



Installation Dinner—Friday, May 30

The League's Annual Installation Dinner will be held on Friday, May 30 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 again be provided by the Courthouse Steps. This is a troupe of singing lawyers who lampoon politics at the national, state and local levels. The group was well-received at last year's dinner and they have agreed to perform again with much new material along with some of their "classics."

The cost of the dinner is \$36 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 Bill Bergfeld, Warson Woods

Vice President— Mayor John Schuster, Glendale

Finance Chairman— Mayor Betty Humphrey, Richmond Heights

Board Members:

Mayor Joe Adams, University City

Councilman Ben Allen, Black Jack

Mayor T.R. Carr, Hazelwood

Mayor Bert Gates, Shrewsbury

Alderman Linda Goldstein, Clayton

Alderman Richard LaBore, Crestwood

Councilman Skip Mange, St. Louis County

Mayor Jim Murphy, Normandy

Mayor John Nations, Chesterfield

Mayor Gerry Welch, Webster Groves

We hope that you will be able to join us on May 30 to welcome the League's new leadership team and meet with your fellow officials.

Please Note

The League does not meet during the summer months. Our next membership meeting will be on September 25.

Finance Seminar—Thursday, May 22

The League will be holding a seminar on municipal finance and development for our members from 4:00 - 7:00 p.m. on Thursday, May 22 at the Junior League of St. Louis, 10435 Clayton Rd. The cost is \$35, which includes a buffet dinner and materials.

The program is geared to elected officials and staff seeking a greater understanding of finance and development authority and planning. Topics to be covered include:

- Municipal Revenue Sources and Trends;
- GASB 34 Financial Report Guidelines; and
- TIF and Other Economic Development Tools

Speakers will include: Mike Schoedel, City Manager, Richmond Heights; Kevin O'Keefe, Municipal Attorney; and Darrell Songer, CPA, with the Larson Allen Accounting Firm.

Registration materials have been mailed to all municipal clerks. Please note that because of space restrictions, only the first 40 reservations will be accepted.

NLC Promoting Small Cities Day June 20

The National League of Cities has proclaimed June 20 as the 3rd Annual Small Cities Day in America. Of the nearly 20,000 municipal governments in the U.S., 94 percent have populations less than 25,000 and 87 percent are less than 10,000. NLC has a Small Cities Council which serves as the voice for municipalities under 50,000 which are members of NLC. Currently the SCC is chaired by Mayor Brenda Barger of Watertown, South Dakota.

NLC President John DeStefano, Mayor of New Haven, Connecticut, "urges leaders in small communities to use June 20 to remind Congress and the administration of the importance of working together during these tough economic times."

To mark the day, leaders in small cities will be asked to issue a proclamation, plan a news event and issue a press release, and share examples of successful federal-local partnerships that have made a difference in their communities.

Background materials and resources for National Small Cities Day are available on the NLC website at www.nlc.org.

Legislative Update

The State budget remains mired in controversy and the last two weeks will be chaotic, as the Legislature struggles to meet the Constitutional deadline for passage of the budget. Most of the bills that have been passed to date have been consent (non-controversial) bills. Other major issues have been pushed to the back burner as the House and Senate discuss revenue enhancement options. The League will continue to send out a weekly update by e-mail or fax through the end of the session on May 16.

League Priorities

One of the main priorities for the League is the preservation of local sales tax revenue during hard times. **SB 11** (Kinder) would enact a sales tax holiday for state and local sales taxes on clothing items under \$100, school supplies under \$50 and computers under \$2000 for one weekend in August in 2003 and 2004. It is being promoted by a few large retailers. Cities would be able to opt out of the holiday, but only during a very short time period from June to July. Retailers claim that shoppers from other states would come to Missouri to purchase items and would buy enough additional taxable items to create an overall revenue increase for the state and local governments, but Senate fiscal notes indicate that State and local governments will lose revenue. There is no provision in the committee substitute bill to reimburse local governments for lost revenue. The League strongly opposes this bill, particularly in times of tight budget for the state, counties and cities. The bill has passed the Senate and passed the House Tax Policy Committee on April 17. At press time it was on the House 3rd Reading Calendar. Local officials should argue that cities be given the opportunity to "opt in" to giving away the tax if participation in the tax holiday is desired. This is a much more reasonable approach.

