

**CITY OF SHREWSBURY
BOARD OF ALDERMEN
WORK SESSION
April 5th, 2010**

A Board of Aldermen Work Session was held at 6:00 p.m. this 5th day of April, 2010.

There were present:

Mayor.....Bert L. Gates
AldermanElmer Kauffmann
AldermanEd Purvis
AldermanMike Travaglini
Alderwoman.....Chris Gorman
Alderwoman.....Felicity Buckley
AldermanSam Scherer

There were also present:

City Administrator.....Barry R. Alexander
City ClerkJonathan D. Greever
City Attorney.....Michael Daming
Director of Finance.....Rick Jett
Director of ParksMarc Bernstein
Street Superintendent.....Tony Wagner
Police ChiefJeff Keller
Fire ChiefBill Fox

Tax Rate Estimate Discussion

Mayor Gates brought the meeting to order, and announced that the first item on the agenda was a discussion over the tax rate estimate.

Administrator Alexander stated that St. Louis County and Missouri's Department of Revenue were in disagreement again over the tax rate submission deadline. Since 2010 is not an assessment year, he continued, St. Louis County is not issuing preliminary assessment figures. As such, the City of Shrewsbury has no updated information upon which to base its calculations. The State recognizes that this issue is unusual for St. Louis County and its municipalities, and has stated that as a result it does not plan to enforce the 20% penalty fee for late rate submissions.

Finance Director Jett stated that although the debt service fund rate would fluctuate due to the ever-adjusting debt schedule and reserve requirements. He added that the personal property assessment input was in a constant state of fluctuation due to the ever-changing aggregate of personal property city-wide. He also stated that there would not be any changes in the real property assessments from the 12/31/09 assessment and added that the State had not provided updated calculations for 2010 yet. He added that in the wake of Senate Bill 711, there is ambiguity over what submission is due at what time. He stated that although there was nothing to gain by submitting the rates, submission would ensure that there would be no 20% penalty. He added that he had already done the work for the submission.

Mayor Gates stated that if the work was already done, then the rates should be submitted to ensure compliance, however unnecessary.

Alderman Purvis asked if other municipalities had already submitted their rates and Director Jett stated that many had done so but added that St. Louis County had made it clear that it would not forward this information to the State.

Mayor Gates reiterated that these rates were none-binding and asked if the Board was in agreement with submitting the rates that Director Jett had prepared with the old calculations. The Board agreed to send in these rates.

Sewer Lateral Lawsuit

Mayor Gates introduced the next topic and stated that he assumed that all present were aware of the pending sewer lateral lawsuit. Administrator Alexander stated that the lawsuit was a direct result of the policies of St. Louis County's Department of Revenue. He stated that while the County knew that it was incorrectly billing residents for the sewer lateral insurance program, it continued to do so, citing insufficient software capabilities. The County had stated that it would have cost \$15,000 to create a program that differentiated ineligible from eligible properties. Administrator Alexander added that the City of Shrewsbury was in a much better position than many other municipalities as a direct result of the City's efforts to refund eligible residents.

City Attorney Daming added that the City of Shrewsbury had made a significant effort to ameliorate the County's error by segregating the inappropriate funds received by the County and by notifying the County of the City's intension to opt-out of the ineligible properties. He continued by stating that the resulting liability for the City of Shrewsbury is much smaller than that of most other co-defendant municipalities.

Alderman Kauffmann asked if the other municipalities that had merely held onto the funds would have to pay interest upon their return, and Mr. Daming stated that it was possible.

Administrator Alexander added that the County's negligent policy had left the various municipalities in a difficult and regrettable position, and that each municipality had been saddled with creating a valid remedy. Mr. Daming said that although the plaintiffs were seeking class action certification, the variance in these chosen remedies argues against the issuance of this certification. In the City of Shrewsbury's case, Mr. Daming continued, the City actively pursued all available remedies, and as such, would have a reduced degree of liability.

Administrator Alexander stated that the next step would be the determination of legal representation. He added that a number of cities were joining under a common defense and stated that the question was whether the Board wanted to join this common defense or whether it wanted to have the City's attorney represent the City. Administrator Alexander added that joining the common defense could result in savings to the City since it would bear only a percentage of the fees for that representation. He stated that the City needed to provide an answer by April 8th.

Mayor Gates added that the common defense alternative was an attractive option given the potential savings.

