



Installation Dinner—Friday, June 7

The League's Annual Installation Dinner will be held on Friday, June 7 at the Junior League of St. Louis, 10435 Clayton Rd., just west of Lindbergh. The evening begins at 6:30 p.m. with a social hour (cash bar) on the outdoor patio followed by dinner at 7:30.

The after dinner entertainment will be provided by the Courthouse Steps. This is a troupe of singing lawyers who lampoon politics at the national, state and local levels. We understand that the group is very funny.

The cost of the dinner is \$35 per person. Registration materials have been sent to municipal clerks. Please make reservations through your clerk. Assigned seating will be on a first-come first-served basis. In addition, all City and County legislators have been invited as guests of the League. We make every effort to seat legislators with cities from their districts.

At the dinner the League will install the following new officers and Board members elected by the membership in April:

President—Mayor Gerry Welch, Webster Groves
Vice President—Mayor Bill Bergfeld, Warson Woods
Finance Chairman—Mayor John Schuster, Glendale
Board Members:

Councilman Ben Allen, Black Jack
Mayor Virginia Bira, Vinita Park
Mayor T.R. Carr, Hazelwood
Mayor Bert Gates, Shrewsbury
Mayor Betty Humphrey, Richmond Heights
Alderman Richard LaBore, Crestwood
Mayor Annette Mandel, Creve Coeur
Councilman Skip Mange, St. Louis County
Mayor John Nations, Chesterfield
Councilman Tom Wolf, Ferguson

We hope that you will be able to join us on June 7 to welcome the League's new leadership team and meet with your fellow officials.

League Trivia

Two St. Louis County municipalities have siblings serving on the governing board. Can you name the municipalities and the elected officials? (Answer on Page 4)

April Meeting Synopsis

At the April 25 membership meeting, Larry Salci, Executive Director of the Bi-State Development Agency, updated the membership on the planning for the next Metrolink extension from the Forest Park Station to Shrewsbury. He noted that transit ridership has gone from a high of 114 million passengers per year in 1950 to 37 million in 1991. The opening of the first Metrolink line bumped the ridership to 54 million in 1995, with slight variations since then.

Bi-State has faced financial difficulty due to the elimination of federal operating assistance. This amounted to \$25 million in 1980. The State of Missouri provided only \$3.5 million in 2001, considerably less than other states with large transit systems.

Mr. Salci indicated that engineering for the new line is 75% complete and that right-of-way acquisition would begin soon. In addition, utility mitigation is being planned as thousands of utility lines must be relocated.

The total cost of the line is estimated at \$500 million and it should be operational in 2005. Mr. Salci noted that this line would be completely funded with local dollars from the Proposition M sales tax. Bonds will be sold to finance construction. There are sufficient funds to build and operate Metrolink from the Proposition M tax approved by voters. He said that federal funds could not be secured for this line because the region was already committed to the Illinois line during the current federal transportation funding cycle. Federal funding could be sought for future lines if a new federal funding bill is approved beginning in 2004.

Following the program, the membership elected officers and Board members for the 2002-2003. Mayor Gerry Welch of Webster Groves will become the 7th person from her city to serve as League president. New Board members are Alderman Richard LaBore of Crestwood (Past President) and Mayor John Nations of Chesterfield.

President Virginia Bira presented certificates of appreciation to League members who served on the Board and on committees during the past year. In addition, she recognized outgoing Rock Hill Mayor Ken Whitfield on his many accomplishments and service to the League.

We appreciate the warm welcome from Mayor Bira and the officials and staff of the City of Vinita Park who hosted a League meeting for the first time.

Legislative Update

As the legislature enters its final three weeks, a number of major issues must still be debated. Included among these are highway funding, reassessment, the St. Louis, Kansas City, Springfield and Branson stadium/convention centers and the State budget. Adjournment will be at 6:00 p.m. on Friday, May 17.

League Priorities

Several bills have been introduced which would erode municipal sales tax revenues. The League opposes bills that lower revenues approved by voters. Obviously, such mandates from Jefferson City force local services to be cut.

Other bills would establish a “back-to-school” sales tax holiday during one week in August, which has been sought by retailers. HCS SCS SB 894 et al (Kinder) passed the Senate and the House Miscellaneous Bills Committee, despite a high fiscal note. The bill contains language that the State would reimburse the cities for lost revenue, but has no mechanism for doing so. As the legislature continues to proceed with the tax holiday bill, many have asked if there really is a state budget problem.

