same zoning district (other than any required buffers such as right-of-way and when adjacent to residential zoning) - <i>See illustrative diagrams below</i>	No setback or landscaping requirement	5 foot setback from property line; exception for cross access between properties; landscaping required as approved by Zoning Administrator
Driveways on all residential lots	No side yard setback requirement	5 foot side yard setback for all residential lots 60 feet or greater in width

Current requirement



Street

Proposed landscaping requirement



Street

NOT TO SCALE - ILLUSTRATIVE PURPOSES ONLY (TO SHOW LANDSCAPE BUFFER)

ATTACHMENT D

Landscape buffer and screening requirements between different types of land uses - other municipalities

Scenario	Maplewood	Richmond Heights	Olivette	Edwardsville	St. Louis County
Commercial use adjacent to residential zoning	Side yard: 10 foot landscaped buffer with 6 to 8 foot privacy fence or wall Rear yard: 20 foot landscaped buffer with 6 to 8 foot privacy fence or wall	10 foot landscaped buffer with 6 to 8 foot privacy fence	20 foot landscaped buffer	Landscaped buffer - 10% of lot width or depth (no less than 10 feet and no more than 25 feet); mix of trees and shrubs based on points system	10 foot landscaped buffer (as approved by Dept. of Planning) with 5 foot privacy fence
Multi-family residential use adjacent to single-family or two family zoning	No requirements	15 foot landscaped buffer with 6 to 8 foot privacy fence or wall	10 foot landscaped buffer (applies to attached single-family district)	Landscaped buffer - 10% of lot width or depth (no less than 10 feet and no more than 25 feet); mix of trees and shrubs based on points system	No requirements

Landscape buffer and screening requirements for parking lots - other municipalities

	Richmond Heights	Maplewood	Edwardsville	St. Louis County
Parking lot landscaping requirements	Landscaping required along frontage; solid fence or wall required if adjacent to residential zoning district	Landscaping required for parking lots with 20 or more spaces; subject to review and approval by Zoning Administrator	Landscaping required for all parking lots, based on points system	Landscaping required for commercial parking lots adjacent to street and residential zoning district

ATTACHMENT 3:
Draft Ordinance

INTRODUCED BY: _____

DATE: November 26, 2015

BILL NO. **9277**

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 400 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, RELATING TO ZONING, BY AMENDING SECTIONS 400.030; 400.1190; 400.2020; AND 400.2040; THEREOF, RELATING TO LANDSCAPING AND SCREENING REGULATIONS; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI AS FOLLOWS:

WHEREAS, Chapter 400 of the Municipal Code of the City of University City, Missouri divides the City into several zoning districts and regulates the uses and off-street parking on which the premises located therein may be put; and

WHEREAS, the City Plan Commission in a meeting held at the Heman Park Community Center located at 975 Pennsylvania Avenue, University City, Missouri on October 28, 2015 at 6:30 pm recommended amendments of Sections 400.030; 400.1190; 400.2020; and 400.2040; of said Code, and

WHEREAS, due notice of a public hearing to be held by the City Council in the 5th Floor City Council Chambers at City Hall at 6:30 pm, November 23, 2015, was duly published in the St. Louis Countian, a newspaper of general circulation within said City on November 7, 2015; and

WHEREAS, said public hearing was held at the time and place specified in said notice, and all suggestions or objections concerning said amendments of the Zoning Code were duly heard and considered by the City Council.

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

Section 1. Chapter 400 of the Municipal Code of the City of University City, Missouri, relating to zoning, is hereby amended, by amending the following Sections and relating to the descriptions thereafter 400.030; 400.1190; 400.2020; and 400.2040 – landscaping and screening requirements between certain types of land uses and landscaping requirements for parking lots; and as so amended shall read as follows (where applicable, bolded text is added text and stricken text is removed):

ARTICLE II: Definitions
Section 400.030 Definitions.

Fence, sight-proof – A solid fence that effectively conceals the activities conducted behind it from the view of adjacent properties, streets, or alleys.

ARTICLE V: Supplementary Regulations

Division 6: Landscaping and Screening Requirements

Section 400.1190. Screening Between Non-Residential and Residential Zoning Districts

A. In situations where a non-residential use is established **abutting or** adjacent to residentially zoned property, the developer of the non-residential use shall provide the following screening within the required rear and/or side yard building setback areas:

1. Within this setback, there shall be a landscaped buffer area not less than ten (10) feet in width planted with one (1) ~~canopy~~ **evergreen** tree for every ~~thirty (30)~~ **twenty (20)** lineal feet of common property line ~~or planted with evergreen trees spaced so that such evergreen trees create a continuous visual screen within five (5) years after planting.~~ **In addition,** ~~Combinations of canopy trees, evergreen trees, ornamental trees and shrubs are permissible and encouraged,~~ **shall be provided as approved by the Zoning Administrator,** provided that such landscaping, ~~in the opinion of the Zoning Administrator,~~ will effectively screen the non-residential uses from the view of the abutting residential zoned properties.

2. In addition, there shall be placed at the property line a neat, clean and maintained sight-proof fence or wall having a minimum height of six (6) feet but not more than eight (8) feet. Where a loading area or access drive thereto is within thirty-five (35) feet of residentially zoned property, the fence shall be eight (8) feet in height.

Exception. The above requirements shall not apply to development within the "CC" district.

B. In situations where a residential subdivision (more than three (3) lots) or other multiple dwelling unit development is constructed on a site that is **abutting or** adjacent to commercial or an "IC" zoned lot, the developer of the residential subdivision or development shall provide the following increase in setbacks and screening:

1. The minimum setback for the principal residential buildings shall be increased by ten (10) feet along the common property line separating the residential and commercial or "IC" zoning district. A permanent buffer strip of a minimum of ten (10) feet shall be established adjacent to and parallel to the said common property line(s). This strip shall be indicated on the approved subdivision plat and/or development plan and annotated with the following statement: "This strip is reserved for landscape screening. The placement of buildings or other structures hereon is prohibited."

2. Within this buffer strip, there shall be a landscaped area planted with one (1) ~~canopy~~ **evergreen** tree for every ~~thirty (30)~~ **twenty (20)** lineal feet of common property line ~~or planted with evergreen trees spaced so that such evergreen trees create a contiguous visual screen within five (5) years after planting.~~ **In addition,** ~~Combinations of canopy trees, evergreen trees, ornamental trees and shrubs are permissible and encouraged,~~ **shall be provided as approved by the Zoning Administrator,** provided that such landscaping, ~~in the opinion of the Zoning Administrator,~~ will effectively screen the non-residential uses from the view of the abutting residential zoned properties.

3. In addition, there shall be placed at the property line a neat, clean and maintained sight-proof fence or wall having a minimum height of six (6) feet, but not more than eight (8) feet.

C. In situations where a multi-family residential use, including a townhouse apartment, garden apartment, or elevator apartment development, is established abutting or adjacent to a property in the “SR” or “LR” zoning district, the developer of the multi-family residential use shall provide the following screening within the required rear and/or side yard building setback areas:

1. Within this setback, there shall be a landscaped buffer area of not less ten (10) feet in width planted with one (1) evergreen tree for every twenty (20) lineal feet of common property line. In addition, combinations of canopy trees, ornamental trees, and shrubs shall be provided as approved by the Zoning Administrator, provided that such landscaping will effectively screen the multi-family residential uses from the view of the abutting “SR” or “LR” zoned property.

2. In situations where the requirements set forth in Subsection 1 do not effectively screen the multi-family residential uses from the adjacent residential properties, there shall be placed at the property line a neat, clean and maintained sight-proof fence or wall having a height of six (6) feet as otherwise approved by the Zoning Administrator.

ARTICLE VII. Off-Street Parking and Loading Requirements

Division 2. Design and Location

Section 400.2020. Parking and Loading Area Setback Requirements.

D. Except for lots developed with single-family or two-family dwellings, off-street parking lots shall maintain a minimum side yard setback of five (5) feet, excluding any access drives between adjacent properties. The area within this setback shall require landscaping as approved by the Zoning Administrator.

E. On residential lots with a lot width of greater than sixty (60) feet, off-street parking areas and access drives shall maintain a minimum side yard setback of five (5) feet.

Section 400.2040. Landscaping Requirements.

C. Landscaping Requirements For Parking Areas Adjacent To Streets. Where a parking lot, ~~having twenty (20) or more parking spaces, is~~ **abutting or** adjacent to ~~or is visible from~~ any public or private street, the entire frontage along said parking area, excluding entrance drives, shall be landscaped as follows:

1. One (1) canopy tree and four (4) shrubs shall be planted for every thirty (30) feet of frontage, to be located within a strip of land paralleling the adjacent street and having a width of not less than ten (10) feet. Trees do not have to be placed thirty (30) feet on center. Strategic placement and grouping of trees and shrubs is encouraged shall be required as approved by the Zoning Administrator. Incorporation of ground cover in the planting scheme is also encouraged.

D. Landscaping Requirements For Interior Areas. ~~A-P~~ parking lots, ~~having forty (40) or more parking spaces,~~ shall be landscaped as follows:

1. A minimum of twenty (20) square feet of interior landscaped areas shall be provided for each parking space. The landscaping shall be in ~~one (1)~~ **two (2)** or more areas so as to break up the apparent expanse of the parking area and, ~~whenever feasible, located~~ **required** at the ends of parking rows abutting circulation aisles **as approved by the Zoning Administrator**. In order to qualify as interior landscaped area, said area shall be located wholly within or projecting inward from the boundaries of the parking area. The landscaped strip, as required under Subsection ~~(B)~~ **(C)** above, shall not qualify as an interior landscaped area, regardless of its width or depth.

Section 2. This ordinance shall not be construed to so as to relieve any person, firm or corporation from any penalty heretofore incurred by the violation of said Sections mentioned above, nor bar the prosecution for any such violation.

Section 3. Any person, firm or corporation violating any of the provisions of this ordinance, shall upon conviction thereof, be subject to the penalty provided in Title 1 Chapter 1.12.010 of the Municipal Code of the City of University City.

Section 4. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED this _____ day of _____, _____.

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY



Council Agenda Item Cover

MEETING DATE: December 14, 2015

AGENDA ITEM TITLE: AN ORDINANCE FIXING THE COMPENSATION TO BE PAID TO CITY OFFICIALS AND EMPLOYEES AS ENUMERATED HEREIN FROM AND AFTER DECEMBER 14, 2015, AND REPEALING ORDINANCE NO 6988.

AGENDA SECTION: Unfinished Business

CAN THIS ITEM BE RESCHEDULED? : No

BACKGROUND REVIEW: As a result of the Fire Department Management review by Management Advisory Group International, Inc. (MAG), part-time Paramedic/Firefighters were recommended to be used to achieve staffing levels and reduce overtime. These part-time employees will work when other full-time employees are on leave (vacation leave, sick leave and injury leave). The part-time employees are not entitled to any kind of benefits. The position will be scheduled in compliance with Affordable Care Act (ACA) which is a maximum of 29 hours per week. The part-time Paramedic/Firefighters will be required to have the credentials required of new hires.

A new Pay Grade Code P28 – PT Paramedic/Firefighter was added to Schedule C, on page 6.

RECOMMENDATION: Approval

INTRODUCED BY:

DATE: November 23, 2015

BILL NO. **9278**

ORDINANCE NO:

AN ORDINANCE FIXING THE COMPENSATION TO BE PAID TO CITY OFFICIALS AND EMPLOYEES AS ENUMERATED HEREIN FROM AND AFTER ITS PASSAGE, AND REPEALING ORDINANCE NO 6988.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

Section 1. From and after its passage, initially payable December 15, 2015, City employees within the classified service of the City, hereinafter designated, shall receive as compensation for their services such amounts as may be fixed by the City Manager in accordance with Schedule A (Pay Grade), included herein, with a salary not less than the lowest amount and not greater than the highest amount set forth in Schedule B (Classification and Grade), and shall additionally receive as compensation for their services such benefits generally provided in the Administrative Regulations, and Civil Service Rules now in effect, all of which are hereby adopted, approved, and incorporated herein by this reference, and the City Manager is further authorized and directed to effect the inclusion of these benefits in the City's Administrative Regulations in the manner provided by law.

SCHEDULE A - HOURLY BASE PAY STEPS							
Pay Grade	Step A	Step B	Step C	Step D	Step E	Step F	
3	13.3161	13.9590	14.6202	15.3365	16.0283	16.8120	
4	13.7692	14.4059	15.1161	15.8018	16.5671	17.3691	
5	14.6202	15.3365	16.0283	16.8120	17.6140	18.5018	
6	15.1161	15.8018	16.5671	17.3691	18.2446	19.1324	
6A	15.3365	16.0283	16.8120	17.6140	18.5018	19.4017	
7	16.2916	17.2222	18.0548	18.9303	19.8793	20.8099	
7B	16.4508	17.3936	18.2324	19.1201	20.0752	21.0119	
7C	16.7324	17.5405	18.4222	19.3160	20.2160	21.1895	
8	17.1732	18.1528	19.0283	19.9466	20.9507	21.9303	
8A	16.9712	17.7977	18.6671	19.5977	20.5160	21.4772	
9	17.3691	18.2446	19.1324	20.0201	20.9813	21.9731	
9B	17.6140	18.5018	19.4017	20.3140	21.2813	22.3037	
9A	17.7548	18.6181	19.5426	20.4854	21.4282	22.4568	
9C	17.7854	18.6854	19.5977	20.5099	21.4895	22.5241	
9D	18.2875	19.3344	20.2650	21.2446	22.3099	23.3568	
10	18.3916	19.2670	20.2344	21.1833	22.2058	23.2405	
10A	19.3772	20.3078	21.3303	22.3221	23.3996	24.4894	
11	18.9915	19.9466	20.8772	21.8813	22.9037	24.0486	
11B	19.4813	20.4732	21.4037	22.4507	23.4915	24.8445	
12	19.9466	20.8772	21.8813	22.9037	24.0486	25.1996	
12D	20.1548	21.1221	22.1813	23.2160	24.3364	25.4690	
12A	20.3997	21.3793	22.3956	23.4670	24.6057	26.0384	
12B	20.6997	21.6915	22.7201	23.8098	24.9608	26.4180	
12C	20.9017	21.8997	22.9405	24.0425	25.2057	26.6751	
13	20.8772	21.8813	22.9037	24.0486	25.1996	26.3751	
13A	21.3854	22.4201	23.4670	24.6364	25.8180	27.0179	
13P	22.0099	23.0690	24.1466	25.3588	26.5710	27.8139	
14	21.8813	22.9037	24.0486	25.1996	26.3751	27.6669	
14A	22.5241	23.5772	24.7588	25.9404	27.1526	28.4812	
14P	23.4486	24.5445	26.0139	27.2567	28.5240	29.9567	
15	22.7690	23.8894	25.0159	26.1731	27.4281	29.2893	
16	23.6507	24.7649	25.9037	27.1526	28.4445	30.7710	
16P	0.0000	0.0000	0.0000	30.7832	32.0750	33.7648	
17	25.5547	26.7118	27.9669	29.2710	30.5934	31.9832	
17A	25.3710	26.6384	27.9792	29.3751	30.8383	32.3811	

SCHEDULE A (CONTINUED)							
Grade	Step A	Step B	Step C	Step D	Step E	Step F	
18	26.6812	27.9547	29.3444	30.6301	32.0383	33.5138	
18A	26.7486	28.1628	29.6383	31.2056	32.8464	34.5668	
18B	27.2996	28.6098	29.9628	31.3403	32.7852	34.2913	
18P	0.0000	0.0000	0.0000	35.2892	36.8076	38.6810	
19	27.4281	28.7322	30.0546	31.4383	32.8832	34.4260	
20	29.3493	30.7501	32.2789	33.6932	35.2421	36.8652	
20F	0.0000	0.0000	0.0000	26.6541	27.9179	29.2780	
20P	0.0000	0.0000	0.0000	39.8014	41.3994	43.5728	
21	31.1199	32.8526	34.3586	36.3239	38.0504	39.4769	
22	32.3566	33.9729	35.6750	37.4566	39.3300	41.2953	
22A	33.3913	34.8974	36.5076	38.2463	40.0157	41.9749	
22B	33.0546	34.8668	36.4403	38.4974	40.2973	41.7912	
23	34.7137	36.3178	38.0443	39.8014	41.7545	42.8320	
24	34.9219	36.0974	37.7810	39.6545	40.6953	43.7014	
24F	0.0000	0.0000	0.0000	41.8585	43.8667	46.3830	
24P	0.0000	0.0000	0.0000	44.5891	46.6095	48.7156	
25	36.0852	37.7810	39.6545	40.6953	43.7014	45.8136	
25A	38.6321	40.5361	42.5381	44.6381	46.8483	49.1625	
25F	0.0000	0.0000	46.6278	48.9115	51.2625	54.2134	
26	37.7810	39.6545	40.6953	43.7014	45.8136	48.0788	
27	44.0565	45.1952	48.4890	50.8094	53.2951	56.4359	
27P	45.5564	47.7666	50.0870	52.5176	55.0706	57.7583	
28	45.1768	47.4054	49.7502	53.7665	56.1726	57.7583	
	Step B	Step C	Step D	Step E	Step F	Step G	
11A	17.0696	18.0153	18.6837	19.1754	19.7135	20.1758	
11M	19.2217	20.2515	20.9576	21.4578	22.0169	22.5087	
16M	23.4082	24.7070	25.5771	26.2286	26.9431	27.4055	

SCHEDULE B - ANNUAL BASE PAY			
Title	Pay Grade	Minimum	Maximum
Clerk Typist	3	27,698	34,969
Parking Controller			
Police/Fire Cadet			
Custodian	4	28,640	36,128
Laborer			
Laborer/Light Equipment Operator	6	31,441	39,795
Advanced Clerk Typist	6A	31,900	40,356
Court Clerk II			
Administrative Secretary	7	33,886	43,285
Account Clerk II	7C	34,803	44,074
Victim Service Advocate	8	35,720	45,615
Equipment Operator	8A	35,300	44,673
Recreation Coordinator			
Executive Secy to Dept. Director	9	36,128	45,704
Print Shop Operator	9B	36,637	46,392
General Maintenance Worker	9A	36,930	46,710
Heavy Equipment Operator			
Tree Trimmer			
Senior Account Clerk	9C	36,994	46,850
Dispatcher	9D	38,038	48,582
Accounts Payable Specialist	10	38,254	48,340
Administrative Assistant			
Exec. Secy to Chief			
Recreation Supervisor I			
Accountant	11	39,502	50,021
Community Service Specialist			
Engineering Service Specialist			
Inspector I			
Firefighter	11A	49,707	58,752
Crew Leader	11B	40,521	51,677
Paramedic Firefighter	11M	55,974	65,545
Court Administrator	12	41,489	52,415
Inspector II			
Senior Administrative Asst.			
Solid Waste Program Manager			
Supervisory Dispatcher	12D	41,922	52,976

SCHEDULE B - (CONTINUED)			
Title	Pay Grade	Minimum	Maximum
Project Manager	12B	48,773	62,310
Recreation Supervisor II			
Multi-Discipline Inspector	12C	43,476	55,484
Senior Program Manager/Analyst			
Mechanic	13	43,425	54,860
Police Officer Trainee	13P	45,781	57,853
Forestry Supervisor	14	45,513	57,547
Golf Maintenance Superintendent			
Golf Manager			
Lead Mechanic			
Administrative Analyst			
Senior Plans Examiner / Inspector			
Project Manager II	14A	46,850	59,241
Planning and Zoning Administrator			
Manager of Economic Development			
Police Officer	14P	48,773	62,310
Assistant Recreation Superintendent	15	47,360	60,922
Human Resources Manager			
Fleet Manager			
Paramedic Fire Captain	16M	68,165	79,805
Police Sergeant	16P	64,029	70,231
Facilities Manager	17	53,154	66,525
Financial Analyst			
Sanitation Superintendent	18	55,497	69,709
Street Superintendent			
Information Technology Coordinator	18B	56,783	71,326
Senior Public Works Manager			
Police Lieutenant	18P	73,402	80,457
Assistant Director of Finance	20	61,047	76,680
Deputy Dir of Recreation			
Battalion Chief	20F	77,617	85,257
Police Captain	20P	82,787	90,631
Asst. Dir. Of Pub. Works/City Engineer	22	67,302	85,894
Deputy Dir. /Building Commissioner			
Assistant Fire Chief	24F	87,066	96,477
Deputy Police Chief	24P	92,745	101,328

Section 2. From and after July 1, 2015, seasonal and part-time employees of the City may be employed at an hourly rate in accordance with the following Schedule C (hourly pay rates for seasonal and part-time employees).

