



## A Letter to the Membership from President Gerry Welch

Dear Municipal Friends,

Although our Municipal League works year round on our behalf, the September Membership Meeting seems to “kick off” our activities for the coming year. It is the time when we meet many of the newly elected officials, renew old ties, and strengthen the networking that is so valuable for us as individuals and for our cities.

This summer the Board met for a daylong planning session and created vision statements and goals that will be presented to our membership. The vision includes strengthening our regional voice, our relationships with other entities, and the vitality of our organization. Among the goals to accomplish this vision are developing lively monthly meetings and partnering with other entities.

We invite you to join us this fall as we focus on the theme of “partnering”. Here is what is planned.

### **September 26<sup>th</sup> – Partnering with Other Municipalities**

*7:30 pm – Chesterfield City Hall*

The City Managers from Richmond Heights, Clayton, and Maplewood will give a presentation on the partnership steps these cities have taken with each other. This arrangement is relatively new for the St. Louis area and there are successes to share.

### **October 24<sup>th</sup> – Partnering with St. Louis County**

*6:30 pm – County Council Chambers, Clayton*

The County will host the League with a light buffet (outside if weather permits) before a meeting that focuses on the services that the County provides for municipalities, with special emphasis on health and economic development.

### **November 16<sup>th</sup> – Partnering with our Legislators**

*9:00 am – Junior League, Frontenac*

Our annual Legislative Breakfast provides the opportunity for the League to present its legislative priorities and to greet the legislators who represent us at the county, state, and federal levels.

### **November 21<sup>st</sup> – Partnering for Parks, Recreation, and Green Space**

*7:30 pm – Normandy City Hall*

This panel discussion will focus on many of the partnerships that are being developed for parks, trails, greenways, and other coordinated recreation and green space efforts. Learn about what has worked and where the bumps may be.

The St. Louis County Municipal League is our organization and can provide a strong voice for our municipalities. We need your thinking and your support! See you in September in Chesterfield.

Regards,

Gerry Welch  
Mayor, Webster Groves  
President, St. Louis County Municipal League

## September 26 Meeting in Chesterfield

The first League meeting of the fall will be held at 7:30 p.m. on Thursday, September 26 at the new Chesterfield City Hall, 690 Chesterfield Parkway West. (Directions: from I-270, west on Highway 40/I64 to exit 19A, Chesterfield Parkway West, which is just past the Olive/Clarkson exit. At the first stoplight turn right onto the Parkway and then make the first left on Swingley Ridge Rd. The City Hall parking lot is on the right. We will include a map with the mailing to mayors and board chairmen prior to the meeting.)

**Program:** Our September program will focus on the theme of partnering with other municipalities for the benefit of all. As you may know, the Cities of Clayton, Maplewood and Richmond Heights are undertaking a unique study of services among the three communities to determine if there can be some efficiencies or savings from the possible consolidation or sharing of facilities, programs and services. The city managers of the three cities: Scott Randall of Clayton; Marty Corcoran of Maplewood; and Mike Schoedel of Richmond Heights, will explain how they have undertaken this study, what the implications may be for their cities, and how similar studies might benefit other municipalities in the region.

All agenda items will be mailed to mayors, board chairmen and chief administrative officers prior to the meeting.

For those interested in the opportunity to view the new Chesterfield City Hall prior to the meeting, city staff will be available to provide tours beginning at 6:30 p.m.

## Household Chemical Collections Planned

Fall cleanup may be a little easier for residents, as the St. Louis County Department of Health is hosting four one-day household chemical collection events. Improper disposal of leftover household chemicals can be especially harmful to the environment and pose a risk to public health. This program provide residents with a safe alternative to disposal. All St. Louis County residents are welcome and its free! The costs are covered by County landfill surcharge funds. Proof of residency, such as a driver's license or tax bill, will be required.

**Acceptable Materials:** Paints, stains, varnishes, pesticides, herbicides, poisons, gasoline and other fuels, solvents and strippers, aerosols, motor oil and filters, gas cylinders (BBQ-pit size or smaller) fluorescent tubes, household batteries (rechargeable), anti-freeze, brake and transmission fluids, pool chemicals and other acids and bases, car batteries, wood preservatives, drive sealant, and mercury-containing items such as thermometers.

**Unacceptable Items:** Explosive and ammunition, radioactive waste, smoke detectors, medical waste, household trash, tires and other bulky items. Materials from business, commercial, non-profit, and government organizations are also prohibited.

