



## February 23 Meeting in Bellefontaine Neighbors

### FEBRUARY 2017

#### Upcoming League Meetings

- Thursday, February 23, Membership Meeting, Bellefontaine Neighbors
- Thursday, March 23, Membership Meeting, Webster Groves
- Wednesday, April 26, Newly Elected Officials Seminar, Maryland Heights
- Thursday, April 27, Membership Meeting, Creve Coeur

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The next League will be held at the Bellefontaine Neighbors Recreation Center, 9641 Bellefontaine Rd. (Directions: from I 270, exit at Bellefontaine Rd. and turn right. Continue south 1.7 miles to the City Hall/Rec Center complex on the right. [Map](#)

**PLEASE NOTE THAT REFRESHMENTS WILL BE SERVED PRIOR TO THE MEETING AT 6:30 PM.**

**Program:** Since the voter approval of Proposition S in April 2016, the Metropolitan St. Louis Sewer District (MSD) is now able to equally provide storm

sewer operations and maintenance across MSD's service area. Now, MSD is exploring options to fund capital projects addressing erosion and flooding. Brian Hoelscher, Executive Director and CEO of the Metropolitan St. Louis Sewer District and Lance LeComb, Spokesperson and Manager of Public Affairs, will be presenting information on stormwater next steps and a brief MSD Project Clear update.

In addition, there may also be a policy statement regarding the proposed 1/2 cent County Public Safety Sales Tax, which will be on the April ballot. The League Board will discuss the issue on February 16 and if the Board has a recommendation, it will be forwarded to mayors, board chairmen, chief administrative officer and to those on our email list.

## February 23 Training on Sunshine Law

The next Municipal Officials Training Academy program is set for **Thursday, February 23** from Noon to 1:15 p.m. The program is entitled "Missouri Sunshine Law" and will be presented by Stephanie Karr of the Curtis, Heinz, Garrett & O'Keefe law firm.

Topics to be covered include:

- Review of Various Provisions of Chapter 610 RSMo.
- Discussion of Release of Records and Records Retention

• Best Practices. Officials are invited to attend via Webinar or in person at Frontenac City Hall. The session is designed for:

- City Clerks
- City Administrators/Managers
- Municipal Attorneys
- Elected Officials

The cost is \$20 per person unless the city has an annual subscription. Please make checks payable to and mail to the Municipal League of Metro St. Louis. Registration by

Tuesday, February 21 is encouraged to ensure that all materials are emailed to registrants prior to the Webinar.

Click [HERE](#) to register for the webinar.

Contact the Municipal League office ([staff@stlmuni.org](mailto:staff@stlmuni.org)) to register to attend in person. Space is limited to the first 25 registrants.

## January Meeting Synopsis

At the January meeting, the membership heard a presentation from Mary Hart, who is a Community Health Education Coordinator for the County Department of Public Health, and Susan Schafers, who is the manager of the County Older Residents Program. They had been invited to discuss the County's Age Friendly Community Initiative.

The speakers noted that 44% of the County population consists of people born before 1965, which is a high percentage. The Initiative is developing strategies to allow people of all ages to participate in

community activities and help older adults to stay in their homes while maintaining an active and healthy lifestyle.

The County was accepted into the Network of Age Friendly Communities in 2013. The Initiative has a 5-year time frame, with 2 years assessing and planning and 3 years for implementation, which included over 70 actions carried out by 10 County departments. They have established four focus areas: health and well being; social and civic engagement; mobility and accessibility; and attractive and safe neighborhoods.

The County has developed an Age Friendly Municipal Toolkit for use by cities and provides how-to guidelines for a variety of programs and other models and templates. It is available on the County website at [www.stlouisco.com/agefriendly](http://www.stlouisco.com/agefriendly). They encouraged League members to review the materials.

We appreciate the warm welcome from Mayor Mike Corcoran and the officials and employees of the City of St. Ann who hosted the meeting at the revitalized Crossings at Northwest

## Land Use and the Law - by Mary B. Schultz

### **Introduction to "Land Use and the Law" column...**

As a young lawyer relatively new to the practice of law, I wrote a regular column on land use law featured in the newsletter for the St. Louis County Municipal League. Now, after practicing law for more than 30 years, primarily in the metropolitan St. Louis area, elected and appointed officials, and city staffs, might benefit from my observations, opinions, and conclusions about land use law in Missouri. I am introducing this column by offering a basic overview of zoning law in Missouri.

### **Original Zoning: Missouri's Zoning Enabling Act**

Zoning and land use regulation by municipalities are authorized by statute in Missouri by the Zoning Enabling Act, §§ 89.020 - 89.491, R.S.MO. ("Zoning and Planning"). (Counties should refer to §§ 64.010 - 64.975, R.S.Mo. ("County Planning, Zoning, Recreation, Natural Streams and Waterways")). Because zoning and land use regulation fundamentally conflict with individual property

rights recognized and protected under our constitutions and the common law, the enabling statutes and ordinances adopted by local governments are generally strictly construed against the government and in favor of individual property owners. However, if prescribed procedures are followed and the regulations bear a substantial relation to the public good or general welfare, courts are to defer to the legislative judgment of local governments.

