



TENTATIVE AGENDA
BOARD OF ALDERMEN WORK SESSION
ST. PETERS JUSTICE CENTER, 1020 GRAND TETON DRIVE
ST. PETERS, MO 63376
JULY 28, 2016 AT 4:30 P.M.

- A. Mayor/City Administrator Item in Aldermanic Conference Room from 4:30 - 5:00 PM
 - 1. [Discussion/Ward Boundaries](#) – Mayor
- B. Communications from Board Members/Aldermanic Representatives
- C. BOA Items for Discussion
 - 1. [Discussion/Residential Rental Inspections Code Amendment](#) – Bateman
- D. Mayor/City Administrator Items (continued)
 - 2. [Discussion/Running for Office Filing Location](#) – Mayor
 - 3. [Discussion/Running for Office Filing Fees](#) – Mayor
 - 4. [Discussion/Business Recognition Program](#) – Mayor
 - 5. [Proposed City Code Chapters 215 Nuisances & 217 Abandoned Property Amendments](#) – Finkelstein
 - 6. [Proposed City Code Chapter 210 Criminal Code Amendments](#) – Finkelstein
 - 7. [Mid Rivers Mall Drive/Ohmes Road Intersection Improvement Project Bid Recommendation](#) – Batzel
 - 8. [Mid Rivers Mall Drive Right Turn Lanes Project Bid Recommendation](#) – Batzel
 - 9. [Jungermann Road Stream and Trail Improvement Project, P-28](#) – Batzel
 - 10. [Norfolk-Southern Railway Preliminary Engineering Services Agreement](#) – Batzel
 - 11. [Dardenne Creek Stream Bank Repair Design Agreement](#) – Batzel
 - 12. [Road Relinquishment Agreement of Heritage Crossing](#) – Batzel
 - 13. [Woodlands Park Playground Bid Recommendation](#) - Hutsler
 - 14. [Laurel Park Playground Bid Recommendation](#) – Hutsler
 - 15. [Readopt Biennial Financial Disclosure Statement Ordinance](#) - Smith
 - 16. [Secretary of State/Records Retention Schedule](#) - Smith
 - 17. Miscellaneous Updates – Batzel
 - 18. Board Meeting Agenda Item Revisions – Batzel

19. Executive Session re: Litigation, Real Estate and Personnel, pursuant to Section 610.021(1)(2)(3)(9)(12)(13)(14) & 610.022 (1-6)

E. Adjournment

AGENDA Posted at City Hall: July 25, 2016
By: P. Smith, City Clerk

Next Work Session: August 11, 2016

RBA FORM (OFFICE USE)

MEETING DATE: 7-28-16

Regular () Work Session (x)
ATTACHMENT: YES () NO (X)
Contract () Ordinance () Other ()

**Request for Board Action
By Mayor**

Ward 1 () 2 () 3 () 4 () All Wards (x)

Brief Description: A discussion regarding redistricting the four Wards

Staff: Recommended () Not recommended () No Position ()

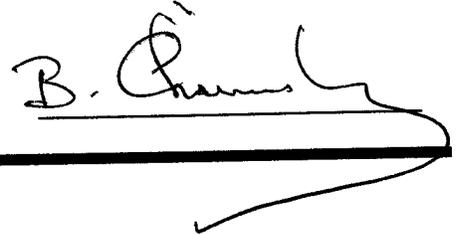
Summary/Explanation: There is a need to press forward regarding redistricting the four wards to be integrated for 2019-2020.

Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

RBA requested by: Mayor Pagano

CA:





RBA FORM (OFFICE USE)

MEETING DATE: 7/28/16

Regular () Work Session (X)

ATTACHMENT: YES (X) NO ()

Contract () Ordinance () Other (X)

**Request for Board Action
By Alderman**

Ward 1 () 2 () 3 () 4 () All Wards (X)

Brief Description: Discussion/ Residential Rental Inspections Code
Amendment

Staff: Recommended () Not recommended () No Position ()

Summary/Explanation:

Discussion is desired to propose a City Code amendment to eliminate the Home Owners Association clause concerning residential rental inspections/maintenance assessments verification letter. It is putting unnecessary restrictions on the owner of the property and is making the City a collection agency for the association. Current City Code Sec. 505.040 Building Code A.11 is attached.

Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

None

RBA requested by: Alderman Bateman

CA: William P. Charnisky





505.040 BUILDING CODE A.11

111.6.7 Responsibilities of owner, agent and/or manager. All owners, agents or managers of residential rental dwelling units, who are responsible for renting or leasing such dwelling units, shall schedule with the Code Official a compliance inspection at least two (2) working days prior to a change in occupancy, as defined in this Chapter, so that the Code Official may have the units inspected according to the provisions of this Chapter. The units to be rented or leased shall comply with all Sections of this Chapter, and the owner, agent or manager responsible for the rent or lease of such units shall have a valid occupancy permit in his/her possession prior to rental of the unit. In the event the dwelling unit is subject to maintenance assessments by an association, the owners, agent or manager shall also provide a letter of verification signed by a designated officer of the association that maintenance assessments for the unit are paid or that a payment schedule satisfactory to the association has been arranged by the owner, agent or manager prior to the issuance of an occupancy permit. Failure to register or make such a report shall constitute a violation of this Chapter, and the person and/or firm responsible for the failure shall be subject to the penalties of this Chapter. No certificate of occupancy shall be issued for a non-resident applicant, unless such applicant designated in writing to the Code Official the name of his/her agent for the receipt of service or the nature of violation of the provisions of this Chapter and for the service of process pursuant to this Chapter.

RBA FORM (OFFICE USE)

MEETING DATE: July 28, 2016

Regular () Work Session (x)

ATTACHMENT: YES (X) NO ()

Contract () Ordinance () Other (x)

**Request for Board Action
By Mayor**

Ward 1 () 2 () 3 () 4 () All Wards (x)

Brief Description: Running for Office Filing Location

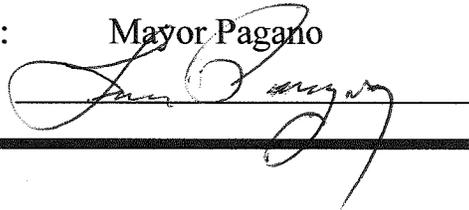
Staff: Recommended () Not recommended () No Position ()

Summary/Explanation: There is a need to press forward with discussion regarding the location for filing for office.

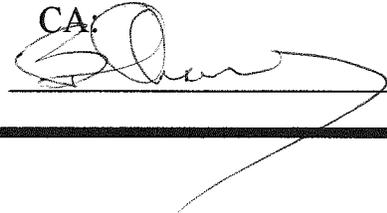
Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

RBA requested by:

Mayor Pagano



CA:





City of St. Peters General Election

April 2, 2019

Judge

Ward 1

Ward 2

Ward 3

Ward 4



City of St. Peters General Election

April 7, 2020

Mayor

Ward 1

Ward 2

Ward 3

Ward 4



City of St. Peters General Election

Judge

Ward 1

Ward 2

Ward 3

Ward 4



City of St. Peters General Election

Mayor

Ward 1

Ward 2

Ward 3

Ward 4

RBA FORM (OFFICE USE)

MEETING DATE: July 28, 2016

Regular () Work Session (x)

ATTACHMENT: YES () NO (x)

Contract () Ordinance () Other (x)

**Request for Board Action
By Mayor**

Ward 1 () 2 () 3 () 4 () All Wards (x)

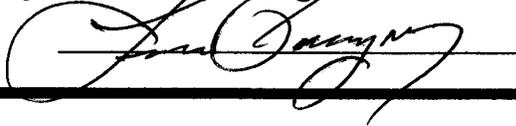
Brief Description: Running for Office Filing fees

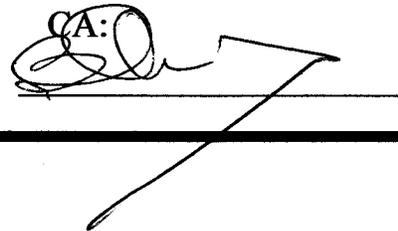
Staff: Recommended () Not recommended () No Position ()

Summary/Explanation: There is a need to press forward with discussion regarding the cost in filing for office from \$75.00, due to the added staff hours and responsibilities of the City Clerk.

Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

RBA requested by: Mayor Pagano



CA: 

RBA FORM (OFFICE USE)

MEETING DATE: 7-28-16

Regular () Work Session (x)

ATTACHMENT: YES () NO (X)

Contract () Ordinance () Other ()

**Request for Board Action
By Mayor**

Ward 1 () 2 () 3 () 4 () All Wards (x)

Brief Description: A discussion regarding Business Recognition program

Staff: Recommended () Not recommended () No Position ()

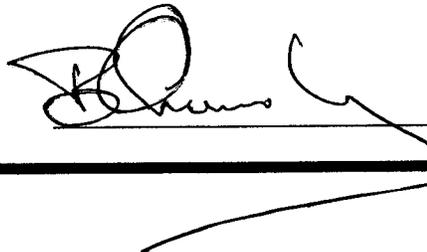
Summary/Explanation: There is a need to press forward regarding eliminating the Business Recognition program due to lack of interest with businesses.

Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

RBA requested by: Mayor Pagano



CA: William Charnisky



RBA FORM (OFFICE USE)

MEETING DATE: 7-28-16

Regular (X) Work Session (X)

ATTACHMENT: YES (X) NO ()

Contract () Ordinance (X) Other ()

**Request for Board Action
By Staff**

Ward 1 () 2 () 3 () 4 () All Wards (X)

Brief Description: City Code Chapters 215 and 217 Towing Revisions

Staff: Recommended (X) Not recommended () No Position ()

Summary/Explanation:

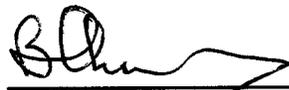
Revisions of the towing ordinance, City Code Chapters 215.010 Nuisances and 217 Abandoned Property to bring the City into compliance with State Law.

Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)
None

RBA requested by: Jeff Finkelstein

CA: William P. Charnisky





BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ST. PETERS, MISSOURI, AMENDING SECTION 215.010 OF THE ST. PETERS CITY CODE BY ENACTING A NEW SUBSECTION M; AND DECLARING DERELICT, JUNK, SCRAPPED AND DISASSEMBLED VEHICLES TO BE A PUBLIC NUISANCE; AMENDING CHAPTER 217 OF THE ST. PETERS CITY CODE BY DELETING IT IN ITS ENTIRETY; ENACTING, IN LIEU THEREOF, A NEW CHAPTER 217; AND PROVIDING PROCEDURES FOR THE REMOVAL OF ABANDONED PROPERTY WITHIN THE CITY

WHEREAS, pursuant to § 304.157, RSMo., the City of St. Peters Police Department is authorized, at the request of a person in possession of real property, to authorize a towing company to remove abandoned property from such real property; and

WHEREAS, pursuant to § 304.158.10, RSMo., the City “may enact ordinances or orders which are consistent with sections 304.155 to 304.158 and which may specify maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the governmental entity's jurisdiction;” and

WHEREAS, pursuant to § 304.157.2, RSMo., the City “may also provide for the towing of motor vehicles or vessels from real property under the authority of any local ordinance providing for the towing of vehicles or vessels which are derelict, junk, scrapped, disassembled or otherwise harmful to the public health under the terms of the ordinance;” and

WHEREAS, pursuant to § 304.159, RSMo., “Any city ... within this state may prohibit, by ordinance, the storage of inoperable vehicles or other vehicles deemed by such city ... to constitute a public safety hazard;” and

WHEREAS, pursuant to § 71.780, RSMo., the Board of Aldermen of the City of St. Peters “shall have, and they are hereby granted, the power to suppress all nuisances which are, or may be, injurious to the health and welfare of the inhabitants of said cities, or prejudicial to the morals thereof, within the boundaries of said cities and within one-half mile of the boundaries thereof. Such nuisances may be suppressed by the ordinances of said cities, or by such act or order as the charters of said cities authorize them to adopt. If the nuisance is suppressed within the city limits, the expense for abating the same may be assessed against the owner or occupant of the property, and against the property on which said nuisance is committed, and a special tax bill may be issued against said property for said expenses;” and

WHEREAS, the Board of Aldermen finds and determines that keeping any motor vehicle or vessel which is derelict, junk, scrapped, disassembled or otherwise harmful to the public health, unless stored in an enclosed building or fenced area, threaten the public health and safety because such motor vehicle or vessel is an attractive nuisance to children, attracts vermin and rats, may cause the release of hazardous chemicals, and is unsightly and a visual blight; and

WHEREAS, the Board of Aldermen finds it to be in the best interests of the City to enact procedures providing for the removal of abandoned property within the City.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. PETERS, MISSOURI AS FOLLOWS:

SECTION NO. 1. That Section 215.010 of the St. Peters City Code be and is hereby amended by enacting a new Subsection M, to read as follows:

M. Derelict Vehicles.

1. Any motor vehicle or vessel within the City which is derelict, junk, scrapped, disassembled or otherwise harmful to the public health is declared to be a public nuisance, unless:

a. Such motor vehicle or vessel is completely enclosed within a locked building or locked fenced area, sits on top of a hard, impervious surface, and is not visible from adjacent public or private property; or

b. Such motor vehicle or vessel sits upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.

2. A motor vehicle or vessel “is derelict, junk, scrapped, disassembled or otherwise harmful to the public health” if the motor vehicle or vessel contains one or more of the following characteristics:

a. The engine, wheels or other parts have been removed for a period of at least thirty (30) consecutive days;

b. The engine, wheels or other parts have been altered, damaged or otherwise so treated that the motor vehicle or vessel is incapable of being driven under its own motor power for a period of at least thirty (30) consecutive days;

c. Broken windows, windshields or other broken glass;

d. Rats or other vermin inhabit the motor vehicle or vessel; or

e. Hazardous chemicals are leaking from the motor vehicle or vessel.

SECTION NO. 2. That Chapter 217 of the St. Peters City Code be and is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new Chapter 217, to read as follows:

CHAPTER 217. ABANDONED PROPERTY

SECTION 217.010. DEFINITIONS.

As used in this Chapter, the following terms shall have the meanings set out herein:

ABANDONED PROPERTY: Any unattended ~~or unlicensed~~ motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in this Chapter, whether or not operational. For any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five (5) days of the accident, the agency requesting the tow shall be required to write an abandoned property report or a ~~criminal~~ inmate inquiry and inspection report.

PERSON: Any natural person, corporation or other legal entity.

PUBLIC ROAD: Any road or street used by the general public for the passage of vehicles of all kinds, whether privately owned and maintained or owned and maintained by the United States, State of Missouri, a local government, or any subdivision thereof.

RIGHT-OF-WAY: The entire width of land between the boundary lines of a public road or State highway, including any roadway.

ROADWAY: That portion of a public road or State highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

STATE HIGHWAY: A highway constructed or maintained by the Missouri State Highways and Transportation Commission with the aid of state funds or United States government funds, or any highway included by authority of law in the state highway system, including all right-of-way.