The events will be held rain or shine at the following locations:

- ? Saturday, October 5 — 8 a.m. to 12 noon, St. Louis Community College at Florissant Valley
- ? Saturday, October 19 — 8 a.m. to 12 noon, St. Louis Community College at Meramec
- ? Saturday, November 2—8 a.m. to 12 noon, Marquette High School on Clarkson Rd.
- ? Saturday, November 16—8 a.m. to 12 noon, Maryland Heights Centre, 2344 McKelvey Rd.

For more information on these or other activities, call the St. Louis County Department of Health Recycling Hotline at 314-286-9200, or check out the “Special Events” on the Department’s website at [www.stlouisco.com/doh/environ/recycler/waste\\_mg.html](http://www.stlouisco.com/doh/environ/recycler/waste_mg.html).

## City Development Workshops Offered

North County, Incorporated and the University of Missouri-St. Louis Public Policy Research Center (PPRC) are co-sponsoring a series of development workshops for government officials and other interested community leaders. They will be held on three consecutive Saturdays, October 5, October 12 and October 19 in Room 78 of the J.C Penney Building at UM-St. Louis. The total cost is \$40, which includes a continental breakfast each week. The sessions run from 9:30 a.m. to 12:30 p.m.

After a year long study of development polices and the need for housing and commercial development in North County municipalities, North County, Inc. and the PPRC have prepared a workshop series central to the future of municipalities. *Redevelopment in Suburban Municipalities: Making Plans and Taking Action* is designed to address the key issues facing suburban municipalities of all sizes. How do local officials access the tools for redeveloping a commercially zoned area? Will the housing stock meet the needs of residents ten years from now? How are city plans implemented once they are in place? These issues are critical to the success of community growth.

*Redevelopment in Suburban Municipalities: Making Plans and Taking Action* will focus on three aspects of urban development: laying the foundations, commercial development/redevelopment, and housing development/redevelopment. The programs will include discussion of economic considerations, legal aspects of planning and development, partnerships, RFPs, and long term sustainability.

For more information about the workshops visit the PPRC website at [www.umsl.edu/services/pprc/index/htm](http://www.umsl.edu/services/pprc/index/htm), or contact Rebecca Zoll at North County, Inc., 314-972-9900. To register for the seminar, call Buddy Poe at 314-516-5971.

## **Grass Cutting Ordinance Was Valid Exercise of Police Power**

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

The City of Overland has an ordinance requiring the owners of private property that abut a public right-of-way or easement to maintain the trees and cut the grass in that right-of-way or easement. The City issued a complaint against Lyle Wade for his failure to mow the grassy right-of-way abutting his property between the sidewalk and the street. After being convicted in the municipal court, he appealed to the Circuit Court, contending that the ordinance violated his constitutional rights by requiring him to maintain city property, without compensation. The Court of Appeals confirmed his conviction in City of Overland v. Wade, No. E.D. 80257 (Mo.App.E.D. 2002).

A municipality may exercise its general police powers by enacting ordinances for the welfare and safety of its citizens. An ordinance is presumed a valid exercise of police power and the party challenging it carries the burden of showing that it is unreasonable. An ordinance is a legitimate exercise of police power if the express requirements of the ordinance bear a substantial and rational relationship to the health, safety, peace, comfort, and general welfare of the citizens. If reasonable minds differ as to whether a particular ordinance has a substantial relationship to the health, safety or welfare of the public, then the issue is decided in favor of the ordinance. Here, the ordinance requiring the mowing of a grassy area in a right-of-way is a legitimate exercise of the city's police power and is not unconstitutional. Overland's ordinance was substantially and rationally related to the health, safety, peace, comfort, and welfare of its citizens. Moreover, the desire to maintain the beauty and aesthetics of a municipal neighborhood is a proper concern to be addressed through the police powers of a municipality.

## **MSD Phase II Stormwater Update**

Several League members are involved in a Metropolitan Sewer District Committee to develop guidelines for implementation of Federal Phase II Stormwater regulations. The regulations are intended to reduce stormwater runoff and decrease pollution in rivers and streams. The Committee's goal is to create a framework whereby municipalities can work through MSD to create a joint stormwater permit that will meet the goals of the regulations without causing undue hardship on local governments. The groups is currently reviewing drafts of the permit language, which will be shared with all cities.

