PUBLIC AGENDA NOTES
MAPLEWOOD CITY COUNCIL MEETING
TUESDAY, AUGUST 11, 2015
7:30 P.M.

The following is a brief description of the Agenda items for Tuesday, August 11, 2015:

ITEM NO. 9, is a resolution appointing Eileen Lencz to the Parks and Recreation Commission to fill a vacancy that was created by the resignation of Heidi Barks. Ms. Lencz lives in Ward 3 and was previously employed by Scheidt Hardware.

ITEM NO. 10 is a resolution appointing Kim Noonan to the Library Board to fill a vacancy that was created by Joan Kelly who was term limited on the Library Board. Ms. Noonan resides at 3523 Cambridge.

ITEM NO. 11, is a resolution authorizing the City Manager to retain the services of SM Wilson & Company to serve as the construction management agent for the design and construction of a new firehouse. Four proposals were received and reviewed. Three firms were interviewed.

ITEM NO. 12, is an ordinance amending the Maplewood Code of Ordinances to create a no parking zone on both the north and south sides of Sunnen Drive 50 feet east and 50 feet west from the MetroLink tracks. Metro has requested this parking prohibition for safety reasons.

ITEM NO. 13, is an ordinance eliminating one parking space in the 2700 block of Sutton Blvd. alongside Orbit. There is a site distance problem at this location now that vehicles are exiting the 7400 block of Hazel Ave. Staff is recommending the elimination of one parking space to create proper site distance.

ITEM NO. 14, is an ordinance amending the Maplewood Code of Ordinances by deleting the offense of Failure to Appear. Senate Bill 5 that was passed during this year's legislative session eliminates cities from having this type of charge.

ITEM NO. 15, is an ordinance amending the Zoning Code to allow short term vacation rentals in the Single Family Residential Zoning District as a permitted use. The Plan and Zoning Commission recommended 6 ayes, 0 nays to approve this amendment. A public hearing on this zoning amendment will be held at the September 8, 2015 Council meeting. If the City Council approves this ordinance, they will need to then approve the regulations for short term vacation rentals.

ITEM NO. 17, is a discussion of the revisions to the Veteran's Memorial with the architect.

AGENDA
MAPLEWOOD CITY COUNCIL MEETING
TUESDAY, AUGUST 11, 2015
7:30 P.M.

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Motion to Excuse Councilperson

5. Approval of the Council Agenda

6. Public Forum

7. Announcements

8. Approval of the July 28, 2015 City Council meeting minutes

9. A Resolution of the City Council of the City of Maplewood, Missouri, appointing Eileen Lencz to the Parks and Recreation Commission and establishing her term of office as expiring June 30, 2016.

10. A Resolution of the City Council of the City of Maplewood, Missouri, appointing Kim Noonan to the Library Board and establishing her term of office as expiring June 30, 2017.

11. A Resolution of the City Council of the City of Maplewood, Missouri, authorizing the City Manager to retain the services of SM Wilson & Company to serve as the construction management agent for the design and construction of a new fire station.

12. An Ordinance of the City Council of the City of Maplewood, Missouri, amending Ordinance 5573 of the Maplewood Code of Ordinances, as amended, by amending Chapter 50, Traffic and Motor Vehicles, Section 50-243, Other prohibitions on parking, by adding Sunnen Drive Metrolink Tracks.

13. An Ordinance of the City Council of the City of Maplewood, Missouri, amending Ordinance 5573 of the Maplewood Code of Ordinances, as amended, by amending Chapter 50, Traffic and Motor Vehicles, Section 50-243, Other prohibitions on parking, by amending Sutton Boulevard 2700 block.

14. An Ordinance of the City Council of the City of Maplewood, Missouri amending Ordinance 5573, as amended, by deleting Section 34-13, Failure to Appear.

15. An Ordinance of the City Council of the City of Maplewood, Missouri, amending Ordinance 5573, as amended, Chapter 56, Zoning, Section 56-72 SR Single Family Residential District Permitted Uses to allow short term vacation rentals in the SR District.

16. An Ordinance of the City Council of the City of Maplewood, Missouri, amending Ordinance 5573, as amended, Chapter 14, Business and Business Regulations, by adding Article XIII, Division 3, Sections 14-800 to 14-804, Short term vacation rentals, establishing regulations governing Short term vacation rentals.

17. Discuss revisions to the Veteran's Memorial with the architect.

18. Council Communication

19. Mayor's Report

20. City Attorney's Report

21. City Manager's Report

22. Motion to hold a Closed Session, if needed, to discuss matters relating to litigation, legal actions and/or communication from the City Attorney as provided for in Section 610.021(1)RSMO. and/or specifications for competitive bidding under Section 610.021(11) and/or sealed bids and related documents and sealed proposals and related documents under Section 610.021(11) and/or personnel matters under Section 610.021(13)RSMO. and/or employee matters under Section 610.021(3)RSMO. and/or real estate matters under Section 610.021(2)RSMO. and/or documents related to a negotiated contract under Section 610.021(12)RSMO.

23. Adjournment

July 28, 2015

The July 28, 2015 Council meeting was called to order at 7:30 p.m., Mayor James White presiding.

ON ROLL CALL, the following members were present: Councilmember Cerven, Councilmember Greenberg, Mayor White, Councilmember Wolf and Councilmember Wood.

MOTION TO EXCUSE COUNCILPERSON: Councilmember Wood motioned to excuse Councilmembers Dunn and Faulkingham, duly seconded by Councilmember Cerven, which motion received the approval of the Council.

APPROVAL OF THE COUNCIL AGENDA: Councilmember Wood motioned to approve the agenda, duly seconded by Councilmember Cerven, which motion received the approval of the Council.

PUBLIC HEARING FOR THE PURPOSES OF ALLOWING ALL INTERESTED PARTIES TO COMMENT ON THE PROPOSED 2015-2016 FISCAL YEAR BUDGET FOR THE CITY OF MAPLEWOOD: No one spoke.

PUBLIC FORUM: No one spoke.

ANNOUNCEMENTS: None.

APPROVAL OF THE JULY 14, 2015 CITY COUNCIL MEETING MINUTES: Councilmember Wood motioned to approve, duly seconded by Councilmember Cerven, which motion received the approval of the Council.

PRESENTATION OF PROCLAMATION TO THERESA V. ROSE BOYET: Mayor White presented the proclamation to Ms. Boyet.

R15-44, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AUTHORIZING THE CITY MANAGER TO RETAIN THE SERVICES OF DANIEL JONES AND ASSOCIATES TO PERFORM AN AUDIT OF ALL CITY FUNDS FOR THE 2014-2015 FISCAL YEAR AT A COST NOT TO EXCEED EIGHTEEN THOUSAND SEVEN HUNDRED FIFTEEN DOLLARS ($18,715.00) OR TWENTY ONE THOUSAND TWO HUNDRED FIFTEEN DOLLARS ($21,215.00) IF A SINGLE AUDIT IS REQUIRED was introduced. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven to approve the resolution which motion received the following roll call vote: Ayes, members Cerven, Greenberg, Mayor White, Wolf and Wood. Nays, none.