TOWING COMPANY Any person or entity which tows, removes or stores abandoned property.

SECTION 217.020. ABANDONING MOTOR VEHICLE — LAST OWNER OF RECORD DEEMED THE OWNER OF ABANDONED MOTOR VEHICLE, PROCEDURES — PENALTY — CIVIL LIABILITY.

A. A person commits the offense of abandoning a motor vehicle, vessel or trailer if he/she abandons any motor vehicle, vessel or trailer on the right-of-way of any public road or State highway or on or in any of the waters in this State or on the banks of any stream, or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof, or any political subdivision thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.

B. For purposes of this Section, the last owner of record of a motor vehicle, vessel or trailer found abandoned and not shown to be transferred pursuant to Sections 301.196 and 301.197,

RSMo., shall be deemed prima facie to have been the owner of such motor vehicle, vessel or trailer at the time it was abandoned and to have been the person who abandoned the motor vehicle, vessel or trailer or caused or procured its abandonment. The registered owner of the abandoned motor vehicle, vessel or trailer shall not be subject to the penalties provided by this Section if the motor vehicle, vessel or trailer was in the care, custody or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address and other pertinent information of the person who leased, rented or otherwise had care, custody or control of the motor vehicle, vessel or trailer at the time of the alleged violation. The affidavit submitted pursuant to this Subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the motor vehicle, vessel or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the motor vehicle, vessel or trailer is alleged to have been stolen, the owner of the motor vehicle, vessel or trailer shall submit proof that a police report was filed in a timely manner indicating that the vehicle or vessel was stolen at the time of the alleged violation.

C. Abandoning a motor vehicle, vessel or trailer is an ordinance violation.

D. Any person convicted pursuant to this Section shall be civilly liable for all reasonable towing, storage and administrative costs associated with the abandonment of the motor vehicle, vessel or trailer. Any reasonable towing, storage and administrative costs in excess of the value of the abandoned motor vehicle, vessel or trailer that exist at the time the motor vehicle or vessel is transferred pursuant to Section 304.156, RSMo., shall remain the liability of the person convicted pursuant to this Section so long as the towing company, as defined in Chapter 304, RSMo., provided the title owner and lienholders, as ascertained by the Department of Revenue records, a notice within the time frame and in the form as described in Subsection (1) of Section 304.156, RSMo.

SECTION 217.030. OPEN STORAGE OF INOPERABLE VEHICLES OR PUBLIC SAFETY HAZARDS PROHIBITED.

The open storage of inoperable or unlicensed vehicles to include recreational vehicles, recreational equipment and trailers or other vehicles deemed by the City to constitute a public safety hazard is prohibited. Nothing in this Section shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area, sits on top of a hard, impervious surface, and is not visible from adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.

SECTION 217.040. TOWING OF ABANDONED PROPERTY ON PRIVATE REAL PROPERTY.

~~A. Generally. The City, including the City Police Department, may tow motor vehicles from real property which are deemed a public safety hazard pursuant to Section 217.030 or are derelict, junk, scrapped, disassembled or otherwise harmful to the public health. The City shall perform such tow pursuant to the terms of Section 217.050. When a City agency other than the Police Department authorizes a tow under this Subsection, it shall report the tow to the Police Department within two (2) hours with a crime inquiry and inspection report.~~

~~**B. Towing Authorized By City Police Department. Of Abandoned Vehicles On Private Property.**~~

~~If a person abandons property, as defined in Section 217.010 of this Code, on any real property owned by another without the consent of the owner or person in possession of the real property, at the request of the person in possession of the real property, any City Police Officer may authorize a towing company to remove such abandoned property from the property in the following circumstances:~~

- ~~1. The abandoned property is left unattended for more than forty-eight (48) hours; or~~
- ~~2. In the judgment of a City Police Officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.~~

~~**B. Towing Of Derelict Vehicles.** The City, including the City Police Department, may provide for the towing of motor vehicles or vessels from real property which are derelict, junk, scrapped, disassembled or otherwise harmful to the public health and declared to be a public nuisance under Section 215.010.M of this Code. The City shall authorize such tow pursuant to the terms of this Chapter. When a City agency other than the Police Department authorizes a tow under this Subsection, it shall report the tow to the Police Department within two (2) hours with a crime inquiry and inspection report.~~

~~**CC. Limitation Of Liability.** Neither the City Police Officer, City nor anyone having custody of abandoned property under his or her direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this Section other than damages occasioned by negligence or by willful or wanton acts or omissions.~~

~~**D. Towing Authorized By Real Property Owner, Lessee Or Property Or Security Manager.**~~

~~1. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a ~~Law Enforcement~~City Police Officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this Subsection may be made only under any of the following circumstances:~~

- ~~a. *Sign.* There is displayed, in plain view at all entrances to the property, a sign not less than seventeen (17) by twenty-two (22) inches in size, with lettering not less than one (1) inch in height, prohibiting public parking and indicating that~~

unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four (24) hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property;

b. *Unattended on owner-occupied residential property.* The abandoned property is left unattended on owner-occupied residential property with four (4) residential units or less and the owner, lessee or agent of the real property in lawful possession has notified the City Police Department, and ten (10) hours have elapsed since that notification; or

c. *Unattended on other private real property.* The abandoned property is left unattended on private real property and the owner, lessee or agent of the real property in lawful possession of real property has notified the City Police Department, and ninety-six (96) hours have elapsed since that notification.

2. Pursuant to this Section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a City Police Officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to Section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the Missouri Director of Revenue and shall contain the following:

- a. The year, model, make and abandoned property identification number of the property, and the owner and any lienholders, if known;
- b. A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;
- c. The license plate or registration number and the State of issuance, if available;
- d. The physical location of the property and the reason for requesting the property to be towed;
- e. The date the report is completed;
- f. The printed name, address and telephone number of the owner, lessee or property or security manager in possession of the real property;
- g. The towing company's name and address;
- h. The signature of the towing operator;

i. The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this Section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;

j. Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the Law Enforcement Official receiving the report; and

k. Any additional information the Missouri Director of Revenue deems appropriate.

3. Any towing company which tows abandoned property without authorization from ~~the~~ City Police ~~Department~~ Officer pursuant to Subsection (BA) of this Section shall deliver a copy of the abandoned property report to the City Police Department. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the City Police Department has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two (2) hours if the tow was made from a signed location pursuant to Subsection (ED)(1)(a) of this Section, otherwise the report shall be delivered within twenty-four (24) hours.

4. The City Police Department, after receiving such abandoned property report, ~~shall~~ must record the date on which the abandoned property report is filed with the Police Department and shall promptly make an inquiry into the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The City Police Department shall enter the information pertaining to the towed property into the statewide law enforcement computer system and a City Police Officer shall sign the abandoned property report and provide the towing company with a signed copy.

5. The City Police Department, after receiving notification that abandoned property has been towed by a towing company, shall search the records of the Missouri Department of Revenue and provide the towing company with the latest owner and lienholder information, if available, on the abandoned property, and if the tower has online access to the Missouri Department of Revenue's records, the tower shall comply with the requirements of Section 304.155, RSMo. If the abandoned property is not claimed within ten (10) working days, the towing company shall send a copy of the abandoned property report signed by a ~~Law Enforcement~~ City Police Officer to the Department of Revenue.

6. ~~No~~ If any owner, ~~or~~ lessee ~~or~~ property ~~or~~ security manager of real property ~~shall~~ knowingly authorizes the removal of abandoned property in violation of this Section, then the owner or lessee shall be deemed guilty of an ordinance violation.

SECTION 217.050. NOTICE TO OWNER OF ABANDONED PROPERTY.

A. Notice as to the removal of any abandoned property pursuant to this Chapter shall be made in writing within five (5) working days to the registered owner of the abandoned property, and any lienholder thereof, of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:

1. The City Police Department, if the City Police Department authorized the removal; or
2. The towing company, where authorization was made by an owner or lessee of real property.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the storage facility. The notice provided for in this Section shall include the amount of mileage, if available, shown on the abandoned property at the time of removal.

B. Any owner of any private real property causing the removal of abandoned property from that real property shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:

- a1.** Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and
- b2.** The removal of property other than the property specified by the owner of the private real property from which the abandoned property was removed.

DC. *Damage To Property.* The owner of abandoned property removed from private real property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.

ED. *Real Property Owner Liability.* Any owner of any private real property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this Chapter.

FE. Any towing company which tows abandoned property for hire shall have the towing company's name, city and state clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.

F. A towing company may impose a charge of not more than one-half of the regular towing charge for the towing of abandoned property at the request of the owner of private real property or that owner's agent pursuant to this Section if the owner of the abandoned property or the

owner's agent returns to the abandoned property before it is removed from the private real property. The regular towing charge may only be imposed after the abandoned property has been removed from the private real property and is in transit.

G. Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Section shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property. In addition, persons operating or in charge of the storage facility shall have sufficient moneys on the premises to accommodate, and make change in, a reasonable monetary transaction.

H. Written Authorization Required — Delegation Of Authority To Tow.

1. Except for the removal of abandoned property authorized by the City Police Department pursuant to this Section, a towing company shall not remove or commence the removal of abandoned property from private real property without first obtaining written authorization from the real property owner. All written authorizations shall be maintained for at least one (1) year by the towing company.

2. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen (15) feet of a fire hydrant or in a fire lane designated by a Fire Department or the State Fire Marshal.

G.I. Towing Company Liability. Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or any employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in Subsection (~~FH~~) of this Section, is liable to the owner of the property for four (4) times the amount of the towing and storage charges, in addition to any applicable ordinance violation penalty, for a violation of this Section.

SECTION 217.0560. GENERAL PROVISIONS AND PROCEDURES.

A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Chapter shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 370.050 of this Code.

B. *Crime Inquiry And Inspection Report.* As to Crime Inquiry and Inspection Reports required by State Law, see Chapter 370 of this Code, Section 370.040.

C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.

D. Any person who removes abandoned property at the direction of a City Police Officer where the City's real property is concerned, as provided in this Chapter, shall have a lien for all reasonable charges for the towing and storage of the abandoned property until possession of the abandoned property is voluntarily relinquished to the owner of the abandoned property or to the holder of a valid security interest of record. Any personal property within the abandoned property need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid or satisfactory arrangements for payment have been made, except that any medication prescribed by a physician shall be released to the owner thereof upon request. The company holding or storing the abandoned property shall either release the personal property to the owner of the abandoned property or allow the owner to inspect the property and provide an itemized receipt for the contents. The company holding or storing the property shall be strictly liable for the condition and safe return of the personal property. Such lien shall be enforced in the manner provided under Section 304.156, RSMo.

E. Towing companies shall keep a record for three (3) years on any abandoned property towed and not reclaimed by the owner of the abandoned property. Such record shall contain information regarding the authorization to tow, copies of all correspondence with the Missouri Department of Revenue concerning the abandoned property, including copies of any online records of the towing company accessed and information concerning the final disposition of the possession of the abandoned property.

F. Lienholder Repossession. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the City Police Department within two (2) hours of the repossession and shall further provide the City Police Department with any additional information the City Police Department deems appropriate. The City Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.

EG. Disposition Of Towed Property. Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Missouri Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Missouri Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Missouri Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal

operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to that Section.

SECTION 217.070. NOTICE TO TOWING COMPANY, OWNER OR LIENHOLDER, WHEN.

A. Notice To Owner/Tow Lien Claim. Any towing company which comes into possession of abandoned property pursuant to this Chapter and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:

1. The name, address and telephone number of the storage facility;
2. The date, reason and place from which the abandoned property was removed;
3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
4. A statement that the storage firm claims a possessory lien for all such charges;
5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;
7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and
8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.

FB. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage

charges may be assessed only for the time in which the towing company complies with the procedural requirements of this Chapter or Chapter 370 of this Code.

C. Physical Search Of Property. In the event that the Missouri Department of Revenue notifies the towing company that the records of the Missouri Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, "good faith effort" means that the following checks have been performed by the company to establish the prior Sstate of registration and title:

1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a Sstate of possible registration and title;
2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.

GD. Petition In Circuit Court. The owner of the abandoned property removed pursuant to this Chapter or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (EA) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Missouri Director of Revenue.

~~H. Notice To Owner. Notice as to the removal of any abandoned property pursuant to this Chapter shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:~~

- ~~1. The public agency authorizing the removal; or~~
- ~~2. The towing company, where authorization was made by an owner or lessee of real property.~~

~~If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.~~

~~I. Tow Truck Requirements. Any towing company which tows abandoned property for hire shall have the towing company's name, City and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.~~

~~J. Storage Facilities. Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Chapter shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.~~

~~K. Disposition Of Towed Property. Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to the Section.~~

SECTION NO. 3. Effective Date. This Ordinance shall be in full force and take effect from and after the date of its final passage and approval.

SECTION NO. 4. Savings. Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in manner connected with the subject matter hereof.

SECTION NO. 5. Severability. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board

of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer valid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

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DRAFT

Read two times, passed, and approved this _____ day of _____, 2016.

As Presiding Officer and as Mayor

Attest:

City Clerk

Approved this _____ day of _____, 2016.

Mayor

Attest:

City Clerk

RBA FORM (OFFICE USE)

MEETING DATE: 7-28-16

Regular Work Session

ATTACHMENT: YES NO

Contract Ordinance Other

**Request for Board Action
By Staff**

Ward 1 2 3 4 All Wards

Brief Description: Approval of City Code Chapter 210 Revisions

Staff: Recommended Not recommended No Position

Summary/Explanation:

State Criminal Code revision requires the City Code to be brought in line with state law. The State revision occurs January 1, 2017.

Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)
None

RBA requested by: Jeff Finkelstein



CA: William P. Charnisky



BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ST. PETERS, MISSOURI, AMENDING SECTIONS 210.005, 210.010, 210.020, 210.030, 210.035, 210.040, 210.045, 210.055, 210.060, 210.070, 210.090, 210.110, 210.130, 210.140, 210.145, 210.150, 210.230, 210.235, 210.250, 210.265, 210.270, 210.275, 210.290 AND 210.295 OF THE ST. PETERS CITY CODE BY DELETING THEM IN THEIR ENTIRETY, AND, IN LIEU THEREOF, ENACTING NEW SECTIONS 210.005, 210.010, 210.030, 210.035, 210.040, 210.045, 210.055, 210.060, 210.070, 210.090, 210.110, 210.130, 210.140, 210.150, 210.230, 210.250, 210.265, 210.270, 210.275, 210.290 AND 210.295; PROHIBITING CERTAIN UNLAWFUL CONDUCT WITHIN THE CITY

WHEREAS, in 2014, the Missouri General Assembly approved S.B. 491 and H.B. 1371, substantially revising the criminal laws of the State of Missouri, to become effective on January 1, 2017; and

WHEREAS, pursuant to § 79.110, RSMo., the Mayor and Board of Aldermen of the City “shall have power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this state, and such as they shall deem expedient for the good government of the city, the preservation of peace and good order, the benefit of trade and commerce and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify or repeal the same”; and

WHEREAS, the Board of Aldermen of the City finds and determines that amending Title II of the City Code consistent with S.B. 491 and H.B. 1371 promotes the general welfare and preserves the peace and good order of the City.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. PETERS, MISSOURI, AS FOLLOWS:

SECTION NO. 1. That Section 210.005 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.005 which shall read as follows:

SECTION 210.005 DEFINITIONS.