MSD staff has the expertise to create and manage the stormwater permit upon completion of the review by the Committee and adoption by the Missouri Department of Natural Resources. Due to exemptions granted under the law, these guidelines will affect only municipalities over 1000 population and those that do not have combined sanitary and storm sewers.

## **Pine Lawn Prevails on Trash Fee Case**

*The following article was prepared by Ken Heinz, with the firm of Curtis, Oetting, Heinz, Garrett & Soule.*

In 1992, the City of Pine Lawn was facing a serious fiscal crisis and could no longer afford to pay for trash collection. Based on the decision in *Keller v. Marion County Ambulance District*, the City passed an ordinance imposing a user fee on each residential household to be put into a special trust fund to pay for the trash collection. In 1996, the City amended the ordinance to make certain changes with regard to its applicability. Finally, in 1999 the City submitted to the voters a proposition that the user fee be approved under the Hancock Amendment. After the voters of the City of Pine Lawn approved the ballot proposition, the Plaintiffs Metts filed a class action suit for an injunction and for refunds claiming that the 1992 and 1996 ordinances were unconstitutional under the Hancock Amendment.

The Circuit Court ruled in favor of the City of Pine Lawn, holding that while the 1992 and 1996 versions of the ordinance seemed like they were imposing a tax rather than a user fee, the taxpayers had waited too long to bring suit. On appeal, the Missouri Court of Appeals affirmed the judgment of the Circuit Court. The Court pointed out that under the Hancock Amendment the Plaintiffs could not seek an injunction as to charges that were past due and the 1999 fee ordinance had been approved by the voters. As to claims for a refund of the pre-1999 trash fee, the Court of Appeals held that the Plaintiffs had not complied with Section 139.031 of the Revised Statutes of Missouri which requires that the tax payers pay the tax under protest in order to bring suit for a refund. Additionally, the Court of Appeals noted that the Plaintiffs were not entitled to any attorney's fees because they were not the prevailing party and the Circuit Court's statement that the 1992 and 1996 ordinances may have seemed like a tax instead of a user fee was purely dictum which has no legal effect.

## **Park Grant Applications Available**

The Municipal Park Grant Commission has begun the application process for Round 2 Grants. The Commission anticipates having about \$1.3 million available in this grant cycle. Funds may be used for park improvements, land purchases, or park and recreation programs. All grant funds must be utilized for new improvements or programs that would not be funded under the current municipal budget.

Grant application meetings were held in early September and all municipalities were notified of these sessions. Application packets were distributed at the meeting. They are also available on-line on the League's website, [stlmuni.org](http://stlmuni.org), under the Park Grant Commission category. Applications can also be mailed. They are due by Friday, October 25.

## Child Abandonment Legislation Passed

HB 1443, the "Safe Place for Newborns Act of 2002", is a rather obscure bill that attempts to prevent child abandonment by allowing a child under 30 days old to be left with hospital staff, a firefighter or emergency medical technician, or a law enforcement officer.

The above professional "shall, without a court order, take physical custody . . . [and] arrange for immediate transportation to the nearest hospital." The provisions include:

1. Immunity for personnel
2. The child must be (or reasonably thought to be) under 30 days old
3. The child has not been abused or neglected (which may be difficult to determine). In such cases, no instructions are provided, but other laws may then apply.
4. Voluntarily delivered by the biological parent or person acting on the parent's behalf (which may also be difficult to determine).
5. Parental expression of intent not to return for the child.

Although the likelihood of a person dropping off a newborn with city personnel seems remote, we encourage each city to review HB 1443 and develop a procedure to handle such an event.

## Emergency Communications District News

With the passage of SB 795 this year, St. Louis County is now authorized to establish an emergency communications district to direct the development of a new, integrated communications system for all public safety providers in the County. The Commission will oversee the planning and construction of the system, but will not have any jurisdiction over dispatching. Currently when a major incident occurs, local responders from different departments do not have the ability to communicate due to outdated equipment and differing frequencies.

The seven member commission will be appointed by the County Executive and shall be comprised of:

- ? the county police chief;
- ? one municipal police chief;
- ? one fire district chief;
- ? one municipal fire chief;
- ? three at-large members, one of whom shall be nominated by the League.

Upon appointment, the Commission will work on the plans for a communications system for all users in the County. They will also review a mechanism for funding the new system.