BILL 5982, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, ADOPTING THE BUDGET FOR THE CITY OF MAPLEWOOD, MISSOURI, FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 THROUGH JUNE 30, 2016 was given its third and final reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 5982 be approved which motion received the following roll call vote: Ayes, members Cerven, Greenberg, Mayor White, Wood and Wolf. Nays, none.

BILL NO. 5982 was approved by the City Council on this 28th day of July, 2015 as **Ordinance number 5778.**

BILL 5983, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI TO RE-ADOPT AND TO ESTABLISH AND MAKE PUBLIC A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS was given its third and final reading. It was moved by Councilmember Wood, duly seconded by Councilmember Cerven, that Bill No. 5983 be approved which motion received the following roll call vote: Ayes, members Cerven, Greenberg, Mayor White, Wood and Wolf. Nays, none.

BILL NO. 5983 was approved by the City Council on this 28th day of July, 2015 as **Ordinance number 5779.**

COUNCIL COMMUNICATION: None.

MAYOR'S REPORT: The success of this year's Let Them Eat Art event was discussed.

CITY ATTORNEY'S REPORT: No report.

CITY MANAGER'S REPORT: Mr. Corcoran stated the street reconstruction project or Martini, Gerhard and Oakland will be completed before school begins.

MOTION TO HOLD A CLOSED SESSION, IF NEEDED, TO DISCUSS MATTERS RELATING TO LITIGATION, LEGAL ACTIONS AND/OR COMMUNICATION FROM THE CITY ATTORNEY AS PROVIDED FOR IN SECTION 610.021(1)RSMO. AND/OR SPECIFICATIONS FOR COMPETITIVE BIDDING UNDER SECTION 610.021(11) AND/OR SEALED BIDS AND RELATED DOCUMENTS AND SEALED PROPOSALS AND RELATED DOCUMENTS UNDER SECTION 610.021(11) AND/OR PERSONNEL MATTERS UNDER SECTION 610.021(13)RSMO. AND/OR EMPLOYEE MATTERS UNDER SECTION 610.021(3)RSMO. AND/OR REAL ESTATE MATTERS UNDER SECTION 610.021(2)RSMO. AND/OR DOCUMENTS RELATED TO A NEGOTIATED CONTRACT UNDER SECTION 610.021(12)RSMO.: No need.

There being no further business before the Council, the meeting adjourned at 7:55 p.m.

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

FROM: Martin J. Corcoran, City Manager

DATE: August 7, 2015

RE: Park Board Appointment

Mayor White is recommending that Eileen Lencz be appointed to the Parks and Recreation Commission to fill a vacancy by the resignation of Heidi Barks. Ms. Lencz lives in Ward 3 and previously was employed by Scheidt Hardware. Mayor White has requested a resume.

If you have any questions on this appointment, please contact Mayor White.

Martin J. Corcoran
City Manager

Parks Board-Eileen Lencz.docx

RESOLUTION **R15-**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, APPOINTING EILEEN LENCZ TO THE PARKS AND RECREATION COMMISSION AND ESTABLISHING HER TERM OF OFFICE AS EXPIRING JUNE 30, 2016.

WHEREAS, Eileen Lencz desires to be appointed to the Parks and Recreation Commission; and

WHEREAS, a vacancy exists on the Parks and Recreation Commission

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS: Eileen Lencz is hereby appointed to the Parks and Recreation Commission; and

BE IT FURTHER RESOLVED that her term of office is established as expiring June 30, 2016.

Passed this 11th day of August, 2015

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James White, Mayor

Attest:

_____

Karen Scheidt, Acting City Clerk

Approved this 11th day of August1, 2015

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James White, Mayor

Attest:

_____

Karen Scheidt, Acting City Clerk

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

FROM: Martin J. Corcoran, City Manager

DATE: August 7, 2015

RE: Library Board Appointment

Mayor White is recommending that Kim Noonan be appointed to the Library Board to fill a vacancy that was created by Joan Kelly who was term limited on the Library Board. State law requires that no one can serve more than 9 years on the Board without sitting out at least one year. Ms. Noonan resides at 3523 Cambridge.

If you have any questions in regards to this appointment, please contact Mayor White. Mayor White has requested a resume.

Martin J. Corcoran
City Manager

Library Board – Kim Noonan.docx

RESOLUTION **R15-**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, APPOINTING KIM NOONAN TO THE LIBRARY BOARD AND ESTABLISHING HER TERM OF OFFICE AS EXPIRING JUNE 30, 2017.

WHEREAS, Kim Noonan desires to be appointed to the Library Board; and

WHEREAS, a vacancy exits on the Library Board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS: Kim Noonan is hereby appointed to the Library Board; and

BE IT FURTHER RESOLVED that her term of office is established as expiring June 30, 2017.

Passed this 11th day of August, 2015

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James White, Mayor

Attest:

_____

Karen Scheidt, Acting City Clerk

Approved this 11th day of August, 2015

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James White, Mayor

Attest:

_____

Karen Scheidt, Acting City Clerk

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

FROM: Martin J. Corcoran, City Manager

DATE: August 7, 2015

RE: Firehouse Construction Manager

The City of Maplewood advertised for request for proposals for construction management services for the new firehouse. Four proposals were received on July 7, 2015. The proposals were reviewed and three firms were interviewed - Orf Construction, Paric Corporation and SM Wilson & Company. The interviewers were Anthony Traxler, Terry Merrell, Brian Herr and Jon Emert from JEMA, the city's architect on the project.

It was the consensus of the group that the two best firms to do this job were Paric and SM Wilson.

It is my recommendation that SM Wilson & Company be retained to provide construction management services for the new firehouse project.

I have the presentation booklets for both Paric and SM Wilson and if anyone would like to review them, you are more than welcome to do so.

If you have any questions, please contact me.

Martin J. Corcoran
City Manager

Firehouse construction manager.docx

RESOLUTION **R15-**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AUTHORIZING THE CITY MANAGER TO RETAIN THE SERVICES OF SM WILSON & COMPANY TO SERVE AS THE CONSTRUCTION MANAGEMENT AGENT FOR THE DESIGN AND CONSTRUCTION OF A NEW FIRE STATION.

WHEREAS, Request for Proposals were duly advertised and publicly opened at 2:00 p.m. on July 7, 2015; and

WHEREAS, four (4) proposals were received; and

WHEREAS, three (3) firms were interviewed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS: The City Manager is hereby authorized to retain the services of SM Wilson & Company to serve as the construction manager for the construction of a new fire station.

Passed this 11th day of August, 2015

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James White, Mayor

Attest:

_____

Karen R. Scheidt, Acting City Clerk

Approved this 11th day of August, 2015

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James White, Mayor

Attest:

_____

Karen R. Scheidt, Acting City Clerk

Marty Corcoran

From: Amy Berg <amy.berg@smwilson.com>
Sent: Friday, July 24, 2015 11:36 AM
To: Marty Corcoran
Cc: Amy Berg; Kort Cole
Subject: Revised Fee Proposal

Marty,
Good morning! Thanks for giving us a second look at our numbers. Based on our conversation yesterday, we have revised our Fees as follows:

Pre-Construction Fee – 0%
Construction Fee – 3.5%
General Conditions for 12 months of construction - $332,265

Please let me know if you have any questions or comments. We would really like to work with you and your team from the City of Maplewood!