In this Chapter, unless the context requires a different definition, the following definitions shall apply:

AFFIRMATIVE DEFENSE: ~~Has the meaning specified in Section 556.056, RSMo.~~

1. The defense referred to is not submitted to the trier of fact unless supported by evidence; and

2. If the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not.

ANIMAL: Every creature, either alive or dead, other than a human being.

BURDEN OF INJECTING THE ISSUE: ~~Has the meaning specified in Section 556.051, RSMo.~~

1. The issue referred to is not submitted to the trier of fact unless supported by evidence; and
2. If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue.

~~COMMERCIAL FILM AND PHOTOGRAPHIC PRINT PROCESSOR: Any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term "commercial film and photographic print processor" shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency.~~

CONFINEMENT:

1. A person is in confinement when he/she is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:
 - a. A court orders his/her release;
 - b. He/she is released on bail, bond, or recognizance, personal or otherwise; or
 - c. A public servant having the legal power and duty to confine him/her authorizes his/her release without guard and without condition that he/she return to confinement.
2. A person is not in confinement if:
 - a. He/she is on probation or parole, temporary or otherwise; or
 - b. He/she is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport him/her to or from a place of confinement.

CONSENT: Consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

1. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor;

2. It is given by a person who by reason of youth, mental disease or defect, or intoxication, is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
3. It is induced by force, duress or deception.

CRIMINAL NEGLIGENCE: ~~Has the meaning specified in Section 562.016, RSMo. Failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.~~

CUSTODY: A person is in custody when he ~~/~~ or she has been arrested but has not been delivered to a place of confinement.

~~**DANGEROUS FELONY:** The felonies of arson in the first (1st) degree, assault in the first (1st) degree, forcible rape, forcible sodomy, kidnapping, murder in the second (2nd) degree and robbery in the first (1st) degree.~~

~~**DANGEROUS INSTRUMENT:** Any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.~~

~~**DEADLY WEAPON:** Any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles.~~

DISTRIBUTE: A conveyance to the public by sale, barter, gift or sample.

EMOTIONAL DISTRESS: Something markedly greater than the level of uneasiness, nervousness, unhappiness, or the like which are commonly experienced in day-to-day living.

FELONY: Has the meaning specified in Section 556.016, RSMo. An offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one (1) year.

FIREARM: Any weapon that is designed or adapted to expel a projectile by the action of an explosive.

FORCIBLE COMPULSION: ~~Means either~~ Either:

1. Physical force that overcomes reasonable resistance; or
2. A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of himself/herself or another person.

FULLY OPAQUE COVERING: Non-transparent clothing or other similar object or substance. This term does not include body paint, body dyes, tattoos, liquid latex, whether wet or dried, and other similar substances.

~~INCAPACITATED: That physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act. A person is not "incapacitated" with respect to an act committed upon him/her if he/she became unconscious, unable to appraise the nature of his/her conduct or unable to communicate unwillingness to an act, after consenting to the act.~~

~~INFRACTION: A violation defined by Chapter 556, RSMo., or by any other statute of the State of Missouri if it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction.Has the meaning specified in Section 556.021, RSMo.~~

~~INHABITABLE STRUCTURE: Has the meaning specified in Section 569.010, RSMo.A vehicle, vessel or structure:~~

- ~~1. Where any person lives or carries on business or other calling;~~
- ~~2. Where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or~~
- ~~3. Which is used for overnight accommodation of persons.~~

~~Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually present. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an inhabitable structure of another.~~

~~KNOWINGLY: Has the meaning specified in Section 562.016, RSMo. When used with respect to:~~

- ~~1. Conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or~~
- ~~2. A result of conduct, means a person is aware that his or her conduct is practically certain to cause that result.~~

LAW ENFORCEMENT OFFICER: Any public servant having both the power and duty to make arrests for violations of the laws of this State, and Federal Law Enforcement Officers authorized to carry firearms and to make arrests for violations of the laws of the United States.

~~MISDEMEANOR: Has the meaning specified in Section 556.016, RSMo. An offense so designated or an offense for which persons found guilty thereof may be sentenced to imprisonment for a term of which the maximum is one (1) year or less.~~

~~NEW AND UNUSED PROPERTY: Tangible personal property that has never been used since its production or manufacture and is in its original unopened package or container if such property was packaged.~~

NUDITY: The showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple or areola.

OFFENSE: Any felony, misdemeanor, or ordinance violation~~or infraction~~.

PERSON: An individual, partnership, copartnership, firm, company, public or private corporation, association, joint-stock company, trust, estate, political subdivision or any agency, board, department or bureau of the State or Federal government, or any other legal entity which is recognized by law as the subject of rights and duties.

PHYSICAL INJURY: ~~Physical pain, illness, or any Slight~~ impairment of ~~physical condition~~any function of the body or temporary loss of use of any part of the body.

PLACE OF CONFINEMENT: Any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held.

POSSESS OR POSSESSED: Having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if he/she has the object on his/her person or within easy reach and convenient control. A person has constructive possession if he/she has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one (1) person alone has possession of an object, possession is sole. If two (2) or more persons share possession of an object, possession is joint.

PROJECTILE WEAPON: Any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person or animal.

PROOF OF AGE: A generally accepted means of identification that contains a picture of the individual and appears on its face to be valid, including, but not limited to, the following: a valid and unexpired operator's or chauffeur's license issued under the provisions of Section 302.177, RSMo., or a valid and unexpired operator's or chauffeur's license issued under the laws of any State or territory of the United States to residents of those States or territories, or a valid and unexpired identification card as provided for under Section 302.181, RSMo., or a valid and unexpired identification card issued by any uniformed service of the United States, or a valid and unexpired passport.

PUBLIC PLACE: Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, schools, restaurants and bars, hospitals, apartment houses, office buildings, transport facilities, and retail shops. A public place does not include any place where persons appearing in a state of semi-nudity do so in a modeling class operated:

1. By a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. In a structure:
 - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class.

PUBLIC SERVANT: Any person employed in any way by a government of this State who is compensated by the government by reason of his/her employment. It includes, but is not limited to, legislators, jurors, members of the judiciary and Law Enforcement Officers. It does not include witnesses.

PURPOSELY: ~~Has the meaning specified in Section 562.016, RSMo. When used with respect to a person's conduct or to a result thereof, means when it is his or her conscious object to engage in that conduct or to cause that result.~~

RECKLESSLY: ~~Has the meaning specified in Section 562.016, RSMo. RITUAL OR CEREMONY- An act or series of acts performed by two (2) or more persons as part of an established or prescribed pattern of activity. Consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.~~

SAMPLE: A tobacco product or vapor product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

SEMI-NUDITY: The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

~~**SERIOUS EMOTIONAL INJURY:** An injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. "Serious emotional injury" shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty.~~

SERIOUS PHYSICAL INJURY: Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

SEXUAL CONDUCT: Sexual intercourse, sexual contact or masturbation.

SEXUAL CONDUCT WITH AN ANIMAL: Any touching of an animal with the genitals or any touching of the genitals or anus of an animal for the purpose of arousing or gratifying the person's sexual desire.

SEXUAL CONTACT: Any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of any female person, or such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person or for the purpose of terrorizing the victim.

SEXUAL INTERCOURSE: Any penetration, however slight, of the female genitalia by the penis. Sexual intercourse also includes any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

~~SEXUAL PERFORMANCE: Any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen (17) years of age.~~

TOBACCO PRODUCT: Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco but does not include vapor products.

VAPOR PRODUCT: Any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include any tobacco product.

VENDING MACHINE: Any mechanical electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products or vapor products.

~~VOLUNTARY ACT: Has the meaning specified in Section 562.011, RSMo.~~

SECTION NO. 2. That Section 210.010 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.010 which shall read as follows:

SECTION 210.010 ASSAULT.

A. A person commits the offense of assault if:

1. The person attempts to cause or recklessly causes physical injury, physical pain, or illness to another person;
2. With criminal negligence the person causes physical injury to another person by means of a ~~deadly weapon~~firearm;
3. The person purposely places another person in apprehension of immediate physical injury;
4. The person recklessly engages in conduct which creates a ~~grave~~substantial risk of death or serious physical injury to another person;

~~5.5. The person knowingly causes or attempts to cause physical contact with a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; or~~

~~6. The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or~~

~~6.—The person knowingly causes physical contact with an incapacitated person, as defined in Section 475.010, RSMo., which a reasonable person, who is not incapacitated, would consider offensive or provocative.~~

SECTION NO. 3. That Section 210.020 of the City Code be and is hereby amended deleting it in its entirety.

~~Section 210.020 Assault of A Law Enforcement Officer.~~

~~A.—A person commits the offense of assault of a Law Enforcement Officer, Emergency Personnel or Probation and Parole Officer if:~~

~~1.—Such person recklessly causes physical injury to a Law Enforcement Officer, Emergency Personnel or Probation and Parole Officer;~~

~~2.—Such person purposely places a Law Enforcement Officer, Emergency Personnel or Probation and Parole Officer in apprehension of immediate physical injury;~~

~~3.—Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, Emergency Personnel or Probation and Parole Officer without the consent of the Law Enforcement Officer, Emergency Personnel or Probation and Parole Officer.~~

~~B.—As used in this Section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in Subdivisions (15), (16) and (17) of Section 190.100, RSMo.~~

SECTION NO. 4. That Section 210.030 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.030 which shall read as follows:

SECTION 210.030 HARASSMENT.

A. A person commits the offense of harassment if he or she: without good cause, engages in any act with the purpose to cause emotional distress to another person, and such act does cause such person to suffer emotional distress.

~~1.—Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates, or causes emotional distress to such other person;~~

~~2.—When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm;~~

~~3.—Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication;~~

~~4.—Knowingly communicates with another person who is, or who purports to be, seventeen (17) years of age or younger and in so doing and without good cause recklessly frightens, intimidates, or causes emotional distress to such other person;~~

~~5.—Knowingly makes repeated unwanted communication to another person; or~~

~~6.—Without good cause engages in any other act with the purpose to frighten, intimidate, or cause emotional distress to another person, cause such person to be~~

~~frightened, intimidated, or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the age of such person.~~

~~B. Harassment is an ordinance violation unless:~~

- ~~1. Committed by a person twenty one (21) years of age or older against a person seventeen (17) years of age or younger; or~~
- ~~2. The person has previously pleaded guilty to or been found guilty of a violation of this Section, or of any offense committed in violation of any County or Municipal ordinance in any State, any State law, any Federal law, or any military law which, if committed in this State, would be chargeable or indictable as a violation of any offense listed in this Subsection.~~

~~B.~~ This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of violation of Federal, State, County, or Municipal law.

SECTION NO. 5. That Section 210.035 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.035 which shall read as follows:

SECTION 210.035 STALKING — DEFINITIONS.

A. As used in this Section, the following terms shall mean:

COURSE OF CONDUCT: A pattern of conduct composed of two (2) or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests.

~~CREDIBLE THREAT~~

~~A threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, or the safety of his or her family, or household members or domestic animals or livestock as defined in Section 276.606, RSMo., kept at such person's residence or on such person's property. The threat must be against the life of, or a threat to cause physical injury to, or the kidnapping of, the person, the person's family, or the person's household members or domestic animals or livestock as defined in Section 276.606, RSMo., kept at such person's residence or on such person's property.~~

~~HARASSES/DISTURBS: To engage in a course of conduct directed at a specific person that serves no legitimate purpose, and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.~~

~~B.~~ A person commits the offense of stalking if he or she purposely, through his or her course of conduct, ~~harasses/disturbs~~ or follows with the intent of ~~harassing/disturbing~~ another person. ~~and:~~

~~C.~~ ~~The offense of stalking shall be an ordinance violation unless the person has previously pleaded guilty to or been found guilty of a violation of this Section, or of any offense committed in violation of any County or Municipal ordinance in any State, any State law, any Federal law, or any military law which, if committed in this State, would be chargeable or indictable as a violation of any offense listed in this Section.~~

Ⓓ(1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in Section 276.606, RSMo., kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in Section 276.606, RSMo., kept at such person's residence or on such person's property; or

(2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or

(3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or

(4) At any time during the course of conduct, the other person is seventeen (17) years of age or younger and the person disturbing the other person is twenty-one (21) years of age or older; or

(5) He or she has previously been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim.

C. Any Law Enforcement Officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section.

ED. This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of any violation of Federal, State, County, or Municipal law.

SECTION NO. 6. That Section 210.040 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.040 which shall read as follows:

SECTION 210.040 ATTEMPT.

A. ~~A person is guilty of~~Guilt for an offense may be based upon an attempt to commit an offense ~~whenif~~, with the purpose of committing the offense, ~~he/she does a person performs~~ any act which is a substantial step towards the commission of the offense. A "substantial step" is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.

B. It is no defense to a prosecution ~~under this Section~~ that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the actor believed them to be.

SECTION NO. 7. That Section 210.045 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.045 which shall read as follows:

SECTION 210.045 RESPONSIBILITY FOR THE CONDUCT OF ANOTHER.

A. A person is criminally responsible for the conduct of another when:

1. The Statute defining the offense makes him/her so responsible; or
2. Either before or during the commission of an offense with the purpose of promoting the commission of an offense, he/she aids or agrees to aid or attempts to aid such other person in planning, committing or attempting to commit the offense.

B. However, a person is not so responsible if:

1. He/she is the victim of the offense committed or attempted;
2. The offense is so defined that his/her conduct was necessarily incident to the commission or attempt to commit the offense. If his/her conduct constitutes a related but separate offense, he/she is criminally responsible for that offense but not for the conduct or offense committed or attempted by the other person; and/or
3. Before the commission of the offense he/shesuch person abandons his/her purpose and gives timely warning to law enforcement authorities or otherwise makes proper effort to prevent the commission of the offense.

C. The defense provided by subparagraph (3) of Subsection (B) of this Section is an affirmative defense.

SECTION NO. 8. That Section 210.055 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.055 which shall read as follows:

SECTION 210.055 IDENTITY THEFT.

A. A person commits the crimeoffense of identity theft if he or she knowingly and with the intent to deceive or defraud obtains, possesses, transfers or uses, or attempts to obtain, transfer or use, one (1) or more means of identification not lawfully issued for his or her use, and which does not result in the theft or appropriation of credit, money, goods, services, or other property.