SCS SC 915 et al (Westfall) contains a 3/8 cent sales tax and a 6 cent gas tax increase to fund transportation. It is on the House 3rd Reading Calendar. The House Transportation Committee Chairman is pushing for a one cent sales tax increase along with a 3 cent gas tax hike. The League supports traditional user fee increases (gas taxes or registration fees), but opposes the radical change of proposing new sales tax for highways that subsidizes trucks and other heavy users.

Other Bills of Interest

In 2001, the League endorsed the concept of a countywide emergency communications district to fund hardware improvements to help local public safety officials communicate during a large scale emergency. Legislation has been introduced again this year on this subject. SB 795 passed the House with minor amendments and has been sent back to the Senate for consideration of those changes. The House version, HB 1432 (Foley) has passed the House and was heard in the Senate Miscellaneous Bills Committee on April 23.

HB 1496 (Green) would restrict the use of Tax Increment Financing in the St. Louis area by limiting TIF to poorer areas. It passed the House on March 21 and was heard in the Senate Commerce Committee on April 23. Such limits would: a) force areas to decline before acting; b) eliminate a tool to place vacant buildings back on the tax rolls; c) reduce the sales tax shared by all in St. Louis County; and d) send investors to low risk counties.

HB 1869 (Barry) would override the City of St. Louis charter by prohibiting residency requirements for police officers. It has passed the House and the Senate General Laws Committee.

The Senate Ways and Means Committee has combined several bills related to assessment procedures. SCS SB 688 (Gibbons) would limit assessment increases, among other provisions. The bill has passed the Senate and passed the House Ways and Means Committee on May 1.

As in past years, several bills have been introduced to allow the carrying of concealed weapons. HCS HB 1729 (Barnitz) has passed the House and been sent to the Senate. In 1999, voters statewide defeated a proposal to allow carrying of concealed weapons.

Bills to support baseball stadiums and convention facilities are also being debated. SCS SB 1279 (Kinder) was perfected in the Senate on May 2. It would offer incentives not only to St. Louis, but Kansas City, Springfield and Branson as well. New money generated would also be set aside to assist economic development in other areas of the State not listed above. HB 1889 (Foley) passed the Commerce Committee and is on the Perfection Calendar. The League is supportive of keeping the stadium both in Missouri and in downtown St. Louis. The League supports the bill’s concept of paying for a portion of the stadium with some of the new taxes generated there and from the proposed ball-park village.

Municipalities Successful on April Ballot Issues

Voters overwhelmingly supported municipal propositions at the April 2 elections. Sales taxes for various purposes were passed in Calverton Park (capital improvements), Cool Valley (capital improvements), Frontenac (fire service), Northwoods (parks/stormwater and general revenue), Olivette (parks/stormwater), and Woodson Terrace (parks/stormwater). No sales tax proposals were defeated in the County.

There are currently 4 local option sales taxes that are authorized for St. Louis County municipalities. The number of cities that have passed each type follows the description:

- ? 1/4 cent for general revenue—27 cities
- ? 1/2 cent for capital improvements—68 cities
- ? Up to 1/2 cent for parks and stormwater—32 cities
- ? Up to 1/4 cent for cities with fire departments—5 cities.

Also at the April election, the Village of Bellevue passed the sewer lateral repair program, bringing to 65 the number of county municipalities that have passed this ballot issue.

And the City of Florissant successfully annexed a small pocket located between Florissant and Hazelwood.

Congratulations to all municipalities for the good job done in involving citizens and providing information that assures citizens that their taxes will be used wisely.

Supreme Court Upholds Development Moratoria

In a far-reaching decision in late April, the U.S. Supreme Court found that the use of temporary moratoria on land development, in this case as part of the planning process, does not constitute taking of property requiring compensation to the owner. The 6-3 decision was rendered in the case of *Tahoe Sierra Preservation Council v. Tahoe Regional Planning Agency*.

“The Supreme Court has strongly stated the concept that rights and responsibilities are reciprocal between property owners and local government during the development process,” said W. Paul Farmer, AICP, executive Director of the American Planning Association. He continued, “The Court has reaffirmed that planning and planning tools are central to maintaining an open and democratic development process that safeguards the rights of all citizens.”

In numerous references to “fairness and justice” the court rejected the notion that a categorical rule with regard to moratoria would be in the best interest of landowners or planners. The decision stated, “To the extent that communities are forced to abandon using moratoria, landowners will have incentives to develop their property quickly before a comprehensive plan can be enacted, thereby fostering inefficient and ill-conceived growth.”

Hiring Disabled Workers Now Easier

The St. Louis County Division of Personnel has received a grant from the Productive Living Board to better assist disabled job seekers, along with municipalities and the County with open positions.