Regards,

Amy

Amy Berg | President
2185 Hampton Ave | St. Louis, MO 63139
314.633.5708 direct 314.306.7574 cell 314.645.1700 fax

S. M. Wilson & Co. | website | facebook | linkedin
100% Employee Owned / Equal Opportunity Employer

Marty Corcoran

From: Sweeney, Todd <TASweeney@paric.com>
Sent: Tuesday, July 28, 2015 12:01 PM
To: Marty Corcoran
Subject: Follow-up

Marty, I left a voice message and wanted to follow-up with an email to express the importance of your project to us at Paric.

We are strategically growing PARIC PUBLIC with the intent of being a national provider of Owner Representative and CM services for Public Safety Facilities. To do this we are seeking to maintain a consistent volume of local work to serve as the basis of this growth. Your project at Maplewood is key to this.

We are committed to your project. This project will have our attention. It is our intent to not just deliver a success story but instead to convert you personally into an advocate for Paric Public's Growth.

To support our commitment, we reviewed our compensation proposal at length last night. Having been committed to your project from the start, we feel that an extremely competitive price was offered to match the value we believe we bring.

Having said this, if commitment is communicated via a willingness to reduce our fee than we want to show this commitment. Therefore, we would like to propose a $10,000 dollar reduction in our fee.

Again, thank you and we hope to be joining your team.

Sincerely,
Todd Sweeney

TODD A. SWEENEY, P.E., LEED AP
VICE PRESIDENT
77 Westport Plaza, Suite 250
St. Louis, MO 63146
Direct: 636-561-9607, **Cell:** 314-458-3738

PARIC
EXPERIENCE. EXCELLENCE

EXHIBIT A
PROPOSAL FORM
CONSTRUCTION MANAGEMENT SERVICES
CITY OF MAPLEWOOD, MISSOURI

I, **Todd A. Sweeney,** hereby representing **PARIC CORPORATION** have read and reviewed the Request for Proposal for the City of Maplewood. I state that the Construction Management Agent Services hereby offered the City of Maplewood will meet or exceed all requirements as stated in the proposal.

Signature of Representative

Please state your preferred Pre-Construction Phase Fee for all overhead, profit and home office staffing and support costs as a percentage (%) of the projected construction cost.

0.61%

Please state your preferred Construction Phase Fee for all overhead, profit and home office staffing and support costs as a percentage (5) of the projected construction cost.

2.92 %

Please state your preferred General Conditions for all on-site personnel and infrastructure costs as a lump sum ($) amount. Attach separate sheet detailing times included in lump sum amount, including, but not limited to, Manager Services, Management Supervision and Site Services.

$296,443 **Based upon our proposed staffing plan including: 50% Project Manager, 100% Superintendent and 10% Project Assistant.**

Though we do not believe it is required (based upon the caliber of Paric staff being proposed for assignment) the total cost including a second full time person (resulting in an increase our PM hours from 50% to 100%) would be $380,378. This is only being provided to fulfill the Article 5, Paragraph D of your Request for Proposal and is not a recommended expenditure.

EXHIBIT A
PROPOSAL FORM
CONSTRUCTION MANAGEMENT SERVICES
CITY OF MAPLEWOOD, MISSOURI

I, Scott Wilson, hereby representing S. M. Wilson & Co.
(Agent Submitting Bid) (Firm or Company)
have read and reviewed the Request for Proposal for the City of Maplewood. I state that the Construction Management Agent Services hereby offered the City of Maplewood will meet or exceed all requirements as stated in the proposal.

Scott Wilson
Signature of Representative

Please state your preferred Pre-Construction Phase Fee for all overhead, profit and home office staffing and support costs as a percentage (%) of the projected construction cost.

0 %

Please state your preferred Construction Phase Fee for all overhead, profit and home office staffing and support costs as a percentage (5) of the projected construction cost.

4 %

Please state your preferred General Conditions for all on-site personnel and infrastructure costs as a lump sum ($) amount. Attach separate sheet detailing times included in lump sum amount, including, but not limited to, Manager Services, Management Supervision and Site Services.

$350,453 (Based on 12 months)

City of Maplewood

REQUEST FOR PROPOSAL
CONSTRUCTION MANAGEMENT SERVICES

A. INTRODUCTION

The City of Maplewood is soliciting proposals from qualified firms to serve as Construction Manager Agent (CMa) in a cooperative team for the design and construction of a new fire station headquarters. The City of Maplewood intends to retain the services of a CMa to consult and work with the Project A/E in the design review of the project and in the preparation of construction drawings and specifications. A/E team is currently near completion of the bid documents for review.

The selected CMa will also function as the "general contractor" and be the single point of responsibility for the construction of the entire project. The CMa shall not be permitted to bid on, or perform any of the actual construction on the new firehouse for which it is acting as the CMa, nor shall any construction firm controlled or partially owned by the CMa be allowed to bid on or perform work for the project. The CMa shall be allowed to provide basic General Condition services for which specific reimbursement provisions are included in the CMa contract. The actual construction work on the project shall be awarded through competitive bidding as required by Missouri Law.

CMa Services will include coordination and consultation with the Design Consultants (A/E). In addition, the Construction Manager Agent will compile bid packages including technical specifications provided by the Design Consultants, for various bid packages during the bidding process. The CMa will be the single point of responsibility for the construction of this project.

To be considered as the CMa for this project, the consultant must be a multi-disciplined organization with a demonstrated ability to provide effective services to the city and the city's selected A/E. The Construction Manager Agent must have a sound and efficient business organization, have adequate financial strength to handle a project of this size and scope, and be willing to dedicate sufficient qualified and experienced personnel to its successful completion. The CMa will be required to maintain insurance coverage for workers compensation, contractual liability, and commercial general and automobile liability for the CMa firm. Individual trade contractors will be required to provide their own insurance and bonds as well as indemnity agreements.

B. INVITATION FOR PROPOSAL

The City of Maplewood proposes to retain a qualified firm to provide Construction Management Agency Services required for the construction of a new firehouse.

1. To facilitate the selection of the Construction Manager Agent for this project, interested firms are invited to submit a proposal for consideration. The proposal should contain, at minimum, the information requested in Section E of the Request for Proposal.

2. Six (6) copies of the proposal must be submitted to, and received by the office listed no later than 2:00 p.m. on July 7, 2015:

   Martin J. Corcoran
   City Manager
   7601 Manchester Rd.
   Maplewood, MO 63143

3. A team of city officials will evaluate the proposals. Interviews with a short list of firms may be held. A recommended selection will be forwarded to the City Council for their consideration. Negotiation of a Construction Management Services Contract (AIA Document B801/CMa) is expected to commence directly thereafter.

4. Questions concerning this project may be directed to Martin J. Corcoran at (314) 646-3603.

5. Contact with other city officials or members of the City Council is prohibited.

6. All proposals shall be considered as firm for a period of sixty (60) calendar days, commencing the day the proposals are due.