B. The term "*means of identification*", as used in this Section, ~~includes, but is not limited to, the following:~~

- ~~1. Social Security numbers;~~
- ~~2. Driver's license numbers;~~
- ~~3. Checking account numbers;~~
- ~~4. Savings account numbers;~~
- ~~5. Credit card numbers;~~

- ~~6.—Debit card numbers;~~
- ~~7.—Personal identification (PIN) code;~~
- ~~8.—Electronic identification numbers;~~
- ~~9.—Digital signatures;~~
- ~~10.—Any other numbers or information that can be used to access a person's financial resources;~~
- ~~11.—Biometric data;~~
- ~~12.—Fingerprints;~~
- ~~13.—Passwords;~~
- ~~14.—Parent's legal surname prior to marriage;~~
- ~~15.—Passports; or~~
- 16.—Birth certificates, means anything used by a person as a means to uniquely distinguish himself or herself.

C. This Section shall not apply to the following activities:

1. A person obtains the identity of another person to misrepresent his or her age for the sole purpose of obtaining alcoholic beverages, tobacco, going to a gaming establishment, or another privilege denied to minors;
2. A person obtains means of identification or information in the course of a bona fide consumer or commercial transaction;
3. A person complies, in good faith, with any warrant, court order, levy, garnishment, attachment, or other judicial or administrative order, decree, or directive, when any party is required to do so;
4. A person is otherwise authorized by law to engage in the conduct that is the subject of the prosecution;
5. Identity Theft Regulated Pursuant To Subsections (2) To (5) of Section 570.233.3, Rsmo., or Section 570.233.11, Rsmo.

SECTION NO. 9. That Section 210.060 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.060 which shall read as follows:

SECTION 210.060 FALSE IMPERSONATION.

A. A person commits the offense of false impersonation if such person:

1. Falsely represents himself/herself to be a public servant with the purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and
 - a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon his/her pretended official authority.

2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and
 - a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon such representation.
3. Upon being arrested, falsely represents himself/herself, to a Law Enforcement Officer, with the first and last name, date of birth or Social Security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction, misdemeanor or felony that contains the first and last name, date of birth and Social Security number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.

SECTION NO. 10. That Section 210.070 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.070 which shall read as follows:

SECTION 210.070 FALSE REPORTS.

- A. A person commits the offense of making a false report if he/she knowingly:
 1. Gives false information to any person for the purpose of implicating another person in ~~a crime or an~~ offense;
 2. Makes a false report to a Law Enforcement Officer that ~~a crime or an~~ offense has occurred or is about to occur; or
 3. Makes a false report or causes a false report to be made to a Law Enforcement Officer, security officer, Fire Department or other organization, official or volunteer which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.
- B. It is a defense to a prosecution under Subsection (A) of this Section that the ~~actor~~person retracted the false statement or report before the Law Enforcement Officer or any other person took substantial action in reliance thereon.
- C. The defendant shall have the burden of injecting the issue of retraction under Subsection (B) of this Section.

SECTION NO. 11. That Section 210.090 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.090 which shall read as follows:

SECTION 210.090 RESISTING OR INTERFERING WITH ARREST, DETENTION OR STOP.

- A. A person commits the offense of resisting or interfering with arrest, detention or stop if; ~~knowing that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, or the person he or she knows or~~ reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or ~~lawfully~~ stop an individual or vehicle; and for the purpose of preventing the officer from effecting the arrest, stop or detention, ~~the person he or she~~:
1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or
 2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.
- B. This Section applies to arrests, stops or detentions with or without warrants and to arrests, stops or detentions for any ~~crime~~offense, infraction or ordinance violation.
- C. A person is presumed to be fleeing a vehicle stop if ~~that person~~he or she continues to operate a motor vehicle after ~~that person~~he or she has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing ~~that person~~him or her.
- D. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

SECTION NO. 12. That Section 210.110 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.110 which shall read as follows:

SECTION 210.110 ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS.

- A. A person commits the offense of abandonment of an airtight icebox or semi-airtight container if he/she knowingly abandons, discards, or ~~knowingly~~ permits to remain on premises under his/her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of one and one-half (1½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.
- B. Subsection (A) of this Section does not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, ~~warehouseman~~warehouse operator or ~~repairman~~repair person.

- C. The defendant shall have the burden of injecting the issue under Subsection (B) of this Section.

SECTION NO. 13. That Section 210.130 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.130 which shall read as follows:

SECTION 210.130 PEACE DISTURBANCE.

A. A person commits the offense of peace disturbance if he or she:

1. ~~He/she unreasonably~~Unreasonably and knowingly disturbs or alarms another person or persons by:
 - a. Loud noise;
 - b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient;
 - c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out;
 - d. Fighting; or
 - e. Creating a noxious and offensive odor.

~~B. He/she is~~2. Is in a public place, or on private property of another without consent, and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:

~~1a.~~ Vehicular or pedestrian traffic; or

~~2b.~~ The free ingress or egress to or from a public or private place.

SECTION NO. 14. That Section 210.140 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.140 which shall read as follows:

SECTION 210.140 PRIVATE PEACE DISTURBANCE.

A. A person commits the offense of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:

1. Threatening to commit ~~a crime~~an offense against any person; or
2. Fighting.

B. For purposes of this Section, if a building or structure is divided into separately occupied units, such units are separate premises.

SECTION NO. 15. That Section 210.145 of the City Code be and is hereby amended deleting it in its entirety.

~~SECTION 210.145 ALLOWING UNRULY CONDUCT.~~

~~It shall be unlawful for any person who owns, maintains, leases or is otherwise in possession or control of any real property to permit or allow persons thereon to conduct themselves in a loud or unruly manner so as to cause hurt, injury, annoyance, inconvenience or danger to the public or any member thereof, and it shall be the duty of any such person in possession or control of such real property to take such steps as are reasonably available to him or her to disperse such loud or unruly persons.~~

SECTION NO. 16. That Section 210.150 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.150 which shall read as follows:

SECTION 210.150 PEACE DISTURBANCE DEFINITIONS.

A. For the purposes of Sections 210.130 and 210.140, the following words or phrases shall have the prescribed meanings herein:

1. *"Property of another"* means any property in which the actor person does not have a possessory interest.
2. *"Private property"* means any place which at the time of the offense is not open to the public. It includes property which is owned publicly or privately.
3. *"Public place"* means any place which at the time of the offense is open to the public. It includes property which is owned publicly or privately.
- ~~4. If a building or structure is divided into separately occupied units, such units are separate premises.~~

SECTION NO. 17. That Section 210.230 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.230 which shall read as follows:

SECTION 210.230 STEALING.

A. A person commits the offense of stealing if he/she ~~appropriates~~:

1. Appropriates property or services of another with the purpose to deprive him/her thereof, either without his/her consent or by means of deceit or coercion;

~~B. Evidence of the following is admissible in any prosecution pursuant to this Section on the issue of the requisite knowledge or belief of the alleged stealer that:~~

- ~~1. He/she failed or refused to pay for property or services of a hotel, restaurant, inn or boarding house;~~

~~2. He/she gave in payment for property or services of a hotel, restaurant, inn or boarding house a check or negotiable paper on which payment was refused;~~

~~2. Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or~~

~~3. He/she left the hotel, restaurant, inn or boarding house with the intent to not pay for property or services;~~

~~4. He/she surreptitiously removed or attempted to remove his/her baggage from a hotel, inn or boarding house; or~~

~~5. He/she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits or reproduces a retail sales receipt, price tag or universal price code label or possesses, with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels.~~

~~Section 210.235 Receiving Stolen Property-~~

~~[R.O. 2007 §210.215; Ord. No. 3820 §5, 4-24-2003]~~

~~A. A person commits the offense of receiving stolen property if, for For the purpose of depriving the owner of a lawful interest therein, he/she receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.-~~

~~B. Evidence of the following is admissible in any criminal prosecution pursuant to this Section to prove the requisite knowledge or belief of the alleged receiver that:~~

~~1. He/she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;~~

~~2. He/she received other stolen property in another transaction within the year preceding the transaction charged;~~

~~3. He/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value; or~~

~~4. He/she obtained control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce a person to believe the property was stolen.-~~

SECTION NO. 18. That Section 210.235 of the City Code be and is hereby amended deleting it in its entirety.

SECTION NO. 19. That Section 210.250 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.250 which shall read as follows:

SECTION 210.250 PROPERTY DAMAGE.

A. A person commits the offense of property damage if he or she:

1. ~~He/she knowingly~~Knowingly damages property of another; or

2. ~~He/she damages~~Damages property for the purpose of defrauding an insurer.

SECTION NO. 20. That Section 210.265 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.265 which shall read as follows:

SECTION 210.265 FINANCIAL EXPLOITATION OF THE ELDERLY AND DISABLED.

A. A person commits the offense of financial exploitation of an elderly ~~or disabled~~ person or a person with a disability if such person knowingly ~~and by deception, intimidation or force~~ obtains control over the ~~elderly or disabled person's~~ property of the elderly person or person with a disability with the intent to permanently deprive the ~~elderly or disabled~~ person of the use, benefit or possession of his/her property thereby benefiting ~~such person~~ the offender or detrimentally affecting the elderly ~~or person or person with a disability by:~~ disabled person. Financial exploitation of an elderly or disabled person is a misdemeanor if the value of the property is less than fifty dollars (\$50.00).

~~B. Definitions. As used in this Section, the following terms shall have these prescribed meanings:~~

~~DECEPTION~~

~~A misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or pre-existing condition of any of the property involved in such contract or agreement or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement.~~

~~"Deception" includes:~~

~~1. Deceit;~~

~~2. Coercion;~~

~~3. Creating or confirming another person's impression which is false and which the offender does not believe to be true;~~

~~2. Failure~~ 4. Failing to correct a false impression which the offender previously has created or confirmed;

~~3.~~ 5. Preventing another person from acquiring information pertinent to the disposition of the property involved;

~~4.~~ 6. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record;

~~5.~~ 7. Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform; or

~~DISABLED PERSON~~

~~A person with a mental, physical or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection.~~

~~ELDERLY PERSON~~

~~A person sixty (60) years of age or older.~~

~~INTIMIDATION~~

~~A threat of physical or emotional harm to an elderly or disabled person, or the communication to an elderly or disabled person that he/she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.~~

8. Undue influence, which means the use of influence by someone who exercises authority over an elderly person or person with a disability in order to take unfair advantage of that person's vulnerable state of mind, neediness, pain, or agony. Undue influence includes, but is not limited to, the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.

- C. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.
- D. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly ~~or disabled~~ person or person with a disability in the management of his/her property, but through no fault of his/her own has been unable to provide such assistance.
- E. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property, and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly ~~or disabled~~ person or person with a disability has become accustomed at the time of such actions.
- F. It shall not be a defense to financial exploitation of an elderly ~~person or disabled~~ person with a disability that the accused reasonably believed that the victim was not an elderly ~~or disabled~~ person or person with a disability.

SECTION NO. 21. That Section 210.270 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.270 which shall read as follows:

SECTION 210.270 PASSING BAD CHECKS.

- A. A person commits the offense of passing a bad check when he or she:
1. With the purpose to defraud, ~~the person~~ makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money knowing that it will not be paid by the drawee or that there is no such drawee; or
 2. ~~The person makes~~ Makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order or other form of presentment involving the transmission of account information in full and all other checks, sight orders or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such

account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten (10) days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

- B. As used in Subparagraph (2) of Subsection (A) of this Section, "actual notice in writing" means notice of the non-payment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten (10) day period during which the instrument may be paid and that payment of the instrument within such ten (10) day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

SECTION NO. 22. That Section 210.275 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.275 which shall read as follows:

SECTION 210.275 FRAUDULENT USE OF A CREDIT OR DEBIT DEVICE.

- A. A person commits the offense of fraudulent use of a credit device or debit device if ~~the person~~he or she uses a credit device or debit device for the purpose of obtaining services or property knowing that:
1. The device is stolen, fictitious or forged;
 2. The device has been revoked or canceled;
 3. For any other reason his~~/or~~ her use of the device is unauthorized; or
 4. Uses a credit device or debit device for the purpose of paying property taxes and knowingly cancels ~~said~~such charges or payment without just cause. It shall be prima facie evidence of a violation of this Section if a person cancels ~~said~~such charges or payment after obtaining a property tax receipt to obtain license tags from the Missouri Department of Revenue.

SECTION NO. 23. That Section 210.290 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.290 which shall read as follows:

SECTION 210.290 DRUG PARAPHERNALIA.

- A. *Unlawful Use Of Drug Paraphernalia.* ~~It is unlawful for any person to use, or to possess~~A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses, or possesses with intent to use, drug paraphernalia as defined by Section 195.010, RSMo., to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body, a controlled substance as defined by Section 195.010, RSMo., or an imitation controlled substance as

defined by Section 195.010, RSMo., in violation of ~~Sections~~Chapter 195.005 to 195.425, RSMo., or Chapter 579, RSMo., as amended.

B. *Drug Paraphernalia — Deliver Or Manufacture — Unlawful.* ~~It is~~A person commits the offense of unlawful ~~for any person to deliver, possess with intent to deliver, or manufacture~~of drug paraphernalia if he or she unlawfully manufactures with intent to deliver drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of ~~Sections~~Chapter 195.005 to 195.425, RSMo., or Chapter 579, RSMo., as amended.

C. *Advertisement Of Drug Paraphernalia — Unlawful.* It is unlawful for any person to place in any newspaper, magazine, handbill or other publication circulated or intended to be circulated within the boundaries of the City of St. Peters, Missouri, any advertisement knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

~~D. Search Warrants, How Obtained — Seizure In Connection With Arrest.~~

~~1. A search warrant may issue, and execution and seizure may be had, as provided in the Rules of Criminal Procedure for the Courts of Missouri, for any controlled substance or imitation controlled substance unlawfully in the possession or under the control of any person or for any drug paraphernalia for the unauthorized administration or use of controlled substances or imitation controlled substances in the possession or under the control of any person.~~

~~2. Any Peace Officer of the State, upon making an arrest for a violation of this Chapter, shall seize without warrant any controlled substance or imitation controlled substance or drug paraphernalia kept for the unauthorized administration or use of a controlled substance or imitation controlled substance in the possession or under the control of the person or persons arrested, providing such seizure shall be made incident to the arrest.~~

ED. Forfeiture Of Controlled Substances And Drug Paraphernalia.

1. All controlled substances, imitation controlled substances or drug paraphernalia for the administration, use or manufacture of controlled substances or imitation controlled substances and which have come into the custody of a Peace Officer or officer or agent of the Department of Health as provided by ~~Sections 195.010 to 195.320~~Chapter 195, RSMo., or Chapter 579, RSMo., as amended, the lawful possession of which is not established or the title to which cannot be ascertained after a hearing as prescribed in Rule 34 of Rules of Criminal Procedure for the Courts of Missouri or some other appropriate hearing, shall be forfeited and disposed of as follows:

a. Except as in this Section otherwise provided, the court or Associate Circuit Judge having jurisdiction shall order such controlled substances, imitation controlled substances or drug paraphernalia forfeited and destroyed. A record of the place where said controlled substances, imitation controlled substances or drug paraphernalia were seized, of the kinds and quantities of controlled

substances, imitation controlled substances or drug paraphernalia so destroyed, and of the time, place and manner of destructions shall be kept, and a return under oath reporting the destruction of the controlled substances, imitation controlled substances or drug paraphernalia shall be made to the court or Associate Circuit Judge by the officer who destroys them.