Carol Flood brings years of experience to a new job at the County that matches municipal and County jobs with the skills of the disabled. Importantly, Ms. Flood will visit sites, assist with interviews, provide on-the-job problem solving and other customized services to assist municipalities.

Contact her at the County Personnel Department at 314-615-0148 for more information.

New Boundary Commission Member Named

Former University City Councilmember Mary Schuman has been named to the County Boundary Commission, replacing Dee Joyner whose term had expired. Ms. Schuman was selected by a panel consisting of League President Virginia Bira, retired Crestwood Mayor Jim Brasfield, County Planning Director Glenn Powers and Tom Curran of the County Executive’s Office.

Ms. Schuman served eight years on the University City Council. We appreciate her willingness to serve on the Boundary Commission and thank Dee Joyner for her contributions to the Commission.

Demolition Ordinance Must Provide for Evidentiary Hearing

The following article was prepared by Dudley McCarter, City Attorney for Creve Coeur.

The Goe family owned a mobile home in the City of Mexico. The City sent notice to the Goes, advising them that the mobile home was dilapidated and unsafe for human occupancy. When the Goes failed to make corrections to the mobile home, the City removed it from the property and disposed of it under the City’s demolition ordinance. The Goes filed suit against the City seeking damages for violation of due process and wrongful appropriation of their property. The trial court dismissed the suit, but the Court of Appeals reversed in *Goe v. City of Mexico*, No. ED 79327 (Mo.App E.D. 2001).

The City’s demolition ordinances did not provide for a full and adequate evidentiary hearing for the affected parties, as is required by Section 67.400 et seq. RSMo. The City’s ordinances only provided an aggrieved party the right to appeal a decision of the City’s code official; they provided for a hearing only if the party adversely affected requested one. Section 67.410 RSMo clearly requires a city to have a full and adequate hearing for the affected parties. Because the City’s demolition ordinance did not provide for a hearing to be held automatically, it did not comply with the requirements of Section 67.410 and was, therefore, invalid.

Newly Elected Officials Seminar Held

Approximately 80 newly elected and experienced officials attended a League seminar designed to give new officials an introduction to local government. The main speaker, municipal attorney Kevin O’Keefe, highlighted issues such as classification of cities, laws governing cities, roles and responsibilities of elected officials and council/staff relations. League Assistant Director Steve Ables provided background on municipal revenue sources and Executive Director Tim Fischesser addressed League services provided for our members. President Virginia Bira, Mayor of Vinita Park, and Past President Mike Swoboda, Mayor of Kirkwood, welcomed the attendees and provided the insight of experienced elected officials.

Municipal Official Celebrates 50 Years in Office

Fred Batcher was appointed Village Clerk in Sycamore Hills in April 1952 and still serves in that capacity. He has had a hand in the preparation of over 300 of the Village’s ordinances during that time and continues to be a valuable resource for the trustees.

The next time you see Fred at a League meeting, be sure to congratulate him on this major milestone!

MML to Hold Newly Elected Officials Conference

The Missouri Municipal League will be holding its annual NEO session on Friday, June 14 at the Capitol Plaza Hotel in Jefferson City. The cost is \$60 if prepaid or \$70 if billed or paid on site. In addition, an early bird reception will be held at 6:00 p.m. on Thursday, June 13. The program begins at 8:30 a.m. and ends at 4:00 p.m. on the 14th.

The speakers will cover, among other topics:

- ? Council powers and duties
- ? Open meetings and records law
- ? An overview of planning and zoning procedures
- ? How to be an effective local official, and
- ? Revenue sources and the Hancock Amendment.
- ?

The conference is designed to provide newly elected officials with information you can use in your new position and provide a refresher course for incumbent officials.

Hotel reservations should be made directly with the Capitol Plaza at 1-800-338-8088. Let the hotel know that you are with the Missouri Municipal League to receive the conference rate of \$75 per night.

Congratulations To . . .

Mayor Betty Humphrey of Richmond Heights who has reached the Bronze level in the Certificate of Achievement in Leadership Program offered by the National League of Cities. Recipients from throughout the country were recognized for their achievements at the National League of Cities Congressional Cities Conference earlier in the spring.

Mayor Humphrey, who also serves on the League Board of Directors, received 24 credits in all five of the core competency areas of the program to achieve her recognition.

Welcome To . . .

Officials of the City of Bella Villa, who recently joined the League, bringing total membership to 86 cities.

Trivia Answer (from Page 1)

In Riverview, brothers John and Craig Boehmer serve on the Board of Trustees and in St. Ann, brother and sister Anthony and Carrie Cafazza both represent ward one.