Schedule C

Hourly Rates for Seasonal and Part-Time Employees

Title of Class	Grade Code	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H
Rec. Spec. I Youth Job Corps Worker Cashier Park Attendant	P02 P04 P06					7.35	7.51	7.76	8.02
Lifeguard	P05					7.76	8.02	8.27	8.53
Rec. Spec. II Assistant Pool Manager	P07 P11					8.07	8.33	8.58	8.84
Pool Technician	P09					7.35	7.56	7.81	8.07
Rec. Spec. III	P10					8.84	9.09	9.35	9.61
Pool Mgr./Camp Mgr.	P12					9.55	10.07	10.58	11.09
Rec Program Leader	P14		7.51	7.76	8.02				
Rec Program Supervisor	P17		9.55	10.07	10.58				
PT Adv. Clerk Typist PT Inspector Golf Shop Supervisor Parking Controller*	P13		12.93						
Clerical Aide Labor Aide	P15		7.56						
Traffic Escort	P16		8.15						
PT Clerk Typist	P18		8.15						
PT Court Clerk*	P20		13.55						
PT Police Cadet Fire Cadet	P22		9.54						
Admin Secretary	P24	11.97	12.54	13.15					
Intern	P25	7.84	8.92	9.99	11.07	13.50			
PT Custodian, Laborer	P26	9.47	9.98	10.50	11.00	11.52			
PT Dispatcher*	P27	16.29	17.21	18.04	18.93	19.87			
PT Paramedic/Firefighter	P28	19.22							

*These positions are permanent Part-time, the rates include 2% cost of living adjustment.

Section 3. From and after May 23, 2011, initially payable May 27, 2011, City employees in the unclassified service of the City, except as otherwise noted, shall receive as full compensation for their services the amounts hereinafter set forth, or where a grade in salary is specified, such amounts as may be fixed by the City Manager within the specified grade. Non-executive and executive personnel in a grade shall be paid in accordance with Schedule A (Pay Step Schedule).

Schedule D
Pay Rates for the Unclassified Service, Part-Time,
Temporary or Special Grant Funded Positions

<u>Grade Code</u>	<u>Title of Position</u>	<u>Monthly Salary</u> (except as noted)
S04 A	Judge of City Court (Substitute)	\$159 per session
S05 A	Judge of City Court	\$1,741 - \$1,829 - \$1,922 - \$2,050
S06 A	Prosecuting Attorney (Substitute)	\$159 per session
S07 A	Prosecuting Attorney	\$2,577 - \$2,735 - \$2,892 - \$3,065

SCHEDULE D	ANNUAL BASE PAY		
Title	Pay Grade	Minimum	Maximum
City Manager	S03	137,957	137,957
Secretary to City Manager	10	38,254	48,340
City Clerk	18B	56,783	71,326
Director of Community Development	25A	80,355	102,258
Fire Chief	25F	96,986	112,764
Director of Finance	27	91,638	117,388
Director of Public Works and Parks			
Police Chief	27P	94,757	120,138

Section 4. From and after June 29, 1994, all full-time non-executive, non-administrative or non-professional employees shall be subject to the work week or work cycle and regulations relating to overtime work, except as noted. A listing of executive, administrative, and professionally designated employees or positions shall be issued by the City Manager.

1. Department directors shall not be paid overtime nor receive compensatory time for hours worked in excess of 40 per week.
2. Department directors may grant compensatory time on a straight time basis to their designated executive, administrative, or professional employees for hours worked in excess of 40 per week. Such employees are exempt from FLSA provisions.
3. The normal work week for full-time office, field, maintenance, and police personnel, and for police and fire executive and administrative employees, is set at 40 hours per week.

4. Hours worked in excess of 40 hours per week, when authorized in advance by department directors, may be paid at the rate of time and one-half or in lieu thereof, department directors in their discretion may grant compensatory time off also at the rate of time and one-half up to an accumulation allowable under FLSA provisions.
5. The average work week of Battalion Chiefs shall be 56 hours. They shall not be compensated for any hours in excess of 56 hours.

Section 5.

- A. From and after June 28, 2006, initially payable July 14, 2006, the commissioned Police personnel, in the pay grades shown, shall receive compensation for five years consecutive City service, with the exception of military leave of absence, in their present classification in the following amounts, from the sixth (6th) year through the seventh (7th) year:

<u>In Pay Grade</u>		<u>Monthly Amount</u>
16P	Police Sergeant	\$63
18P	Police Lieutenant	67
20P	Police Captain	71

- B. From and after June 28, 2006, initially payable July 14, 2006, the commissioned Police personnel, in the pay grades shown, shall receive compensation for seven years consecutive City service, with the exception of military leave of absence, in their present classification in the following amounts, from and after the eighth (8th) year through the tenth (10th) year:

<u>In Pay Grade</u>		<u>Monthly Amount</u>
14P	Police Officer	\$49
16P	Police Sergeant	123
18P	Police Lieutenant	132
20P	Police Captain	142

- C. From and after June 28, 2006, initially payable July 14, 2006, the commissioned Police personnel, in the pay grades shown, shall receive compensation for ten years consecutive City service, with the exception of military leave of absence, in their present classification in the following amounts, from and after the eleventh (11th) year through the fourteenth (14th) year:

<u>In Pay Grade</u>		<u>Monthly Amount</u>
14P	Police Officer	\$80

- D. From and after June 28, 2006, initially payable July 14, 2006, the commissioned Police personnel, in the pay grades shown, shall receive compensation for fourteen years consecutive City service, with the exception of military leave of absence, in their present classification in the following amounts, from and after the fifteenth (15th) year:

<u>In Pay Grade</u>		<u>Monthly Amount</u>
14P	Police Officer	\$92

- E. From and after June 28, 2006, initially payable July 14, 2006, Paramedic Fire Captains, Firefighters, and Paramedic Firefighters shall receive compensation for seven (7) years consecutive City service, excepting military leave of absence, in their present classification in the following amounts, from the eighth (8th) year through the tenth (10th) year:

<u>In Pay Grade</u>		<u>Monthly Amount</u>
11A	Firefighters	\$77
11M	Paramedic Firefighters	\$77
16M	Paramedic Fire Captains	\$86

- F. From and after June 28, 2006, initially payable July 14, 2006, Firefighters and Paramedic Firefighters shall receive compensation for ten (10) years consecutive City service, excepting military leave of absence, in their present classification in the following amounts, from the eleventh (11th) year through the twentieth (20th) year:

<u>In Pay Grade</u>		<u>Monthly Amount</u>
11A	Firefighters	\$133
11M	Paramedic Firefighters	\$133
16M	Paramedic Fire Captains	\$133

- G. The following is only for Firefighters, Paramedic Firefighters, and Paramedic Fire Captains who will be receiving 20 years longevity pay on August 1, 2013, initially payable August 1, 2013, Firefighters, Paramedic Firefighters, and Paramedic Fire Captains shall receive compensation for twenty (20) years consecutive City service, excepting military leave of absence, in their present classification in the following amount, from the twenty-first (21st) year:

<u>In Pay Grade</u>		<u>Monthly Amount</u>
11A	Firefighters	\$168
11M	Paramedic Firefighters	\$168
16M	Paramedic Fire Captain	\$168

For the purpose of calculating consecutive service in this section, time served in the classifications of Firefighter and Paramedic Firefighter is combined for the same person.

Section 6. From and after June 25, 2008, all full-time employees shall have their hourly rate computed as follows:

1. The hourly rate for all full-time employees, who, according to Section 4, have a set or average work week of 40 hours, shall have their hourly rate computed by multiplying the monthly rate by 12, dividing that product by 2,080.
2. The hourly rate for full-time uniformed Battalion Chiefs of the Fire Department, who, according to Section 4, have an average work week of 56 hours, shall have their hourly rate computed by multiplying the monthly rate by 12, dividing that product by 2,912.

Section 7. Ordinance No. xxxx and all ordinances in conflict herewith are hereby repealed.

Section 8. This ordinance shall take effect and be in force from its passage as provided by law.

PASSED this 14th day of December, 2015.

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY



City Council Agenda Item Cover

MEETING DATE: December 14, 2015

AGENDA ITEM TITLE: **AN ORDINANCE OF THE CITY OF UNIVERSITY CITY, MISSOURI; REPEALING SECTION 120.480 OF CHAPTER 120 OF THE CITY OF UNIVERSITY CITY MUNICIPAL CODE; AND ENACTING IN LIEU THEREOF A NEW SECTION 120.480.**

AGENDA SECTION: New Business

COUNCIL ACTION: Approval

CAN THIS ITEM BE RESCHEDULED?: Yes

BACKGROUND REVIEW: In 2006, Ordinance No. 6634 imposed a sales tax at the rate of one-fourth of one percent on all retail sales made in the City pursuant to Section 67.1305 RSMo. An Economic Development Retail Sales Tax Board (EDRSTB) was subsequently established by Ordinance 6678 on December 11, 2006 to consider economic development plans, projects designations and more, subject to approval of City Council approval and was comprised of five members.

In 2012, the state revised RSMO 67.1305.12.2 relating to number of board members as follows:

(2) The economic development tax board established by a city shall consist of at least five members, but may be increased to nine members. Either a five-member or nine-member board shall be designated in the order or ordinance imposing the sales tax authorized by this section...

The purpose of the attached ordinance is to increase the number of EDRSTB members from five (5) to (9) nine members. Section 120.480 of the Municipal Code relates to the number of EDRSTB members.

Attachments:

1: Ordinance

RECOMMENDATION: Approval

INTRODUCED BY:

DATE: December 14, 2015

BILL NO. 9279

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF UNIVERSITY CITY, MISSOURI; REPEALING SECTION 120.480 OF CHAPTER 120 OF THE CITY OF UNIVERSITY CITY MUNICIPAL CODE; AND ENACTING IN LIEU THEREOF A NEW SECTION 120.480.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

Section 1. The Missouri Revised Statutes expressly permit a city to increase the number of members of the Economic Development Retail Sales Tax Board ("EDRSTB") that is already in existence to nine (9) members.

Section 2. Section 120.480 of Chapter 120 of Article X of the City of University City, Missouri Municipal Code is hereby repealed and a new Section 120.480 is hereby in acted in lieu thereof to read as follows:

Section 120.480 – Established – Number of Members

An Economic Development Retail Sales Tax Board ("Board") is established by the City and shall consist of nine (9) members. The volunteer Board shall receive no compensation or operating budget.

* * *

Section 3. This ordinance shall be and become in full force and affect from and after its date of passage by the City Council and the approval of the Mayor.

PASSED THIS _____ day of _____ 2015.

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY



City Council Agenda Item Cover

MEETING DATE: December 14, 2015

AGENDA ITEM TITLE: **AN ORDINANCE OF THE CITY OF UNIVERSITY CITY, MISSOURI; REPEALING SECTION 120.490 OF CHAPTER 120 OF THE CITY OF UNIVERSITY CITY MUNICIPAL CODE; AND ENACTING IN LIEU THEREOF A NEW SECTION 120.490.**

AGENDA SECTION: New Business

COUNCIL ACTION: Approval

CAN THIS ITEM BE RESCHEDULED?: Yes

BACKGROUND REVIEW: In 2006, Ordinance No. 6634 imposed a sales tax at the rate of one-fourth of one percent on all retail sales made in the City pursuant to Section 67.1305 RSMo. An Economic Development Retail Sales Tax Board (EDRSTB) was subsequently established by Ordinance 6678 on December 11, 2006 to consider economic development plans, projects designations and more, subject to approval of City Council approval and was comprised of five members.

In 2012, the state revised RSMO 67.1305.12.2 establishing the EDRSTB shall consist of at least five members, but may be increased to nine members. This increase is proposed in a separate ordinance. The purpose of the attached ordinance revision to Section 120.490 is to designate how the members are to be appointed as follows:

- (a) One member of a five-member board, or two members of a nine-member board, shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member or members shall be appointed in any manner agreed upon by the affected districts;*
- (b) Three members of a five-member board, or five members of a nine-member board, shall be appointed by the chief elected officer of the city with the consent of the majority of the governing body of the city;*
- (c) One member of a five-member board, or two members of a nine-member board, shall be appointed by the governing body of the county in which the city is located.*

Attachments:

1: Ordinance

RECOMMENDATION: Approval

INTRODUCED BY:

DATE: December 14, 2015

BILL NO. 9280

ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF UNIVERSITY CITY, MISSOURI; REPEALING SECTION 120.490 OF CHAPTER 120 OF THE CITY OF UNIVERSITY CITY MUNICIPAL CODE; AND ENACTING IN LIEU THEREOF A NEW SECTION 120.490.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

Section 1. The Missouri Revised Statutes expressly permit a city to increase the number of members of the Economic Development Retail Sales Tax Board ("EDRSTB") that is already in existence to nine (9) members.

Section 2. Section 120.490 of Chapter 120 of Article X of the City of University City, Missouri Municipal Code is hereby repealed and a new Section 120.490 is hereby in acted in lieu thereof to read as follows:

Section 120.490 – Appointment and Terms of Members – Filling Vacancies

- A. Board members shall be appointed as follows:
1. Two (2) members shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized under Section 67.1305 RSMo. (the "Tax"). Such member shall be appointed in any manner agreed upon by the affected districts;
 2. Five (5) members shall be appointed by the Mayor with the consent of the majority of the City Council; and
 3. Two (2) members shall be appointed by the St. Louis County Council.
- B. Of the membership initially appointed, three (3) shall be designated to serve for terms of two (2) years and the remaining members shall be designated to serve for a term of four (4) years from the date of such initial appointments. Thereafter, the members appointed shall serve for a term of four (4) years, except that all vacancies shall be filled for unexpired terms in the same manner as were the additional appointments pursuant to Section 67.1305.12(4) RSMo.

* * *

Section 3. This ordinance shall be and become in full force and affect from and after its date of passage by the City Council and the approval of the Mayor.

PASSED THIS _____ day of _____ 2015.

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY

INTRODUCED BY:

DATE: December 14, 2015

BILL NO. **9281**

ORDINANCE NO.

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF UNIVERSITY CITY, MISSOURI, AT AN ELECTION TO BE HELD ON APRIL 5, 2016, A PROPOSED AMENDMENT TO CHARTER OF THE CITY OF UNIVERSITY CITY ADDING SECTION 97 OF ARTICLE XI OF THE CHARTER REQUIRING THE APPROVAL OF A MAJORITY OF THE QUALIFIED VOTERS PRIOR TO THE SALE, LEASE OR DISPOSITION OF UNIVERSITY CITY HERITAGE SITES.

WHEREAS, Under the provisions of Article XII, Section 122 of the Charter of the City of University City, Charter amendments may be proposed by petition of not less than ten per centum of the registered qualified electors of the City; and

WHEREAS, A Petition for a proposed Charter amendment was filed with the City Clerk on or about November 6, 2015; and

WHEREAS, the St. Louis County Board of Election Commissioners determined on November 16, 2015, that the Petition for the proposed Charter amendment received more than the required number of valid signatures for placement on the ballot; and

WHEREAS, City Council shall provide by ordinance that the proposed Charter amendment be submitted to the electors of the City at the next available election date as determined by Missouri State statute; and

WHEREAS, the next General Election will be held on April 5, 2016.

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

Section 1. That at the General Election to be held in the City of University City, Missouri, on Tuesday, the 5th day of April, 2016, there shall be submitted to the qualified electors of the City of University City, the following proposed Charter amendment, Proposition H, to-wit:

UNIVERSITY CITY HERITAGE SITES “PROPOSITION H”

Shall the City of University City amend Article XI “Public Improvement Generally” by adding a new section to be designated Section 97 stating that the following land and structures, to the extent now or hereafter owned by the City or any agency or instrumentality of the City, shall not be sold, leased, given away or otherwise disposed of unless such sale, lease, disposal or gift be approved by a majority of the qualified electors

voting on an ordinance to be submitted by the council in the manner prescribed in Article XII, Section 122 of this Charter: (a) the land and buildings on the site described in the general warranty deed of May 15, 1930, deed book 1088, page 113, including City Hall at 6801 Delmar Boulevard, the Annex commonly known as the police station and old firehouse, and the Old Public Library at 630 Trinity Avenue; (b) the University City Public Library at 6701 Delmar Boulevard and the land described in the general warranty deed of June 20, 1968, deed book 6333, page 2313; (c) the Sutter-Meyer house at 6826 Chamberlain Court and the site described in the general warranty deed of October 22, 2003, deed book 15429, page 3043; (d) The Gates of Opportunity, commonly known as the Lion Gates monument on the public right-of-way near Delmar Boulevard and Trinity Avenue.

YES ☐

NO ☐

INSTRUCTIONS TO VOTERS:

If you are in favor of the proposition submitted upon this ballot, place an X in the box opposite the word "YES". If you are opposed to the question, place an X in the box opposite the word "NO".

Section 2. The City Clerk is hereby authorized and directed to file with the Board of Election Commissioners for St. Louis County, Missouri, a duly certified copy of this Ordinance and shall provide such Notice of the aforesaid election as required by Section 115.127(2) RSMo.

Section 3. The ballots to be used at said election shall contain the information in substantially the form set forth above in Section 1, subject to such revisions and modifications as to form, but not content, as may be required for use of the voting system selected by the Board of Election.

Section 4. The qualified voters of the City residing in the election precincts located within the City shall vote at such polling places and at such times as are otherwise established in connection with the General Election Day scheduled for April 5, 2015.

Section 5. The Board of Election Commissioners of St. Louis County are authorized to take all action necessary or appropriate such that the election shall be conducted in full compliance with the requirements of applicable law and particularly Chapter 115 RSMo.

Section 6. The Board of Election Commissioners of St. Louis County, as election authority for the election herein provided for, shall give the Notice of said election required by law, shall appoint the election judges for the polling places at which said election is to be held, and shall apply all voting equipment, ballot boxes, ballots, tally sheets, precinct registers, and other supplies necessary for the conduct of said election.

Section 7. All ordinances or parts of ordinances in conflict with this Ordinance shall be and the same are repealed hereby insofar as they may so conflict.

Section 8. This Ordinance shall be in force and shall take effect from and after its passage.

PASSED by the City Council of the City of University City, Missouri this _____day of _____, 201____

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM

CITY ATTORNEY

**Board of Adjustment
January 20, 2015 Meeting Minutes
(approved 11-16-15)**

A Board of Adjustment meeting was held on Tuesday January 20, 2015 at the Heman Park Community Center located at 975 Pennsylvania Ave., University City, Missouri. The meeting commenced at 6:40 pm.

1. Roll Call

Members Present

John Solodar, Chairperson
Deborah Arbogast, Vice-Chairperson
Peggy Holly
Kathy Straatmann
Charles Marentette, Alternate

Members Absent (excused)

Roger McFarland

Non-Voting Members Present

Rod Jennings, Council Liaison

Staff Present

Raymond Lai, Deputy Director of Economic and Community Development
Zach Greatens, Planner

2. Approval of Minutes

The minutes from the December 15, 2014 Board of Adjustment meeting were approved.

3. Case # BOA 15-01 – 536 Overhill Drive

Mr. Dennis Naylor with Jeff Day and Associates, LLC, on behalf of Paul and Anne Gill, property owners, requested a variance to construct a detached garage, accessory to an existing single-family dwelling, maintaining a building height of eighteen (18) feet in lieu of fifteen (15) feet as required by Section 400.1090 of the Zoning Code for the residential lot in the “SR” – Single Family Residential District.

Mr. Naylor explained proposal and noted that existing garage (attached) did not fit vehicles in it and was currently used for storage. The proposed garage would allow for storage of vehicles with additional storage in the second floor. The reason for the proposed height was to try to match the architecture of the existing single-family dwelling, which has a steep pitched roof.

Mr. Greatens explained the definition of building height in the Zoning Code and provided further explanation of the proposed setbacks as the property lines between the subject property and properties to the east had changed several years ago due to a right-of-way vacation. Mr. Greatens also noted that the University Hills Subdivision trustees had provided a letter stating their support for the proposed variance and conformance with the subdivision indentures.

Public Comments

Mr. Steve Skrainka – 7170 Washington Avenue (property to the east of 536 Overhill). Mr. Skrainka stated his house had a bay window on the west side between the second and third floor and the proposed garage would impact the amount of light between the two buildings. He also stated that since the building height was based on the mean calculation between the ridge and the eave, a

building height increase of three feet based on that calculation would end up being an increase of much more in reality. He added that, even though the proposal was supported by the University Hills trustees, the proposal would diminish the value of houses to the east in University Heights 3.

Mr. Naylor showed an aerial view of the subject property and surrounding area and stated the distance between the proposed garage and the neighbor's dwelling would result in much less impact than he had stated.