2. *Forfeiture.*

- a. Everything of value furnished, or intended to be furnished, in exchange for a controlled substance, imitation controlled substance or drug paraphernalia in violation of ~~Sections 195.010 to 195.320~~ Chapter 195, RSMo., or Chapter 579, RSMo., as amended, all proceeds traceable to such an exchange and all monies, negotiable instruments or securities used, or intended to be used, to facilitate any violation of ~~Sections 195.010 to 195.320~~ Chapter 195, RSMo., or Chapter 579, RSMo., as amended, shall be forfeited, except that no property shall be forfeited under this Subsection to the extent of the interest of an owner by reason of any act or omission established by him/her to have been committed without his/ or her knowledge or consent.
- b. Any monies, coin or currency found in close proximity to forfeitable controlled substances, imitation controlled substances or drug paraphernalia, or forfeitable records of the importation, manufacture or distribution of controlled substances, imitation controlled substances or drug paraphernalia are presumed to be forfeitable under this Subsection. The burden of proof shall be upon claimants of the property to rebut this presumption.
- c. All forfeiture proceedings shall be conducted pursuant to the provisions of Sections 513.600 to 513. ~~660~~ 653, RSMo.

SECTION NO. 24. That Section 210.295 of the City Code be and is hereby amended deleting it in its entirety and enacting, in lieu thereof, a new Section 210.295 which shall read as follows:

SECTION 210.295 EPHEDRINE CONTROL.

- A. The limits specified in this Section shall not apply to any quantity of such product, mixture or preparation which must be dispensed, sold or distributed in a pharmacy pursuant to a valid prescription.
- B. Within any thirty (30) day period, no person shall sell, dispense or otherwise provide to the same individual, and no person shall purchase, receive or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:
 1. The sole active ingredient; or
 2. One (1) of the active ingredients of a combination drug; or

3. A combination of any of the products specified in subdivisions (1) and (2) of this Subsection in any total amount greater than nine (9) grams, without regard to the number of transactions.
- C. Within any twenty-four (24) hour period, no pharmacist, intern pharmacist or registered pharmacy technician shall sell, dispense or otherwise provide to the same individual, and no person shall purchase, receive or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:
1. The sole active ingredient; or
 2. One (1) of the active ingredients of a combination drug; or
 3. A combination of any of the products specified in subdivisions (1) and (2) of this Subsection in any total amount greater than three and six-tenths (3.6) grams without regard to the number of transactions.
- D. All packages of any compound, mixture or preparation containing any detectable quantity of ephedrine, phenylpropanolamine or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except those that are excluded from Schedule V in Subsection (17) or (18) of Section 195.017, RSMo., shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician under Section 195.017, RSMo.
- E. Each pharmacy shall submit information regarding sales of any compound, mixture or preparation as specified in this Section in accordance with transmission methods and frequency established by the department by regulation.
- F. This Section shall not apply to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.
- G. All logs, records, documents, and electronic information maintained for the dispensing of these products shall be open for inspection and copying by municipal, County and State or Federal Law Enforcement Officers whose duty it is to enforce the controlled substances laws of this State or the United States.
- ~~H. Within thirty (30) days of June 15, 2005, all~~ H. All persons who dispense or offer for sale pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in Subsection (17) or (18) of Section 195.017, RSMo., shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.
- I. Any person who knowingly or recklessly violates this Section is guilty of an ordinance violation.

SECTION NO. 25. Effective Date. This Ordinance shall, upon its final passage and approval, be in full force and take effect at 12:01 a.m. on January 1, 2017.

SECTION NO. 26. Savings. Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in manner connected with the subject matter hereof.

SECTION NO. 27. Severability. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer valid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Read two times, passed, and approved this _____ day of _____, 2016.

As Presiding Officer and as Mayor

Attest:

City Clerk

Approved this _____ day of _____, 2016.

Mayor

Attest:

City Clerk

RBA FORM (OFFICE USE)

MEETING DATE: July 28, 2016

Regular (X) Work Session (X)

ATTACHMENT: YES (X) NO ()

Contract () Ordinance (X) Other ()

**Request for Board Action
By Staff**

Ward 1 () 2 (X) 3 () 4 () All Wards ()

Brief Description: An ordinance to authorize the City Administrator to enter in to a contract to construct the Mid Rivers Mall Drive - Ohmes Road Intersection Improvement project.

Staff: Recommended (X) Not recommended () No Position ()

Summary/Explanation: Please see the recommendation memo attached, dated July 19, 2016.

Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)
The FY 2016 Transportation Trust Fund budget for this project is \$853,000. The project is eligible to receive 80% St. Charles County Road Board reimbursement. Based on the recommended bid, construction reimbursement and cost to the City will be as follows:

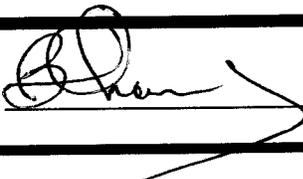
SCC: \$650,116.38 (80%)

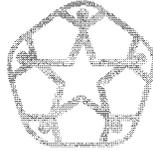
City: \$165,529.09 (20%)

RBA requested by: Russ Batzel



CA:





INTEROFFICE MEMORANDUM

TO: BILL CHARNISKY, CITY ADMINISTRATOR
FROM: RUSS BATZEL, MANAGER/TDS *pub*
SUBJECT: MID RIVERS MALL DRIVE – OHMES ROAD INTERSECTION IMPROVEMENT PROJECT (BID NO. 16-181)
DATE: JULY 19, 2016

Recommendation: Based on my review, I recommend the Mid Rivers Mall Drive – Ohmes Road Intersection Improvement Project (Bid No. 16-181) be awarded to the low, responsive bidder, NB West Contracting Company, of Brentwood, Missouri. Approval of this recommendation will authorize the award of a contract in the initial amount of \$812,645.47.

The FY 2016 Transportation Trust Fund budget for this project is \$853,000. The project is eligible to receive 80% St. Charles County Road Board reimbursement. Based on the recommended bid, construction reimbursement and cost to the City will be as follows:

SCC: \$650,116.38 (80%)
City: \$165,529.09 (20%)

Background: On June 30, 2016, four (4) bids were received and opened for the Mid Rivers Mall Drive – Ohmes Road Intersection Improvement Project (Bid No. 16-181). NB West Contracting Company, of Brentwood, Missouri, submitted the lowest, responsive bid of \$812,645.47. The bid submitted by NB West Contracting Company is 10.4% lower than the second lowest bid received and 13.9% lower than the average of the bids received. Below is a summary of the bids received:

Bidder	Total
NB West Contracting Company – Brentwood, MO	\$812,645.47
Gershenson Construction Company – Eureka, MO	\$897,100.11
Krupp Construction – Ellisville, MO	\$995,540.04
Lamke Trenching & Exc. – Marthasville, MO	\$996,783.88

NB West has been in business since 1956 and has successfully completed various road improvement projects in the greater St. Louis area. For St. Peters, the company successfully completed the 2015 Mexico Road Resurfacing and Willott Road Improvement projects. In 2014 the company successfully completed the Executive Centre Loop Road and Burning Leaf Box Culvert Replacement projects. NB West is a MoDOT approved prime contractor who meets all required federal funding requirements. NB West has sufficient resources, staff and experience to complete the project as specified.

RBA FORM (OFFICE USE)

MEETING DATE: July 28, 2016

Regular (X) Work Session (X)

ATTACHMENT: YES (X) NO ()

Contract (X) Ordinance (X) Other ()

**Request for Board Action
By Staff**

Ward 1 (X) 2 () 3 () 4 () All Wards ()

Brief Description: An ordinance to authorize the City Administrator to enter in to a contract to construct the Mid Rivers Mall Drive Right Turn Lane Improvement Project.

Staff: Recommended (X) Not recommended () No Position ()

Summary/Explanation: Please see the recommendation memo attached, dated July 19, 2016.

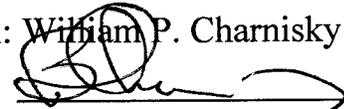
Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)
The FY 2016 Transportation Trust Fund budget for this project is \$971,200. The project is eligible to receive 80% St. Charles County Road Board reimbursement. Based on the recommended bid, construction reimbursement and cost to the City will be as follows:

SCC:	\$470,576.00 (80%)
City:	\$117,644.00 (20%)

RBA requested by: Russ Batzel



CA: William P. Charnisky





INTEROFFICE MEMORANDUM

TO: BILL CHARNISKY, CITY ADMINISTRATOR
FROM: RUSS BATZEL, MANAGER/TDS *RUB*
SUBJECT: MID RIVERS MALL DRIVE RIGHT TURN LANE IMPROVEMENTS (BID NO. 16-183)
DATE: JULY 19, 2016

Recommendation: Based on my review, I recommend the Mid Rivers Mall Drive Right Turn Lane Improvement Project (Bid No. 16-183) be awarded to Gershenson Construction Company of Eureka, Missouri. Approval of this recommendation will authorize the award of a contract in the initial amount of \$588,220.00.

The FY 2016 Transportation Trust Fund budget for this project is \$971,200. The project is eligible to receive 80% St. Charles County Road Board reimbursement. Based on the recommended bid, construction reimbursement and cost to the City will be as follows:

SCC:	\$470,576.00 (80%)
City:	\$117,644.00 (20%)

Background: On July 7, 2016, bids were received and opened for the Mid Rivers Mall Drive Right Turn Lane Improvement Project (Bid No. 16-183). Gershenson Construction Company of Eureka, Missouri, submitted the low, responsive bid of \$588,220.00. The bid submitted by Gershenson Construction Company is 2.10% lower than the second lowest bid received and 9.81% lower than the average of the bids received. A summary of the bids received is provided on the next page.

Gershenson Construction Company, Inc. was founded in 1977 and specializes in concrete paving, structural concrete, sewer and water line work, site improvements, roads, bridges, creek/lake stabilization, small structures and park improvements. The company is a regionally recognized general contracting company having successfully completed numerous public, commercial and industrial projects. Gershenson is a MODOT approved prime contractor who has sufficient resources, staff and experience to complete the project as specified.

Bid Summary
Mid Rivers Mall Drive Right Turn Lane Improvements
(Federal Project No. BRM 7305 (613))

Bidder	Total
Gershenson Construction Company – Eureka, MO	\$588,220.00
Lamke Trenching & Exc. – Marthasville, MO	\$600,588.69
NB West Contracting Company – Brentwood, MO	\$612,362.69
Krupp Construction – Ellisville, MO	\$616,271.90
Spencer Contracting Company – Arnold, MO	\$649,210.25
Amcon Municipal Concrete – O’Fallon, MO	\$675,549.36
RV Wagner, Inc. – St. Louis, MO	\$692,972.60
L Keeley Construction Company – St. Louis, MO	\$732,081.45

RBA FORM (OFFICE USE)

MEETING DATE: July 28, 2016

Regular (X) Work Session (X)

ATTACHMENT: YES (X) NO ()

Contract () Ordinance (X) Other ()

**Request for Board Action
By Staff**

Ward 1 () 2 () 3 (X) 4 (X) All Wards ()

Brief Description: Proposed ordinance authorizing the City Administrator to execute Amendment No. 2 with HR Green, Inc. to design additional improvements for the Jungermann Road Stream and Trail Improvement Project (P-28).

Staff: Recommended (X) Not recommended () No Position ()

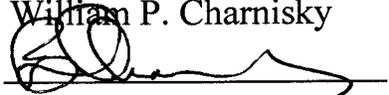
Summary/Explanation: Please refer to the attached recommendation memo dated July 19, 2016.

Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)
The total cost for the design services associated with previously executed Amendment No.1 and proposed Amendment No. 2 is \$38,346.00. The required funds for these engineering services amendments will come from the Local Parks and Storm Water Fund.

RBA requested by: Russ Batzel



CA: William P. Charnisky





CITY OF ST. PETERS, MO

INTEROFFICE MEMORANDUM

TO: BILL CHARNISKY, CITY ADMINISTRATOR
FROM: RUSS BATZEL, MANAGER/TDS *pub*
SUBJECT: AMENDMENT TO #P-28 JUNGERMANN ROAD STREAM AND CHANNEL IMPROVEMENT PROJECT
DATE: JULY 19, 2016

Recommendation: I request approval to execute Amendment 2 to the City's current engineering services agreement with HR Green for the Jungermann Road Stream and Trail Improvement Project (P-28), in the amount of \$18,418.00. The amendment will authorize additional, final design services, hydraulic analysis and construction phase services to extend the proposed stream bank improvements further south to Old Horstmeier Road, as well as extend the proposed ten (10') for wide trail, which will be constructed as part of the Jungermann Road Bridge Replacements project.

Approval of this recommendation, coupled with previously executed Amendment 1, will authorize the total expenditure of \$38,346.00 and increase the current P-28 engineering services agreement value from \$207,444.27 to \$245,790.27.

Funds for the previously executed Amendment 1 and proposed Amendment 2 will come from the 2016 Local Parks and Storm Water Fund.

Background: After reviewing the original project limits of the Jungermann Road Stream and Trail Improvement Project (P-28), and considering the road and multi-use path improvements designed as part of the federally funded Jungermann Road Bridge Replacements Project (BRM 5640(613)), staff feels it would be logical to extend the 10 foot sidewalk/path from the southern limits of the original P-28 project to the Horstmeier Trail connection at Jungermann Road, thereby improving the entire segment and not leaving a substandard section. To construct this segment, the existing storm water conveyance system within the vicinity of this extended stretch will need to be modified by either an enclosed storm sewer system located under or adjacent to the new sidewalk, or through the relocation of the existing ditch.

On June 28th, 2016 staff requested the approval of Amendment 1 which authorized \$19,928.00 for additional detailed survey and preliminary engineering design for the extension of the proposed stream bank improvements. Time was of the essence to perform requested detailed survey and preliminary design so that final design (which will be performed with approval of Amendment 2) could be performed within the time frame

required for the federally funded Jungermann Road Bridge Replacements Project (BRM 5640(613)).

To that end staff is requesting approval from the Board of Aldermen to authorize the total expenditure of \$38,346.00 for the requested additional design and surveying services identified in previously executed Amendment 1 (\$19,928.00) and proposed Amendment 2 (\$18,418.00).

RBA FORM (OFFICE USE)

MEETING DATE: July 28, 2016

Regular (X) Work Session (X)

ATTACHMENT: YES (X) NO ()

Contract (X) Ordinance (X) Other ()

**Request for Board Action
By Staff**

Ward 1 (X) 2 () 3 () 4 () All Wards ()

Brief Description: An ordinance to authorize the City Administrator to execute an agreement for preliminary engineering services with Norfolk Southern Railway Company for rail road crossing design services associated with the Mid Rivers Mall Drive Widening Project.