7. Proposals received after the date and hour of the proposal due date shall not be considered.

C. PROJECT DESCRIPTION

With the approval of the voters in November 2014, the city issued general obligation bonds in the amount of $6,000,000 for the purpose of, but not limited to, constructing a new firehouse at 7629 Manchester Road, Maplewood, MO 63143.

D. SCOPE OF SERVICES

Pre-Construction Phase Services:
The Construction Manager Agent will assist the City of Maplewood during the design phase of the project by providing pre-construction services, including but not limited to the following:

1. During the pre-construction phase the Construction Manager Agent will work with the architect team to prepare a management plan that will establish the general approach, project schedule, budget goals of the project and will include the responsibilities for sequencing of the construction process. The CMa will provide regular updates of this plan to all parties throughout the construction phases.

2. The new fire station shall achieve a LEED rating of Silver. The CMa is to provide necessary pre-construction services that are required to attain LEED Silver.

3. During the pre-construction phase the Construction Manager Agent will work with the architect team to prepare a construction schedule that incorporates all parties' responsibilities to provide a baseline for monitoring and enforcing project progress. This schedule will be updated monthly for the owner and architect's review. The CMa's schedule shall coordinate and integrate the Construction Manager Agent's, the architect's services and the owner's responsibilities with the anticipated construction schedules highlighting critical and long-lead items.

4. The Construction Manager Agent will perform a cost estimate base on the existing construction documents. The CMA will work with the architect team to continue to update the budget spreadsheet on a regular basis.

5. The Construction Manager Agent and architect will immediately advise the team if the construction costs estimate exceeds the latest approved budget. The CMa will use value-engineering principles to make recommendations for corrective measures. The CMa will update these recommendations in a timely fashion so as not to affect progress.

6. The Construction Manager Agent will provide any Communication Reports required to keep the city informed of the project's progress and any changes that occur during the project, as well as any reports

needed by the owner for special meetings, etc. The CMa will coordinate and manage all required reviews and approvals during the design phases. The Construction Manager Agent shall schedule and conduct a regular (minimum of one monthly) team meetings to be attended by the owner, CMa, architect and consultants as may be deemed appropriate. The CMa shall prepare and promptly distribute minutes, updated schedule and budget information to all parties involved.

7. The Construction Manager Agent will maintain a project history of milestones and project scope enhancements as a formal tracking mechanism.

8. The Construction Manager Agent will have their proposed project manager and on-site project superintendent work in concert with their estimating department who will do a constructability review of the construction documents. The project manager and superintendent will review the construction documents and will review the construction details, means and methods, relative value and proper sequencing of work. They will advise the team of any savings that can be incorporated into the construction documents before the documents go out to bid. They will also provide recommendations regarding temporary project facilities and equipment, materials and services for common use of the contractors and make sure that they are included in the project documents.

9. The Construction Manager Agent shall submit a monthly report to the owner that summarizes all phases of the project as it relates to cost, schedule, open issues and responsibilities, delays, expenditures to date and potential problems with accompanying solutions.

10. The Construction Manager Agent will recommend the appropriate bid packaging after reviewing the local market, the design and the concerns of the team. The CMa will make recommendations on coordination and assignment of responsibility to the appropriate contractors.

11. The Construction Manager Agent will prepare a projected monthly cash flow for the entire duration of the project. This will be updated as more information and scheduling items become known.

12. The Construction Manager Agent will coordinate and manage the bidding process of each portion of the project with the architect team, and the owner. The CMa will coordinate the notice to bidders and any advertisement the city will publish. The CMa will coordinate all requirements for insurance, bonds and other such financial and legal document requirements. Bids will be released by the city and opened by the CMa and or other city official.

13. The Construction Manager Agent, with the architect team, will conduct a pre-bid conference approximately two weeks into the bidding process to familiarize all bidders with site conditions and constraint. It is imperative that all bidder's questions and concerns be answered and that they are thoroughly familiar with the bidding documents. The CMa will compile a list of items and questions asked and will forward the documents to the city to issue a written addendum. The architect shall answer all technical questions for inclusion in the addenda.

14. The Construction Manager Agent shall assist the owner and the architect team in evaluating bids for content, area of responsibilities, responsiveness and responsibility of bidders and recommend a bid award to city officials. This project is considered "open book". The owner reserves the right to review any and all bids and any and all correspondence between the CMa and the prospective and successful bidders thought the entire course of the project

15. The Construction Manager Agent will conduct a pre-award conference with the apparent responsive and responsible low bidder to review scope and intent. The desired outcome is to eliminate future claims and change orders on issues which otherwise had not been thoroughly reviewed. Upon successful negotiations, contract will be issued.

16. The Construction Manager Agent will conduct a pre-construction conference on site to assemble the contractors and convey the team's goals and objectives.

17. The Construction Manager Agent shall provide an analysis of the types and quantities of labor required for the project and review the availability of appropriate categories of labor required for critical phases. The CMa will make recommendations for actions designed to minimize adverse effects of labor shortages.

18. The Construction Manager Agent shall prepare the various construction contracts for review by the City and execution by the city. The CMa will also advise the owner on the acceptability of contractors and material suppliers proposed by the various contractors.

19. The Construction Manager Agent shall coordinate acquisition of all building and special permits for the new facility other than those granted by the city. The CMa shall take all collected data and items required for approvals, review and permitting process for distribution to all team members for inclusion in the management plan and schedule. The exception is the permits to be obtained by the various contractors. The CMa shall coordinate the architect and owner in connection with filing documents required for the various approvals of government authorities having jurisdiction over the project.

Construction Phase Services:

1. The Construction Manager Agent will provide an on-site professional project superintendent who has experience in similar projects. The project superintendent will be in charge of quality control and responsible for the coordination of all construction activity, including recommending various courses of action when construction contractors are not performing work in accordance with contract documents. The project superintendent will manage all the contracts for construction on the city's behalf but the city will still maintain an active role in this as well. The project superintendent will obtain clarification/interpretation on construction details from the architect, review means and methods, and proper sequencing of work. The CMa's obligations shall end sixty days after punch list items are complete, training on building systems is complete to the owner's satisfaction and all permits related to occupancy have been obtained and approved.

2. The new fire station shall achieve a LEED rating of Silver. The CMa is to provide necessary construction services that are required to attain LEED Silver.

3. During the construction phase the CMa shall maintain an on-site, fully furnished office for the project superintendent as well as office space for the architect within trailer.

4. The Construction Manager Agent shall assign responsibilities for safety programs among the contractors. The CMa will review their programs and coordinate the various contractors' safety programs.

5. The Construction Manager Agent shall continue to submit a monthly report to the owner that summarizes all phases of the project as they relate to cost, schedule, open issues, delays, expenditures to date and potential problems with accompanying solutions.

6. The Construction Manager Agent shall provide administration of the contracts for construction in cooperation with the architect as set forth in this document and in the edition of AIA 201Cma, general conditions of the contract for construction, Construction Manager Advisor Edition, current as of the date of the Agreement.