Paul and Anne Gill, owners of the subject property, addressed the Board members and stated their intent was to maintain the same architecture as the existing dwelling and that during the summer and spring it would be difficult to see the proposed garage due to the amount of foliage surrounding the property.

Mr. Skrainka requested to withdraw his objections.

Board members discussed the height of the proposed garage and if the same roof pitch was maintained, the height was dependent on the depth of the garage. If the layout of the garage was revised to reduce the depth it would not be necessary to build it to 18 feet. Board members discussed the standards for granting variances and whether or not a hardship had been demonstrated rather than the request being a result of actions by the property owners.

The variance was approved by a vote of 5 to 0 with the condition that the maximum height allowed for the proposed garage was 15.75 feet.

3. Election of Officers

Mr. Marentette made a motion for Mr. Solodar to continue serving as Chairperson. The motion was seconded by Ms. Arbogast and carried unanimously.

Ms. Holly made a motion for Ms. Arbogast to continue serving as Vice-Chairperson. The motion was seconded by Mr. Marentette and carried unanimously.

4. Adjournment

The meeting adjourned at 7:40 p.m.

**Plan Commission
May 27, 2015 Meeting Minutes
(approved 10-28-2015)**

The Plan Commission held their regular meeting at the Heman Park Community Center located at 975 Pennsylvania Avenue, University City, Missouri on Wednesday, May 27, 2015. The meeting commenced at 6:30 pm.

1. Roll Call

Voting Members Present

Linda Locke (Chairperson)
Cirri Moran (Vice-Chairperson)
Michael Miller
Rick Salamon
Rosalind Williams
Samuel Jones

Voting Members Absent (excused)

Andrew Ruben

Non-Voting Council Liaison Present

Michael Glickert

Staff Present

Andrea Riganti, Director of Community Development
Ray Lai, Deputy Director of Community Development
Zach Greatens, Planner

2. Approval of Minutes

2.a. April 22, 2015 Plan Commission Study Session

A motion was made by Mr. Salamon to approve the April 22, 2015 study session minutes. The motion was seconded by Mr. Jones and carried unanimously.

2.b. April 22, 2015 Plan Commission meeting

Ms. Moran stated she had asked a question during the discussion about the Zoning Text Amendment that was not reflected in the minutes. The question was about any projects that were waiting on the approval of the proposed Text Amendments in order to move forward. She asked that it be included in the minutes. A motion was made by Mr. Salamon to approve the amendment to the minutes as stated. The motion was seconded by Ms. Williams and carried unanimously. A motion was made by Mr. Salamon to approve the April 22, 2015 meeting minutes as amended. The motion was seconded by Mr. Miller and carried unanimously.

3. Public Hearings – None

4. Hearings – None

5. Old Business – None

6. New Business

6.a. Zoning Map Amendment – PC 15-04 – 7505 Pershing Avenue and 415 N. Hanley Road – Proposal to rezone property from “SR” – Single Family Residential District to “MR” – Medium Density Residential District

Mr. Greatens explained the proposed rezoning and provided background information including pictures and maps.

The applicants, Mr. Scott Mehlman and Mr. Blair Mehlman with Mehlman Brothers Development, LLC, and the project architect, Mr. Tyler Stephens with Core 10 Architects, were all present to explain the request. Mr. Blair Mehlman stated that the proposal to rezone the property from “SR” to “MR” was for the development of a 12-unit luxury condo building with a mix of two and three bedroom units. There was a strong market for condos in this area. The building would likely be brick with as much landscaping as possible.

Questions, Comments, and Discussion

- Would 7511 Pershing Avenue be a part of the proposed redevelopment? Mr. Mehlman stated that it was not.
- Was there any consideration for subdividing 415 Hanley in to two 50-foot wide lots for single-family dwellings? Mr. Mehlman stated at this corner the best use was multi-family to complement the multi-family residential development across Pershing Avenue to the south, not single family.
- Commission members discussed parking and proposed curb-cuts. Mr. Stephens stated that 24-space parking area would be partially underground, below the condo units, and the curb-cut would be off Hanley Road, as far north as possible from the intersection at Pershing Avenue.
- Commission members discussed setbacks and lot sizes. Mr. Stephens explained that the setback from the adjacent single-family residential property was 25 feet under the “MR” District regulations. The lot size would be in conformance with the Zoning Code.

Although this was not a public hearing, the Chairperson opened the meeting to public comments:

Ms. Stevie Werner, 212 Linden Avenue, was concerned about parking in the area and potential impact the proposed development would have on parking.

Mr. Frank Leahy, owner of 7511 Pershing, stated he was not against the proposed rezoning. He had some concerns about the impact on parking in the area. Mr. Leahy also pointed out that there was a shared driveway between 7505 Pershing and his property. He also wanted to make sure the proposed rezoning would not increase his taxes.

Mr. Nick Kalist, 421 N. Hanley, asked if a study had been completed to determine the impact the proposal would have on surrounding property values. He was concerned about the future location of the driveway onto Hanley, which already has a high amount of traffic. He asked about the 25 foot setback and if it would be green space. He asked where construction parking would be located.

Staff stated that his concerns were more applicable to the Site Plan process and he should follow up with staff when that time comes.

Mr. Stephens stated that the 25 foot setback from single-family residential property was a requirement in the Zoning Code and construction fencing would also be required during construction. He added that the proposal was for condominiums rather than apartments so there would not be a detrimental impact on property values.

Mr. Richard Byers, president of the Oaks Condominium Association (development to the south of Pershing Avenue) inquired about the proposed building type and had concerns about parking on Pershing Avenue, especially for service vehicles (UPS, plumber, electrician, etc.) and guest parking.

Mr. Mehlman explained the proposed parking garage location and layout. The proposed development would provide access to units with internal hallways and parking would be partially underground.

Staff recommended approval of the proposed Map Amendment.

A motion was made by Ms. Moran to approve the proposed Zoning Map Amendment to rezone the properties at 7505 Pershing Avenue and 415 N. Hanley Road from “SR” – Single Family Residential District to “MR” – Medium Density Residential District. The motion was seconded by Mr. Salamon and carried unanimously.

The Chairperson stated that the official public hearing would be conducted at an upcoming City Council meeting.

6.b. Zoning Map Amendment – PC 15-05 – 7511 Pershing Avenue – Proposal to rezone property from “SR” – Single Family Residential District to “MR” – Medium Density Residential District

Mr. Greatens explained the proposed rezoning and provided background information including pictures and maps.

Questions, Comments, and Discussion

- Plan Commission members asked about conformity with the Zoning Code. Staff stated that the proposed rezoning would bring the property into conformance.

Staff stated that the proposed Map Amendment was initiated by the City after PC 15-04 was proposed in order to bring the property into compliance and to be consistent with the adjacent property to the north and east if that rezoning were to be approved.

A motion was made by Mr. Miller to approve the proposed Zoning Map Amendment to rezone the property at 7511 Pershing Avenue from “SR” – Single Family Residential District to “MR” – Medium Density Residential District. The motion was seconded by Mr. Jones and carried unanimously.

6.c. Zoning Map Amendment – PC 15-06 – 1052, 1056, 1060, 1064, 1068, 1072, 1076, 1080, 1084, 1086, 1088, 1090, 1092, 1094, 1100, 1106, 1110, 1114, 1118, 1122, 1126, 1130, 1134, 1138, 1142, 1146, 1150, and 1158 Wilson Ave – Proposal to rezone property from “SR” – Single Family Residential District to “PA” – Public Activity District

Mr. Greatens provided an overview of maps and pictures of the properties and explained the “PA” – Public Activity District regulations.

Questions, Comments, and Discussion

- Commission members asked about the status of 1138 Wilson Avenue, one of the two properties not owned by the City. The other properties along the east side of Wilson Avenue were acquired through a FEMA grant. Staff stated that while there may be additional funds in the future, it was a complex matter.

- There was discussion about the existing single-family dwelling (1052 Wilson) and if it could be rebuilt under the “PA” – Public Activity District. Staff stated that it could be rebuilt and it would have to comply with the floodplain regulations. Staff reached out to the property owner and invited them to the Plan Commission meeting.

Staff recommended approval of the proposed rezoning.

A motion was made by Mr. Salamon to approve the map amendment to rezone the 28 properties on the east side of Wilson Avenue from “SR” – Single Family Residential District to “PA” – Public Activity District. The motion was seconded by Ms. Moran and carried unanimously.

7. Other Business

7.a. Public Comments

There were no additional public comments.

8. Reports

8.a. Code Review Committee Report

Mr. Lai stated that a Code Review Committee (CRC) meeting would be scheduled in June to review revisions to the landscape buffer and screening regulations. Staff would be contacting the CRC members to schedule the meeting.

8.b. Comprehensive Plan Committee Report

Mr. Lai stated that the consultants would be in University City to meet with the Comprehensive Plan Advisory Committee (CPAC) next week on Tuesday, June 2. The CPC members and other Plan Commission members were welcome to attend that meeting.

8.c. Council Liaison Report

Mr. Glickert stated that budget approval would be completed next month. Fair U City was also coming in June. He added that the properties involved in the Wilson Avenue rezoning provided an opportunity for additional greenway use in the City, but flooding was still an issue in other parts of University City that would need to be addressed.

8.d. Department Report – None

9. Adjournment

The meeting adjourned at 7:40 pm.

**IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI**

STATE OF MISSOURI,)	
ex rel., Michelle Welsch, Stephen Kraft,)	
Michael Glickert, Paulette Carr,)	
Arthur Sharpe Jr. and Rod Jennings,)	
)	Case No.:
Relators/Plaintiffs,)	
)	Division:
v.)	
)	
)	
Terry Crow,)	
)	
Respondent/Defendant)	

PETITION IN QUO WARRANTO

This action in Quo Warranto is brought to remove from office a member of the City Council of University City for misconduct of his official duties while holding office. Jurisdiction is vested in this Court by virtue of Article V, Section 5 of the Constitution of the State of Missouri and Section 531.010 RSMo. Councilmember Terry Crow has engaged in practices which disqualify him from holding office on the City Council of University City. As grounds for this Petitioner Relators' state as follows:

FACTS COMMON TO ALL COUNTS

Michelle Welsch, Stephen Kraft, Terry Crow, L. Michael Glickert, Paulette Carr, Arthur Sharpe Jr., and Rod Jennings are councilmembers of the City Council of University City, Missouri, a Charter City located within the boundaries of St. Louis County (hereinafter the "City").

With this Petition these councilmembers are officially informing the Prosecuting Attorney, Robert McCulloch, that they are duly elected members of the City Council of

University City and have a direct interest in the matters set forth herein have received his permission to file this suit.

Respondent Terry Crow (hereinafter “Crow”) is an elected councilmember of Ward 1 of the City Council of University City who is alleged to have committed the malfeasance.

The City of University City was in negotiations for two (2) years with Local 2665 of the Professional Fire Fighters of Eastern Missouri, (hereinafter the “Union”) and has been repeatedly sued by the Union for various causes.

COUNT I

MALFEASANCE

1. On or about February 20, 2014, Respondent, requested the City Manager to direct the City Attorney to prepare a confidential written opinion relating to the Union, (see **Exhibit 1**).
2. At the time the Opinion was requested, the City was in direct negotiations with the Union concerning the Collective Bargaining Agreement and was involved in one lawsuit with the Union.
3. On or about February 21, 2014, Respondent forwarded the confidential opinion written by the City Attorney at his request to Kurt Becker, Vice President of Firefighters’ Union Local 2665.
4. Disclosure of the confidential opinion via **Exhibit 2** has placed the City at a disadvantage in this and future lawsuits and could potentially cause monetary damages to the City.
5. Although the legal opinion conveyed by e-mail was marked confidential and was a confidential document under the Sunshine Law Section 610.021 (1) RSMO (which is

attached hereto as **Exhibit 3** and made a part hereof) it is the common understanding of Council that confidential legal opinions should remain confidential within the Council but Respondent surreptitiously transmitted the confidential Opinion to the Union.

6. This action taken was in direct violation of University City Council Rules of Order and Procedure, Section XI, Rule 37, which states as follows: "Contents of executive sessions and confidential memos must be kept confidential." (which is attached hereto as **Exhibit 4** and made a part hereof).
7. Respondent's actions described above were done willfully and maliciously and were intended to disadvantage the City in its negotiations with and in lawsuits related to the Union.

WHEREFORE, Relator prays that a preliminary order in Quo Warranto be issued out of this Court requiring Respondent to file a Response or Answer directly to this Petition stating reasons why Respondent should not be removed from the Office of councilmember, thereafter hold a hearing and thereafter, after consideration of the evidence presented, issue a permanent Order declaring that Respondent forfeit his right to hold office and that the Office of councilmember be declared vacant, for costs of this action and for such other and future relief as the court shall deem appropriate.

COUNT II

VIOLATION OF THE PUBLIC TRUST

8. For Count II of Relators' Petition Relator realleges these allegations contained in Paragraphs 1 through 7 as if fully restated herein.

9. Upon information and belief, Respondent may have received campaign contributions and other remunerations in exchange for his complicity in disclosing confidential information which could be damaging to the City.
10. The actions of Respondent as described herein are in direct violation of Sections R.O. 2011 Charter Art. II SS 12; Ord. No. 4389 SS 3, Ord. No. 4962, SS 5, ord. No. 5211, SS 3; Ord. No. 5736, Prop. No. 9, 4-3-1990 of the Charter of University City, which reads as follows:
1. Except for the purpose of inquiry, the council and its members shall deal with the administrative officers and the city employees solely through the city manager. Neither the council nor any of its members shall give orders to any subordinate of the city manager, either publicly or privately. Neither the council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the city manager or any of the city manager's subordinates, or in any manner take part in the appointment or removal of officers and employees, in the administrative service of the city.
 2. If any councilmember or the mayor has a personal or private interest in any measure or bill pending before the council, that person shall reveal the existence of an intent and absent themselves from the discussion and vote on the measure or bill or file a written report of the nature of the interest with the city clerk prior to passing on the measure or bill.
 3. Any person who willfully violates the requirements of this section shall forfeit his office and in addition thereto shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be subject to a fine not exceeding one thousand dollars.
11. Violation of this Section of the City Charter (a copy of the City Charter in its entirety is attached hereto as **Exhibit 5**, and hereto made a part thereof) results in forfeiture of Respondent's claim or title to his position as a member of the City Council and states that, if proven, such actions constitute a crime (misdemeanor) punishable by a fine not exceeding \$1000.00 or one year in jail.
12. Said violation was done knowingly and deliberately by Respondent.

WHEREFORE, Relator prays that a preliminary order in Quo Warranto be issued out of this Court requiring Respondent to file a Response or Answer directly to this petition stating reasons why Respondent should not be removed from the Office of councilmember, thereafter hold a hearing and thereafter, after consideration of the evidence presented, issue a permanent Order declaring that Respondent forfeit his right to hold office and that the Office of councilmember be declared vacant, for costs of this action and for such other and future relief as the court shall deem appropriate.

COUNT III

BREACH OF ETHICAL RESPONSIBILITIES

13. Count III of Relator's Petition Relator realleges the allegations contained in Paragraphs 1 through 12 as if restated herein.
14. Respondent is an attorney licensed in the State of Missouri and is a member of the City Council of University City.
15. The Oath Respondent took when he assumed office is proscribed in the City Charter (a copy of said Oath is attached hereto as **Exhibit 6** and made a part hereof.)
16. The Oath Respondent took when he became a member of the Missouri Bar is set forth in Rule 8.15 of the Supreme Court of Missouri (a copy of said oath is attached hereto as **Exhibit 7** and made a part hereof.)
17. As such Respondent is governed by his oath as an attorney.
18. The actions Respondent has taken, as described herein are violations of both the spirit and the letter of the Oath of Office and the Oath of the Bar.

WHEREFORE, Relator prays that a preliminary order in Quo Warranto be

issued out of this Court requiring Respondent to file a Response or Answer directly to this petition stating the reasons why Respondent should not be removed from the Office of councilmember, thereafter hold a hearing and thereafter, after consideration of the evidence presented, issue a permanent Order declaring that Respondent forfeit his right to hold office and that the Office of councilmember be declared vacant, for costs of this action and for such other and future relief as the court shall deem appropriate.

COUNT IV

INTERFERENCE WITH THE FUNCTIONING OF THE COUNCIL

19. For Count IV of Relator's Petition, Relator's realleges the allegations contained in Paragraphs 1-18 as fully as if restated herein.

20. Respondent's actions as described herein are disrupting and threatening to the proper functions of the City Council of University City because it is imperative that the Council maintain the ability to discuss negotiations and other actions of the City in confidence. Unfettered discussions are impossible when the Councilmembers know their actions will not remain confidential.

21. At least four (4) civil lawsuits have been filed against the City by the Firefighters' Union and two of these are still pending

22. Upon information and belief Respondent has actively cooperated and participated with the Union in an attempt to cause harm to the City.

23. Such collusion with the Union was designed to and does interfere with the lawful operation of the City.

WHEREFORE, Relator prays that a preliminary order in Quo Warranto be

issued out of this Court requiring Respondent to file a Response or Answer directly to this petition stating the reasons why Respondent should not be removed from the Office of Councilmember, thereafter hold a hearing and thereafter, after consideration of the evidence presented, issue a permanent Order declaring that Respondent forfeit his right to hold office and that the Office of Councilmember be declared vacant, for costs of this action and for such other and future relief as the court shall deem appropriate.

Catherine R. Grantham, #57113
225 S. Meramec Avenue STE 512
St. Louis MO 63105
(314) 596-8371 - Cell
(314) 725-1882 - Fax
cgrantham84@hotmail.com

Katie Forster

From: Lehman Walker <lwalker@ucitymo.org>
Sent: Thursday, February 20, 2014 3:16 PM
To: Katie Forster
Subject: FW: New Missouri Law regarding Political Activity

Follow Up Flag: Follow up
Flag Status: Flagged

Please provide me with a brief response to this that I can forward to City Council.

Thank you.



Lehman Walker
City Manager

City of University City, 6801 Delmar Boulevard, University City, MO 63130
P: 314.505.8534 | F: 314.863.9146 | www.ucitymo.org

From: Terry Crow [<mailto:terry@cttlaw.net>]
Sent: Thursday, February 20, 2014 3:13 PM
To: Lehman Walker
Subject: New Missouri Law regarding Political Activity

Lehman,

Could you provide me with an update on what actions the City is taking or has taken to comply with the new Missouri law regarding political activity? Are the City's regulations in compliance with the new Missouri law? I would like for you or Katie to update the council on this either by e-mail or we could put in on the agenda for an upcoming council meeting.

Thanks,

Terry C.

EXHIBIT #1

Wednesday, April 30, 2014 7:31:56 AM Central Daylight Time

Subject: FW: Political Activity of First Responders
Date: Friday, February 21, 2014 8:34:32 AM Central Standard Time
From: Terry Crow
To: Kurt Becker

Does this help? This was not marked confidential. Terry

From: Lehman Walker [mailto:lwalker@ucitymo.org]
Sent: Thursday, February 20, 2014 3:50 PM
To: Arthur Sharpe; Byron Price (creator.price@gmail.com); L. Michael Glickert; Mayor Shelley Welsch; Paulette Carr; Shelley Welsch; Stephen Kraft; Terry Crow
Cc: Joyce Pumm
Subject: FW: Political Activity of First Responders

Please see the information below.



Lehman Walker
City Manager
City of University City, 6801 Delmar Boulevard, University City, MO 63130
P: 314.505.8534 | F: 314.863.9146 | www.ucitymo.org

From: Katie Forster [mailto:kforster@crotzerormsby.com]
Sent: Thursday, February 20, 2014 3:45 PM
To: Lehman Walker
Subject: Political Activity of First Responders

Confidential opinion hidden for public distribution.

EXHIBIT #2

Kathryn B. Forster
Attorney at Law



Crotzer & Ormsby, LLC
130 S Bemiston Ave #602
Clayton, MO 63105
314.726.3040
314.754.0780 (direct)
314.726.5120 (fax)
kforster@crotzerormsby.com

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Missouri Revised Statutes

Chapter 610 Governmental Bodies and Records

• ←610.015 Section 610.020.1

• 610.021→

August 28, 2015

Notice of meetings, when required--recording of meetings to be allowed, guidelines, penalty--accessibility of meetings--minutes of meetings to be kept, content--voting records to be included.

610.020. 1. All public governmental bodies shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by internet chat, internet message board, or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

2. Notice conforming with all of the requirements of subsection 1 of this section shall be given at least twenty-four hours, exclusive of weekends and holidays when the facility is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.