Staff: Recommended (X) Not recommended () No Position ()

Summary/Explanation: As part of the proposed intersection, roadway and multi-use path improvements proposed as part of the Mid Rivers Mall Drive Widening Project (Highway 70 North Outer Road to Salt River Road), the rail road crossing of Mid Rivers Mall Drive must be replaced. The rail road crossing is owned and operated by Norfolk Southern Railway Company, who requires design of the at-grade rail road crossing be performed by a consultant of their choosing. The attached agreement authorizes Norfolk Southern to proceed with design and to be reimbursed for all actual costs associated design services necessary for the new crossing. The estimated cost for said design services is \$35,833.00

Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

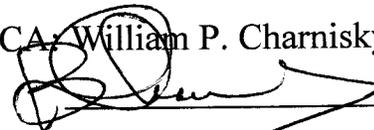
The overall Transportation Trust Fund budget for this project is \$927,000. The project is eligible to receive 80% St. Charles County Road Board reimbursement. Therefore reimbursement for the design services, as estimated in the recommended agreement, and cost to the City will be as follows:

SCC:	\$28,666.40 (80%)
City:	\$7,166.60 (20%)

RBA requested by: Russ Batzel



CA: William P. Charnisky



AGREEMENT FOR PRELIMINARY ENGINEERING SERVICES

This agreement made by and between City of Saint Peters (hereinafter called "City"), and Norfolk Southern Railway Company (hereinafter called "COMPANY").

The City will submit plans and specifications to said COMPANY for work which will involve or affect COMPANY facilities at the following location:

Town, County State: Saint Peters, Saint Charles County, Missouri
AAR-DOT#: 904562U
Street /Bridge Name: Mid Rivers Mall Drive
Description: Proposed widening of the existing Mid River Mall Drive at-grade crossing, MP S-31.86

Preliminary Engineering Cost Estimate: \$35,833.00

Therefore, in consideration of the benefits moving to each of the parties hereto, they do mutually agree as follows:

ARTICLE 1. REIMBURSEMENT. The City agrees to reimburse the COMPANY for actual cost of preliminary engineering necessary in connection with the project.

The COMPANY shall submit to the City fair and reasonable costs of the aforesaid work performed as evidenced by detailed invoices acceptable to the City. The City shall reimburse the COMPANY in the amount of the approved costs so submitted.

ARTICLE 2. EFFECTIVE DATE OF AGREEMENT. This agreement shall take effect at the time it is approved and signed by both the City and the COMPANY.

ARTICLE 3. STARTING OF WORK. This agreement covers preliminary engineering services performed starting May 3, 2016. The COMPANY agrees to provide preliminary engineering services at the request of the City or its agent, whether written or verbal.

ARTICLE 4. SCOPE OF WORK. The scope of this agreement is limited to review by the COMPANY of the plans and specifications to provide information to the COMPANY and the City regarding the project. This agreement does not constitute the COMPANY's approval of the project.

IN WITNESS WHEREOF, the City and the COMPANY have caused these presents to be signed by their duly authorized officers:

City
Signature: _____
Name:
Title:
Date: _____

COMPANY
Signature: _____
Name: Chris Bennett
Title: System Engineer
Date: _____

FORCE ACCOUNT ESTIMATE

Work to be Performed By:	Norfolk Southern Railway Company
For the Account of:	City of St. Peters
Project Description:	Mid Rivers Mall Drive Widening
Location:	St. Peters, St. Charles Co, MO
Project No.:	N/A
Milepost:	S-31.86
File:	Pending
Date:	May 31, 2016

SUMMARY

ITEM A - Preliminary Engineering	13,486
ITEM B - Construction Engineering	0
ITEM C - Accounting	2,347
ITEM D - Flagging Services	0
ITEM E - Communications Changes	0
ITEM F - Signal & Electrical Changes	20,000
ITEM G - Track Work	0
ITEM H - T-Cubed	0
GRAND TOTAL	\$ 35,833

ITEM A - Preliminary Engineering

(Review plans and special provisions,
prepare estimates, etc.)

Labor:	40 Hours @ \$60 / hour=	2,400
Labor Additives:		1,886
Travel Expenses:		2,000
Services by Contract Engineer:		7,200
		<hr/>
	NET TOTAL - ITEM A	\$ 13,486

ITEM B - Construction Engineering

(Coordinate Railway construction activities,
review contractor submittals, etc.)

Labor:	0 Hours @ \$60 / hour=	0
Labor Additives:		0
Travel Expenses:		0
Services by Contract Engineer:		0
NET TOTAL - ITEM B		<hr/>
		\$ -

ITEM C - Administration

Agreement Construction, Review and/or Handling:		1,250
Accounting Hours (Labor):	20 Hours @ \$30 / hour=	600
Accounting Additives:		497
NET TOTAL - ITEM C		<hr/>
		\$ 2,347

ITEM D - Flagging Services

(During construction on, over,
under, or adjacent to the track.)

Labor:	Flagging Foreman	
	0 days @ 230.00 per day=	0
	(based on working 10 hours/day)	
Labor Additive:		0
Travel Expenses, Meals & Lodging:		
	0 days @ \$100/day=	0
Rental Vehicle	0 months @ \$950/month=	0
NET TOTAL - ITEM D		<hr/>
		\$ -

ITEM E - Communications Changes

Material:		0
Labor:		0
Purchase Services:		0
Subsistence:		0
Additive:		0
NET TOTAL - ITEM E		<hr/>
		\$ -

ITEM F - Signal & Electrical Changes

Material:	0
Labor:	20,000
Purchase Services:	0
Other:	0
	<hr/>
NET TOTAL - ITEM F	\$ 20,000

ITEM G - Track Work

Material:	(see attached summary)	0
Labor:	(see attached summary)	0
Additive:	(see attached summary)	0
Purchase Services:	(see attached summary)	0
		<hr/>
NET TOTAL - ITEM G		\$ -

ITEM H - T-CUBED

Lump Sum	\$ -
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NOTES

1. For all groups of CONTRACT employees, the composite labor surcharge rate used in this estimate (including insurance) is **185.81%**. Self Insurance - Public Liability Property Damage is estimated at 16.00%. Work will be billed at actual current audited rate in effect at the time the services are performed.
2. For all groups of NON-CONTRACT employees, the composite labor surcharge rate used in this estimate (including insurance) is **78.59%**. Self Insurance - Public Liability Property Damage is estimated at 16.00%. Work will be billed at actual current audited rate in effect at the time the services are performed.
3. All applicable salvage items due the Department will be made available to it at the jobsite for its disposal.
4. The Force Account Estimate is valid for one (1) year after the date of the estimate (05/31/2016). If the work is not performed within this time frame the Railway may revise the estimate to (1) include work not previously indicated as necessary and (2) reflect changes in cost to perform the force account work.

RBA FORM (OFFICE USE)

MEETING DATE: July 28, 2016

Regular (X) Work Session (X)

ATTACHMENT: YES (X) NO ()

Contract () Ordinance (X) Other ()

**Request for Board Action
By Staff**

Ward 1 (X) 2 () 3 () 4 () All Wards ()

Brief Description: Proposed ordinance authorizing the City Administrator to execute an agreement with BAX Engineering for professional design services for the Dardenne Creek Stream Bank Improvement Project at the St. Peters Golf Course.

Staff: Recommended (X) Not recommended () No Position ()

Summary/Explanation: Please refer to the attached recommendation memo dated July 21, 2016.

Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)
The total cost for the design services associated with this phase of the project is \$33,875.00. The required funds for these engineering services amendments will come from the Local Parks and Storm Water Fund.

RBA requested by: Russ Batzel



CA: ~~William P. Chamisky~~





CITY OF ST. PETERS, MO

INTEROFFICE MEMORANDUM

TO: BILL CHARNISKY, CITY ADMINSTRATOR
FROM: RUSS BATZEL, MANAGER/PWS
SUBJECT: DARDENNE CREEK STREAM BANK ENGINEERING SERVICES AGREEMENT
DATE: JULY 21, 2016
CC:

Recommendation: I recommend entering into an engineering services agreement with BAX Engineering for the Dardenne Creek Stream Bank Improvement Project in the amount of \$33,875.00.

Background: In December 2015 historical flooding of Dardenne Creek caused significant damage to the St. Peters Municipal Golf Course included stream bank failures near Hole #5 and Hole #8. To make the necessary long term repairs, it is necessary to perform a geotechnical evaluation and prepare bid documents. BAX engineering is able to provide the necessary design services as they are familiar with the site from previous ground surveys and have the capacity to perform the work quickly. Time is of the essence to coordinate this work with the geotechnical work being performed by Reitz & Jens and the geomorphology design being prepared by River Engineering all under permit by the US Army Corps of Engineers. The objective will be to complete the work so the project can be bid in October 2016 and constructed during the winter months.

RBA FORM (OFFICE USE)

MEETING DATE: July 28, 2016

Regular (X) Work Session (X)

ATTACHMENT: YES (X) NO ()

Contract () Ordinance (X) Other ()

**Request for Board Action
By Staff**

Ward 1 () 2 () 3 () 4 (X) All Wards ()

Brief Description: An ordinance authorizing entering into an agreement with the Missouri Highways and Transportation Commission that will transfer ownership, by Quit Claim Deed, of Heritage Crossing (from south of Route 364 to Gettysburg Landing) from the Commission to the City of St. Peters.

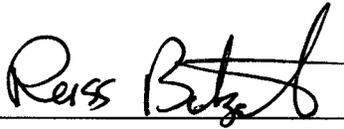
Staff: Recommended (X) Not recommended () No Position ()

Summary/Explanation: The agreement will transfer the ownership and maintenance of the portion of Heritage Crossing that is located within the corporate limits of the City of St. Peters.

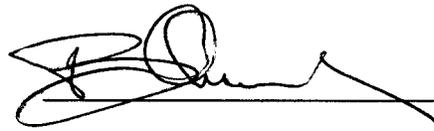
Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

City currently plows this roadway as it is a main arterial that serves residents of the both the City and County.

RBA requested by:



CA:



CCO FORM: RW27
Approved: 6/97 (DPP)
Revised: 06/15 (AR)
Modified:

EXHIBIT 1

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
ROAD RELINQUISHMENT AGREEMENT**

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission ("Commission") and City of St. Peters, Missouri ("Agency").

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The purpose of this Agreement is to relinquish a portion of the state highway system to the agency.

(2) WORK BY COMMISSION: Prior to any relinquishment or conveyance of the herein state highway to the Agency, the Commission shall perform the following:

NONE

(3) LOCATION: The general location of the highway to be conveyed is as follows:

Heritage Crossing from south of Route 364 to Gettysburg Landing in City of St. Peters, St. Charles County, Missouri.

(4) RELINQUISHMENT: Upon completion of the work as specified in paragraph (2), the Commission shall convey to the Agency the portion of the State Highway which is the subject of this Agreement by a quitclaim deed releasing any and all interest the Commission has in the above-described property. The exact legal description of the highway shall appear in the quitclaim deed. The Commission makes no representation to the state of title of the above-described property and it is incumbent upon the Agency to seek its own professional opinion as to the resulting state of title. The Agency agrees to accept the deed from the Commission. The deed shall be filed with the office of the recorder of deeds in the county where the highway is located.

(5) UTILITY CLAUSES IN THE DEED: The following clauses will be included

No.

in the quitclaim deed from the Commission to the Agency:

The Agency, by acceptance of this conveyance, covenants and agrees for itself, its successors and assigns, to allow known or unknown utility facilities currently located on the property, whether of record or not, to remain on the property, and to grant the current and subsequent owners of those facilities the right to maintain, construct and reconstruct the facilities and their appurtenances over, under, and across the land herein conveyed, along with the right of ingress and egress across the land herein conveyed to and from those utilities.

(6) **MAINTENANCE BY COMMISSION:** Prior to conveyance of the highway, the Commission shall maintain the highway as part of the state highway system. Upon conveyance of the highway to the Agency, Commission's responsibility to maintain the highway shall cease and the highway will no longer be considered a part of the state highway system.

(7) **MAINTENANCE BY AGENCY:** Upon conveyance by the Commission as shown by the date on the quitclaim deed, Agency shall maintain the highway as part of Agency's system.

(8) **FUTURE REPAIR:** After conveyance of the highway to the Agency, the Commission may agree to perform future repair to the highway. Any future repair by the Commission shall only be by a separate written agreement between the Commission and the Agency. The cost of any future repairs by the Commission shall be identified by the separate agreement and shall be the responsibility of the Agency.

(9) **COMMISSION REPRESENTATIVE:** The Commission's district engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(10) **LAW OF MISSOURI TO GOVERN:** This Agreement shall be construed according to the laws of the State of Missouri. The Agency shall comply with all state and federal laws and regulations relating to the performance of this Agreement.

[Remainder of Page Intentionally Left Blank. Signatures Appear on Following Page.]

No.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by Agency this _____ day of _____, 20____.

Executed by the Commission this _____ day of _____, 20____.

**MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION**

CITY OF ST. PETERS, MISSOURI

Title _____

By: _____
Title _____

By

Secretary to the Commission

Title _____

Approved as to Form:

Approved as to Form:

Commission Counsel

Title _____

Ordinance No. _____

No.

EXHIBIT A

Draft

No.