Alderwoman Buckley asked if the Board needed to make this decision immediately, and Administrator Alexander said that it did, given the answer period time constraints. Alderwoman Buckley asked if the common defense representation would protect the City based upon the proactive steps the City had taken to provide a remedy. Administrator Alexander stated that it would, and Alderman Purvis added that the absence of any named Shrewsbury residents in the plaintiff listing assisted the City's defense. Mayor Gates added that there were only four cities that had named property holders, and that Shrewsbury was not one of them.

Alderman Purvis made a motion to join the common defense if it represented the best cost option for the City. Alderwoman Buckley seconded the motion, and it was unanimously approved.

Recycling Carts

The Mayor introduced the next topic by stating that the total number of recycling carts purchased by the grant money wasn't sufficient to supply the number of residents who wanted recycling carts. Administrator Alexander added that although the City had anticipated that a significant number of residents would not want the new carts, the response to the new carts was overwhelmingly supportive. Superintendent Wagner added that many residents had found the new carts useful and convenient.

Alderwoman Gorman asked about the procedure for picking up the red containers, and Superintendent Wagner stated that Christian Disposal was delaying the red container pickup until all of the residents who wanted carts had them.

Administrator Alexander stated that Assistant Greever had been actively pursuing a price quote from the same supplier for the additional carts, but had yet to receive a response. He added that the per unit rate was likely to change and stated that the City would need to purchase 80 carts.

Administrator Alexander stated that the best procedure would be for the Board to give Administration some contingent authority to move forward with the purchase of the additional carts.

Alderman Purvis stated that since the per unit rate was unknown, it was difficult to make a final decision on the parameters of the authorization.

Alderman Kauffmann asked what the City's policy would be in the event of several hypothetical scenarios, such as the deterioration of some carts, or the change in the total number of residents who wanted a cart. Superintendent Wagner stated that the additional 80 carts would supply the City with a few extra carts. He added that if the carts were to break in the future, the City should not be responsible for replacing the carts.

Alderwoman Buckley asked what the per unit rate for the original order of carts was. Assistant Greever stated that they were about \$35 per cart, and Alderman Kauffmann added that the freight cost increased this per unit rate by about \$2. Assistant Greever added that the total cost of \$49,000 exhausted the grant funds, which originally precluded the City from acquiring additional carts.

Alderwoman Buckley asked when the last cart was issued, and Superintendent Wagner stated that it had been about three weeks since the last cart was issued. Alderwoman Buckley added that if the per unit rate of the carts was substantially higher, that the Board might need to review the matter further.

Administrator Alexander asked if the Board would pre-approve a per unit rate of \$40.

Mayor Gates stated that an appropriation authorization of up to \$3,500 should cover the total purchase cost of the additional 80 carts. He added that if the price was more than this, the topic would have to come before the Board again. The Board fully agreed with this decision.

Benson Electric Zoning Request

Administrator Alexander stated that Benson Electric had brought a proposition to the City. Citing declining revenue along with additional, unused space, Benson asked if the City would be willing to allow Benson to use this additional space as a storage facility for boats, RVs, etc. Administrator Alexander stated that Benson

wanted to build several "bays" and rent each space out. He added that the space under discussion would only yield approximately 8 of these "bays."

Administrator Alexander added that the Municipal Code does not address the usage of outdoor storage facilities as an auxiliary business. He told the Board that he had informed Benson that an additional business license would be required, but added that he needed the Board to decide whether to grant this request or not.

Alderwoman Gorman asked what type of storage this was, and Administrator Alexander stated that the storage items would only be vehicles.

Alderwoman Buckley asked if the storage facility would be visible to residents, and Administrator Alexander stated that although the residents on Hi View Avenue might be able to see it, it would still be partially hidden. Administrator Alexander added that the City did not currently require "shielding" for any of the other businesses in that area.

Mayor Gates reminded the Board that it needed to consider what precedent this action may establish. Alderwoman Buckley stated that she would be concerned if the businesses near her residence began storing large vehicles.

Alderman Travaglini asked if the Board should pass an ordinance stating that any such storage facility should be a certain distance from residential zoning. Alderman Kauffmann stated that this location abutted residential property. Alderman Scherer added that there were not many places in Shrewsbury that were far from residential property.

Alderman Travaglini stated that if the Board were to approve this proposal, it would need to create additional stipulations, which would in turn require additional time to create. He continued by saying that since the City would only receive a \$25 business license from this proposal, it may be best to deny the application.