3. A public body shall allow for the recording by audiotape, videotape, or other electronic means of any open meeting. A public body may establish guidelines regarding the manner in which

EXHIBIT #3

such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record, or vote closed pursuant to the provisions of section 610.021 shall be permitted without permission of the public body; any person who violates this provision shall be guilty of a class C misdemeanor.

4. When it is necessary to hold a meeting on less than twenty-four hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

5. A formally constituted subunit of a parent governmental body may conduct a meeting without notice as required by this section during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

6. If another provision of law requires a manner of giving specific notice of a meeting, hearing or an intent to take action by a governmental body, compliance with that section shall constitute compliance with the notice requirements of this section.

7. A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body, including, but not limited to, a record of any votes taken at such meeting. The minutes shall include the date, time, place, members present, members absent and a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote or abstinence if not voting to the name of the individual member of the public governmental body.

(L. 1973 S.B. 1 § 3, A.L. 1982 H.B. 1253, A.L. 1987 S.B. 2, A.L. 1993 H.B. 170, A.L. 1998 H.B. 1095, A.L. 2004 S.B. 1020, et al.)

As per the City Charter, members of Council have the right to communicate with members of staff for the purpose of inquiry. However, whenever possible, Council inquiries should be channeled through the City Manager's office.

Rule 37

Contents of executive sessions and confidential memos must be kept confidential.

Section XII

APPOINTMENTS TO BOARDS AND COMMISSIONS

Rule 38 - A

1. Each Group A Board or Commission appointment will be linked to a specific Council seat. This will be the "appointing Council member". Appointing Council members elected in 2010 (2014, 2018...) will be Ward 1A, Ward 2B, and Ward 3A. Council members elected in 2008 (2012, 2016...) will be Ward 1B, Ward 2A, and Ward 3B. Appointments must conform to any special conditions in the City Ordinance
2. The initial linkage of Board and Commission seats is attached (A).
3. When a Board or Commission seat is vacant, the appointing Council member will have 30 days from the date of the vacancy to make an appointment. If there is no appointment after 30 days, the appointment will be transferred to the other Council member in that Ward. If the seat remains open after an additional 30 days, the appointment will be transferred to the Mayor. The intent of the City Council is that a new appointment to a Board or Commission will be made prior to the expiration of the previous member's term. The above (1, 2, 3) apply to initial appointments
4. It is the intention of the Council that a person serves no more than two terms on the same Board or Commission, except for the Library Board, which allows three terms. The Council Liaison to a Board or Commission can re-appoint a sitting Board or Commission member to a second term. In special circumstances, the re-appointing Council liaison can ask the Council to approve a reappointment for a third term or an extension shorter than a full term.

If the council liaison declines to make a specific re-appointment within thirty days of a vacancy, the seat is declared vacant and the initial appointment process applies.

5. These rules apply to the following (group A) Boards and Commissions:

Building Code Appeals
Plan Commission
Infill Review Board
CALOP
Traffic Commission
Green Practices Committee
Urban Forestry Commission
Historic Preservation Commission
Park Commission
Commission on Human Relations

EXHIBIT #4

The Charter of the City of University City, Missouri***Article I. Incorporation; Form of Government; Powers; Wards****Sec. 1. Incorporation.**

The inhabitants of the City of University City, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of University City".

Sec. 2. Form of government.

The municipal government provided by this Chapter shall be known as a "Council manager government". Pursuant to the provisions of this Charter and subject only to the limitations imposed hereby and by the constitution of Missouri, all powers of the city shall be vested in an elective council, hereinafter referred to as "the council," which shall enact local legislation, adopt budgets, determine policies and appoint the city manager, who shall execute the laws and administer the government of the city.

Sec. 3. Powers of the city.

The city shall have all powers of local self-government and home rule, and all powers possible for a city to have under the constitution and laws of Missouri, or which it would be competent for the legislature to grant; and except as prohibited by the constitution or laws of the state, the city may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. Such powers shall be exercised in the manner prescribed in this Charter, or, if not prescribed herein, in such manner as may be prescribed by the council.

The enumeration of particular powers in this Charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in this article impair a power granted in any other part of this Charter; and whether powers, objects or purposes are expressed conjunctively or disjunctively they shall be construed so as to permit the council to exercise freely any one or more such powers as to any one or more such objects for any one or more such purposes.

Sec. 4. Wards.

The city is hereby divided into three wards, bounded and numbered as the wards of the city now are; provided that from time to time corrected ward boundaries may be established by ordinance, which shall comprise, as nearly as possible, compact and contiguous territory, and contain as nearly as may be an equal number of persons. (Ord. No. 4389, § 3)

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EXHIBIT #5

Article II. The Council and City Officers Generally**Sec. 5. Generally.**

The council shall consist of seven members, each of whom shall be elected for a term of four years. Two councilmembers shall be elected by the qualified voters of each of the three wards of the city, and one who shall be the mayor shall be elected by the qualified voters of the city at large. (Ord. No. 3649, § 1; Ord. No. 5211, § 3)

Sec. 6. Councilmembers—Qualifications.

A councilmember shall be a qualified voter of the city and shall have been a resident thereof for at least three consecutive years immediately prior to his election. Councilmembers elected by wards shall be residents of the wards from which elected. Councilmembers shall hold no other popularly elected public office nor shall they hold any other compensatory position in the city government during their terms. If a councilmember shall cease to be a resident of University City or the ward from which elected, or shall cease to possess any of the above qualifications, or shall be convicted of a felony, malfeasance in office, bribery, or other corrupt practice, or of a crime involving moral turpitude, the councilmember's office shall immediately become vacant. (Ord. No. 4389, § 3; Ord. No. 4962, § 5; Ord. No. 5211, § 3)

Sec. 7. Same—Compensation.

Compensation of the councilmembers shall be the sum of two thousand four hundred dollars (\$2,400) in any twelve consecutive months during his or her term of office, and compensation of the mayor shall be the sum of four thousand eight hundred dollars (\$4,800) in any twelve consecutive months during his or her term of office. (Ord. No. 3649, § 4; Ord. No. 4389, § 3; Ord. No. 5211, § 3; Ord. No. 6048, § 1, approved 4-2-96)

Sec. 8. Mayor as presiding officer; mayor generally.

The councilmember elected at large shall preside at all meetings of the council, and shall have the title of mayor. He shall be recognized as the head of the city government for all ceremonial purposes, and by the governor for purposes of military law, but shall have no administrative duties. During the absence of the mayor or his inability to act for any reason, the council shall choose one of its members as chairman pro tempore, who shall perform the duties of the mayor. (Ord. No. 3649, § 1; Ord. No. 5211, § 3)

Sec. 9. Rules of order; journal; quorum, etc.

The council shall determine its own rules and order of business. It shall keep a journal of its own proceedings, which shall be open to public inspection. It shall be the judge of the election returns and qualifications of its members, and may punish its members for disorderly behavior. A majority thereof shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the council may provide. The affirmative vote of a majority of the members of the council shall be necessary to adopt any ordinance. The "ayes" and "nays" on any question shall, at the request of any member, be entered in the journal, and the "ayes" and "nays" shall be recorded on the final passage of every ordinance. Every member when present must vote.

Sec. 10. Vacancies in council.

Vacancies in the council including that of mayor shall be filled within sixty days by the council. Said appointment shall run to the next April election at which time a successor shall be elected for the unexpired term. In the event the council is unable to agree within sixty days, then a special election shall be held to fill the vacancy until the next regular municipal election. (Ord. No. 3649, § 1; Ord. No. 4389, § 3; Ord. No. 5211, § 3)

Sec. 11. Appointment, term and removal of city manager.

The council shall appoint an officer who shall have the title of "city manager" and who shall have the powers and perform the duties provided in this Charter. No councilmember shall receive such appointment during the term for which he shall have been elected nor within one year after the expiration of his term. The appointment

of the city manager shall be for an indefinite term, and he may be removed by vote of a majority of the entire council; provided, however, that the council shall deliver to the city manager a written statement setting forth the reasons for his removal; and the city manager shall have fifteen days to reply thereto in writing, and upon his request shall be afforded a public hearing. After such public hearing, the council shall take final action. (Ord. No. 5211, § 3; Corrected during 1998 codification)

Sec. 12. Interference, etc., with administrative officer and employees; penalty.

(1) Except for the purpose of inquiry, the council and its members shall deal with the administrative officers and the city employees solely through the city manager. Neither the council nor any of its members shall give orders to any subordinate of the city manager, either publicly or privately. Neither the council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the city manager or any of the city manager's subordinates, or in any manner take part in the appointment or removal of officers and employees, in the administrative service of the city.

(2) If any councilmember or the mayor has a personal or private interest in any measure or bill pending before the council, that person shall reveal the existence of an intent and absent themselves from the discussion and vote on the measure or bill or file a written report of the nature of the interest with the city clerk prior to passing on the measure or bill.

(3) Any person who wilfully violates the requirements of this section shall forfeit his office and in addition thereto shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be subject to a fine not exceeding one thousand dollars. (Ord. No. 4389, § 3; Ord. No. 4962, § 5; Ord. No. 5211, § 3; Ord. No. 5736, Prop. No. 9, 4-3-90)

Sec. 13. Creation, etc., of offices, etc.

Upon recommendation of the city manager, the council, by ordinance, may create, change and abolish offices, departments or agencies, or any functions thereof other than those prescribed by this Charter; and may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

Sec. 14. City clerk.

The council shall elect an officer who shall have the title of "city clerk," and who shall keep the journal of its proceedings, and authenticate by his signature and record, in a book kept for that purpose, all ordinances and resolutions; and he shall perform such other duties as may be required by the Charter or by the council.

Sec. 15. Council meetings.

The council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month. (Ord. No. 4962, § 5)

Sec. 16. Legislative proceedings generally.

In the transaction of legislative business the council shall act only by ordinance. Every ordinance shall be by bill, which shall be in written or printed form, and the enacting clause thereof shall be: "Be it ordained by the Council of the city of University City." No bill, except those making appropriations and those codifying or rearranging existing ordinances, shall relate to more than one subject, which shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject matter of the appropriation. All bills shall be read three times before final passage, not more than two of which readings shall be at the same legislative session; and at least one week shall elapse between the introduction and final passage of any bill, except in the case of an emergency bill. An emergency ordinance may be enacted upon the day of the introduction of the bill, provided that it contain the statement that an emergency exists and specify distinctly the facts and reasons constituting the emergency. The unanimous vote of all members of the council present shall be required to pass an emergency ordinance.

Every bill introduced shall be filed with the city clerk on the day of its first reading and shall remain on file in his office for public inspection until it is finally adopted or fails of passage. Prior to the final passage of any bill, other than an emergency bill, all persons interested therein shall be given an opportunity to be heard before the council, in accordance with such rules and regulations as the council may adopt. After the third reading of any bill and compliance with the other provisions herein, the council may finally pass the bill with or without amendment, except that if it shall make an amendment which constitutes a change in substance, the bill as amended shall be filed in the office of the city clerk for one additional week, and an opportunity afforded for a

public hearing as hereinabove provided, after which final action may be taken thereon.

An ordinance, when passed by the council, shall be signed by the presiding officer and attested by the city clerk, shall be immediately filed and thereafter preserved in the office of the city clerk, and, except as otherwise provided herein, shall be subject to the permissive referendum as provided in Article X of this Charter. Unless otherwise specified, every ordinance shall become effective upon final passage; and, if the ordinance be submitted at a referendum election, then upon the favorable vote of a majority of those voting thereon.
(Corrected during 1998 codification)

Sec. 17. Powers of the council.

Without limitation of the powers conferred upon the city in section 3 of Article I, or by any other provision hereof, the council shall have power by ordinance not inconsistent with this Charter to:

- (1) Taxation. Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation; provide for penalties for delinquency thereof; and adopt such classifications of the subjects and objects of taxation as may not be contrary to law;
- (2) Public services, etc. Furnish all public services; purchase, hire, construct, own, maintain, and operate or lease public utilities; acquire, by condemnation or otherwise within or without the corporate limits property necessary for any such purposes; and grant public utility franchises and regulate the exercise thereof;
- (3) Public improvements. Make public improvements and acquire, by condemnation or otherwise, property within or without the corporate limits necessary for such improvements;
- (4) Adoption, etc., of standard codes, etc. Adopt police, sanitary, safety and other similar regulations not inconsistent with general laws, and provide for their enforcement, and to this end to adopt by reference standard codes prepared and promulgated by any nationally recognized authority, such as a building code, plumbing code, electrical code, traffic code, zoning code, or other similar standard codes or ordinances without setting out such codes verbatim in an ordinance.
- (5) Expenditures generally. Expend the money of the city for all lawful purposes;
- (6) Issuance of bonds, etc. Issue and give, sell, pledge or in any manner dispose of, negotiable or non-negotiable, interest bearing or non-interest bearing bonds or notes of the city, upon the credit of the city, or solely upon the credit of specific property owned by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two or more of such credits;
- (7) Condemnation of property. Condemn private property, real or personal, or any easement or use therein for public use within or without the city;
- (8) Ownership of property, etc., generally. Take and hold property within or without the city upon trust and administer trusts;
- (9) Acquisition, maintenance, etc., of public buildings, etc. Acquire, provide for, construct, operate, regulate and maintain all kinds of public buildings, structures, markets, places, parking lots and improvements; and sell, lease, mortgage, pledge or otherwise dispose thereof;
- (10) Collection and disposal of sewage, garbage, etc. Collect and dispose of sewage, offal, ashes, garbage and refuse, or license and regulate such collection and disposal;
- (11) Zoning. Prescribe limits within which businesses, occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;
- (12) Weights and measures. License and inspect weights and measures; and inspect, test, measure and weigh any article of consumption or use within the city;
- (13) Regulation of buildings, etc., generally. Regulate the construction and materials of all buildings and structures and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary prevent the use thereof and require any alterations or changes necessary to make them healthful, clean and safe;
- (14) Streets, sidewalks, sewers, etc., generally. Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds and squares, bridges, viaducts, subways, tunnels, sewers and drains and regulate the use thereof.
- (15) Railroad crossings. Abolish or prevent grade crossings and provide for safe crossings and compel any street, steam, electric railroad or other transportation company or companies affected thereby to pay all or a part of the cost thereof;
- (16) Surplus city funds. Invest the surplus funds of the city, from whatever source derived, in anything that is not prohibited by the statutes of the State of Missouri.

(17) City limits. Extend or diminish the limits of the city by ordinance subject to the approval of a majority of the qualified voters, voting thereon at any general or special election;

(18) Suppression of nuisances, etc. Suppress nuisances and do all things whatsoever expedient for promoting or maintaining the comfort, education, morals, safety, peace, government, health, welfare, trade, commerce or industry in or of the city or its inhabitants;

(19) Enforcement of ordinances, etc. Enforce any ordinance, rule or regulation by means of fines, forfeitures, penalties and imprisonment, or by action or proceeding in its own courts or in any other court of competent jurisdiction or by any one or more of such means, and impose costs as a part thereof;

(20) Licensing, taxation and regulation of business, etc.—Generally. License, tax and regulate all businesses, occupations, professions, vocations, activities or things whatsoever set forth and enumerated by the statutes of this state now or hereafter applicable to cities of the first, second, third or fourth class, or of any population group, and which any such cities are now or may hereafter be permitted by law to license, tax and regulate;

(21) Same—Additional provisions. License, tax, regulate or suppress all businesses, occupations, professions, vocations, activities or things whatsoever set forth and enumerated by the statutes of this state now or hereafter applicable to cities of the first, second, third or fourth class, or of any population group, and which any such cities are now or may hereafter be permitted by law to license, tax, regulate or suppress;

(22) Compelling attendance of witnesses, etc. Compel, by the issuance of process, the attendance of witnesses and the production of papers and records relating to any subjects under investigation in which the interest of the city is involved, and call upon the proper officers of the city or county to execute such process. (Ord. No. 3649, § 2; Ord. No. 5736, Prop. No. 10, 4-3-90)

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Article III. The City Manager Generally**Sec. 18. Qualifications; term of office; vice-manager.**

The city manager shall be chosen on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in the duties of his office. He may or may not be a resident of the city at the time of his selection, but shall live therein during his tenure of office. He shall be appointed for an indefinite term, subject to discharge as herein provided, and shall devote his entire time to the duties of his office. He shall designate a department director as vice-manager to perform the duties of the city manager in the event of his absence or disability.

Sec. 19. Powers and duties.

The city manager shall be the chief administrative officer of the city and shall be responsible to the council for the proper administration of all the city's affairs. To that end he shall have power and shall be required to:

- (1) City officers and employees. Appoint and, when necessary for the good of the service, remove all officers and employees of the city except as otherwise provided by this Charter;
- (2) Annual budget. Prepare the budget annually and submit it to the council and be responsible for its administration after adoption;
- (3) Annual report. Prepare and submit to the council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the city for the preceding year;
- (4) Advice, etc., to council. Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem to him desirable;
- (5) Enforcement of laws, etc. Enforce all laws and ordinances and see that all contracts and franchises are faithfully performed;
- (6) Additional duties. Perform such other duties as may be prescribed by this Charter or required of him by the council, not inconsistent with this Charter. (Ord. No. 4962, § 5)

Article IV. Administrative Service Generally**Sec. 20. Administrative departments and agencies.**

The council may establish administrative departments, boards and commissions in addition to those created by this Charter and may prescribe the functions of all departments, boards and commissions, except that no function assigned by this Charter to a particular department, board or commission may be discontinued or, unless this Charter specifically so provides, assigned to any other department, board or commission. (Ord. No. 4962, § 5)

Sec. 21. Directors of departments.

As the head of each department, there shall be a director, who shall be an officer of the city and shall have supervision and control of the department, subject to the city manager. The city manager may designate the same individual as a director of two or more departments and may require the director of a department to serve as head of one or more divisions. (Ord. No. 4962, § 5)

Sec. 22. Powers and duties of boards, etc.

All boards and commissions shall have such powers and perform such duties as are prescribed by law or by this Charter; and if not prescribed, then such as may be prescribed by ordinance.

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Sec. 21. - Directors of departments.

Sec. 22. - Powers and duties of boards, etc.

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All boards and commissions shall have such powers and perform such duties as are prescribed by law or by this Charter; and if not prescribed, then such as may be prescribed by ordinance.

Article V. The City Court**Sec. 23. Generally.**

There shall be a city court which shall have jurisdiction to hear and determine any cases arising under this Charter or the ordinances of the city. Any party aggrieved by any judgment rendered by the city court shall have the right to appeal therefrom to the circuit court of St. Louis County in such manner as may be provided by ordinance. The city court may punish contempts of court by a fine not exceeding fifty dollars or by imprisonment not exceeding ten days, or both, enforce its orders and judgments as a court of record may, and render final judgment of any forfeited bond or recognizance returnable to such court subject to appeal as in other cases. (Ord. No. 3649, § 3)

Sec. 24. Judge.

The city court shall be presided over by a judge, who shall be a resident of this city and a licensed member of the bar of this state, appointed by the city manager for a term of two years, but who shall be removable by the city manager at any time for cause with the consent of the council. He shall receive such compensation as may be fixed by ordinance. Whenever the judge is absent or unable to act, the city manager shall appoint an eligible person to act during such absence or disability. The court shall be held in such places as the city manager may direct. (Corrected during 1998 codification; Ord. No. 5211, § 3)

Sec. 25. Bailiff.

The chief of police and his subordinates shall serve as the bailiff and deputy bailiffs of the city court and enforce its orders, judgments and decrees. (Ord. No. 5736, Prop. No. 11, 4-3-90)

Sec. 26. Reserved.

Editor's note--Former § 26 was repealed by Ord. No. 5211.

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Article VI. Department of Finance and Fiscal Administration Generally**Sec. 27. Director of finance.**

The city manager shall be the director of finance, unless otherwise provided by the council, in which event the director shall be appointed by the city manager. He shall have knowledge of municipal accounting and taxation and shall have experience in budgeting and financial control. He shall provide a bond, furnished by an accredited surety company acceptable to the council in such amount as the council may require, the cost of which shall be paid by the city. He shall have charge of the administration of the financial affairs of the city, subject to the supervision and direction of the city manager, and to that end he shall have authority and be required to:

- (1) Compile both the current expense and capital estimates for the budget for the city manager.
- (2) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to insure that budget appropriations are not exceeded.
- (3) Maintain a general accounting system for the city and each of its offices, departments and agencies; exercise financial control over the same; keep such books and records and submit such financial statements to the city manager or council as they may require.
- (4) Collect all taxes, special assessments, license fees, or other revenue or monies due the city from any source whatever, and receive from the various departments or agencies all fees or revenue collected by them.
- (5) Deposit all funds coming into his hands in such depositories as may be designated by resolution of the council, or, in the absence of such resolution, by the city manager.
- (6) Make and have custody of all investments of the city's funds, including those held in a fiduciary capacity, under such regulations as the council may prescribe.
- (7) Prescribe the forms of all financial records, receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the city.
- (8) Certify, before any contract, order, or other document has been executed by which the municipality incurs financial obligation, that the expenditure is within the purpose of the appropriation ordinance and the work program contemplated thereby, and that there is an unencumbered balance in the appropriation sufficient to pay the obligation.
- (9) Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city. He shall draw checks and vouchers in payment.
- (10) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city apart from or subsidiary to the accounts kept in his office.
- (11) Perform such other duties as may be imposed by ordinance. (Ord. No. 4962, § 5)

Sec. 28. Purchasing agent.