7. The Construction Manager Agent shall prepare and update the construction schedule so that it incorporates all parties' responsibilities, which will be used for monitoring and enforcing the construction project's progress. This schedule will be updated monthly for the city and architect's review. The CMa's schedule shall coordinate and integrate the CMa's, the architect's services and the city's responsibilities and all of the contractors on the project. The schedule will include all activity sequencing, allocation of labor and materials, processing of shop drawings, product data and samples and highlighting delivery of critical and long lead items and procurement. If the updated schedule shows that the previously approved project construction schedule may not be met, or within the budget, per the contract documents, the CMa shall recommend corrective action to the owner and architect.

8. The Construction Manager Agent will continue to provide any communication/reports required during the construction phase to keep the city informed of the project's progress and any changes that occur during the project, as indicated by the owner's representative. The Construction Manager Agent shall schedule and conduct weekly construction team meetings to be attended by the city's representative, Construction Manager Agent, all contractors who are working on-site or scheduled to start in the near future, as well as the architect and consultants as may be deemed appropriate. The CMa shall prepare and promptly distribute minutes, updated schedule and budget to all parties involved.

9. The Construction Manager Agent will continue to update the construction budget based on the current construction costs and projected construction estimating for uncompleted tasks to be used to forecast any changes in the approved construction budget.

10. The Construction Manager Agent will update the monthly cash flow for the entire duration of the construction project. This will be updated as actual cost information becomes known and forecast information becomes clearer. The Construction Manager Agent shall notify the owner and architect as to variances between actual and estimated costs.

11. Construction Manager Agent shall develop and implement procedures for the review and processing of pay applications by all contractors for progress and final payment.

12. Based on the Construction Manager Agent's observations and evaluations of each contractor's application for payment, the Construction Manager Agent shall review and certify the amounts due the respective contractors.

13. The Construction Manager Agent shall prepare a project application for payment based on the contractor's certificates for payment.

14. The Construction Manager Agent's certification for payment shall constitute a representation to the city, based on the Construction Manager Agent's determinations at the site as provided in paragraph 12 and on the data comprising the contractor's application for payment, that, to the best of the CMa's knowledge, information and belief, the work has progressed to the point indicated and the quality of the work is in accordance with the contract documents. The forgoing representations are subject to an evaluation of the work for the conformance with the contract documents upon substantial completion, to results of subsequent tests and inspections, to minor deviations from the contract documents correctable prior to completion and to specific qualifications expressed by the CMa by the owner and architect. The issuance of certificate for payment shall further constitute a representation that the contractors are entitled to payment in the amount certified. They will then forward the application to the architect for review and approval and subsequent processing by the city.

15. The Construction Manager Agent shall determine in general that the work of each contractor is being performed in accordance with the requirements of the contract documents, endeavoring to guard the owner against defects and deficiencies in the work. As appropriate, the Construction Manager Agent shall have the authority upon written authorization from the owner, to require additional testing of work in accordance with provisions of the contract documents, whether or not such work is fabricated, installed or completed. The Construction Manager Agent in consultation with the architect may reject work that does not conform to the requirements of the contract documents.

16. The Construction Manager Agent shall review proposal request changes, negotiate contractor's proposals, submit recommendations to the architect and city and if the requests are accepted, prepare change orders which incorporate the architectural modifications to the documents. No change orders will be accepted that are not received and negotiated by CMa and approved by owner architect.

17. The Construction Manager Agent shall review, evaluate and document claims and will work in concert with the architect and city on options and recommend appropriate directions.

18. The Construction Manager Agent shall receive certificates of insurance from the contractors and forward them to the city with a copy to the architect.

19. The Construction Manager Agent shall receive certificates of bonding from the contractors and forward them to the city with a copy to the architect.

20. The Construction Manager Agent shall review the contractor's payroll to insure the contractor is paying prevailing wage, as required by the statutes of the state of Missouri.

21. The Construction Manager Agent will continue to maintain a project history of milestones and project progress as a formal tracking mechanism during the construction phase. The Construction Manager Agent shall submit a monthly report to the owner on each contractor and each contractor's work, as well as a report on the entire project. It will summarize all phases of the work, as they relate to costs, schedule, open issues, delays, expenditures to date and potential problems with accompanying solutions.

22. In collaboration with the architect the Construction Manager Agent shall establish and implement the procedures for the expediting, the processing and approval of requests for information, shop drawings, product data, samples and other submittals. The Construction Manager Agent shall coordinate submittals with the information in the specifications and contract drawings. The Construction Manager Agent shall review the submittals for conformation to the construction documents and send them to the architect team for their review. The Construction Manager Agent shall forward the submittals in a reasonable amount of time so as not to hold up the project. The CMa will organize and manage the requests for information process by producing forms, assign numbers, produce and update logs, follow up on answers, etc.

23. The Construction Manager Agent shall maintain one set of construction documents at the project site for the owner. This will include all contract drawings, specifications, addenda, change orders and other modifications, in good order and clearly marked for all changes to submit to the architect team to create a set of "as built drawing" for the owner. This will also include selections of materials and systems, shop drawings, product data samples and similar submittals. The Construction Manager Agent shall maintain records, in duplicate, of principle building layout lines, elevations of bottom of footings, floor levels and key elevations certified by a qualified surveyor or professional engineer. The Construction Manager Agent shall make all such records available to the architect team and upon completion of the project shall deliver them to the city.

24. The Construction Manager Agent shall arrange for the delivery, storage, protection and security of owner-purchased materials, systems and equipment that are a part of the project until they are incorporated into the project.

25. The Construction Manager Agent shall coordinate and schedule the contractor's final testing and start-up of utilities, operational systems and equipment and coordinate the training of city personnel.

26. The Construction Manager Agent shall assist the architect team in determining when each contractor's work or a designated portion of that work is substantially complete. The Construction Manager Agent shall prepare a list of items that are not complete or do not meet the design standards and a schedule for their completion for the architect. The Construction Manager Agent shall assist the architect team in conducting inspections to determine whether the work is complete and/or has been corrected. They will then assist the architect team in conducting the final punch list and specifications.

27. The Construction Manager Agent shall secure and transmit to the architect warranties and similar documents for the owner. This will include all contract drawings, specifications, keys, manuals, and addenda for the owner. This will also include selections of materials and systems, shop drawings, product data samples and similar submittals. The Construction Manager Agent shall forward to the architect team a final project application for payment upon compliance with the requirements of the contract documents.

28. Duties, responsibilities and limitation of authority of the Construction Manager Agent as set forth in this RFP and contract documents shall not be restricted, modified or extended without the written consent of the owner.

29. During the construction phase, the Construction Manager Agent and the full-time construction superintendent will provide continuous on-site coordination and inspection of the work as well as continued project management services.

General Scope Activities:

1. The City of Maplewood reserves the right to be an active client in the project management, design and construction document process and can be expected to require alternative studies or designs in the interest of operation and cost considerations. The active participation in the design/V.E process is not to be considered an additional service by the Construction Manager Agent.