Alderwoman Buckley stated that if other businesses wanted to do this same venture, it could be detrimental to the City.

Mayor Gates added that although the City would like to help Benson, the City was not benefitting from this decision, which could ultimately create an undesirable precedent.

City Attorney Daming stated that the Board could create a conditional use permit if it so desired, and had wide latitude in doing so, but added that the precedent could create a troubling situation in the future.

The Board agreed that it was not interested in issuing this special use permit based upon the number of issues that could be raised as a result of the establishment of this precedent.

Value Village Sign

Administrator Alexander stated that Value Village was moving locations from lower Kenrick Plaza to upper Kenrick Plaza, and that they had approached the City about an application for a sign at the new location. He added that the signage was the same as the one at the previous site, and that it met all of the sign code regulations. He stated that Value Village was planning to open in approximately a week, and Alderwoman Gorman asked if the previous location would close at the same time the new one opened. Administrator Alexander stated that the previous location might remain open for a period of time, particularly for the sale of larger items such as furniture.

Alderman Purvis made a motion to approve the requested signage, Alderman Travaglini seconded the motion and it was unanimously approved.

Clearwire Proposed Site Plan

Administrator Alexander stated that AT&T was in the process of eliminating redundant cell towers, and that it was attempting to maximize the usage of the remaining cell tower sites. He added that the City had rebuffed AT&T's attempts to acquire an early contractual buyout, since the buyout never made fiscal sense from a long-term perspective. He stated that this latest attempt involved a new approach, essentially one involving co-location. He added that the contract provided for this approach and that it would involve installing a new 7 foot by 7 foot concrete pad in the existing fenced in area at the Street Department facility as well as installing a couple of new antennas on the existing cell tower. He continued by stating that the estimated revenue would be \$7,800 a year due to the "50-50" co-location sharing agreement.

Alderman Purvis asked if the co-location option precluded the creation of a new cell tower in the City, and Administrator Alexander stated that it would.

Alderman Kauffmann asked if the City's share would be \$3,900 due to the "50-50" arrangement, and Administrator Alexander stated that the \$7,800 would be the City's share.

Alderman Travaglini asked if this revenue would be in addition to the current revenue generated from the contract, and Administrator Alexander stated that this was the case.

Police Chief Keller asked if the City could renegotiate the cell phone plan agreement as part of the deal, and Administrator Alexander stated that AT&T, when negotiating cell tower agreements, would not consider this type of agreement.

Alderman Purvis made a motion to accept the proposed site plan from Clearwire, Alderman Scherer seconded the motion, and it was unanimously approved.

Pool Operating Procedures

Parks Director Bernstein stated that the Parks Commission had recommended several adjustments to the current pool procedures. The first recommendation was to give a \$50 discount on a Non-Resident Pool Passes purchased by Non-Resident Rec Pass holders. He added that in the previous budget year, the revenue from Non-Resident Pool Pass holders was significantly reduced, and added that the cost of the Non-Resident Pool Pass was nearly double that of the Resident Pool Pass.

Alderman Purvis asked if there was still a limit on the number of Non-Resident Pool Passes issued, and Director Bernstein stated that there was, but that this number had not been reached in 5 to 6 years.

Director Bernstein stated that another recommendation was the elimination of the sponsorship requirement for the Non-Resident Pool Passes if the applicant was already a Non-Resident Rec Pass holder.

Mayor Gates stated that the reason for the creation of this sponsorship policy originally was to ensure that the pool patrons that were not residents would not cause trouble within the City, and he asked Director Bernstein if there had been any trouble with non-resident pool patrons. Director Bernstein stated that he had not had any problems and added that there were enforcement capabilities if issues such as these ever arose.

The last policy recommendation, Director Bernstein continued, involved setting a temperature requirement for opening the pool. If the temperature was below 65 degrees at the opening time of the Aquatic Center, it would not open, and the situation would be reevaluated at 2 pm. He added that this policy would be a great cost saving measure since there is little usage of the pool when the air temperature is that cool.

Mayor Gates asked if the Board would approve these recommendations, and the Board agreed that the recommendations be approved. Director Bernstein stated that he would include this information in the upcoming Parks brochure.