There shall be a city purchasing agent who, pursuant to rules and regulations established by ordinance, shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the city. The purchasing agent shall also have power and be required to:

- (1) Establish and enforce specifications with respect to supplies, materials and equipment required by the city.
- (2) Inspect or supervise the inspection of all deliveries of supplies, materials and equipment, and determine their quality, quantity and conformance with specifications.
- (3) Have charge of such general storerooms and warehouses as the city may maintain.
- (4) Transfer to or between offices, departments or agencies, or sell surplus, obsolete, or unused supplies, materials or equipment subject to procedures established by the council. (Ord. No. 4962, § 5)

Sec. 29. Purchases, etc., generally— Competitive bidding.

Before the city purchasing agent makes any purchase or contract, or before the city lets any contract for improvements, there shall be given ample opportunity for competitive bidding, under such exceptions as the council may prescribe by ordinance; provided, however, that the council shall not permit the subdivision of

contracts or purchases for the purpose of evading the requirements of competitive bidding.

Sec. 30. General provisions.

(1) No contract to be financed by bonds shall be executed for the acquisition of any property or the construction of any improvement until the issuance of the bonds shall have been duly authorized.

(2) At any time in any fiscal year, upon recommendation of the city manager, the council may, pursuant to this section, make emergency appropriations to meet the pressing need for public expenditures, for other than a regular or recurring requirement, to protect the public health, safety or welfare. The total amount of all emergency appropriations made in any fiscal year shall not exceed five per centum of the total operating appropriation made in the budget for that year.

(3) In any fiscal year, in anticipation of the collections of the property tax for such year, whether levied or to be levied in such year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "tax anticipation note for the year" (stating the fiscal year). Such notes may be issued for periods not exceeding one year, and shall be repaid out of the first taxes collected for such year. The amount of tax anticipation notes issued in any fiscal year shall not exceed fifty per centum of the amount of ad valorem taxes levied in that year for city purposes and other revenue reasonably certain of collection.

(4) No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

(5) All notes issued pursuant to this section of the Charter may be sold at not less than par and accrued interest at private sale upon such terms and conditions as may be authorized by the council.

(6) The power and obligation of the city to pay any and all notes hereafter issued by it pursuant to this section of the Charter shall be unlimited, and the city shall levy ad valorem taxes on all taxable property within the city for the payment of such notes and interest thereon.

Sec. 31. Audits.

There shall be an independent, annual audit of the financial records of all city departments made by a certified public accountant who shall be engaged by the council. The report of such audit shall be completed and submitted to the council not later than the sixtieth day after the close of the fiscal year. (Ord. No. 5211, § 3)

Sec. 32. Fiscal year.

The fiscal year of the city shall begin on the first day of July and shall end on the last day of June of each year. Such fiscal year shall also constitute the budget year.

Sec. 33. Budget--Preparation of budget.

The city manager, not later than May first of every year, shall submit to the council a budget for the following fiscal year, accompanied by such explanatory budget message as is advisable. For such purpose estimates of revenue and expenditure shall be obtained from the head of each office, department or agency, detailed by organization units and character and object of expenditure. He shall obtain in addition an estimate of all capital projects pending or which each department head believes should be undertaken within the fiscal year, and within the five next succeeding years. Composition of the budget shall include comparative figures for the three next preceding years. Estimates so submitted shall be reviewed by the city manager and revised as he deems advisable. The budget and a budget message and all supporting schedules shall be a public record in the office of the city clerk and open to inspection. The city manager shall cause sufficient copies to be prepared for distribution to interested persons. (Ord. No. 5211, § 3)

Sec. 34. Same--Public hearing.

At the meeting of the council at which the budget and the budget message are submitted, the council shall determine the time and place for one or more public hearings on the budget, not less than ten days thereafter, and the city clerk shall immediately provide by advertisement or otherwise for general notice to the public of such hearings. At the time and place of such public hearings, or at the time and place to which the same may from time to time be adjourned, all interested persons shall be given an opportunity to be heard. (Ord. No. 5736, Prop. No. 12, 4-3-90)

Sec. 35. Same--Adoption.

After the conclusion of the public hearing the council may insert new items or may increase or decrease the items of the budget, except for specified fixed expenditures. The council may not vary the titles, descriptions or method of expenditure specified in the budget. Where it shall increase the total proposed expenditures, the council shall also increase the total anticipated revenue to at least equal such total proposed expenditures. The budget shall be adopted by the favorable votes of a majority of the council not later than twenty-seventh day of June prior to the commencement of the fiscal year. Should the council fail to take action by this date, the budget as submitted shall be deemed to have been finally adopted. Immediately after the budget is finally adopted the necessary tax levy ordinance shall be passed. Upon final adoption of the budget, it shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be printed, mimeographed, or otherwise reproduced, and sufficient copies thereof shall be made available for the use of all offices, departments and agencies and for the general use of financial institutions, civic organizations and other interested persons. From the effective date of the budget the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named. (Ord. No. 5736, Prop. No. 13, 4-5-90)

Sec. 36. Expenditures—Generally.

Proposed expenditures shall be itemized in such form and to such extent as shall be provided by law, and, in the absence of such provision, by regulations established by ordinance. Separate provisions in the budget shall include at least the following:

- (1) Interest, amortization and redemption charges on the public debt for which the faith and credit of the city is pledged.
- (2) Other statutory expenditures.
- (3) The payment of all judgments.
- (4) The amount by which the total receipts of miscellaneous revenue in the last completed fiscal year failed to equal the total of the budget requirements from such sources in that year.
- (5) An amount equal to the aggregate of all emergency notes which it is estimated will be outstanding at the end of the current year.
- (6) An amount equal to the deficit arising from the operation of any city owned public service enterprise.
- (7) An amount equal to the estimates of expenditure necessary for the administration, operation and maintenance of each office, department or agency of the city, itemized by character and object of expenditure.
- (8) Contingent expense in an amount not to exceed five per centum of item 7 above.
- (9) Expenditures for proposed capital projects as provided in this Charter.

Sec. 37. Same—Limited to budget.

Any officer or head of any department or agency of the city who shall approve for payment any expenditure in excess of the amount provided for in the budget effective shall forfeit his office and in addition thereto shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be subject to a fine not exceeding five hundred dollars.

Sec. 38. Transfer of unexpended appropriations.

The council may, by resolution at any time upon recommendation of a department head through the city manager, transfer any unencumbered appropriation balance or portion thereof, from one classification of expenditures to another within an office, department or agency. At the request of the city manager, the council may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another. No transfer shall be made of specified fixed appropriations. (Ord. No. 5736, Prop. No. 14, 4-3-90)

Sec. 39. Incurring indebtedness generally— Authority.

The city may incur indebtedness and issue its negotiable bonds in evidence thereof for any purpose which may be authorized hereunder, or which may be authorized by the laws of the State of Missouri.

Sec. 40. Same—Certain specific purposes enumerated.

Some of the purposes, hereby specifically authorized for which the bonds of the city may be issued and given, sold, pledged or disposed of on the credit of the city, or solely upon the credit of specific property owned by the city, or solely upon the credit of income derived from the property used in connection with any public utility owned or operated by the city or upon any two or more such credits, are the following:

(1) For the acquiring of land; for the purchase, construction, reconstruction or extension of waterworks, public sewers, buildings and equipment for the police and fire departments, equipment for the collection and disposal of garbage and refuse, bridges and viaducts, subways, tunnels, railroads, street railroads, terminals for bus, air or railroad travel, warehouses, gas or electric light systems, power plants, telephone and telegraph systems, radio broadcast and reception, or any other public utility;

(2) For hospitals, insane asylums, orphan asylums, poorhouses, industrial schools, jails, workhouses, and other charitable, corrective and penal institutions;

(3) For public buildings, golf courses, swimming pools, recreational facilities, parks, parkways, streets, boulevards, grounds, squares and river or other public improvements which the city may be authorized or permitted to make;

(4) For paying, refunding or renewing any bonded indebtedness of the city, and for the establishment of a local improvement fund to be used for the purpose of paying cash for local improvements, such fund to be replenished from time to time by the payment into it of the proceeds of special assessments made on account of such local improvements.

The foregoing enumeration shall not be construed to limit any general provision of this Charter authorizing the city to borrow money or issue and dispose of bonds, and such general provisions shall be construed according to the full force and effect of their language as if no specific purposes had been mentioned; and the authority to issue such bonds for any purpose aforesaid is cumulative and shall not be construed to impair any authority to make any public improvements under any provision of this Charter or of any law.

Sec. 41. Election for issuance of bonds—Vote required.

No bonds, except bonds for paying, renewing or refunding bonded indebtedness, shall be issued without the assent of two-thirds of the qualified electors of the city voting thereon at an election held for that purpose; provided, however, that the city, by a vote of four-sevenths of the qualified electors thereof voting thereon, may issue and sell its negotiable interest bearing bonds for the purpose of paying all or part of the cost of purchasing, constructing, extending or improving any revenue producing water, gas or electric light systems, heating or power plants, or airport, to be owned exclusively by the city, the cost of operation and maintenance and the principal and interest of the bonds to be payable solely from the revenue derived by the municipality from the operation of such utility. Provided however, the two-thirds vote required for bond indebtedness and four-sevenths vote required for revenue bonds shall be changed to the vote required from time to time by the Constitution or any statute of the State of Missouri. (Ord. No. 5946 § 3, 2-7-94 approved 4-5-94)

Sec. 42. Same—Conduct of election.

Notice of any such election shall be given, and such election shall be held, conducted, and the returns thereof made, canvassed and declared in the manner provided by the Constitution and laws of the State of Missouri.

Sec. 43. Same—Debt statement to be filed, etc.

Prior to the adoption of an ordinance calling or providing for the holding of an election at which any question of the incurring of any indebtedness shall be submitted, the director of finance shall prepare, swear to and file for public inspection in the office of the city clerk, a special debt statement which shall set forth:

- (1) The aggregate principal amount of all outstanding bonds and notes of the city;
- (2) Deductions, if any, permitted by the Constitution and general laws;
- (3) The amount of existing net indebtedness;
- (4) The amount of net indebtedness after the issuance of the bonds authorized by such bond ordinance;
- (5) The assessed valuation of taxable tangible property within the city as shown by the last completed assessment for state and county purposes; and
- (6) The aggregate principal amount of bonds and notes which the city may issue pursuant to law.

This debt statement, after approval by a majority of the council, shall be published with the notice of the bond election and shall be presumed to be accurate.

Sec. 44. Same—Finality of bond ordinance and election.

When twenty (20) days shall have elapsed after the adoption of an ordinance declaring the result of any election held hereunder:

- (1) Any recitals or statements of fact contained in such ordinance or in the preamble or recitals thereof shall be deemed to be true for the purpose of determining the validity of the bonds and the city and all others interested

shall forever thereafter be estopped from denying the same;

(2) Such ordinance shall be conclusively presumed to have been duly and regularly passed by the city and to comply with the provisions of this Charter and of all laws;

(3) The validity of such ordinance, or of such election, or of the bonds authorized thereby, or of the tax necessary to pay such bonds and the interest thereon, shall not thereafter be questioned by either a party plaintiff or a party defendant, except in a suit, action or proceeding commenced prior to the expiration of such twenty (20) days.

Sec. 45. Limit of indebtedness.

No indebtedness shall be incurred in an amount exceeding any limit imposed by the Constitution and laws of the State of Missouri.

Sec. 46. Annual tax requirements.

Before incurring any indebtedness hereunder, provision shall be made for the collection of an annual tax on all taxable tangible property within the city sufficient to pay the interest on and the principal of the indebtedness as they fall due, and to retire the same within twenty years from the date contracted; provided, however, that the provisions hereof shall not apply in the case of the issuance of revenue bonds as herein defined.

Sec. 47. Sale of bonds.

All bonds issued under this Charter shall be sold at public sale upon sealed proposals after notice published at least once in a newspaper published in St. Louis County, Missouri, such publication to be made at least ten days prior to the date of sale. The director of finance shall mail notices by direct mail to all parties and financial institutions who in his opinion may be interested in the purchase of such bonds.

Sec. 48. Issuance of refunding bonds.

For the purpose of refunding, extending and unifying the whole or any part of its valid bonded indebtedness, the city, under the terms and conditions prescribed by law, may issue refunding bonds not exceeding in amount the principal of the outstanding indebtedness to be refunded and the accrued interest to the date of such refunding.

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Article VII. Department of Personnel and Personnel Generally**Sec. 49. Department of personnel— Composition.**

The department of personnel shall consist of a personnel director and a civil service board of five members. (Ord. No. 4962, § 5)

Sec. 50. Same--Civil service board— Appointment; term of office, etc., of members.

Members of the board shall be appointed by the council, which shall designate one of the five as chairman; and they shall serve without compensation. They shall be appointed for a term of three years except that of the members appointed as the result of the increase from three to five members, one shall be appointed to serve for two years and one for three years. Vacancies shall be filled by the council by appointment for the remainder of the term. A member of the board may be removed by the council for cause, after being given a written statement of the charges against him after a public hearing thereon, if requested by him. A certified copy of the charges and a transcript of the record of any hearing thereon shall be filed with the city clerk. (Ord. No. 4962, § 5)

Sec. 51. Same--Same--Qualifications of members.

Members of the board shall be residents of the city and shall have resided therein for at least two years immediately prior to their appointment. Members of official political party committees shall be ineligible to serve as members of the board. They shall be required to take the oath of office hereinafter prescribed for city officers, including a statement therein that they are firm believers in the merit system for city employment.

Sec. 52. Same--Same--Powers and duties of the board.

The board shall have power and shall be required to:

- (1) Advise the council and the director on problems concerning personnel administration;
- (2) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report to the council at least once a year its findings, conclusions and recommendations;
- (3) Approve civil service rules;
- (4) Hear appeals from disciplinary action;
- (5) Perform such other duties with reference to personnel administration, not inconsistent with this Charter, as the council may require by ordinance.

Sec. 53. Same--Powers and duties of the personnel director.

It shall be the duty of the personnel director to:

- (1) Hold competitive examinations for all appointments in the classified service;
- (2) Give publicity to all announcements of competitive examinations;
- (3) Establish training and educational programs for municipal employment;
- (4) Report annually to the civil service board regarding the operation of the personnel provisions;
- (5) Prepare and recommend to the civil service board such rules as he may consider appropriate to carry out the provisions of this article.

Sec. 54. Classification of city employees.

The administrative service of the city is hereby divided into the classified and unclassified service as follows:

- (1) The unclassified service shall include the city manager, all directors of departments, members of advisory boards, city court judge, city clerk and secretary to the city manager.
- (2) The classified service shall comprise all positions not specifically included by this Charter in the unclassified service.

to any candidate for councilmember or mayor of the city or take part in the political campaign of any candidate for councilmember or mayor of the city. Nothing in this section shall prohibit an individual from exercising the right as a citizen to express his or her opinion or to vote.

Any person who shall willfully or through culpable negligence violate or conspire to violate any provisions of this article, or of any ordinance made pursuant thereto for which no punishment is provided therein, shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars. The conviction of any employee of any such offense shall operate automatically to terminate his service and to vacate his position; any employee so removed from the service shall not be reinstated, reemployed, or reappointed, or in any manner reenter the service of the city. (Ord. No. 5736, Prop. No. 15, 4-3-90)

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Sec. 55. Civil service rules.

The board shall hold a public hearing upon the rules recommended by the personnel director at which all persons interested may be heard. After such hearing, the board shall approve or reject the rules wholly or in part, or may modify them and approve them as so modified. The rules approved by the board shall then be submitted to the council and shall become effective when approved by the council. The rules shall include provisions for:

- (1) Open competitive tests to ascertain the relative fitness of all applicants for appointments in the classified service, which tests required shall be practical, shall relate to matters which fairly measure the relative fitness of applicants to discharge the duties of the positions which they seek, and must take account of their character, training and experience, and no question in any test shall relate to political or religious opinion, affiliations or service.
- (2) Standardization and classification of all positions in the classified service of the city, which classification into groups and subdivisions shall be made on the basis of duties and responsibilities and so arranged as to promote the filling of the higher grades, so far as practicable, through promotion.
- (3) Certification to the appointing authority of the three names standing highest on the appropriate eligible list for the purpose of filling a vacancy.
- (4) Temporary appointments to meet emergencies, in the absence of an eligible list.

Sec. 56. Application register; application forms.

There shall be kept in the office of the civil service board an application register in which shall be entered the names and addresses and the order and date of application of all applicants for the civil service tests and the offices or employments which they seek. All applications shall be upon forms prescribed by the civil service board.

Sec. 57. Pensions.

Pension systems may be established as provided by law.

Sec. 58. Present employees continued in office.

All persons who, at the time this Charter takes effect, are holding positions hereby placed in the classified service of the city shall be deemed to hold such positions as though appointed in accordance with the provisions hereof. Any vacancies thereafter occurring shall be filled from eligible lists in the manner herein provided.

Sec. 59. Rights of employees.

Any employee under the classified service who shall be discharged or reduced in rank or compensation shall be presented with written reasons for such discharge or reduction within five days after such discharge or reduction. The employee shall have the privilege of a public hearing before the civil service board. The board shall submit its recommendations to the city manager, who may at his discretion reinstate the employee or restore him to his former rank or compensation.

Sec. 60. Prohibited acts.

No person in the classified service of the city or seeking admission thereto shall be appointed, promoted, reduced, removed, or in any other way favored or discriminated against because of race, sex, religion, national origin, age, ancestry, political opinions or affiliations, or qualified handicapped status as provided, or may be provided, by local, state or federal law, or such other areas of discrimination which may be prohibited by local, state or federal law. No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment held or made under the personnel provisions of this Charter, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or of the rules and regulations made thereunder. No appointed salaried officer or employee of the city shall continue in such position after becoming a candidate for nomination or election to the positions of councilmember or mayor of the city.

No person seeking appointment to or promotion in the classified or unclassified service of the city shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion. No appointive salaried officer or employee of the city shall make any contribution, direct or indirect,

Article VIII. Planning and Zoning**Sec. 61. City plan commission--Generally.**

The city plan commission shall consist of seven members, who shall serve without compensation and who shall be appointed by the council for such terms as the council may provide. Such members shall be qualified voters, residents of the city at least two years immediately prior to the date of their appointment and shall hold no other office or position in the city government. In addition thereto, one member of the city council, to be designated by the council, the city manager and the city planner shall be ex officio members, but shall have no vote on matters coming before the commission. The plan commission shall elect its chairman annually from among the appointed members and shall have authority to employ such assistants and technical advisers as it considers necessary within the limits of the budget appropriation. (Ord. No. 3375, § 1; Ord. No. 4389, § 3)

Sec. 62. Same--Powers and duties--Generally.

The plan commission shall have the authority to prepare and submit to the council for its approval a master plan for the physical development of the city, including the general location, character and extent of streets, bridges, parks, waterways, and other public ways, grounds and spaces, together with the general location of public buildings and other public property, public utilities, and the extent and location of any public housing or slum clearance projects, and shall recommend such modifications of said plan, from time to time, as it deems in the city's interest.

Sec. 63. Same--Same--Zoning.

The plan commission shall also act as the zoning commission and shall have the authority to prepare, adopt and recommend to the council for enactment into an ordinance a comprehensive plan for the zoning of the city, with such regulations as to the location, height, width and bulk of buildings and other structures, and the size of the yards, courts and other open spaces surrounding the same, and as to the use of such buildings, structures and land as it shall determine to be necessary or desirable for the promotion of the health, safety, morals and general welfare of the inhabitants of the city.

The plan commission shall have general supervision of the enforcement of any zoning ordinance enacted by the council, shall hear applications for amendments, modifications or revision of the same, and shall forward such applications to the council with its recommendations thereon.

The recommendations of the plan commission shall not be binding on the council, which may approve or disapprove the commission's findings; however, no general city plan or zoning ordinance, or any modification, amendment or revision thereof, shall be considered by the council unless the same shall have been first submitted to the plan commission for its examination and recommendation.