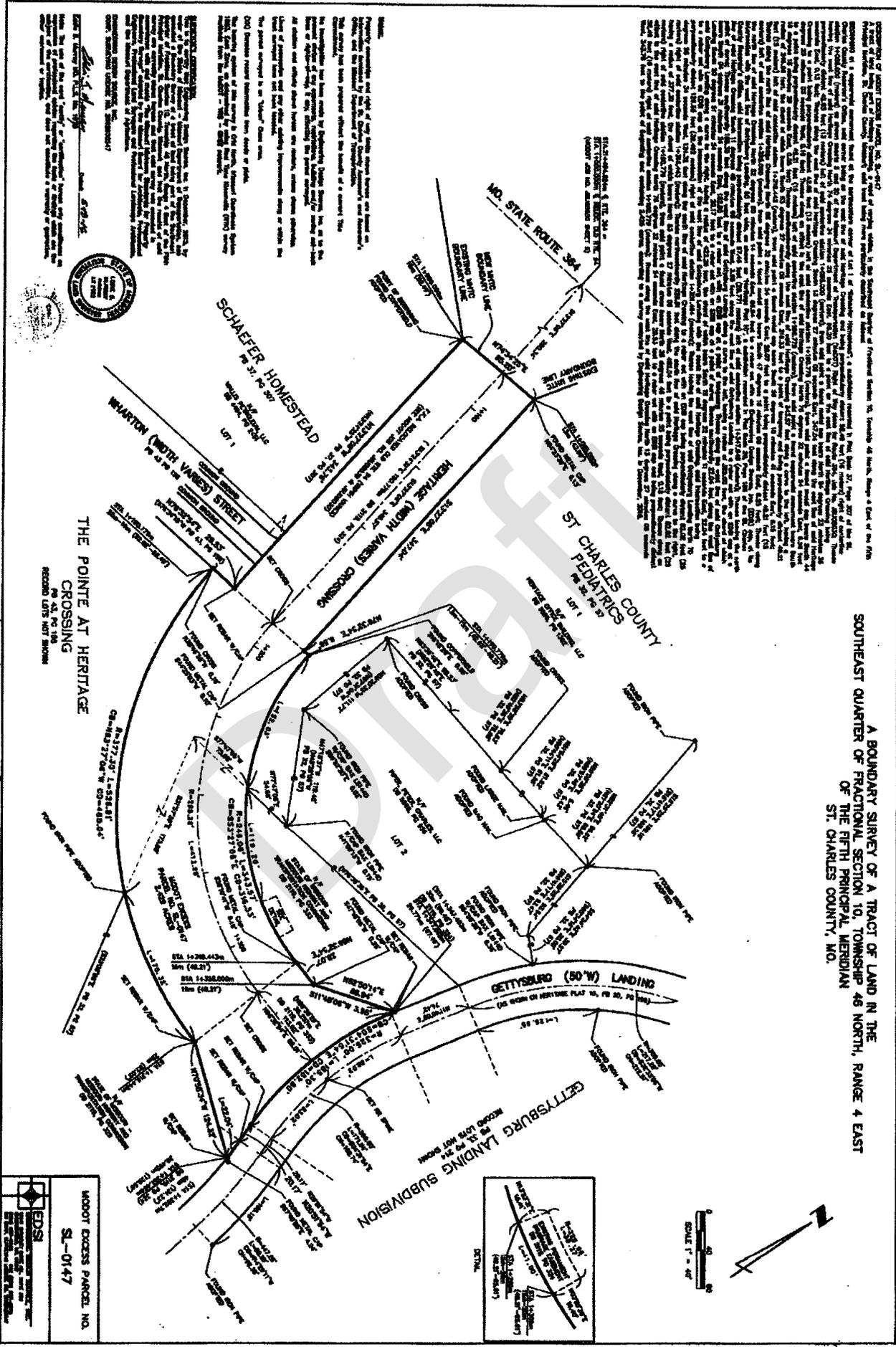
SECTION 10 OF TOWNSHIP 48 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN, ST. CHARLES COUNTY, MISSOURI.

THIS SURVEY WAS MADE BY THE SURVEYOR GENERAL OF MISSOURI, IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE, PASSED MARCH 27, 1820, AND MARCH 27, 1821, AND THE ACTS OF THE LEGISLATURE, PASSED MARCH 27, 1820, AND MARCH 27, 1821, AND THE ACTS OF THE LEGISLATURE, PASSED MARCH 27, 1820, AND MARCH 27, 1821.

THE SURVEY WAS MADE BY THE SURVEYOR GENERAL OF MISSOURI, IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE, PASSED MARCH 27, 1820, AND MARCH 27, 1821, AND THE ACTS OF THE LEGISLATURE, PASSED MARCH 27, 1820, AND MARCH 27, 1821.

THE SURVEY WAS MADE BY THE SURVEYOR GENERAL OF MISSOURI, IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE, PASSED MARCH 27, 1820, AND MARCH 27, 1821, AND THE ACTS OF THE LEGISLATURE, PASSED MARCH 27, 1820, AND MARCH 27, 1821.

A BOUNDARY SURVEY OF A TRACT OF LAND IN THE
 SOUTHEAST QUARTER OF FRACTIONAL SECTION 10, TOWNSHIP 48 NORTH, RANGE 4 EAST
 OF THE FIFTH PRINCIPAL MERIDIAN
 ST. CHARLES COUNTY, MO.



MISSOURI STATE SURVEYOR GENERAL
 JOHN T. ...
 ...

MODOT EXCESS PARCEL NO.
 SL-0147



EXHIBIT A

RBA FORM (OFFICE USE)

MEETING DATE: July 28, 2016

Regular (X) Work Session (X)

ATTACHMENT: YES (X) NO ()

Contract () Ordinance (X) Other ()

**Request for Board Action
By Staff**

Ward 1 () 2 (X) 3 () 4 () All Wards ()

Brief Description:

An ordinance to authorize the City Administrator to enter in to a contract to purchase and install a playground at Woodlands Sports Park.

Staff: Recommended (X) Not recommended () No Position ()

Summary/Explanation:

Please refer to the attached recommendation memo dated July 20, 2016.

Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

The FY16 Local Parks & Stormwater budget for this project is \$200,000.

RBA requested by:

Jeff Deutscher

CA:

[Signature]



INTEROFFICE MEMORANDUM

TO: BILL CHARNISKY, CITY ADMINISTRATOR
FROM: JEFF HUTSLER, GROUP MANAGER, PRS
SUBJECT: BID RECOMMENDATION FOR A NEW PLAYGROUND AT WOODLANDS SPORTS PARK
DATE: JULY 20, 2016
CC: VICKI PHILLIPS, DIRECTOR OF PARKS OPERATIONS

Recommendation: I recommend awarding the Woodlands Sports Park Playground Project to Miracle Recreation of Monett, Missouri. Approval of this recommendation will authorize the award of a contract in the amount of \$200,000.

The FY16 Local Parks & Stormwater budget for this project is \$200,000.

Background: On July 11, 2016, four (4) companies submitted seven (7) proposals for a new playground at Woodlands Sports Park (RFP 16-177). All proposals met the specification of being within 2% of the budgeted amount. I am recommending Proposal A from Miracle Recreation based on originality, play value, and visual appearance of the proposed playground design.

Below is a summary of the bids received.

Bidder	Amount
All Inclusive Recreation, Farmington, Missouri	\$199,999.90
GameTime % Cunningham Recreation, Charlotte, North Carolina	\$199,982.31
Miracle Recreation, Monett, Missouri	Design A \$200,000.00
	Design B \$200,000.00
	Design C \$200,000.00
	Design D \$204,000.00
NuToys Leisure Products, LaGrange Illinois	\$204,000.00

Miracle Recreation has previously installed play equipment in Laurel Park, Oak Creek Park, Spencer Creek Park and most recently, Shady Springs Park. Staff is very pleased with the products and service of this company. This playground proposal features unique play equipment that we currently do not have in any of our parks and we believe it will provide an exciting and fun experience for all kids to enjoy.

RBA FORM (OFFICE USE)
MEETING DATE: July 28, 2016
Regular (X) Work Session (X)
ATTACHMENT: YES (X) NO ()
Contract () Ordinance (X) Other ()

**Request for Board Action
By Staff**

Ward 1 () 2 () 3 (X) 4 () All Wards ()

Brief Description:

An ordinance to authorize the City Administrator to enter in to a contract to purchase and install a playground at Laurel Park.

Staff: Recommended (X) Not recommended () No Position ()

Summary/Explanation:

Please refer to the attached recommendation memo dated July 20, 2016.

Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

The FY16 Local Parks & Stormwater budget for this project is \$250,000.

RBA requested by:

Jeff Huletts

CA:

B. Crumley



INTEROFFICE MEMORANDUM

TO: BILL CHARNISKY, CITY ADMINISTRATOR
FROM: JEFF HUTSLER, GROUP MANAGER, PRS
SUBJECT: BID RECOMMENDATION FOR LAUREL PARK PLAYGROUND REPLACEMENT
DATE: JULY 20, 2016
CC: VICKI PHILLIPS, DIRECTOR OF PARKS OPERATIONS

Recommendation: I recommend awarding the Laurel Park Playground Project (RFP 16-177) to GameTime Recreation % Cunningham Recreation out of Charlotte, North Carolina. Approval of this recommendation will authorize the award of a contract in the amount of \$246,824.89.

The FY16 Local Parks & Stormwater budget for this project is \$250,000.

Background: On July 11, 2016, five (5) companies submitted proposals to replace the 2-5 yrs and 5-12 yrs playground structures at Laurel Park (RFP 16-177). All proposals met the specification of being within 2% of the budgeted amount. I am recommending GameTime Recreation % Cunningham Recreation based on originality, play value, and visual appearance of the proposed playground design.

Below is a summary of the bids received.

Bidder	Amount
All Inclusive Recreation, Farmington, Missouri	\$245,781.59
GameTime % Cunningham Recreation, Charlotte, North Carolina	\$246,824.89
Miracle Recreation, Monett, Missouri	\$250,000.00
NuToys Leisure Products, LaGrange Illinois	\$254,500.00
Play & Park Structures	\$247,148.64

GameTime % Cunningham Recreation has previously installed play equipment in Brookmount Park, Laurel Park, City Centre Park and Old Town Park. Staff is very pleased with the products and service of this company. There are several unique features in this playground proposal, but one that stands out and worth mentioning is a new swing design that allows a parent to swing beside their child.

RBA FORM (OFFICE USE)

MEETING DATE: July 28, 2016

Regular (X) Work Session (X)

ATTACHMENT: YES (X) NO ()

Contract () Ordinance (X) Other ()

**Request for Board Action
By Staff**

Ward 1 () 2 () 3 () 4 () All Wards (X)

Brief Description: Readopt Biennial Financial Disclosure Statement Ordinance/State Requirement

Staff: Recommended (X) Not recommended () No Position ()

Summary/Explanation:

The attached draft ordinance for review is to fulfill the Missouri Ethics Commission requirement in accordance with RSMo. 105.485.4, for Personal Financial Disclosure. This ordinance must be readopted every two years.

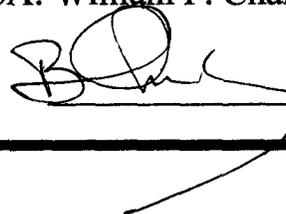
Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

NONE

RBA requested by: P. Smith, City Clerk

CA: William P. Charnisky





ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ST. PETERS, MISSOURI, ESTABLISHING A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST FOR CERTAIN MUNICIPAL OFFICIALS

WHEREAS, the Missouri General Assembly adopted an ethics/personal financial disclosure law affecting municipalities with an annual operating budget in excess of \$1 million; and

WHEREAS, an amendment to this State law allowed municipal officials to adopt their own personal financial disclosure requirements by ordinance; and

WHEREAS, the St. Peters Board of Aldermen passed Ordinance Nos. 1791, 3697, 4103, 4597, 4837, 5238, 5314, 5780 and 6188 establishing a code of ethics for elected and appointed officials and establishing a procedure to disclose potential conflicts of interest for certain municipal officials; and

WHEREAS, pursuant to Revised Missouri Statutes Section 105.485.4, political subdivisions must biennially adopt the ordinance establishing their personal financial disclosure requirements.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. PETERS, MISSOURI, AS FOLLOWS:

SECTION 1. Each elected official, the Chief Administrative Officer and the Chief Purchasing Officer, each City employee who has been authorized to purchase goods or services for or on behalf of the City, each member of the Planning and Zoning Commission, Board of Adjustment and any other individual who is empowered to adopt a rule or regulation, other than rules and regulations governing the internal affairs of the City, or who is empowered to fix any rate, adopt zoning or land use planning regulations or plans, or who participates in or votes on the adoption of any such rule, regulation, rate or plan, shall disclose in writing the following information by May first (1st) of each year if any such transactions were engaged in during the previous calendar year:

A. For such person and all persons within the first degree of consanguinity or affinity of such person, the date and identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the City of St. Peters, other than compensation received as an employee or payment of any tax, fee or penalty due to the City of St. Peters and other than transfers for no consideration to the City of St. Peters.

No.

B. The date and identities of the parties to each transaction known with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest had with the City of St. Peters, other than payment of any tax, fee reimbursement for expenditures made on behalf of the City of St. Peters or penalty due to the City of St. Peters or transactions involving payment for providing utility service to the City of St. Peters and other transfers for no consideration to the City of St. Peters.

C. The Chief Administrative Officer and the Chief Purchasing Officer also shall disclose in writing by May first (1st) of each year for the previous calendar year the following information:

(1) The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;

(2) The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership, joint venture or trust unless such names and addresses are filed by the partnership, joint venture or trust with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation, limited liability company, general or limited partnership, or trust in which the person owned or has a beneficial interest in ten percent (10%) or more of any class of the outstanding stock, or member or partnership units, both general and limited, in the aggregate, or corpus or income interest of a trust; and the name of any publicly traded corporation or partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, membership or partnership units or other equity interests; and

(3) The name and address of business entity for which such person served in the capacity of a director, officer, manager, general partner or receiver.

D. Filing of Statements. The statements, in substantially the format which is on file in the office of the City Clerk, shall be filed with the City Clerk and the Missouri Ethics Commission in compliance with Sections 105.483 to 105.496, RSMo., as amended. The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:

(1) Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment;

No.

(2) Each such person shall thereafter file the statement annually not later than May first (1st), and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any member of the Board of Aldermen shall supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement; and

(3) Each candidate for elective office who is required to file a personal financial disclosure statement shall file a financial interest statement no later than fourteen (14) days after the close of filing at which the candidate seeks nomination or election and the statement shall be for the twelve (12) months prior to the closing date, except that in the event an individual does not become a candidate until after the date of certification for candidates, the statement shall be filed within fourteen (14) days of the individual becoming a candidate. The City Clerk shall provide to the candidate at the time of filing for election written notice of the candidate's obligation to file a financial statement and the candidate shall sign a statement acknowledging receipt of such notice.

E. Penalties.

(1) Any person required to file a financial interest statement pursuant to this Ordinance who fails to file such statement by the times required shall, if such person receives any compensation or other remuneration from public funds for the person's services, not be paid such compensation or receive such remuneration until the person has filed a statement as required by this Ordinance. Any person required to file a statement who fails to file such statement by the time required and continues to fail to file the required statement for thirty or more days after receiving notice from the Missouri Ethics Commission shall be subject to suspension from office in the manner otherwise provided by law or the constitution. The attorney general or circuit attorney, at the request of the Missouri Ethics Commission, may take appropriate legal action to enforce the provisions of this Ordinance.

(2) If a candidate for office does not file a statement by the close of business on the twenty-first day after the last day for filing for election for which the person is a candidate, the Missouri Ethics Commission shall notify the official who accepted such candidate's declaration of candidacy that the candidate is disqualified. Such election official shall remove the candidate's name from the ballot.

(3) Failure of any elected official or judge to file a financial interest statement thirty days after notice from the appropriate filing officer shall be grounds for removal from office as may be otherwise provided by law or the Constitution.

SECTION 2. The City Clerk is hereby directed to send a certified copy of this ordinance to the Missouri Ethics Commission within ten (10) days of its adoption and approval.

SECTION 3. Effective Date: This ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of St. Peters, Missouri.

Read two (2) times, passed and approved this 28th day of July, 2016.

As Presiding Officer and as Mayor
Len Pagano, Mayor

Attest: _____
Patricia E. Smith, City Clerk

Approved this 28th day of July, 2016.