By following the procedures in the enabling statutes, local governments may divide their jurisdiction into zoning districts, define categories of uses for those districts, and establish regulations or performance standards for those uses. Uses categories may be defined generally (e.g., residential, office, commercial, industrial), and specifically (e.g., residential districts might include single family dwellings, multifamily dwellings, churches, schools, certain recreational uses; commercial districts might include specific retail uses or

use categories). Typically, local governments define uses, which will be permitted in particular zoning districts, and state generally that if a use is not expressly permitted; it is to be deemed prohibited. In addition, local governments often authorize "conditional" or "special" uses if certain special procedures are followed and conditions are satisfied. Such conditional or special uses include those uses, which a local government concludes might be beneficial to the community but incompatible with permitted uses in the particular zoning district unless certain conditions are met. A conditional use permit, if granted, defines the conditions deemed necessary to protect surrounding property owners while benefiting public interests in the conditional use. Finally, local governments will define performance standards for various uses in particular zoning districts. Such regulations include minimum lot sizes, setbacks from lot lines and streets, parking requirements,

## Land Use and the Law (continued)

limitations on building mass (e.g., floor area ratios), density, and green space and landscaping requirements. More recently, there has been a move toward what are often referred to as "planned districts", where the local government tailors its regulations or performance standards to a particular tract. Generally, such planned districts offer more flexibility to developers and greater control over development to governments. However, a local government adopting such planned districts must clearly define the criteria for establishing the regulations for particular developments.

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## Legislative Update

The General Assembly has passed a few high priority bills but most of the work in January and February focuses on committee hearings. The League tracks a number of bills and emails a legislative update each Friday. If you are not receiving this email (along with meeting notices), please send us your preferred email address.

### Employment & Wage Bills

[SB 20](#) (Brown) - Repeals the law pertaining to the prevailing wage. Passed Committee. Senate Perfection Calendar.

Several House bills on dealing with prevailing wage were heard on the Economic Development Committee on January 31. A committee substitute is likely to be voted out.

[SB 29](#) (Sater) - Modifies the law relating to prevailing wage to allow for maintenance work. General Laws Committee. Heard Jan 18

### General Government Bills

[HB 269](#) (Roeber) - Prohibits direct or indirect expenditure of public funds to lobby the general assembly

[HB 353](#) (Eggleston) - Increases population limit to 2000 for cities to forgo elections if the number of candidates equals the number of open seats. Passed Elections Committee

[HJR 13](#) (Bahr) - Constitutional amendment to establish term limits of 12 years for **local** offices. Elections Committee.

[HJR 20](#) (Ellington) - Constitutional amendment to require countywide public vote before authorizing TIF project. Local Government Committee

[SB 124](#) (Wasson) - Provides that change in population shall not remove a city, county or political subdivision from operation of a law. Local Government Committee. Heard 1/31. The House companion is [HB 451](#) (Austin) - Passed Local Government Committee 2/1.

[SJR 7](#) (Silvey) - Modifies term limits sixteen years in any proportion between the House and Senate. Rules Committee

[SJR 10](#) (Holsman) - Modifies term limits to 16 years in each chamber or 32 years total. Rules Committee.

### Land Use Bills

[HB 608](#) (Anderson) - Prohibits political subdivisions from enforcing or enacting ordinances that prohibit residential dwelling rentals, or have the effect of prohibiting their rental. Ordinances in effect prior to January 1,

2018, may be enforced. Taxes to be collected. General Laws Committee. The Senate version is [SB 310](#) (Wasson). General Laws Committee  
[HB 335](#) (Lauer) - Allows cities to post zoning notices on municipal websites

### Tax Issues

[HJR 1](#) (Cross) - Constitutional amendment to eliminate personal property tax.

[SB 105](#) (Wallingford) - Requires the Department of Revenue to enter into the Streamlined Sales and Use Tax Agreement. Heard 2/ Ways & Means Committee.

[SJR 12](#) (Eigel) - Places a cap on annual state appropriations and reduces income tax rates based on revenue growth

[SJR 3](#) (Schaaf) - Modifies state highway maintenance by increasing the gas tax and returning state lettered highways to county control, with funding from the new tax. Transportation/Public Safety Committee

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1034 S. Brentwood Blvd., Suite 410  
Richmond Heights, MO 63117

The February 23 Meeting will be in  
Bellefontaine Neighbors.

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*See our website at  
[www.stlmuni.org](http://www.stlmuni.org)*

## Lunch & Learn Leadership Series

The Municipal League of Metro St. Louis invites elected officials and city staff to attend "Lunch & Learn," a series of interactive workshops designed to help participants master their leadership skills. Linda Goldstein, an expert in innovative community engagement strategies, strategic communications and public policy will facilitate the programs.

We hope you'll join us for one or both of the remaining presentations. The final two are scheduled for 11:30 am - 1:00 pm on Tuesday, February 28 and Tuesday, March 28, 2016. The location will be the League office, second floor conference room, 1034 S. Brentwood Blvd., Richmond Heights, MO 63117, across from the Galleria.

The topics are:

Leading Change: *Effective Teamwork and Leadership Styles, February 28*

Leadership Challenges: *Leading Other Leaders, March 28*

The cost is \$45 per luncheon, per person. For more information see this [link](#).

## County Solid Waste Grants Available

The 2017 St. Louis County Department of Public Health waste reduction grant round is now open. The grant application can be found at <http://stlouisco.com/HealthandWellness/RecyclingandWasteManagement/RecyclingInformation/RecyclingSpotlight#Grant>. Please read the grant instructions completely before completing the application.

Completed grant applications are due at 5pm on March 17<sup>th</sup>. Contact Mike Viles with any questions [MViles@stlouisco.com](mailto:MViles@stlouisco.com) or 314-615-4032.