Sec. 64. Board of adjustment.

There shall be a board of adjustment, the appointment of which shall be provided for by the council as required by state law, which shall hear all appeals from decisions as provided by law. (Ord. No. 4389, § 3)

Sec. 65. Subdivision plats.

All plats of proposed subdivisions presented to the council for approval shall be submitted to the city plan commission, which shall make recommendations to the council with respect thereto.

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The Charter of the City of University City, Missouri***Article IX. Nominations and Elections****Sec. 66. Time of elections.**

A regular election for the choice of council- members shall be held biennially on the first Tuesday in April in the even numbered years subsequent to the year 1947. One councilmember from each ward shall be elected at the first biennial election; and the councilmember-at-large and a councilmember from each ward at the succeeding biennial election. (Ord. No. 5211, § 3)

Sec. 67. Regulation of elections.

The council shall make all regulations which it considers needful or desirable, not inconsistent with this Charter or state laws, for the conduct of municipal elections. (Ord. No. 4389, § 3)

Sec. 68. Nominations and nomination petitions.

Nominations for the council shall be made by petition signed by not less than fifty nor more than seventy-five registered voters who are entitled to vote for the candidate so nominated. No voter shall sign more than one nominating petition for the same office, and should a voter do so, his signature shall be void except as to the petition first filed. With each signature shall be printed the person's name and shall be stated the place of residence of the signer, giving the street and number. Each petition shall be verified by the oath of some responsible person, before an officer competent to administer oaths, that each signature thereon is the genuine signature of the person whose name it purports to be and that it was signed in his presence. Nominating petitions shall be filed with the city clerk in accordance with the opening and closing dates for filing as set by Missouri state statute, and shall be in substantially the following form:

We, the undersigned, registered voters of the City of University City, County of St. Louis, respectfully petition and request that the name of residing at , be placed upon the ballot as a candidate for the office of councilmember of Ward Number (or at large) to be voted for at the election to be held on the day of ; and we, individually, signify that our names have appeared on the roll of registered voters within the last year, and that we are qualified to vote for this candidate:

Signature Name(Printed)

Street and Number Date of Signing

(Space for 75 signatures and required data)

(Verification of signatures)

Acceptance of Nomination

Date and hour of filing

This petition is filed by whose address

is

Received by

(signature of city clerk)

The city clerk shall preserve the name and address of the person by whom each nominating petition is filed. No nominating petition shall be accepted unless accompanied by a signed acceptance of the nomination and a deposit by the candidate of fifty dollars, a receipt for which shall be issued by the city clerk. Such deposit shall be returned to the candidate if he becomes ineligible or withdraws his candidacy forty-five days before the election, or if he polls at least five percentum of the votes cast for the office for which he is a candidate; but if

he remains a candidate and fails to receive the prescribed percentum of votes, the deposit shall be forfeited and paid into the general fund of the city. Within ten days after the filing of a nominating petition the city clerk shall notify the candidate and the person who filed the petition whether or not it is found to be sufficient. If a petition is found insufficient the city clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions a new or supplemental petition may be filed for the same candidate. The petition of each candidate nominated to be a member of the council shall be preserved by the city clerk until the expiration of the term of office for which he has been nominated. (Ord. No. 4389, § 3; Ord. No. 5211, § 3; Ord. No. 5736, Prop. No. 16, 4-3-90)

Secs. 69, 70. Reserved.

Editor's note—Former §§ 69 and 70 were repealed by Ord. No. 5211.

Sec. 71. Returns; canvass.

Election returns shall be canvassed by the council at a meeting not later than forty-eight hours after their receipt by the city clerk, and the candidates receiving the highest number of votes for each office declared elected.

Sec. 72. Tie vote.

If at any municipal election there shall be no choice between candidates by reason of two or more having received an equal number of votes, the council shall proceed to determine the election by lot.

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Article X. Initiative, Referendum and Recall**Sec. 73. Initiative generally.**

The electors shall have power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, unless otherwise provided by state law, such power being known as the initiative. Any initiated ordinance may be submitted to the council by a petition signed by qualified electors of the city equal in number to at least ten per centum of the registered voters at the last regular municipal.

Sec. 74. Referendum generally.

The electors shall have power to approve or reject at the polls any ordinance passed by the council, or submitted by the council to a vote of the electors, excepting ordinances for the issuance of bonds and the levy of taxes as herein provided, such power being known as the referendum. Ordinances submitted to the council by initiative petition and passed by the council shall be subject to the referendum in the same manner as other ordinances. Within fifteen days after the enactment by the council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least fifteen per centum of the registered voters at the last regular municipal election may be filed with the city clerk, requesting that any such ordinance be either repealed or submitted to a vote of the electors.

Sec. 75. Petitions--Generally.

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the city clerk as one instrument. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number, and the circulator of each such paper shall make oath before an officer competent to administer oaths that each signature appended to the petition is the genuine signature of the person whose name it purports to be and that it was signed in his presence.

Sec. 76. Same--Filing and certification of petitions.

Within twenty-eight days after a petition is filed, the city clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors who have been certified by the board of election commissioners of St. Louis County. After completing his examination of the petition, the city clerk shall certify the result thereof to the council at its next regular meeting. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective and shall at once notify the person filing the petition of his findings. (Ord. No. 5736, Prop. No. 17, 4-3-90)

Sec. 77. Same--Amended petitions.

An initiative or referendum petition may be amended at any time within ten days after the notification of insufficiency has been sent by the city clerk, by filing a supplementary petition upon additional papers executed and filed as provided in case of an original petition. The city clerk shall, within five days after such an amendment is filed, make examination of the amended petition; if the petition be still insufficient he shall file his certificate to that effect in his office and notify the person filing the petition of his findings, and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Sec. 78. Effect of a referendum petition.

When a referendum petition has been certified to the council as sufficient by the city clerk, the ordinance specified in the petition shall not go in effect, or, if it shall have gone into effect, further action thereunder shall be suspended until and unless approved by the electors, as hereinafter provided. The council shall proceed forthwith to reconsider the referred ordinance, and its final vote upon such reconsideration shall be upon the question:

"Shall the ordinance specified in the referendum petition be repealed?"

If the council shall fail to repeal an ordinance specified in any referendum petition it shall call a special election,
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unless a general election is fixed within ninety days thereafter, and at such special or general municipal election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of the city.

Sec. 79. Effect of initiative petitions.

When an initiative petition has been certified to the council as sufficient by the city clerk, the council shall proceed at once to consider the proposed ordinance, taking final action thereon not later than thirty days after certification.

If the council shall fail to pass an ordinance proposed by the initiative petition it shall call a special election, unless a general election is fixed within ninety days thereafter, and at such special or general municipal election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of the city. The enacting clause of such ordinance shall be:

"Be it ordained by the people of University City."

Sec. 80. Ballots and voting.

Ordinances submitted to vote of the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by ballot title, which shall be prepared in all cases by the director of law or other principal legal adviser of the city. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. The ballot used in voting upon any ordinance, if a paper ballot, shall have below the ballot title the following propositions, one above the other, in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE". Immediately at the left of each proposition there shall be a square in which by making a cross (X) the elector may vote for or against the ordinance. Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, but any paper ballot used for voting thereon shall be for that purpose only.

Sec. 81. Effect of vote.

If a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the city. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed.

Sec. 82. Recall--Recall petition.

Any councilmember may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of such incumbent shall be as follows: A petition signed by electors entitled to vote for a successor of an incumbent sought to be removed equal in number to at least twenty-five per centum of the electors so qualified to vote at the last regular municipal election, demanding the removal of such councilmember, shall be filed with the city clerk, which petition shall contain a general statement of grounds for which the removal is sought. Such petition shall be executed, verified, filed, and may be amended in the manner provided for initiative and referendum petitions. (Ord. No. 5211, § 3)

Sec. 83. Same--Recall election generally.

When a sufficient petition has been filed, the city clerk shall submit the same to the council without delay, and the council shall fix a date for holding the election, not less than thirty nor more than forty-five days thereafter. Publication and notice thereof shall be given, and the election shall be conducted, returned and the result thereof declared in all respects as are other city elections.

Sec. 84. Same--Recall ballot.

The ballots shall be in the following form:

Shall Councilmember.....be removed
from office?

☐ Yes

☐ No

Voters in favor of the recall place a cross (X) in the square opposite the word "Yes".

Voters opposed to the recall place a cross (X) in the square opposite the word "No". (Ord. No. 5211, § 3)

Sec. 85. Same--Effect of election.

If a majority shall vote in favor of the recall, then a vacancy shall exist and shall be filled by the council as provided in this Charter for the filling of vacancies. If a majority is against the recall the councilmember shall continue in office. A councilmember who has been recalled shall be ineligible to serve as councilmember at any time during the remainder of the term for which he was originally elected. (Ord. No. 5211, § 3)

Sec. 86. Same--Limitation on recall.

No councilmember shall be subject to recall within six months from his induction into office, nor during the last six months of his term; and if he is retained in office upon any recall election, he shall not be subject to recall within a period of six months thereafter. (Ord. No. 5211, § 3)

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Article XI. Public Improvements Generally**Sec. 87. Power of city to make public improvements.**

The city may establish and improve public highways of every character and parts thereof by grading, regrading, paving, repaving, macadamizing, surfacing, resurfacing, constructing, reconstructing, oiling, sprinkling, curbing, guttering or repairing the same, constructing or repairing sidewalks thereon, or by sodding the same, or planting and caring for trees and shrubbery on or along the same, or by constructing and maintaining bridges, viaducts, subways, culverts, drains, sewers on or along any highway or right of way therefor; and may acquire, construct, repair, and maintain sewers, drains and all appurtenances thereto; improve watercourses and the banks thereof and divert and change the channels of the same; and acquire, construct, repair and maintain all other public improvements within the city. Such public improvements may be paid for in whole or in part out of the general funds, or out of a revolving improvement fund herein authorized, or out of the proceeds of bonds, or in whole or in part out of special assessments on benefited property, or by special tax bills evidencing such assessments. When not otherwise limited by law, the powers enumerated herein may be exercised by the city outside of the city limits for the benefit of the city and its inhabitants.

Sec. 88. Method of payment.

All ordinances and contracts for public improvements authorized to be done shall specify how the same are to be paid for, and in case payment is to be made in whole or in part to the contractor in special tax bills or other evidence of special assessments, the city shall in no event be liable for or on account of the work to be so paid for.

Sec. 89. Contracts to be let to lowest responsible bidder.

All public improvements constructed or made at the expense of the city, including all work to be paid for by special tax bills or special assessments, shall be let by contract to the lowest responsible bidder; provided, however, that this shall not be so construed as to prevent the council from providing that any such work may be done by the city's own departments and employees when no satisfactory bid is received therefor or when deemed advisable by the city manager.

Sec. 90. Institution of proceedings.

All proceedings to make any public improvements which are to result in a special tax billing against the owner of real property (except emergency work or repairs requiring prompt attention, and ordinary maintenance work, or involving an expenditure of less than two thousand five hundred dollars) shall be begun by the adoption of a resolution by the council declaring the necessity of such improvement, stating the nature thereof and the method of payment therefore. When the same is to be paid for in special tax bills or other evidence of assessments upon real property, or out of the revolving fund as herein provided, to be reimbursed by collection of such assessments, the resolution shall state the proposed method of making assessments to pay therefor. The resolution shall also state the estimate of the probable cost of such improvement, but any error or inaccuracy in such estimate as compared with the actual cost of the work as finally determined shall not affect the validity of the proceedings or of any assessments made or tax bills issued to pay for such work. (Ord. No. 4389, § 3)

Sec. 91. Public hearings.

Upon the adoption of such resolution the council shall fix a date for a public hearing in respect to such improvement not less than ten nor more than thirty days thereafter, at which all persons interested in such improvement may be heard. After such hearing the council may determine that it is or is not in the public interest that such improvement or any part thereof be made.

Sec. 92. Plans and specifications.

After such hearing, if the council determines to proceed with such improvement or any part thereof, the city manager shall cause plans and specifications for the proposed improvement to be prepared by the proper officer and submitted to the council for approval. Such plans and specifications shall not limit the materials to be used to those of any particular producer or manufacturer but shall be so arranged as to permit materials and

processes to enter into competition.

Sec. 93. Bids; contracts generally.

When work is to be done by contract, the city shall advertise for bids therefor upon such notice as may be prescribed by ordinance. Any and all bids may be rejected. Except for such right of rejection, the city manager shall let the contract to the lowest responsible bidder and shall cause the contract to be formally executed by the contractor and by the city manager on behalf of the city. Such contract before it becomes binding and effective shall be confirmed by an ordinance of the council.

Sec. 94. Payment for public improvements-- Generally.

The ordinance authorizing the making of any public improvements shall prescribe the manner in which payment for the same shall be made. Such payment may be either in whole or in part by the city, or either in whole or in part by special tax bills issued to the contractor, or by assessment of special taxes against private property. Whenever any portion of the cost of an improvement is to be met by special tax bills or assessments, the ordinance shall specify the portion thereof and set forth the boundaries of the district within which private property is to be assessed. Special assessments may be made and collected by the city as other taxes on real estate, or special tax bills may be issued to the contractor. Any such tax bills may be purchased by the city from the contractor out of any funds available for such purpose.

Sec. 95. Same--Special tax bills.

Upon the completion of any public work, the payment for which is to be made by special tax bills, the council shall by ordinance direct the issuance of said tax bills. When said ordinance is approved, the tax bills authorized thereby shall become a first lien upon the property charged therewith; provided, however, there shall be no priority between special tax bills issued under the Charter, regardless of the date of such bills. They shall be payable to the party entitled thereto either at the office of the director of finance or at some bank or trust company in St. Louis or St. Louis County, Missouri, at the option of the party so entitled. They shall be promptly registered in the office of the director of finance and delivered to the person entitled. They shall be prima facie evidence of what they contain and of their own validity, and no mere informality or clerical mistake in any of the proceedings shall be a defense thereto. Such tax bills shall mature at such times and bear such rate of interest as may be prescribed by the ordinance directing the issuance thereof, and at the request of the property owner may be made payable in annual installments, not exceeding ten.

Sec. 96. Same--Additional provisions.

The city by ordinance recommended by the city manager may from time to time make further provision, not inconsistent herewith, for special assessments, the issuance of special tax bills, the collection thereof, and all matters incidental thereto.

Sec. 97. Reserved.

Editor's note--Former § 97 was repealed by Ord. No. 4398.

Sec. 98. Restriction on sale of any dedicated park in the city without majority vote of electors.

Any real estate, now or hereafter owned by the city or any agency or instrumentality of the city, which is included in the land now designated as a public park or recreational facility in Ordinance No. 5737, and any real estate which may be acquired by purchase, gift or otherwise and designated by the city council for use as a public park or recreational facility, shall not be sold or otherwise disposed of, and shall remain unimproved or be used only as a public park or recreational facility, unless a sale, disposal, or change in use is approved by a majority of the qualified electors voting thereon at an election called pursuant to an ordinance duly adopted by the council. As used in this section the term "public park or recreational facility" includes, without limitation, nature study areas, gardens, playgrounds, golf courses and all areas accommodating activities customarily associated with park usage or outdoor recreation and the activities in the locations specifically designated in Ordinance No. 5737. (Ord. No. 5738, Prop. No. 19, 4-3-90)

Sec. 99. Reserved.

Editor's note--Former § 99 was repealed by Ord. No. 4389.

Sec. 100. Levy of assessments generally.

When any public work or improvement to be paid for in whole or in part by special assessment is completed, the city manager shall cause the entire cost and expense thereof to be computed, and the council shall levy and assess such cost and expense or the part to be paid by special assessment as a special tax, in accordance with the requirements of this article.

Sec. 101. Restriction on disposal by city of certain real property owned by city.

Any real estate, now or hereafter owned by the city or any agency or instrumentality of the city, which is (a) unimproved and greater than one acre in size, or (b) principally used or held out for use as a public park or recreational facility, shall not be sold or otherwise disposed of, and shall remain unimproved or be used only as a public park or recreational facility, unless a sale, disposal, or change in use is approved by four-sevenths of the qualified electors voting thereon at an election called pursuant to an ordinance duly adopted by the council. As used in this section, the term "public park or recreational facility" includes, without limitation, nature study areas, gardens, playgrounds, golf courses, and all areas accommodating activities customarily associated with park usage or outdoor recreation. (Ord. No. 5739, Prop. No. 20, 4-3-90)

Sec. 102. "Revolving public improvement fund."

There is hereby created a fund to be known as the "revolving public improvement fund". Said fund may be established and maintained from the following sources:

- (1) Appropriations from the general funds when available,
- (2) The proceeds from bond issues as provided in this Charter,
- (3) Collections of special assessments or special tax bills and any interest thereon levied or issued for public work or condemnation of land theretofore paid for out of said "revolving public improvement fund",
- (4) The proceeds from the sale of local improvement certificates or sale of special tax bills,
- (5) Any other source permitted by law and provided by ordinance.

Whenever the council shall authorize the cost of any public improvement or the purchase of any tax bills issued for any public improvement to be paid out of the "revolving public improvement fund", any special assessment and interest thereon that may be levied and collected on account of such improvement or the proceeds from the collection of any such tax bills and interest thereon shall be credited to and paid into said fund. Net revenue in excess of reserves shall be paid to the "general revenue fund". (Ord. No. 4389, § 3)

Sec. 103. County and municipal property subject to public improvement assessments.

Any property owned by the county or any other municipality located within any benefit district established by the council shall be liable for special assessments made or tax bills issued against such property as private property in such district.

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Article XII. General Provisions**Sec. 104. Judicial notice of the Charter.**

This Charter is declared to be a public act, and all courts shall take judicial notice thereof.

Sec. 105. Proof of ordinance.

Any ordinance may be proved by a copy thereof certified by the city clerk under the seal of the city; or, when printed in book or pamphlet form and purporting to be published by authority of the city, shall be received in evidence in all courts, or other places, without further proof of authenticity.

Sec. 106. Pending actions and proceedings.

No action or proceeding, civil or criminal, pending at the time this Charter shall take effect, brought by or against the city or any office, department, agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained.

Sec. 107. Continuance of contracts and public improvements.

All contracts entered into by the city, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws.

Sec. 108. Continuity of offices, departments or agencies.

Any office, department or agency provided for in this Charter with a name or with powers and duties the same or substantially the same as those of an office, department or agency heretofore existing shall be deemed to be a continuation of such office, department or agency.

Sec. 109. Transfer of records and property.

All records, property and equipment whatsoever of any office, department or agency or part thereof, the powers and duties of which are assigned to any other office, department or agency by this Charter, shall be transferred and delivered to the office, department or agency to which such powers and duties are assigned.

Sec. 110. City officers, etc.—Salaries.

The council shall fix by ordinance the salaries and other compensation of all officers and employees of the city except as otherwise provided in this Charter, not exceeding, however, the amount recommended by the city manager.

Sec. 111. Same—Oath of office.

Every official in the unclassified service of the city shall, before entering upon his duties, take, subscribe and file with the city clerk, an oath or affirmation that he has all the qualifications and is not subject to any of the disqualifications named in this Charter for the office or employment he is about to assume; that he will support the Constitution and laws of the United States and of this state and the Charter and ordinances of the city; that he will be influenced only by the consideration of fitness in the appointment, promotion or discharge of officers or employees and will faithfully discharge the duties of his office or employment with impartiality and justice.

Sec. 112. Notice of suits.

No action shall be maintained against the city for or on account of any injury growing out of alleged negligence of the city until notice shall first have been given in writing to the city manager within ninety days of the occurrence for which said damage is claimed, stating the place, time, character and circumstances of the injury, and that the person so injured will claim damages therefor from the city.

Sec. 113. Judicial bonds.

The city shall not be required to give bond in any judicial proceeding or appeal.

Sec. 114. Rates of taxation.

The rates and limits of taxation levied by the council shall be those prescribed by state law applicable to cities adopting constitutional charters.

Sec. 115. Security of city deposits.

The council shall require all funds of the city in any city depository to be adequately secured by a deposit of obligations of the United States government or of instrumentalities thereof in an amount satisfactory to the council. (Ord. No. 4962, § 5)

Sec. 116. Remitting taxes prohibited.

No general or special tax assessment or interest or penalty thereon shall be remitted or abated, or the right to enforce payment thereof released, except in correction of errors or mistakes occurring after the levy of the tax, or if it appears to the city council that any unimproved tract of land is not worth, as determined by an independent real estate appraiser, the amount of taxes, interest and penalties due thereof, the city council may compromise taxes, interest and penalties with the owner of the tract. (Ord. No. 5211, § 3)

Sec. 117. Persons in arrears for city taxes prohibited from holding office.