HCS HB 517 (Lembke) would limit increases in property taxes for senior citizens living in their own homes. The bill would require the state to appropriate funds to cover losses to local governments. Historically, the state has never done so and with the state facing fiscal crisis, it seems unlikely that additional funds could be found to repay cities, counties, school districts, fire districts, etc. The bill passed the House on April 3 and was voted out of the Senate Senior Security Committee on April 22. It is currently on the Senate 3rd Reading Calendar.

SB 668 (Dolan) was amended in the House to allow multi-jurisdictional transportation development districts (TDDs). This has been proposed by cities along Manchester Road from Maplewood to Kirkwood to help fund major streetscape improvements and enhancements. It would authorize a sales tax in the district to pay for the improvements. The bill is currently on the 3rd Reading Calendar in the House. If approved it will have to go

back to the Senate for consideration of this and other amendments.

Other Bills of Interest

HCS HB 349 (Crawford) would authorize the carrying of concealed weapons if the applicant has completed the training program outlined in the bills. The bill was Truly Agreed to and Finally Passed on April 5. Governor Holden has promised a veto. It remains to be seen if there are enough votes to override a veto. The League opposes this legislation, which failed in a state-wide vote, due to the increased likelihood of accidental shootings, particularly involving children.

SB 136 (Goode) would change the opening day of election filing to 16 weeks before the April election to avoid conflicts with the Christmas holidays. The bill was Truly Agreed to and Finally Passed on May 5.

HB 289 (Dempsey) relates to Downtown Economic Stimulus Act, which is supported by the League. However, the Senate amended the bill to limit business licenses in villages to a maximum of \$10,000 per license. This could include revenue from electric fees, which is a major revenue source. The County League and the MML have sent contacts to numerous cities asking officials to contact legislators to vigorously oppose this provision. At the current time this is the most important bill facing cities. The bill passed the Senate on May 5 and needs to be fixed in a conference committee.

SB 172 (Goode) would restrict most TIFs in the state, not just the region, to distressed areas. 75% of St. Louis County would be ineligible. The League opposes this bill as it would hamstring many local redevelopment efforts and cause Missouri companies to move out of state as we would be forced to compete with one arm tied behind our backs. It was heard in the Ways and Means Committee on February 25. Attempts may still be made to amend these provisions onto other bills.

SB 218 (Goode) would exclude condos in buildings with more than six units from the sewer lateral program unless each condo has one lateral per unit. The bill would also allow a public vote to raise the fee to \$50. SB 218 was Truly Agreed to and Finally Passed on May 5. A similar bill to increase the fee to \$50 is SB 301 (Bray) which has also passed the House and been returned to the Senate with amendments.

Newly Elected Officials Seminar Held

Approximately 75 newly elected and experienced officials attended a League program on April 30 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.



Municipal Attorney Kevin O'Keefe responds to a question at the League's Newly Elected Officials Conference. Also pictured are Crestwood Alderman and League Past President Richard LaBore, and Warson Woods Mayor and President-Elect Bill Bergeld.(L-R).

Also on the program were Attorneys Laura Bub, Ken Heinz, and Stephanie Karr and Des Peres City Administrator Doug Harms, who help facilitate breakout sessions to provide greater opportunities for attendees to ask questions and get more detailed information on how best to govern cities.



Municipal Attorney Ken Heinz presents information on the Open Meetings Law at the NEO Seminar. To Mr. Heinz' left is Des Peres City Administrator Doug Hams, who also participated in the program.

April Meeting Synopsis

At the April membership meeting, Blair Forlaw, Director of Policy and Programming for the East-West Gateway Coordinating Council, presented an informative program on Gateway's "Where We Stand" publication. This document compares the St. Louis region with 34 other metropolitan areas across the country on a variety of economic and social factors. The report shows that St. Louis is falling behind some metropolitan areas in terms of population growth, job growth and education. However, the region does continue to maintain a low cost of living and has a very low level of local government costs.

Ms. Forlaw also presented a map showing many of the collaborative efforts being implemented by municipalities throughout the County. These include police and fire service, planning for regional trails, and sharing of services and employees. Efforts such as these are seen as positive trends that can lead to greater efficiencies in services at a reduced cost.

Following the program, the membership elected officers and Board members for the 2003-2004. Mayor

Bill Bergfeld of Warson Woods will become the 2nd person from his city to serve as League president. New Board members are Mayor Joe Adams of University City and Mayor Jim Murphy of Normandy.