Len Pagano, Mayor

Attest: _____
Patricia E. Smith, City Clerk

RBA FORM (OFFICE USE)

MEETING DATE: July 28, 2016

Regular () Work Session (X)

ATTACHMENT: YES (X) NO ()

Contract () Ordinance () Other (X)

**Request for Board Action
By Staff**

Ward 1 () 2 () 3 () 4 () All Wards (N/A)

Brief Description: Secretary of State/Records Retention Schedules

Staff: Recommended (X) Not recommended () No Position ()

Summary/Explanation:

The destruction of records schedule is set by the Secretary of State, which states the following: the disposition of records should be recorded in a document such as the minutes of the Board of Aldermen or other legally constituted authority that has permanent record status. The record should include the description and quantity of each record series disposed of, manner of destruction, inclusive dates covered and the date on which the destruction was completed.

Please view the attached destruction of records forms to be entered and made a part of the minutes.

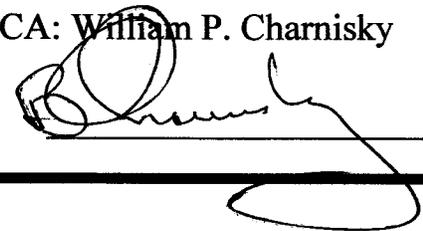
Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

None

RBA requested by: Patty Smith, City Clerk



CA: William P. Charnisky





City of St. Peters - Records Management
RECORDS DESTRUCTION FORM

Page 1 of 2

Department Name: SSS/ADMIN BUSINESS LICENSING		Total # of Boxes: 3
Department Records Coordinator: CHRIS CATTOOR		
Date: 06/08/16	Office Address: ONE SAINT PETERS CENTRE BLVD	Telephone: 636-477-6600

Caution: A record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of the retention period. The record must be retained until completion of the action and the resolution of all issues that arise from it, or until the expiration of the retention period, whichever is later. The schedule establishes only a minimum period of retention. Before retaining a record longer than the minimum time required, however, the office should be certain that it has good reason to do so.

Department Records Coordinator: <i>Chris Cattoor</i>	Date: <i>6-8-16</i>	Date of Records Destruction: <i>323T on 6/8/16, 324T 6/16/16</i>
Group Manager: <i>T. Wilkinson</i>	Date: <i>6/8/16</i>	Destruction Method: Shredding <input checked="" type="checkbox"/> Discard <input type="checkbox"/> Outside Vendor <input type="checkbox"/>
Date of BOA Minutes:		

Request for Department Destruction

- I certify that these OFFICIAL RECORD COPIES are past the retention period specified by the Missouri Secretary of State Records Retention Schedule and that all audit and administrative requirements have been satisfied.
- I certify that no HOLD has been placed on these OFFICIAL RECORDS due to any litigation, claim, negotiation, audit, or open records requests and that all administrative requirements have been satisfied.

Required Approval Signature	
City Clerk: <i>Pattica E. Small</i>	Date: <i>6/8/16</i>

Note: Please read the instructions on page 3 concerning Departmental Records Destruction.

User Box #	Retention Schedule Records Item #	Description of Records	Inclusive Year(s)	Retention Period	Medium
323T	GS050	City Liquor Licensing Records - application files, renewals, background investigation forms, licenses, related records	2012-2013	2 YEARS	P
	GS012	General Correspondence related to liquor licensees/establishments	2012-2013	1 YEAR	P
324T	GS050	City Liquor Licensing Records - application files, renewals, background investigation forms, licenses, related records	2014	2 YEARS	P
	GS012	General Correspondence related to liquor licensees/establishments	2014	1 YEAR	P

FOR REVIEW JANUARY 2016
GENERAL RECORDS RETENTION CODE GS 050

BOX 323 T

LIQUOR LICENSING RECORDS

- 1893 & 1894 7 ELEVEN #25859B (CLOSED 1/18/13)
- 2077 & 5090 O.M. INC DBA CRAZY SUSHI (CLOSED 7/10/12)
- 3290 & 4673 MID RIVERS MANAGEMENT & CONSULTING INC DBA MID RIVERS BAR & GRILL (CLOSED 5/21/12)
- 4408 & 4409 SPORTS PARTNERS INC. DBA MATTESON SQUARE GARDENS TRIPLEX (CLOSED 12/21/12)
- 6399 & 6404 DRURY CAPITAL CORP DBA DRURY INN-ST. PETERS (CLOSED 11/14/12)
- 7625 & 7626 SUMMIT FARE LLC DBA PIZZA HUT (CLOSED 6/27/12)
- 8736 & 8737 RT ST. LOUIS FRANCHISE LLC DBA RUBY TUESDAY (CLOSED 9/17/12)
- 8739 & 8740 GMRI INC DBA RED LOBSTER #0181 (CLOSED 5/7/12)
- 8815 & 8816 BOSS ENTERPRISE DBA SOMBRERO'S MEXICAN CUISINE & SPORTS SALOON (CLOSED 1/31/13)
- 9010 & 9011 MISSOURI WINE AND GIFT (CLOSED 5/18/12)
- 9057 & 9058 HR LIQUOR MINI MART (CLOSED 3/6/13)
- 9521 & 9522 O'CHARLEYS INC DBA O'CHARLEYS'S #390 (CLOSED 5/30/12)
- 9576 & 9577 7-ELEVEN SALES CORP DBA 7-ELEVEN STORE #26923 (CLOSED 11/28/12)
- 9599 MISSOURI EMS CARES (UNISSUED TEMPORARY)
- 9868 DQ3J HOLDING DBA LOUISIANA CAFÉ (UNISSUED, CLOSED OUT 2/25/13)

FOR REVIEW JANUARY 2016
GENERAL RECORDS RETENTION CODE GS 050

BOX 324 T

LIQUOR LICENSING RECORDS

- 1889, 1890, 6452 SHOP 'N SAVE WAREHOUSE FOODS (CLOSED 7/1/13) (2 FOLDERS)
- 1973, 1974, 6453 SHOP 'N SAVE WAREHOUSE FOODS (CLOSED 7/1/13) (2 FOLDERS)
- 9428, 9429 ATLANTIC GOURMET INC. DBA COPPER CHIMNEY (CLOSED 7/1/13)
- 5967, 5968 SASIMONTHON LLC. DBA THAI KITCHEN (CLOSED 7/1/13)
-

Box 324T (Continued)

- **7121, 7122** MAC ACQUISITION LLC DBA ROMANO'S MACARONI GRILL (CLOSED 7/1/13)
 - **8645, 8646** ZRC OPERATION CO INC. DBA QDOBA MEXICAN GRILL (CLOSED 7/1/13)
 - **5465, 5466** PROFESSIONAL FIREFIGHTERS OF EAST. MO HALL & PROPERTY BOARD LLC (CLOSED 6/25/13)
 - **9866** SMOOTH GLASS ENTERTAINMENT LLC DBA GLOW (CLOSED 3/22/13)
 - **10303** TEMP PICNIC: NATIONAL AUDUBON SOCIETY OF MISSOURI (CLOSED 4/29/13)
 - **9174** TEMP CATERING: COLD SPRING HOLDINGS LLC DBA SHERLOCK STEAK & SEAFOOD (CLOSED 4/25/12)
 - **2643** TEMP 5% BEER & LIGHT WINE LTD T. PETERS CHAMBER OF COMMERCE (CLOSED 6/17/11)
 - **5432, 5616, 5795** TEMP CATERING: CITY OF ST. PETERS COMMUNITY & ARTS CENTER (CLOSED 12/31/08)
 - **7241, 7242** ST. CHARLES HOTEL COMPANY DBA GARDEN PLAZA LOUIE'S LOUNGE (CLOSED 6/30/13)
-



City of St. Peters - Records Management
RECORDS DESTRUCTION FORM

Page 1 of 1

Department Name: WES		Total # of Boxes: 1
Department Records Coordinator: Nancy Mutchler		
Date: 05/19/16	Office Address: 100 Ecology Drive	Telephone: ext. 1388

Caution: A record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of the retention period. The record must be retained until completion of the action and the resolution of all issues that arise from it, or until the expiration of the retention period, whichever is later. The schedule establishes only a minimum period of retention. Before retaining a record longer than the minimum time required, however, the office should be certain that it has good reason to do so.

Department Records Coordinator: <i>Nancy Mutchler</i>	Date: <i>5/19/16</i>	Date of Records Destruction: <i>5-24-16</i>
Group Manager: <i>Bill Maker</i>	Date: <i>5-23-16</i>	Destruction Method: Shredding <input checked="" type="checkbox"/> Discard <input type="checkbox"/> Outside Vendor <input type="checkbox"/>
Date of BOA Minutes:		

Request for Department Destruction

- I certify that these OFFICIAL RECORD COPIES are past the retention period specified by the Missouri Secretary of State Records Retention Schedule and that all audit and administrative requirements have been satisfied.
- I certify that no HOLD has been placed on these OFFICIAL RECORDS due to any litigation, claim, negotiation, audit, or open records requests and that all administrative requirements have been satisfied.

Required Approval Signature	
City Clerk: <i>Patty Smart</i>	Date: <i>5/27/16</i>

Note: Please read the instructions on page 3 concerning Departmental Records Destruction.

User Box #	Retention Schedule Records Item #	Description of Records	Inclusive Year(s)	Retention Period	Medium
L-2003	GS-052	Missouri One Call Locate Tickets	2003	5 year	P



City of St. Peters - Records Management
RECORDS DESTRUCTION FORM

Page 1 of 1

Department Name: WES		Total # of Boxes: 1
Department Records Coordinator: Nancy Mutchler		
Date: 05/19/16	Office Address: 100 Ecology Drive	Telephone: ext. 1388

Caution: A record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of the retention period. The record must be retained until completion of the action and the resolution of all issues that arise from it, or until the expiration of the retention period, whichever is later. The schedule establishes only a minimum period of retention. Before retaining a record longer than the minimum time required, however, the office should be certain that it has good reason to do so.

Department Records Coordinator: <i>Nancy Mutchler</i>	Date: <i>5/19/16</i>	Date of Records Destruction: <i>5-24-16</i>
Group Manager: <i>Bill Mader</i>	Date: <i>5-23-16</i>	Destruction Method: Shredding <input checked="" type="checkbox"/> Discard <input type="checkbox"/> Outside Vendor <input type="checkbox"/>
Date of BOA Minutes:		

Request for Department Destruction

- I certify that these OFFICIAL RECORD COPIES are past the retention period specified by the Missouri Secretary of State Records Retention Schedule and that all audit and administrative requirements have been satisfied.
- I certify that no HOLD has been placed on these OFFICIAL RECORDS due to any litigation, claim, negotiation, audit, or open records requests and that all administrative requirements have been satisfied.

Required Approval Signature	
City Clerk: <i>Patty Smart</i>	Date: <i>5/27/16</i>

Note: Please read the instructions on page 3 concerning Departmental Records Destruction.

User Box #	Retention Schedule Records Item #	Description of Records	Inclusive Year(s)	Retention Period	Medium
L-2003	GS-052	Missouri One Call Locate Tickets	2003	5 year	P



City of St. Peters – Records Management
RECORDS DESTRUCTION FORM

Page 1 of 2

Department Name: SSS/Administration		Total # of Boxes: 3
Department Records Coordinator: Chris Cattoor		
Date: 06/30/16	Office Address: One St. Peters Centre, St. Peters, MO 63376	Telephone: 636-447-6600

Caution: A record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of the retention period. The record must be retained until completion of the action and the resolution of all issues that arise from it, or until the expiration of the retention period, whichever is later. The schedule establishes only a minimum period of retention. Before retaining a record longer than the minimum time required, however, the office should be certain that it has good reason to do so.

Department Records Coordinator: <i>Chris Cattoor</i>	Date: <i>7-5-16</i>	Date of Records Destruction: <i>unboxed 11/7/16</i> <i>342T-7-7-16</i> <i>343T-7-14-16</i> <i>344T-7-21-16</i>
Group Manager: <i>Cathy Pratt</i>	Date: <i>7-5-16</i>	Destruction Method: Shredding <input checked="" type="checkbox"/> Discard <input type="checkbox"/> Outside Vendor <input type="checkbox"/>
Date of BOA Minutes:		

Request for Department Destruction

- I certify that these OFFICIAL RECORD COPIES are past the retention period specified by the Missouri Secretary of State Records Retention Schedule and that all audit and administrative requirements have been satisfied.
- I certify that no HOLD has been placed on these OFFICIAL RECORDS due to any litigation, claim, negotiation, audit, or open records requests and that all administrative requirements have been satisfied.

Required Approval Signature	
City Clerk: <i>Patricia Smith</i>	Date: <i>7/5/16</i>

Note: Please read the instructions on page 3 concerning Departmental Records Destruction.

User Box #	Retention Schedule Records Item #	Description of Records	Inclusive Year(s)	Retention Period	Medium
341T	GS 050	2013 General Business License Unissued Files 2013 General Business License Files 0-6199	2013	Retain 2 years after expiration.	P P
342T	GS 050	2013 General Business License Files 6200-8599	2013	Retain 2 years after expiration.	P

FOR REVIEW JANUARY 2016
GENERAL RECORDS RETENTION CODE GS 050

BOX # 341T

Business Licensing Records

- 2013 General Business License Unissued Files
- 2013 General Business License Files 0-6199

FOR REVIEW JANUARY 2016
GENERAL RECORDS RETENTION CODE GS 050

BOX # 342T

Business Licensing Records

- 2013 General Business License Files 6200-8599

FOR REVIEW JANUARY 2016
GENERAL RECORDS RETENTION CODE GS 050

BOX # 343T

Business Licensing Records

- 2013 General Business License Files 8600-9949

FOR REVIEW January 2016

GENERAL RECORD RETENTION CODE GS 050

BOX NONE

MASSAGE LICENSE RECORDS

- Massage Unissued for 2009
- BL 7715 – Alexander Scofield (closed 2009)
- BL 8369 – Marilyn Elizabeth Caldwell (closed 2009)
- BL 3909 – Olaz S. Nordemann (closed 2012)
- BL 4179 – Shear Lock Combs West (closed 2012)
- BL 4396 – Massage Matters DBA: Nirvana (closed 2012)
- BL 5960 – Vicki Kemner (closed 2012)
- BL 6588 – Stevye Jean Hartwig (closed 2012)
- BL 7250 – Jennifer Warren (closed 2012)
- BL 7525 – Body Balance Massage (closed 2012)
- BL 7526 – Sara Peleshenko (closed 2012)
- BL 8150 – B7 Wellness (closed 2012)
- BL 8372 – Jennifer Cross (closed 2012)
- BL 8374 – Michelle Boyd
- BL 8478 – Linda Sue Greenwy (closed 2013)
- BL 8484 – Jackie L. O'Brien (closed 2013)
- BL 8375 – Mokii Bose (closed 2013)
- BL 9318 – Daniel Sandvig (closed 2013)
- BL 6732 – Ronda Wieschhaus (closed 2013)