No person shall be elected or appointed to any office or employment who is in arrears for any city taxes.

Sec. 118. Power to administer oath.

Each councilmember and the city clerk may administer oaths or affirmations in any matter pertaining to the affairs and government of the city. (Ord. No. 5211, § 3)

Sec. 119. Condemnation proceedings.

All proceedings for the condemnation of property or in the exercise of the right of eminent domain shall be in accordance with the laws of the state. (Ord. No. 4389, § 3)

Sec. 120. Solicitation of funds.

The solicitation of funds by the sale of tickets or otherwise by any group or association of employees of the city is hereby prohibited unless prior approval is given thereto by the council on recommendation of the city manager; and, if approved, the net proceeds shall be deposited with the director of finance, subject to disbursement by the director only for the purposes for which the solicitation was authorized.

Sec. 121. Effect of unconstitutional provisions.

If any provision of this Charter be held to be unconstitutional or void, this shall not affect the validity, force or effect of any other provision.

Sec. 122. Amendments.

Amendments to this Charter may be framed and submitted to the electors by a commission in the manner provided by law for framing and submitting a complete Charter. Amendments may also be proposed by the council or by petition of not less than ten per centum of the registered qualified electors of the city, filed with the city clerk, setting forth the proposed amendment. The council shall at once provide by ordinance that any amendment so proposed shall be submitted to the electors at the next available election date as determined by Missouri state statute. Any amendment approved by a majority of the qualified electors voting thereon shall become a part of the Charter at the time and under the conditions fixed in the amendment; and sections or articles may be submitted separately or in the alternative and determined as provided by law for a complete Charter. (Ord. No. 5736, Prop. No. 18, 4-3-90)

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December 14, 2015

http://municipalcodes.lexisnexis.com/codes/university/_DATA/CHARTER/Article_XII__General_Provis...

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3/26/2007

SCHEDULE

Section 1. For the purpose of nominating and electing members of the council, the provisions of this Charter shall be in effect for a regular municipal election which shall be held on April 1, 1947, at which election a councilmember-at-large and one councilmember from each ward shall be elected for terms of three years. For all other purposes the provisions of this Charter shall take effect upon the installation of the members of the council elected at said election. A city clerk shall be elected at the first meeting; he shall become the temporary city manager and shall serve as such until a permanent selection is made; provided, however, said city clerk shall be ineligible for such permanent appointment. All appointments made by him shall be temporary; and the terms of all officers and employees so appointed shall cease upon the appointment of their successors by the city manager.

Section 2. The terms of office of the three aldermen elected in 1946 shall cease when the councilmembers elected at the first election are installed into office. The said aldermen shall thereupon become councilmembers from their respective wards, subject to all the provisions of this Charter, for a term of one year and until their successors are elected and installed into office. Thereafter all councilmembers shall be elected for terms of four years as provided in this Charter.

Section 3. All persons holding administrative office by appointment and members of administrative boards at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance with the Charter for the performance of such duties or discontinuance of such office.

Section 4. All ordinances and resolutions in force at the time this Charter takes effect, not inconsistent with its provisions, shall continue in full force and effect until modified, amended or repealed. All ordinances and resolutions inconsistent with this Charter, unless sooner repealed or amended to conform therewith, shall remain in full force and effect until April 6, 1948.

Section 5. The first fiscal year, as established by this Charter, shall begin July 1, 1947.

Section 6. The newly elected council shall hold its first meeting not later than one week after the election returns are canvassed, at a time to be fixed by the retiring board of aldermen.

Section 7. In order to implement the budget submission date of May 1, the city manager shall by May 1, 1971, and each May 1, thereafter, submit to the council the budget for the ensuing fiscal year.

(Ord. No. 5211, § 3; Ord. No. 5736, Prop. No. 20, 4-3-90)

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6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 863-9146

OATH OF OFFICE

COUNCILMEMBER – FIRST WARD

State of Missouri)
County of St. Louis : ss
City of University City)

I, TERRY CROW, do solemnly swear that I possess all of the qualifications and am not subject to any of the disqualifications named in the Charter for the office I am about to assume; that I will support the Constitution and the Laws of the United States and of the State of Missouri, and the Charter and Ordinances of University City; and that I will faithfully and conscientiously discharge the duties of the office I am about to assume with impartiality and justice.

Witness my hand this 23rd day of April, 2012.




Terry Crow

Subscribed and sworn to before
me this 23rd day of April, 2012



Joyce Pumm, MRCC
City Clerk

EXHIBIT #6

 Close

Your Missouri Courts

THE JUDICIAL BRANCH OF STATE GOVERNMENT



Clerk Handbooks

Supreme Court Rules

Subject:	Rule 8 - Rules Governing the Missouri Bar and the Judiciary - Admission to the Bar	Section/Rule:	8.15
Topic:	Oath or Affirmation	Publication / Adopted	October 15, 1995
		Date:	
		Revised / Effective Date:	October 1, 2003

8.15. Oath or Affirmation

(a) Within 90 days after the date of the letter of licensure, an applicant shall take the oath of admission. Failure to take the oath in the prescribed period may result in revocation of the letter of licensure. In the event of revocation, the applicant will then be required to show cause for withdrawal of the revocation of the letter of licensure.

(b) Every person, before being admitted to practice law in this state, shall take and subscribe the following oath or affirmation (substituting, in instances of affirmation, the word "affirm" for the word "swear" in the first line of such text, and further substituting the words "Under the pains and penalties of perjury" in lieu of the words "So help me God" in the last line thereof):

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Missouri;
 That I will maintain the respect due courts of justice, judicial officers and members of my profession and will at all times conduct myself with dignity becoming of an officer of the court in which I appear;
 That I will never seek to mislead the judge or jury by any artifice or false statement of fact or law;
 That I will at all times conduct myself in accordance with the Rules of Professional Conduct;
 and,
 That I will practice law to the best of my knowledge and ability and with consideration for the defenseless and oppressed.
 So help me God.

(Adopted Oct. 16, 1995, eff. March 1, 1996. Amended Sept. 3, 2003, eff. Oct. 1, 2003.)

EXHIBIT #7

December 14, 2015

O4-1-44



ATTACHMENT A



University City Parks, Recreation and Forestry

MANAGEMENT POLICIES AND PROCEDURES

FEES AND CHARGES

Number: 001

Approved By:
CITY COUNCIL

Effective Date: February 15, 2004

Page 1 of 6

I. PURPOSE

Parks and Recreation services are essential for an urban government to provide its residents and visitors. The City's General Fund contribution for support of department programs and services are limited. Accordingly, the community, as a whole, should support the services and be supplemented by participant fees. In order to continue providing and expanding the quality and quantity of services, fees and charges are necessary.

II. REVISION HISTORY

February 15, 2004	Adopted
January 24, 2006	Revised
July 24, 2007	Revised
April 21, 2008	Revised

III. PERSONS AFFECTED

All Department staff

IV. REFERENCES

Scholarship Policy #002
Membership Cancellation Policy # 020

V. POLICY

A. Basis for fees and charges: In general, those who benefit from the goods or services provided should pay in proportion to the benefits they receive. The fundamental basis for fees and charges decision making is a determination of who benefits from the service. It is recognized that pricing decisions may be

influenced by practical considerations such as collections costs, market effects, legal constraints, or ability to pay. To the extent that participants can afford to pay they can be asked to pay.

- B. Determining Community Benefit: In general, if all or substantially all, of the benefits accrue to the community as a whole (a "Public Good"), the community as a whole should pay for the service through taxes. "Public good" is a value determined by U City citizens and established by City Council policy and budgetary appropriations. If all, or substantially all, of the benefits are to an individual or group that is to consume the good or service, not for the benefit of the general public, fees & charges should be paid whether by the individual or group or other means such as donations, scholarships etc. Consideration must be given of the extent that the community desires programs that will attract participants which will benefit the community as well as the individual (i.e. overall community/individual health and/or safety).
- C. Scholarship Program: All U City residents, who desire access to programs and services, will have the opportunity to participate. Therefore, a scholarship program should be in effect for those U City residents who do not have the ability to pay either all or part of the established fee or charge. The scholarship policy will establish a program which provides staff the guidelines and procedures to provide reduced fees for those residents who do not have the means to pay in full. The guidelines will be based upon established standards, such as the Federal rules for school free lunch program. The guidelines will respect the privacy of the individual/family and will be applied consistently. There will be certain programs and activities where it is impractical to implement a scholarship program; for example drop in programs like daily open swim.
- D. Cost to Collect Fee: The revenue collected from fees and charges must always be greater than the costs of collection of the revenue.
- E. Social Implications: It may be desirable to use the fees & charges system to encourage particular behaviors which enhance the recreational experience for all users; e.g., alter demand patterns, encourage reasonable uses of staff time, or alter behaviors which disturb other participants.
- F. Fee Establishment: City Council will establish all fees and charges during the adoption of the annual budget. Flexibility is needed to accommodate changing factors which impact the approved budget and fees. The department must respond to market trends in a timely manner. If during the fiscal year the costs or demand for a particular program or service needs to be adjusted staff will modify the fee after consultation with the Park Commission. When a new program is offered staff will follow this policy in establishing the program fee and the Park Commission will be notified at their next meeting.

G. **Park Usage:** Parks are generally free and open to the public for general park use. Fees for specialized facilities in parks, and additional services beyond the normal park use itself, will be assessed. The use of public recreation areas and facilities by private groups should be considered secondary to general public use or usage by nonprofit recreation or service organizations. Only under unusual circumstances should a private use hamper ongoing Department programs, general park use or recreation facility rental. The community has a right to profit on the use of its facilities when public resources are utilized by profit-motivated individuals, organization, or businesses.

H. **Special Interest Groups:** Individuals and special interest groups will not receive special or preferential treatment in the waiving or reduction of fees that is inconsistent with established policy. Groups offering desirable parks and recreation services, that if not provided by them would need to be provided by U City, are not considered special interest groups.

I. **Costs:** When establishing fees and charges, all costs will be considered.

PROGRAM AND SERVICE COST ALLOCATION:

1. **Financing Park Facilities:** Costs for the provision (acquisition, development and routine maintenance) of traditional park facilities will not be factored in when determining fees. However, rental facilities will include the cost of maintenance when determining the appropriate fee. Also, (individuals or organizations) desirous of specialized and/or new facilities beyond existing city resources may be required to pay the costs for the acquisition, development, operation, maintenance and program costs associated with the new facility.
2. **Recreation Programs:** Recreation programs; including leisure education, special events, fitness, and athletic programs will, when considered in there entirety, generate 100% of direct, indirect and overhead costs. Some programs may generate less than 100% as long as other programs generate over 100% and make up the overall difference in a fiscal year.
3. **Day Camps:** In general. Day camps will generate enough revenues to cover 100% of direct, indirect and overhead costs.
4. **Community Center:** The Community Center will generate enough revenues to cover 75% of direct, indirect and overhead costs but not any debt service for the development and future capital needs
5. **Aquatics:** Aquatics will generate enough revenues to cover 50% direct, indirect and overhead costs but not any debt service for the development and future capital

needs. Aquatic programs such as swim lessons and aquatic aerobics will generate enough revenues to cover 100% of the direct, indirect and overhead costs.

6. **Centennial Commons:** Centennial Commons will generate enough revenues to cover 75% of direct, indirect and overhead costs but not any debt service for the development and future capital needs
7. **Golf:** Golf will generate enough revenues to cover 100% direct, indirect and overhead costs but not any debt service for the development and future capital needs.
8. **New Programs:** To encourage participation in new programs a lower fee may be initially established and/or minimum participation requirements may be waived.

Miscellaneous

- a) **Meeting Community or Neighborhood Needs:** Occasionally, the Director of Parks, Recreation and Forestry may reduce or waive fees and charges for activities/events which benefit the overall community and/or meet specific neighborhood needs. An organizer must be a not-for-profit agency with 501(c)3 status, community or neighborhood organization recognized or affiliated with the City. The Park Commission will be advised when this has occurred.
- b) **Meeting Targeted Needs:** Programs specifically provided for those who are unable to pay will generate enough revenue, through fees, scholarships and other methods, to cover the direct costs.
- c) **Meeting Department or City Needs:** Some programs and services which serve as a marketing tool for the department, or the City as a whole, may be offered free or with reduced fees to the public. When collaborating or co-sponsoring a program or service, the costs attributed to all parties will be factored in when determining fees and charges. An equitable distribution of revenues will be maintained.
- d) **Gifts and Donations:** Corporate and individual sponsorships, gifts and scholarships can be accepted to reduce or offset the costs of a program, service or facility.
- e) **Satisfaction Guarantee:** With the exception of child care programs, sports leagues, open swim or medical conditions, any participant not completely satisfied with a program will receive a full refund. As our customer we are committed to providing you the highest quality of services. If you are not satisfied with the program or service a refund will be provided. Membership Cancellation Policy #020 covers the Centennial Commons memberships. Request for class refund due to medical conditions will be granted only with

documentation from a licensed physician. The individual will incur a \$5.00 class refund service charge or no service charge if refund is credited to their household account. Refunds will be prorated based on the number of remaining classes.

- f) Early Bird Discount: To encourage customers to register prior to or by the established deadline for class cancellation the department may establish an early bird discount. The fee for the program **will** be established and published as the "early bird" rate and any registration received after the deadline will be charged a higher fee based upon the overall cost of the program. For example: for a recreation class a \$5 fee could be charged and for a softball league team a \$30 fee would be charged.
- g) Equal Opportunity & Non Discrimination :The fees and charges policy and implementation will comply with the city's equal opportunity and non-discrimination policy. The City does not discriminate on the basis of race, color, national origin, gender, religion, sexual orientation, age or disability.
- h) Resident vs. Non-Resident Fees and Charges: For the establishment of fees and charges, there are circumstances which warrant a non-resident fee or reduction in fees for residents.
 - 1. When demand for recreational services exceeds the resources available, a non-resident fee can be established; for example, picnic and facility rental. When a program or facility can be fully utilized by residents, or there is a need to limit use, a non-resident fee can be established. Special services for residents may be provided including preferential registration times or special discounts such as season swim passes.
 - 2. Scholarships provided for individual or families should be limited to U City residents.
 - 3. When demand for leisure education programs exceeds resources available, with pre-registration required, there can be different fees for non-residents. In general, a 50% increase for non-residents should be charged to **non-residents**.
 - 4. Programs or services which are in the introductory stage may not differentiate between resident and non-residents in order to build interest in a new activity.
 - 5. Programs that serve the region as a whole, such as a jointly sponsored program with the neighboring communities, should not have a **non-resident** fee.

6. A drop-in program where it is impractical to require identification should not have non-resident fees.
7. When the costs to administer a different fee system are greater than the revenues produced there should not be non-resident fees.
8. When facility operation and maintenance is subsidized with General Fund tax dollars, a non resident fee can be established.

VI. DEFINITIONS

Direct

These are costs which if the program or service were not offered, would not be expended.

Indirect

Costs which support the provision of the program or service such as office support for registration, supervisory and/or administrative staff to plan, supervise and evaluate programs/services, marketing and advertising costs associated with the program/service.

Overhead

Costs which support the overall department operations which cannot be attributed to any particular program or service the department offers.

VII. RESPONSIBILITIES

All department staff

VIII. PROCEDURES



University City Parks, Recreation and Forestry



MANAGEMENT POLICIES AND PROCEDURES	
FEES AND CHARGES	Number: 001
Approved By: CITY COUNCIL	Effective Date: February 15, 2004
	Page 1 of 6

I. PURPOSE

Parks and Recreation services are essential for an urban government to provide its residents and visitors. The City's General Fund contribution for support of department programs and services are limited. Accordingly, the community, as a whole, should support the services and be supplemented by participant fees. In order to continue providing and expanding the quality and quantity of services, fees and charges are necessary.

II. REVISION HISTORY

February 15, 2004	Adopted
January 24, 2006	Revised
July 24, 2007	Revised
March 25, 2008	Revised

III. PERSONS AFFECTED

All Department staff

IV. REFERENCES

Scholarship Policy #002
Membership Cancellation Policy # 020

V. POLICY

- A. **Basis for fees and charges:** In general, those who benefit from the goods or services provided should pay in proportion to the benefits they receive. The fundamental basis for fees and charges decision making is a determination of who benefits from the service. It is recognized that pricing decisions may be influenced by practical considerations such as collections costs, market effects,

legal constraints, or ability to pay. To the extent that participants can afford to pay they can be asked to pay.

- B. **Determining Community Benefit:** In general, if all or substantially all, of the benefits accrue to the community as a whole (a "Public Good"), the community as a whole should pay for the service through taxes. "Public good" is a value determined by U City citizens and established by City Council policy and budgetary appropriations. If all, or substantially all, of the benefits are to an individual or group that is to consume the good or service, not for the benefit of the general public, fees & charges should be paid whether by the individual or group or other means such as donations, scholarships etc. Consideration must be given of the extent that the community desires programs that will attract participants which will benefit the community as well as the individual (i.e. overall community/individual health and/or safety).
- C. **Scholarship Program:** All U City residents, who desire access to programs and services, will have the opportunity to participate. Therefore, a scholarship program should be in effect for those U City residents who do not have the ability to pay either all or part of the established fee or charge. The scholarship policy will establish a program which provides staff the guidelines and procedures to provide reduced fees for those residents who do not have the means to pay in full. The guidelines will be based upon established standards, such as the Federal rules for school free lunch program. The guidelines will respect the privacy of the individual/family and will be applied consistently. There will be certain programs and activities where it is impractical to implement a scholarship program; for example drop in programs like daily open swim.
- D. **Cost to Collect Fee:** The revenue collected from fees and charges must always be greater than the costs of collection of the revenue.
- E. **Social Implications:** It may be desirable to use the fees & charges system to encourage particular behaviors which enhance the recreational experience for all users; e.g., alter demand patterns, encourage reasonable uses of staff time, or alter behaviors which disturb other participants.
- F. **Fee Establishment:** City Council will establish all fees and charges during the adoption of the annual budget. Flexibility is needed to accommodate changing factors which impact the approved budget and fees. The department must respond to market trends in a timely manner. If during the fiscal year the costs or demand for a particular program or service needs to be adjusted staff will modify the fee after consultation with the Park Commission. When a new program is offered staff will follow this policy in establishing the program fee and the Park Commission will be notified at their next meeting.

- G. **Park Usage:** Parks are generally free and open to the public for general park use. Fees for specialized facilities in parks, and additional services beyond the normal park use itself, will be assessed. The use of public recreation areas and facilities by private groups should be considered secondary to general public use or usage by nonprofit recreation or service organizations. Only under unusual circumstances should a private use hamper ongoing Department programs, general park use or recreation facility rental. The community has a right to profit on the use of its facilities when public resources are utilized by profit-motivated individuals, organization, or businesses.
- H. **Special Interest Groups:** Individuals and special interest groups will not receive special or preferential treatment in the waiving or reduction of fees that is inconsistent with established policy. Groups offering desirable parks and recreation services, that if not provided by them would need to be provided by U City, are not considered special interest groups.
- I. **Costs:** When establishing fees and charges, all costs will be considered.

PROGRAM AND SERVICE COST ALLOCATION:

1. **Financing Park Facilities:** Costs for the provision (acquisition, development and routine maintenance) of traditional park facilities will not be factored in when determining fees. However, rental facilities will include the cost of maintenance when determining the appropriate fee. Also, (individuals or organizations) desirous of specialized and/or new facilities beyond existing city resources may be required to pay the costs for the acquisition, development, operation, maintenance and program costs associated with the new facility.
2. **Recreation Programs:** Recreation programs, including leisure education, special events, fitness, and athletic programs will, when considered in their entirety, generate 100% of direct, indirect and overhead costs. Some programs may generate less than 100% as long as other programs generate over 100% and make up the overall difference in a fiscal year.
3. **Youth Recreation Programs:** In general, youth programs and services will generate enough revenues to cover 50% of direct, indirect, and overhead costs. For most programs, youth is defined as 18 years old or younger.
4. **Day Camps:** In general, Day camps will generate enough revenues to cover 75% 100% of direct, indirect and overhead costs.
5. **Community Center:** The Community Center will generate enough revenues to cover 75% of direct, indirect and overhead costs but not any debt service for the development and future capital needs

6. **Aquatics:** Aquatics will generate enough revenues to cover 40% ~~50%~~ direct, indirect and overhead costs but not any debt service for the development and future capital needs. Aquatic programs such as swim lessons and aquatic aerobics will generate enough revenues to cover 100% of the direct, indirect and overhead costs.
7. **Recreation Facility: Centennial Commons:** Centennial Commons will generate enough revenues to cover 75% of direct, indirect and overhead costs but not any debt service for the development and future capital needs
8. **Golf:** Golf will generate enough revenues to cover 100% direct, indirect and overhead costs as well as any debt service for the development and future capital needs.
9. **Adult Programs and Services:** ~~In general, adult programs and services will generate enough revenues to cover 100% direct, indirect, and overhead costs. For most programs, adult are defined as 19 years or older.~~
10. **Senior Programs and Services:** ~~Senior programs and services will generate enough revenues to cover 80% direct, indirect and overhead costs. For most programs specifically offered for seniors, senior is defined as age 55 and older.~~
11. **New Programs:** To encourage participation in new programs a lower fee may be initially established and/or minimum participation requirements may be waived.