President Gerry Welch presented certificates of appreciation to League members who served on the Board and on committees during the past year. She then presented a proclamation to Agnes Garino of Kirkwood who retired after 7 years on the Boundary Commission. President Welch also thanked Mayor Virginia Bira of Vinita Park for her many years of service to the League.

League members were impressed with the newly remodeled Webster Groves City Hall. Thanks to Mayor Welch and the city officials and staff who served as hosts.

Cities Approve Vacant Housing Registration Fees

The following article was prepared by Stephanie Karr, an attorney with Curtis, Oetting, Heinz, Garrett & O'Keefe.

In April, voters in ten municipalities overwhelmingly approved a \$200 semiannual fee for the registration of vacant residential properties that are in violation of housing codes. The vacant housing registration program and the semiannual fee are authorized by Section 67.399 R.S.Mo., as enacted by L.1998, H.B. No. 1352 §A.

A city may establish a registration program for vacant houses or vacant multiple-unit buildings. As long as the structures are vacant (and have been vacant for more than 6 months) and are in violation of the city's housing ordinances, the structure can be placed on the registration list and the property owner may be subject to a semiannual fee as set by ordinance.

The maximum registration fee authorized by the law is \$200; this is a semiannual registration fee that may be collected twice a year as long as the property still meets the registration requirements of the statute and ordinance. Because of Hancock Amendment concerns, many cities enacting this program last year imposed a smaller registration fee until the voters could approve the maximum fee at the election in April. The maximum fee was approved in all the municipalities that submitted the question to the voters.

The statute requires the municipality to designate a municipal officer to investigate property that may be eligible for registration and subject to the registration fee. Cities enacting such registration programs have generally designated an official associated with the building permit or code enforcement functions of the city.

The registration process itself requires inspections and notice to the property owner. If the property owner completes improvements to abate the housing code violations, he may request removal from the registration list and waiver of the fee. A property owner may also appeal the registration of the property to the municipal court. Upon failure of a property owner to pay the fee, a municipality may take one of several legal actions, including foreclosure.

Vacant Structure Fee (continued)

The registration process can be closely tied to a city's occupancy inspection and permit process and should involve all departments of city government.

Section 67.399 provides one more tool to municipalities in the effort to maintain the quality of housing in the community. This article only addresses a portion of the benefits and requirements in enacting a registration program for vacant residential structures. Any interested city officials should consult with their city attorney concerning the requirements of the law.

Court Upholds Sign Permit Denial

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

HHC Medical Group applied to the City of Creve Coeur for a sign permit to install an exterior wall identification sign for the west wing of the medical office building it occupied. In its application, HHC stated that the west wing was a freestanding building and therefore entitled to its own sign under the City's zoning ordinance. The City denied the application and HHC appealed to the Board of Adjustment. During the hearing before the Board, HHC presented evidence that the west wing was connected to the other wings only by an expansion joint and that it was structurally a separate building. The City staff testified that, when the wing was constructed, it was described as an expansion of the existing building and the City approved the new wing as an addition to the existing building. The City Board of Adjustment denied HHC's application by a 2 to 2 vote. The trial court upheld the Board of Adjustment, as

did the Court of Appeals in *HHC Medical Group v. City of Creve Coeur*, No. 81302 E.D. (Mo.App. 2003).

The scope of judicial review is limited to determining whether the Board's decision is supported by competent and substantial evidence upon the whole record or whether the decision is arbitrary, capricious, unreasonable, unlawful or in excess of the Board's jurisdiction. In determining whether competent and substantial evidence exists to support the Board's decision, the Court views the evidence, along with all reasonable inferences therefrom, in the light most favorable to the Board's decision. The interpretation given to the language in an ordinance by the body in charge of its enactment and application is entitled to great weight. Words contained in an ordinance should be given their plain and ordinary meaning and should be interpreted to avoid absurd results. Since the City's zoning ordinance did not define freestanding, the dictionary term is referred to and it defines freestanding as "unattached to a supporting unit or background; standing alone".

Here, the west wing has the same bricks, windows, and aesthetic appearance as the north and south wings. A concern for aesthetic appearance is a purpose of the sign regulations, as evidenced by the City's ordinance. Since the medical facility outwardly appeared to be one building, as the photographs submitted into evidence illustrate, it is reasonable for the Board to regulate the building's signage accordingly. The Court will not hold the Board to a technical meaning of the word "freestanding". The Board's decision was supported by competent and substantial evidence upon the whole record and was not arbitrary or capricious.