2. The Construction Manager Agent and the architect will have regular meetings with city staff and will have an official review at the end of each phase of the project. The Construction Manager Agent will have the responsibility to make sure that these reviews show any deviation from the approved budget or schedule.

3. The successful respondent will act as an agent for the City of Maplewood and shall not perform construction labor unless authorized by the Owner and agreed upon by the Construction Manager Agent.

E. STATEMENT OF QUALIFICATIONS & FEE PROPOSAL

Responses to this RFP should be in the same order as requested. Responses should be specific and precise with adequate detail to accurately define your qualifications for performing the services required. Limit your responses to the information requested by each section. Any additional information that you wish to submit should be included in a separate section marked "Supplemental Information."

1. General Company Qualifications

   a) Provide a brief history and general overview of the company.
   b) State the location of the firm's headquarters and location, if different from which this project will be managed.
   c) Provide information regarding the firm's ownership and organizational structure – include a company organizational chart.
   d) List the total number of local employees, if different from firm's headquarters from which this project will be managed.
   e) Provide firm revenue history including total revenue and revenue from CM Agency work for the last five years.
   f) Provide references for firm's Bank, Surety and Bonding Agent.
   g) List any pending judgments, claims, arbitration or suits against your organization or its officer.

2. Related Project Experience

   a) List the projects your organization has completed in the last five years, or is currently working on as a Construction Manager Agent for a school district, city, county or other public entity. Include at least:
      - Project Name
      - Location
      - Brief Description
      - Year Completed
      - Project Contacts – A/E and Owner

   b) List other relevant or similar project experience completed in the last five years. Include at least:
      - Project Name
      - Location
      - Brief Description
      - Year Complete
      - Project Contacts – A/E and Owner
      - Construction Delivery Method Utilized (General Construction or Negotiated)
      -

3. Project Management Plan & Key Personnel

   a) Provide a written description of your management plan that sufficiently defines your management approach to the project.
   b) Provide a description on how your firm will work with the City and the Architect to achieve a LEED Silver certification.
   c) Provide resumes of your professional staff, including pre-construction and construction phase personnel, and descriptions of the roles and responsibilities they will assume for the project. Resumes should also list current and previous experience.
   d) Provide an organizational chart of your professional staff that will be directly involved in the pre-construction and construction phases of the project.

4. Construction Services & Systems

   a) Describe your firm's cost estimating capabilities, techniques and reporting methods during the pre-construction phase.
   b) Describe your firm's cost control capabilities, techniques and reporting methods during the construction phase.

c) Describe your firm's scheduling capabilities, techniques and reporting methods throughout the project.
d) Describe your firm's approach to value engineering analysis.
e) Describe your firm's capabilities for reviewing the documents for completeness, clarity, and constructability.
f) Describe your firm's approach for resolving issues with the Architect and Engineering team.
g) Submit your plan to provide Quality Assurance and Control for the project throughout the pre-construction and construction phases.
h) Describe your firm's bidding procedures and techniques for maximizing the trade contractors response to this bid opportunity.
i) Describe your firm's procedures for processing change orders, including review and auditing of trade contractor pricing.
j) Describe your firm's approach to resolving problems with the trade contractors.
k) Discuss your firm's safety program and procedures for this project.
l) Describe your firm's closeout procedures.

5. Proposed Compensation

a) Your basis for compensation shall be based upon a projected construction cost of $6,000,000 and total construction phase duration of approximately 12 months.
b) Please state your preferred Pre-Construction Phase Fee for all overhead, profit and home office staffing and support/reimbursable costs as a percentage (%) of the projected construction cost in Exhibit A of this RFP.
c) Please state your preferred Construction Phase Fee for all overhead, profit and home office staffing and support costs/reimbursable costs as a percentage (%) of the projected construction cost in Exhibit A of this RFP.
d) Please provide a cost for all required construction phase field staff and other required on-site construction phase General Conditions as indicated on Exhibit A of the RFP. Please note that it is the intent of the city that the Construction Manager provides on-site field supervision in lieu of a General Contract. For the purposes of this proposal, please assume a 12-month construction schedule and provide at minimum a field staff of one (1) full-time field superintendent, (1) full-time project manager in the General Conditions.

F. Selection Process

1. The City of Maplewood intends to award the Construction Management Agent Services Contract to that qualified firm which best demonstrates the commitment and application of experience, resources and methods to the unique construction requirements of the project, as well as the cost and schedule objectives established by the city.

2. Your written response to this RFP will be used to evaluate your firm's or team's qualifications, those of your proposed project team members and the suitability of your indicated approach or plan for the project. A short list of firms or teams may be selected for follow-up interviews.

3. At each stage of the process, the City selection team will consider any number of individual factors weighing on each firm or team's qualifications. These considerations will include but are not limited to the following:

a) The experience and capabilities of the firm involved. This will focus on projects of similar scope and experience with the CMa process for public entities.
b) The experience and capabilities of key personnel on the project team generally and specifically with relation to facilities of similar scope.

c) How well the approach or plan of the project team appears to integrate with the project's specific needs.
d) The ability of the project team to interact and work with diverse public and private groups or representatives who may be concerned with the impact of the project.
e) Financial stability and general reliability of the firm or team as indicated by documents, historic projects and references.
f) A demonstrated ability to bring projects in on schedule and within budget.

4. The city reserves the right to reject any and all proposals, to waive any informality in them and to reject the lowest cost proposal for any reason.

5. The city reserves the right to negotiate any and all elements of this proposal.

EXHIBIT A
PROPOSAL FORM
CONSTRUCTION MANAGEMENT SERVICES
CITY OF MAPLEWOOD, MISSOURI

I, _____, hereby representing _____
(Agent Submitting Bid) (Firm or Company)
have read and reviewed the Request for Proposal for the City of Maplewood. I state that the Construction Management Agent Services hereby offered the City of Maplewood will meet or exceed all requirements as stated in the proposal.

_____
Signature of Representative

Please state your preferred Pre-Construction Phase Fee for all overhead, profit and home office staffing and support costs as a percentage (%) of the projected construction cost.

_____%

Please state your preferred Construction Phase Fee for all overhead, profit and home office staffing and support costs as a percentage (5) of the projected construction cost.

_____%

Please state your preferred General Conditions for all on-site personnel and infrastructure costs as a lump sum ($) amount. Attach separate sheet detailing times included in lump sum amount, including, but not limited to, Manager Services, Management Supervision and Site Services.

$_____

INTEROFFICE MEMORANDUM

To: Mayor and City Council

From: Anthony Traxler, Assistant City Manager/Director of Public Works

Date: August 7, 2015

Subject: No Parking Zone - Sunnen Drive MetroLink Tracks

Metro recently contacted me requesting we create a no parking zone along Sunnen Drive near the MetroLink tracks to increase visibility at this crossing. This request is intended to improve safety at the crossing. The attached ordinance creates a one hundred foot (50' to the east and 50' to the west) no parking zone on both the north and south side of Sunnen Drive.

If you have any questions, comments or concerns regarding this matter, feel free to contact me at 646-3635.