Alderman Purvis asked a clarification question about the ice cream supplier, asking if Frozen Industries would deliver on the weekends. Director Bernstein answered by stating that several factors were involved in the recommendation of Frozen Industries over Ted Drewe's. He stated that Frozen Industries would provide much greater freezer storage capabilities, offered a much greater product selection, and supplied cheaper product options. He added that he did not know if they delivered on the weekends but stated that the expanded freezer storage should ameliorate that issue if the company did not deliver on weekends. He added that Sunset Hills had used this company and was very pleased with the service.

Director Bernstein presented the proposed menu to the Board for their approval and the Board liked the "value meal options".

Mayor Gates asked if there was any further discussion over the menu, and there was none.

Director Bernstein reminded the Board about the greaseless fryer that he had discussed before, and he stated that he wanted to purchase it if the Board would approve the allocation. He stated that the cost would be around \$3,300. Fire Chief Fox added that it operated like a convection oven rather than a deep fryer. Alderwoman Gorman stated that she liked that it was a safe cooking option.

Alderman Travaglini asked what the gross sales of the pool's concession stand were in the previous year, and Director Bernstein stated that it was around \$18,000 to \$20,000. Administrator Alexander stated that this purchase would not provide the City with net revenue, and Director Bernstein stated that the purpose of this purchase essentially would be to expand the concession options and product quality offered at the pool.

Alderman Travaglini suggested that the concession stand prices be raised a bit in order to offset the price of the fryer. Alderman Kauffmann added that the purchase would be worth it simply by eliminating the complaints about the lack of food options.

Alderwoman Buckley asked how long these fryers were expected to last, and Director Bernstein stated that since they were commercial grade, they would last for quite a while. He added that many regional organizations used this type of fryer and had given it great recommendations.

Alderwoman Buckley asked about how well this equipment would keep up with demand, and Director Bernstein stated that the staff would cook several batches in the morning and then keep the food in a warming oven, which would enable the concession stand to keep pace with demand.

Alderman Purvis stated that he thought the City should purchase the fryer, Mayor Gates asked the entire Board if they would approve the purchase and the Board agreed to approve the purchase.

Alderwoman Gorman asked Director Bernstein if St. Michael's School children who were non-residents were eligible for a Pool Pass and Mayor Gates stated that they were eligible for a Resident Pool Pass. Alderwoman Gorman asked if the City placed any further eligibility stipulations upon these children, such as requiring a year's enrollment in the school before eligibility, and Mayor Gates stated that the City did not have any such stipulations. Alderwoman Gorman stated that St. Michael's School was under the impression that there was such a requirement, and as a result, had requested that Alderwoman Gorman come before the Board to request that the stipulation be removed. Mayor Gates asked that Alderwoman Gorman let them know that such a requirement did not exist.

City Park Signage

Alderman Scherer stated that a resident had informed him that for the past two weekends at Brinkop Park there had been a number of unruly youth playing basketball. He added that several residents did not feel comfortable, got in their cars, and left the park. He stated that this resident had wanted to approach the youth but felt too intimidated. Alderman Scherer asked if there was any way that the non-emergency police number could be posted on signs in the park to assist residents if they felt that they were in an intimidating situation. He added that this resident offered to make the signs himself.

Mayor Gates stated that the City wanted the parks to be an enjoyable place and asked Chief Keller for his insight. Chief Keller stated that he saw no issue with the placement of these signs.

Alderman Kauffmann asked how many signs would be put up, and Alderman Scherer stated that there would be about 2 or so.

Mayor Gates stated that it would be good to place these sign in all of the parks. Alderman Scherer said that he thought that the Parks Commission should review this matter. Mayor Gates agreed that it would be best for the Board to send this matter to the Parks Commission, stating that it was the Board's recommendation at that these signs be placed throughout the City parks, but that the issues to be considered were the total number of signs to be placed as well as the sign placement locations. Mayor Gates asked Director Bernstein to bring the Parks Commission's recommendations back to the Board.

The Board was in favor of this decision.

Old/New Business

RFP Response Period Extension

Administrator Alexander stated that the RFP response period for the redevelopment of Kentrick Plaza was scheduled to close in a couple of days. He said that according to the tentative schedule the City was supposed to select a preferred developer four days after publically opening the submissions. He stated that this time frame was not reasonable for the City to make a well-informed decision, and as such, he recommended that the Board consider making a motion to extend the RFP response period.

Alderman Scherer asked if the City should also send out this extension notification to the previously contacted developers and Administrator Alexander answered that the City would do so immediately.

