

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT
DIVISION ONE

DANIEL PHILLIPS,)	No. ED103232
VIVIAN L. EVELOFF,)	
JULIA KING MULLER, and)	
EARL K. SHRECKENGAST,)	
)	
Appellants,)	
)	
and)	
)	
JILL L. MEDINTZ,)	
)	
Plaintiff,)	Appeal from the Circuit Court
)	of St. Louis County
)	14SL-CC03784
vs.)	
)	
CITY OF CLAYTON, MISSOURI,)	Honorable Thomas J. Prebil
JUNE FRAZIER, in her capacity as)	
CITY CLERK,)	
WORP/CA CLAYTON LLC,)	
and THE CROSSING IN CLAYTON)	
REDEVELOPMENT CORPORATION,)	
)	
Respondents.)	FILED: December 22, 2015

Daniel Phillips, Vivian L. Eveloff, Julia King Muller, and Earl K. Schreckengast (collectively “Residents”) appeal from the trial court’s grant of summary judgment in favor of the City of Clayton, Missouri, and June Frazier (collectively “City”) holding that Ordinance Nos. 6339, 6340, and 6341 are not subject to referendum under the City of Clayton’s Charter and that Residents have not established that they are entitled to the issuance of a writ of mandamus under the City Charter.

AFFIRMED.

Division One Holds: The trial court did not err in granting summary judgment in favor of the City because (1) the Ordinances were not subject to referendum because they were passed on the day of their introduction as provided in Article II, Section 8 of the City Charter; (2) Ordinance No. 6341 is administrative, as opposed to legislative in nature, and is therefore not subject to referendum under Missouri law; and (3) the trial court’s decision was not based on Intervenor’s laches argument.

Opinion by: Mary K. Hoff, J.
Robert G. Dowd, P.J., and Kurt S. Odenwald, J., Concur.

Attorney for Appellants: Robert F. Murray
Charles S. Elbert, Co-Counsel
Daniel L. Human, Co-counsel

Attorney for Respondents: Kevin M. O'Keefe
Brian J. Malone, Co-Counsel
Jeffrey T. McPherson
Matthew J. Reh, Co-Counsel

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