BILL NO. **ORDINANCE NO.**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573 OF THE MAPLEWOOD CODE OF ORDINANCES, AS AMENDED, BY AMENDING CHAPTER 50, TRAFFIC AND MOTOR VEHICLES, SECTION 50-243, OTHER PROHIBITIONS ON PARKING, BY ADDING SUNNEN DRIVE METROLINK TRACKS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Section 50-243, Other Prohibitions on Parking, is amended to add the following text: Sunnen Drive, MetroLink Tracks - No parking, north and south sides of street, from the MetroLink tracks to 50 feet east and from the MetroLink tracks to 50 feet west.

Section II. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this 8th day of September, 2015

_____
James White, Mayor

Attest:

_____
Karen R. Scheidt, Acting City Clerk

Approved this 8th day of September, 2015

_____
James White, Mayor

Attest:

_____
Karen R. Scheidt, Acting City Clerk

INTEROFFICE MEMORANDUM

To: Mayor and City Council

From: Anthony Traxler, Assistant City Manager/Director of Public Works

Date: August 7, 2015

Subject: No Parking Zone - Northwest Corner at the Intersection of Sutton and Hazel

Several residents have indicated it is difficult or dangerous to exit Hazel Avenue onto Sutton when vehicles are parked at the northwest corner of Sutton at Hazel. Specifically, it is difficult to see oncoming vehicles traveling southbound on Sutton. Several months ago we limited this parking space for compact cars only. However, many times this sign is ignored and even when a compact vehicle is parked in this space residents still believe it is difficult to make the turn onto Sutton. Staff attempted several times to make this turn and agrees that it is difficult to do when a vehicle is parked in this space (current no parking zone is only four feet long). The attached ordinance creates a no parking zone on the west side of Sutton that goes from Hazel north for twenty-one feet.

If you have any questions, comments or concerns regarding this matter, feel free to contact me at 646-3635.

BILL NO. **ORDINANCE NO.**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573 OF THE MAPLEWOOD CODE OF ORDINANCES, AS AMENDED, BY AMENDING CHAPTER 50, TRAFFIC AND MOTOR VEHICLES, SECTION 50-243, OTHER PROHIBITIONS ON PARKING, BY AMENDING SUTTON BOULEVARD 2700 BLOCK.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Section 50-243, Other Prohibitions on Parking, Sutton Boulevard, 2700 block, is amended to add the following text: Sutton Boulevard, 2700 block - No parking here to corner, west side of street, from intersection of Hazel to 21 feet north.

Section II. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this 8th day of September, 2015

_____
James White, Mayor

Attest:

_____
Karen R. Scheidt, Acting City Clerk

Approved this 8th day of September, 2015

_____
James White, Mayor

Attest:

_____
Karen R. Scheidt, Acting City Clerk

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

FROM: Martin J. Corcoran, City Manager

DATE: August 7, 2015

RE: Eliminating the Offense of Failure to Appear in Court

The Missouri Legislature, during the 2015 session, passed Senate Bill 5 that created municipal court reforms. One of the requirements of the bill is that the charge of Failure to Appear can no longer be applied for municipal offenses of any kind. In order to comply with the state law this amendment to our Code of Ordinances is necessary.

If you have any questions, please contact me.

Martin J. Corcoran
City Manager

Failure to Appear offense.docx

Sec. 34-13. - Failure to appear.

Any person who having been released upon a recognizance or bond willfully fails to appear in the municipal court as required, shall be guilty of a misdemeanor and punished in the manner provided in sections 1-11 and 1-12. Nothing herein shall prevent the exercise by the municipal court of its power to punish for contempt.

(Code 1982, § 22-12; Ord. No. 4585, § 1, 3-9-1993)

Sec. 34-14. - Sale of tobacco to a minor; possession of tobacco by a minor.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Distribute means a conveyance to the public by sale, barter, gift or sample.

Minor means a person under the age of 18 years.

Person means 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.

Proof of age means a driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

Rolling papers means the paper designed, manufactured, marketed or sold for use primarily as a wrapping or enclosure for tobacco, which enables a person to roll loose tobacco into a cigarette.

Sample means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

Sampling means the distribution to members of the general public of tobacco product samples.

Tobacco products means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.

Vending machine means any mechanical electric or electronic, self-service device that dispenses tobacco products upon the insertion of money, tokens or any other form of payment.

BILL NO. **ORDINANCE NO.**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, BY DELETING SECTION 34-13, FAILURE TO APPEAR.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Ordinance 5573, Section 34-13, is hereby deleted.

Section II. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this 8th day of September, 2015

_____
James White, Mayor

Attest:

_____
Karen R. Scheidt, Acting City Clerk

Approved this 8th day of September, 2015

_____
James White, Mayor

Attest:

_____
Karen R. Scheidt, Acting City Clerk

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

FROM: Martin J. Corcoran, City Manager

DATE: August 7, 2015

RE: Short Term Vacation Rentals Ordinances

Attached are two ordinances to allow short term vacation rentals in a single family zoning district. The first ordinance amends the zoning code for single family permitted uses to allow short term vacation rentals in the single family zoning district. If this ordinance is approved by the City Council then the ordinance that establishes the regulations for short term vacation rentals needs to be approved. A public hearing on the zoning ordinance will be held at the September 8, 2015 City Council meeting. The Plan and Zoning Commission, at their July 6, 2015 meeting approved the zoning amendment to allow short term vacation rentals in a single family zoning district by a vote of 6 ayes, 0 nays.

Martin J. Corcoran
City Manager

Enclosures

Short Term Vacation Rentals ordinance.docx

BILL NO. **ORDINANCE NO.**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 56, ZONING, SECTION 56-72 SR SINGLE FAMILY RESIDENTIAL DISTRICT PERMITTED USES TO ALLOW SHORT TERM VACATION RENTALS IN THE SR DISTRICT

WHEREAS, the Plan and Zoning Commission recommended approval by a vote of 6 ayes, 0 nays of the amendment to the SR District at their July 6, 2015 meeting; and

WHEREAS, the City Council held a public hearing on September 8, 2015 regarding the proposed amendment to the SR District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Section 56-72, Permitted Uses, (2) is hereby amended by deleting the existing text in this section and inserting the following text in its stead:

(2) Home occupations as provided in article III, division 3 of this chapter. Short term vacation rentals that meet the requirements of article XIII, division 3, sections 14-800 to 14-804, short term vacation rentals of the city code.

Section II. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this th day of, 2015

_____
James White, Mayor

Attest:_____
Karen Scheidt, Acting City Clerk

Approved this th day of , 2015

_____
James White, Mayor

Attest:_____
Karen Scheidt, Acting City Clerk

BILL NO. **ORDINANCE NO.**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE 5573, AS AMENDED, CHAPTER 14, BUSINESS AND BUSINESS REGULATIONS, BY ADDING ARTICLE XIII, DIVISION 3, SECTIONS 14-800 TO 14-804, SHORT TERM VACATION RENTALS, ESTABLISHING REGULATIONS GOVERNING SHORT TERM VACATION RENTALS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Ordinance 5573, as amended, Chapter 14, Business and business regulations, is hereby amended by adding the following:

Section 14-800 Purpose:

A. The purpose of this chapter is to establish regulations for short term vacation rentals in order to safeguard the peace, safety and general welfare of neighborhoods within the City of Maplewood by minimizing negative secondary affects related to short term vacation rentals including excessive noise, disorderly conduct, illegal parking, overcrowding, and excessive accumulation of refuse.