Administrator Alexander added that he had asked the City's consultants about the viability of selecting a preferred developer after such a short review period and he stated that they had intimated that they were not comfortable with this. He added that he thought that relaxing this schedule would be best for the whole community.

Administrator Alexander stated that he and the City's consultants recommended that a 30 day extension be added to the RFP response period with a 30 day review period to follow. He stated that this recommendation would place the new RFP response period deadline on Monday, May 10th, and would place the evaluation period deadline on Tuesday, June 8th.

Alderman Kauffmann asked if there would be a deadline time on May 10th, and Administrator Alexander stated that it would be the same as before: a public opening at 4:00 pm CST.

Administrator Alexander asked how the Board felt about this, and the Board agreed that this proposal was desirable.

Alderman Purvis asked if the City could also send this out to the email distribution list and the City website, and Administrator Alexander stated that the City would do this.

Alderman Kauffmann asked if the City could also issue a press release to the paper so that the residents could be notified in a general circulation. Administrator Alexander stated that the City would do this as well.

Administrator Alexander stated that this procedure had to be approved by an official motion, which the Administrative staff had prepared for the Board. The motion was titled "A Motion to Authorize a 30 Day Extension of the Request for Proposal's Response Period" and read as follows:

A Motion to authorize a 30 day extension of the request for proposal's response period for the redevelopment of Kenrick Plaza to Monday, May 10th, 2010. Additionally, the City authorizes an extension of the evaluation period of the responses to the RFP to Tuesday, June 8th, 2010, at which time the City may deem a preferred developer.

Alderman Purvis stated that he would make a motion to pass this Motion, Alderwoman Buckley seconded this motion, and it was unanimously approved.

Other New Business

Alderwoman Buckley stated that she had received a complaint about a house that had 8-10 cars on the premises at all times and she was wondering if the City had an ordinance governing how many cars the residents of a property could have. Mayor Gates stated that the City did not have any such ordinance.

Alderman Scherer stated that the cars would have to be licensed.

Mayor Gates asked if this situation had existed for a while, and Alderwoman Buckley said that it had. Mayor Gates stated that the occupancy permit should show how many people were living there. Alderwoman Buckley asked how one would determine that others not on the permit actually lived there on a permanent basis. Administrator Alexander stated that this was very difficult to prove and enforce.

Alderman Travaglini asked if the City could send the inspector over to check out the situation. Mayor Gates stated that the City could check the occupancy permit and have the inspector verify whether it was accurate.

In another matter, Alderwoman Gorman stated that she had received a question from a resident about when it was appropriate to acquire fence permits, especially as it relates to repairing them. Administrator Alexander stated that a permit would be required for a new fence, a rebuilt one, and for jobs that required establishing new posts.

Administrator Alexander stated that the City of University City had recently performed an audit of Ameren UE's rates, particularly street light rates. This audit had revealed several troubling aspects,

such as the absence of meters to determine the electrical usage of each light and the improper billing of lights outside of city limits. He stated that there was also a lack of transparency in the development of the rates. He added that Ameren had even resisted municipal efforts to install more energy efficient bulbs. He stated that as a result of this preliminary audit, several area municipalities were joining forces under the leadership of the County Municipal League to perform an audit of Ameren's overall rate structure and applications. To join this consortium, and thereby have the audit include Shrewsbury, the City would need to spend 1.4% of its total annual Ameren bill. This would roughly translate to a \$1,400 appropriation. Administrator Alexander asked the Board if it wished to join this consortium.

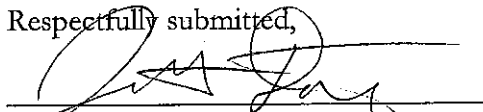
Alderwoman Buckley asked if the City could do this audit all by itself for less, and Administrator Alexander stated that it could not.

The Board stated that it wished to join the consortium.

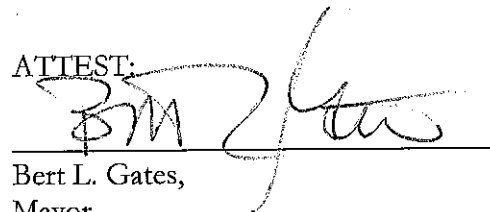
Adjournment

Alderman Travaglini made a motion to adjourn the Work Session. Alderwoman Gorman seconded the motion. The Work Session adjourned at 7:17 p.m.

Respectfully submitted,


Jonathan D. Greever,
City Clerk/Assistant City Administrator

ATTEST:


Bert L. Gates,
Mayor