Miscellaneous

- a) **Meeting Community or Neighborhood Needs:** Occasionally, the Director of Parks, Recreation and Forestry may reduce or waive fees and charges for activities/events which benefit the overall community and/or meet specific neighborhood needs. An organizer must be a not-for-profit agency with 501(c)3 status, community or neighborhood organization recognized or affiliated with the City. The Park Commission will be advised when this has occurred.
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- d) **Gifts and Donations:** Corporate and individual sponsorships, gifts and scholarships can be accepted to reduce or offset the costs of a program, service or facility.
- e) **Satisfaction Guarantee:** With the exception of child care programs, sports leagues, and open swim, any participant not completely satisfied with a program will receive a full refund. As our customer we are committed to providing you the highest quality of services. If you are not satisfied with the program or service a refund will be provided. Membership Cancellation Policy #020 covers the Centennial Commons memberships.
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 - 2. Scholarships provided for individual or families should be limited to U City residents.
 - 3. When demand for leisure education programs exceeds resources available, with pre-registration required, there can be different fees for non-residents. In general, a 50% increase for non-residents should be charged to non-residents.

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VI. DEFINITIONS

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Costs which support the provision of the program or service such as office support for registration, supervisory and/or administrative staff to plan, supervise and evaluate programs/services, marketing and advertising costs associated with the program/service.

Overhead

Costs which support the overall department operations which cannot be attributed to any particular program or service the department offers.

VII. RESPONSIBILTIES

All department staff

VIII. PROCEDURES

MINUTES OF UNIVERSITY CITY COUNCIL
April 21, 2008

At the Regular Session of the City Council of University City held in the Chambers of the City Hall, on Monday, April 21, 2008, Mayor Adams called the meeting to order at 6:30 p.m. In addition to Mayor Adams, the following members of the Council were present:

Mr. Byron Price
Mr. Robert Wagner
Ms. Stefany Brot
Mr. Michael Glickert
Mr. Arthur Sharpe, Jr

Ms. Lynn Ricci had an excused absence with possible late arrival.

Also in attendance was Deputy City Manager/Finance Director Janet Watson in place of Ms. Julie Feier who was out on maternity leave.

D. APPROVAL OF MINUTES

1. April 7, 2008, study session minutes were moved for approval by Mr. Price, seconded by Mr. Wagner and were approved unanimously.
2. April 7, 2008, regular session minutes were moved for approval as amended by Mr. Sharpe, Jr., seconded by Mr. Price and were approved unanimously.
3. April 14, 2008, special session minutes were moved for approval by Mr. Price, seconded by Mr. Wagner and were approved unanimously.

E. APPOINTMENTS

F. SWEARING IN

G. PUBLIC HEARINGS

1. An ordinance finding that a certain blighted area as defined in Section 99.320 RSMO, (the "Statute" being Sections 99.300 to 99.715 inclusive), exists in the City of University City ("City") and containing a description of the boundaries of said blighted area, attached hereto and incorporated herein as "Exhibit 1" known as the Olive Boulevard and Midland Boulevard Redevelopment Area ("Area"); finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the redevelopment plan for the Olive Boulevard and Midland Boulevard Redevelopment Area, dated January 8, 2008, for the Area ("Plan") incorporated herein by attached "Exhibit 2", pursuant to Section 99.430 of the Statute; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that the Land Clearance for Redevelopment Authority ("LCRA") may acquire properties within the Area; finding that the redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available an eight (8) year tax abatement; finding that the redeveloper shall

make certain payments in lieu of taxes; and pledging cooperation of the City Council and requesting various City officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan.

The Public Hearing was opened at 6:50 p.m.

CITIZENS' COMMENTS

Joe Hahn, 7305 Olive

Mr. Hahn owns and operates the Queensway Laundromat since 1975. He stated that he was in the dark as to what was happening. Mr. Hahn said that he was aware that the City has to help in relocation if it condemns the property but if the building owner sold the property to the City, they do not have to help in relocation. He noted that he had not received any notice of this Public Hearing. He felt the tenants should have received notification also.

Mayor Adams declared the Public Hearing closed at 6:58 p.m.

2. An ordinance finding that a certain blighted area as defined in Section 99.320 RSMO, (the "Statute" being Sections 99.300 to 99.715 inclusive), exists in the City of University City ("City") and containing a description of the boundaries of said blighted area, attached hereto and incorporated herein as "Exhibit 1" known as the Olive Boulevard and North and South Road Redevelopment Area ("Area"); finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the redevelopment plan for the Olive Boulevard and North and South Road Redevelopment Area, dated January 8, 2008, for the Area ("Plan") incorporated herein by attached "Exhibit 2", pursuant to Section 99.430 of the Statute; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that the Land Clearance for Redevelopment Authority ("LCRA") may acquire properties within the Area; finding that the redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available an eight (8) year tax abatement; finding that the redeveloper shall make certain payments in lieu of taxes; and pledging cooperation of the City Council and requesting various City officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan.

This Public Hearing was opened at 7:00 p.m.

There was not any public present to speak.

Mayor Adams declared the Public Hearing closed at 7:02 p.m.

3. An ordinance amending Chapter 34 of the Municipal Code of the City of University City, relating to zoning, by repealing Sections 34-40.7(3) and 34-40.7(5) thereof relating to density requirements in the "PD" - Planned Development district, and enacting in lieu thereof a new sections to be known as "section 34-40.7(3)" and "section 34-40.7(5)" by amending said section so as to remove certain density standards; containing a savings clause and providing a penalty.

Mayor Adams declared the Public Hearing closed at 7:05 p.m.

There was not any public present to speak.

Mayor Adams declared the Public Hearing closed at 7:07 p.m.

4. An ordinance amending Chapter 34 of the Municipal Code of the City of University City, relating to zoning, by repealing Section 34-55(1)(4)(c) thereof relating to setback requirements for air conditioning units, and enacting in lieu thereof a new section to be known as "Section 34-55.1(4)(c)," by amending said section so as to change the distance from 2 feet to 1 foot; containing a savings clause and providing a penalty.

Mayor Adams declared the Public Hearing closed at 7:10 p.m.

There was not any public present to speak.

Mayor Adams declared the Public Hearing closed at 7:12 p.m.

H. CONSENT AGENDA

Handled after new Council reconvened

I. CITY MANAGER'S REPORT

Handled after new Council reconvened.

J. UNFINISHED BUSINESS

1. **BILL 8982** — An ordinance amending Chapter 10.36 of the University City Municipal Code, relating to regulations for specific streets, by repealing Section 10.36.030 thereof, relating to designating one-way street traffic, and enacting in lieu thereof a new section to be known as "Section 1.36.030 one-way streets designated," thereby amending said section so as designation of Lindell Boulevard to be one-way street westbound from Asbury Ave. to a point 120 feet south curb line of Forsyth Blvd. only; containing a saving clause and providing a penalty.

Mr. Wagner explained that the Traffic Commission was not able to discuss this bill due to a lack of a quorum and asked that this bill be withdrawn and was seconded by Mr. Price. Its defeat was approved unanimously.

2. **BILL 8985** — An ordinance finding that a certain blighted area as defined in Section 99.320 RSMO, (the "**Statute**" being Sections 99.300 to 99.715 inclusive), exists in the City of University City ("City") and containing a description of the boundaries of said blighted area, attached hereto and incorporated herein as "**Exhibit 1**" known as the Olive Boulevard and Midland Boulevard Redevelopment Area ("**Area**"); finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the redevelopment plan for the Olive Boulevard and Midland Boulevard Redevelopment Area, dated January 8, 2008, for the Area ("**Plan**") incorporated herein by attached "**Exhibit 2**", pursuant to Section 99.430 of the Statute; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that the Land Clearance for Redevelopment Authority ("**LCRA**") may acquire properties within the Area; finding that the redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available an eight (8) year tax abatement; finding that the redeveloper shall make certain payments in lieu of taxes; and pledging cooperation of the City Council and requesting various City officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan.

Mr. Wagner moved for approval of Bill 8985 and was seconded by Mr. Glickert.

Roll Call Vote was

AYES: Mr. Price, Mr. Wagner, Ms. Brot, Mr. Glickert, Mr. Sharpe, Jr., and Mayor Adams

NAYS: none

Bill 8985 passed and became ordinance 6738.

3. **BILL 8986** — An ordinance finding that a certain blighted area as defined in Section 99.320 RSMO, (the "**Statute**" being Sections 99.300 to 99.715 inclusive), exists in the City of University City ("City") and containing a description of the boundaries of said blighted area, attached hereto and incorporated herein as "**Exhibit 1**" known as the Olive Boulevard and North and South Road Redevelopment Area ("**Area**"); finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the redevelopment plan for the Olive Boulevard and North and South Road Redevelopment Area, dated January 8, 2008, for the Area ("**Plan**") incorporated herein by attached "**Exhibit 2**", pursuant to Section 99.430 of the Statute; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that the Land Clearance for Redevelopment

Authority ("**LCRA**") may acquire properties within the Area; finding that the redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available an eight (8) year tax abatement; finding that the redeveloper shall make certain payments in lieu of taxes; and pledging cooperation of the City Council and requesting various City officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan.

Ms. Brot moved for approval of Bill 8986 and was seconded by Mr. Glickert.

Roll Call Vote was

AYES: Mr. Wagner, Ms. Brot, Mr. Glickert, Mr. Sharpe, Jr., Mr. Price and Mayor Adams

NAYS: none

Bill 8986 passed and became ordinance 6739.

- 4. BILL 8988** — An ordinance amending Chapter 34 of the Municipal Code of the City of University City, relating to zoning, by repealing Sections 34-40.7(3) and 34-40.7(5) thereof relating to density requirements in the "PD" - Planned Development district, and enacting in lieu thereof a new sections to be known as "section 34-40.7(3)" and "section 34-40.7(5)" by amending said section so as to remove certain density standards; containing a savings clause and providing a penalty.

Mr. Price moved for approval of Bill 8988 and was seconded by Mr. Glickert.

Roll Call Vote was

AYES: Ms. Brot, Mr. Glickert, Mr. Sharpe, Jr., Mr. Price, Mr. Wagner and Mayor Adams

NAYS: none

Bill 8988 passed and became ordinance 6740.

- 5. BILL 8989** — An ordinance amending Chapter 34 of the Municipal Code of the City of University City, relating to zoning, by repealing Section 34-55(1)(4)(c) thereof relating to setback requirements for air conditioning units, and enacting in lieu thereof a new section to be known as "Section 34-55.1(4)(c)," by amending said section so as to change the distance from 2 feet to 1 foot; containing a savings clause and providing a penalty.

Mr. Sharpe, Jr. moved for approval of Bill 8989 and was seconded by Mr. Glickert

Roll Call Vote was

AYES: Mr. Glickert, Mr. Sharpe, Jr., Mr. Price, Mr. Wagner, Ms Brot and Mayor Adams

NAYS: none

Bill 8989 passed and became ordinance 6741.

- 6. BILL 8990** — An ordinance approving a final subdivision plat of a tract of land to be known as “Blackberry Terrace Second Addition b-3 Consolidation” and “Park Ridge Condominiums” and located at 962 - 988 Warder (even) and 7729 – 7741 Wild Plum (odd)

Mr. Glickert moved for approval of Bill 8990 and was seconded by Mayor Adams.

Roll Call Vote was

AYES: Mr. Sharpe, Jr., Mr. Price, Mr. Wagner, Ms. Brot, Mr. Glickert and Mayor Adams

NAYS: none

Bill 8990 passed and became ordinance 6742.

RESOLUTION CERTIFICATION OF MUNICIPAL ELECTION RESULTS OF 4/8/08

Resolution 2008 – 6 The St. Louis County Election Board, certifying the April 8, 2008 Municipal Election results.

The resolution was introduced by Mr. Wagner, seconded by Mr. Price and was approved unanimously.

SINE DIE

Mayor Adams thanked Ms. Brot for all her various services she has committed to the City and for her passion for this City.

Mr. Wagner commended Ms. Brot for her prodigious work, particularly focusing on programs for the seniors in our community. He complemented her work on the TIF Commission and all it has accomplished for the City.

Mr. Price thanked Ms. Brot for her great work and concerned and said that he had the benefit to sit across from her on the Council and she leaves a great legacy behind. He encouraged her to continue working with the recycling campaign.

Mr. Glickert thanked Ms. Brot for being the first to guide him when he first came on the Council. He too complimented her on her consistent concern for University City's seniors.

Mr. Sharpe, Jr. said it has been a marvelous experience working with her on many projects and meetings. He said he will look forward to working with her again.

Mr. Terry Crow was sworn in as the new Councilmember.

Mayor Adams convened the new Council on April 21, 2008, 7:45 p.m.

In addition to Mayor Adams, the following members of the Council were present:

Mr. Byron Price
Mr. Robert Wagner
Mr. Terry Crow
Mr. Michael Glickert
Mr. Arthur Sharpe, Jr.

Ms. Ricci had an excused absence.

H. CONSENT AGENDA

1. Sutter Meyer Lease
2. Law Enforcement Safety Grant
3. Recreation Fee Policies and Procedures

Mayor Adams asked the Sutter Meyer lease on the Consent Agenda be pulled for discussion.

Mr. Wagner moved for approval of Consent Agenda items two and three, was seconded by Mr. Sharpe, Jr. and was approved unanimously.

1. Sutter Meyer Lease

Mayor Adams requested the Sutter Meyer Lease be pulled as he saw some problems with the lease as he read it.

Mr. Wagner asked if the Director of Community Development Lehman Walker could come to the microphone in order to answer any of Mayor Adams' concerns that would be addressed.

The following were Mayor Adams' concerns:

- Third Whereas stating "...renovating the Building in accordance with the U.S. Secretary of Interior's Standards for the Treatment of Historic Properties.....". Mr. Adams was not clear as to what standards, the 1800's, the 1930's or the 2000 standards. In the same paragraph, Mayor Adams asked who the "Strategic Plan" was to be submitted to: the City, the Council.

Mr. Lehman Walker said it had no reference to a time period but rather it specified particulars as what kind of wood was to be used in restoration, etc. Mr. Lehman said that the "Strategic Plan" was to be submitted by the Sutter Meyer Society to the Council for consideration and the timing of this was to be January 31, 2009.

Mr. Glickert moved that it be amended to read ".....which will be submitted by the Sutter Meyer Society to the Council for consideration, no later than January 31, 2009....". This motion was seconded by Mr. Price and approved by the majority.

Mayor Adams asked Ms. Watson if the City Attorney had gone over this document (lease) as he found a lot of failures.

- Mayor Adams felt the fourth Whereas, “.....Lessor is desirous of leasing the Premises” was not pertinent to this lease and should be removed.

Ms. Watson stated that the City Attorney had told her that it was not needed in this lease, as it was modeled after the City’s lease with the Green Center and was not necessary for the Sutter Lease.

Mr. Price moved to amend by removing “Whereas, Lessor is desirous of leasing the Premises to Lessee for said purposes, to the extent allowed by University City Charter (the Charter”) Sections 98 and 101;” This motion was seconded by Mr. Sharpe, Jr. and was approved by the majority.

- Mayor Adams stated that the next Whereas mentioned the date a motion was made on April 16, 2008. Mr. Walker said that was a typographical error and should read April 21, 2008, if Council so decided to approve the lease.

Mr. Price moved to change the date to April 21, 2008, seconded by Mr. Glickert and was approved by the majority.

- Item number four, Mayor Adams stated again did not specify where the “Facilities Plan” was to be submitted to.

Mr. Walker stated again that the “Facilities Plan” was to be submitted by the Sutter Meyer Society to the Council for consideration.

Mr. Wagner moved that it be amended to read “.....which will be submitted by the Sutter Meyer Society to the Council for consideration, no later than January 31, 2009”.

Mayor Adams stated item number six said “The amount of the” and thus ended as if something had been left off.

Mr. Walker stated that in preparing the material for the packet, the remaining part of the sentence was inadvertently left off and should state “The amount of the annual rent has been established taking into account the significant renovations being undertaken by lessee under the provisions of this lease.” Mr. Walker stated that the provisions of the lease were \$1.00 per year for rent.

Mr. Wagner moved to amend the copy of the lease to incorporate the remaining part of the sentence, “annual rent has been established taking into account the significant renovations being undertaken by lessee under the provisions of this lease.” This motion was seconded by Mr. Price. Mayor Adams did not call for a vote as he stated he would move them all at one time.

- Mayor Adams had a question on item number nine. He wanted to know why the Council was approving the City to pay all utility charges at the Sutter Meyer house. Mayor Adams stated the Green Center was to pay their utilities.

Mr. Lehman said he was not in the discussions but stated the City Manager had committed to paying the utilities before she left on maternity leave. Mr. Wagner

stated that it was his understanding from Deputy City Manager Ms. Watson that the City had adopted the practice of paying the Green Center's utilities.

The majority of the Council agreed to pay the utilities of the Sutter Meyer house.

- Mayor Adams questioned the word "thereat" in item number ten. Mr. Walker said it should read "thereon".

Mayor Adams was then concerned about what would be the penalties if the maintenance and care did not take place.

Mr. Walker said that items numbered sixteen and seventeen dealt with defaults.

- Mayor Adams felt the item number fourteen required the Sutter Meyer Society to purchase insurance above what the City requires in any other instances. Ms. Watson suggested adding, "not to exceed the normal level of the City's insurance policies."

Mr. Glickert moved to add "'not to exceed the normal level of the City's insurance policies" after ".....not less than the full functional replacement cost of the Building, including Lessee's improvements,"

- Mayor Adams questioned item number fifteen on liability insurance. He read it to say that liability insurance was to be purchased sometime in the future. He felt that it should be in place at the time of the lease signing.

Mr. Walker state that the lease does require the lessor needed to submit liability insurance policy within thirty (30) days of execution of this Lease and until that point the City owned the house and had necessary insurance coverage.

Mr. Price moved to accept the Sutter Meyer Lease as amended, second by Mr. Wagner and was approved by the majority.

I. CITY MANAGER'S REPORT

1. Chipotle Mexican Grill Liquor License

Ms. Ricci arrived at 8:00 p.m.

Ms. Ricci had questioned the oversight ability of the applicant on the liquor license who also was the paralegal for the law firm in Jefferson City, representing Chipotle Mexican Grill.

Mr. Price moved for approval of the liquor license for Chipotle Grill, seconded by Mr. Wagner and was approved by a majority with one Nay vote from Ms. Ricci.

2. Site Plan Review for 7853 Olive – Worship Center

Mr. Price moved for approval of the site plan review for 7853 Olive, seconded by Mr. Sharpe, Jr. and was approved unanimously.

J. NEW BUSINESS

BILLS

RESOLUTIONS

1. Resolution 2008 – 5 Amendment of Fiscal Year 2008 Budget

Mr. Price moved for approval, seconded by Mr. Wagner and was approved unanimously.

K. CITIZENS' COMMENTS

Shirley Richman, 840 Oakbrook Ln. and Joan Botwinick, 511 Westview
Ms. Richman and Ms. Botwinick were not able to stay for the citizens' comment section but Mr. Wagner said that they had let him know of their support of the home repair program and possibly find more available money to add to it.

L. COUNCIL COMMENTS

Mr. Glickert welcomed Mr. Crow to the Council

Mr. Price asked the Council to look ahead to a campaign on recycling strategy for the City as the City is getting ready for budget discussions.

Mr. Crow thanked Ms. Brot for her years of service to the City making it a much better place for all to live. He also thanked the voters for participating in the recent election. Mr. Crow stated he looked forward to working with and learning from the other Councilmembers in the upcoming years.

Mr. Wagner agreed with Councilmembers Price and Glickert for supporting the recycling program of University City. He welcomed Mr. Crow on the Council.

Mayor Adams thanked Ms. Watson for filling in for the City Manager who is out on maternity leave and he also welcomed Mr. Crow to the Council. Mayor Adams announced the next Council meeting to be May 6, 2008 at 6:30 p.m.

The meeting was adjourned at 8:30 p.m.

Joyce Pumm, City Clerk