B. This chapter is not intended to provide any owner of residential property with the right or privilege to violate any deed restriction or private conditions, governance or restrictions applicable to the property's owner that may prohibit the use of such owner's residential property for short term vacation rentals as defined in this chapter. Short term vacation rentals are not permitted in dwelling units that have deed restrictions for affordable housing purposes or other city imposed conditions of approval or restrictions would prohibit the use of such dwelling as a short term vacation rental as defined herein.

Section 14-801 Definitions:

A. Owner occupied means the person or persons that hold legal and equitable title to the short term vacation rental property and who reside there as their legal residence.

B. Short term vacation rental is defined as a rental of any legally permitted dwelling unit in a single family zoning district as defined by Section 56-71 to 56-73 of this code for a period of less than 30 consecutive calendar days.

C. Transient means any person who exercises occupancy of any rooms or accommodations for a period of less than thirty (30) continuous days.

Section 14-802 Short Term Vacation Rentals:

A. Short term vacation rentals are only allowed in owner occupied single family residences within the SR Single Family Residential District and must comply with all requirements of the state and city building, fire, safety codes and occupancy limits. Not more than two rooms in any dwelling unit may be rented at the same time. The owner of the property wishing to allow short term vacation rental is required to obtain a short term vacation rental permit and business license from the city before renting or

advertising the availability of the short term vacation rental.

B. A short term vacation rental permit shall be valid from July 1 and expiring June 30.

C. Obtaining and renewing a short term vacation rental permit: The owner of the single family residence must submit the following information on a short term vacation rental permit application form provided by the city:

(1) The name, address and telephone number of the owner of the short term vacation rental unit.
(2) The name, address and telephone number of a local contact person who shall be available 24 hours per day, 7 days per week, for the purpose of responding within 45 minutes to complaints regarding the condition, operation or conduct of occupants of the short term vacation rental unit or their guests.
(3) Such other information as the city manager or designee deems reasonably necessary to administer this chapter.
(4) Any false statements or false information provided in the application for a short term vacation rental permit are grounds for denial of permit, permit revocation and/or imposition of penalties as outlined in this Code of Ordinances.
(5) A short term vacation rental permit application may be denied if the owner has a short term vacation rental permit revoked within the past twelve (12) months for the same or other short term vacation rental unit. If a short term vacation rental permit is revoked twice, a vacation rental permit will no longer be considered for the owner and/or property in question.
(6) Operational requirement: The owner shall use reasonable, prudent business practices to insure that the short term vacation rental unit is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term vacation rental unit.
(7) While a short term vacation rental unit is rented, a local contact person shall be available 24 hours per day, 7 days per week, for the purposes of responding within 45 minutes to complaints regarding the condition, operation or conduct of occupants of the short term vacation rental unit or their guests.
(8) The owner shall post the short term vacation rental permit on the exterior of the unit within plain view for the general public with a 24 hour, 7 day local contact phone number for complaints. The permit shall be between 8 ½" by 11" and 4" by 5" and must be displayed at all times that the unit is being used as a short term vacation rental.
(9) The owner or local contact shall upon notification that any occupant or guest of the short term vacation rental unit has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violation of any applicable law, rule or regulations pertaining to the use and occupancy of the short term vacation rental unit, respond in a timely and appropriate manner to immediately halt or prevent reoccurrence of such conduct. Failure of the owner or local contact to respond to such calls or complaints regarding the condition, operation or conduct of the occupants and/or guests of a short term vacation rental in a timely and appropriate manner shall subject the owner to all administrative, legal and equitable remedies available to the city.
(10) The owner or local contact shall use reasonably prudent business practices to insure that the occupants and/or guests of the short term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject short term vacation rental unit.

(11) No amplified or reproduced sound shall be used outside or audible from the property line of any short term vacation rental unit between the hours of 10:00 p.m. and 10:00 a.m.

(12) Prior to occupancy of a short term vacation rental unit, the owner shall:

a. Obtain the contact information of the renter.
b. Require the renter to execute a formal acknowledgement that he or she is legally responsible and in compliance of all occupants of the short term vacation rental unit and their guests with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term vacation rental unit.
c. Information required in Items 1 and 2 shall be maintained by the owner for a period of 3 years and be made available upon request of any officer of this city responsible for the enforcement of any provision of the municipal code or any applicable law, rule or regulation pertaining to the use and occupancy of the short term vacation rental unit.
d. On-site parking shall be allowed on approved driveway, garage and/or carport areas only.
e. The number of occupants allowed to occupy any given short term vacation rental unit shall be limited to two (2) people per bedroom and not exceed two (2) bedrooms within any property.
f. The City Manager or designee shall have the authority to impose additional conditions on the use of any short term vacation rental unit to insure that any potential secondary affects unique to the subject short term vacation rental unit are avoided or adequately mitigated.

(13)The owner shall post the current short term vacation rental permit number on or in any advertisement appearing in any written publication or any website that promotes the availability or existence of a short term vacation rental unit.

Section 14-803 Permit Procedure:

A. Upon receiving a permit for a short term vacation rental unit that complies with the provisions of this chapter, the residents within 200 feet of the property lines of the subject property shall be notified of the application for short term vacation rental permit.

B. The fee for a short term vacation rental permit shall be $75 annually.

Section 14-804 Penalties and Enforcement:

A. Any person violating any of the provisions in this chapter shall be deemed guilty of a misdemeanor punishable pursuant to Section 1-11, General Penalty; Continuing violations.

B. In addition to any penalty imposed pursuant to Section 1-11 of this code, the City Manager or his designee may impose additional conditions on the use of any short term vacation rental permit pursuant to Section C, 12 (6) – Permits.

C. Except as otherwise provided enforcement of this chapter is at the sole discretion of the persons authorized to enforce this chapter. Nothing in this chapter shall create a right of action on any person against the city or its agents for damages or to compel

public enforcement of this chapter against private parties.

D. Pursuant to Chapter 1-11(c) of this code, each and every day during any portion of which a violation of this code or any other ordinance of this city is committed, continued or permitted, shall be a separate offense.

Section II. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this day of , 2015

_____
James White, Mayor

Attest:

_____
Karen R. Scheidt, Acting City Clerk

Approved this day of , 2015

_____
James White, Mayor

Attest:

_____
Karen R. Scheidt, Acting City Clerk

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

FROM: Martin J. Corcoran, City Manager

DATE: August 7, 2015

RE: Veteran's Memorial

Ralph Bicknese of Hellmuth & Bicknese Architects will be in attendance at the August 11, 2015 Council meeting to present their revisions of the proposed Veteran's Memorial. The revisions are necessary because of the project being over budget. They feel that these revisions will bring the project into compliance with our budget amount of $75,000.

Martin J. Corcoran
City Manager

Veterans Memorial.docx