

**CITY OF SHREWSBURY
BOARD OF ALDERMEN
WORK SESSION
June 29th, 2010**

A Board of Aldermen Work Session was held at 6:00 p.m. this 29th day of June, 2010.

There were present:

Mayor.....Felicity Buckley
AldermanElmer Kauffmann
AldermanMike Travaglini
Alderwoman.....Chris Gorman
AldermanSam Scherer
AldermanEd Kopff
AldermanGreg Lauter

There were also present:

Assist. City Admin/City Clerk.....Jonathan D. Greever
City Attorney.....Michael Daming
Director of Finance.....Rick Jett
Director of ParksMarc Bernstein
Street Superintendent.....Tony Wagner
Police ChiefJeff Keller
Fire Chief.....Bill Fox

Police Uniform Modification Proposal

Mayor Buckley brought the meeting to order at 6:00 pm and stated that the first item on the agenda was the proposal for the police uniform modifications and turned the floor over to Police Chief Keller.

Chief Keller stated that many municipalities had changed their police uniform trouser to a military style, or BDU style. He stated that he had originally been opposed to this style due to the appearance of the bulky external pockets. He stated that a new version of this style placed the pockets on the inside of the pant, thereby enhancing the appearance while maintaining the versatility and comfort.

Lieutenant Beaton was present and modeled the trouser for the Board. He stated that this new trouser included reinforced pockets that would not lose their shape as easily as the older style BDU. He added that this new style was also more comfortable.

Chief Keller stated that the cost for this style was only three dollars more than the current style, but added that there would not be an impact on the budget since this style would be integrated only when an officer needed a replacement. He asked if the Board liked the new style and the Board generally stated its approval.

Nuisance Property Contract Ordinance

Mayor Buckley introduced Bill No. 2591, a proposed Ordinance authorizing the Mayor to execute a contract on behalf of the City of Shrewsbury, Missouri with St. Louis County, Missouri for the collection of all charges and special tax bills relating to the abatement of property nuisances within the City of Shrewsbury. She stated that this ordinance would allow the City to enforce its nuisance laws more effectively. She stated that this

agreement with St. Louis County would allow the City to abate the nuisance and place the cost for the abatement on the property tax bills issued by the County.

Alderman Kauffmann stated that his main concern was that the property could be possessed and sold if delinquent taxes were not paid within three years. He stated that he was against the ordinance.

Mayor Buckley stated that the reason this ordinance was being considered was not due to residents creating minor nuisances as a result of hardships but stated that this ordinance was geared to deal with houses that had been vacated. She continued by stating that tracking these property owners, often banks or loan agencies, was difficult and far too time absorbent. She added that these properties had negative impacts on the neighbors and stated that even when the violator abated the nuisance, the process would later begin again at the same location.

Street Superintendent Wagner stated that in his experience the problem properties were typically those that were vacant.

Mayor Buckley clarified that the contract did not change the City's nuisance abatement procedures, but only provided a back end remedy if the property owner was uncooperative. She added that this contract only dealt with chronic offenders and provided a response to the many residents who continually express their displeasure with the nuisance property.

Assistant Greever added that the City's policy for dealing with nuisance properties was to give the property owner several opportunities to abate the violation and to ensure that the violation was not merely caused by an unknown hardship. He added that the City always erred on the side of understanding and caution.

Alderman Scherer asked if the City ever notified the aldermen from that ward, and Mayor Buckley stated that although the City had not done so, that this was a good idea. She further stated that she would like to have a list of the nuisance properties for this reason.

Alderman Kopff asked if the City would vet a hardship case prior to the final enforcement methods under discussion, and Mayor Buckley stated that this was correct. Alderman Kopff asked if the County had procedures for vetting hardship cases, and Mayor Buckley stated that although she did not know of the County's specific policy over hardships, that its standard tax billing procedures would apply. She added that if the land owner was not paying their real property taxes, that these this additional "special fee" would not be the issue.

Alderman Travaglini added that if the offender didn't pay this special fee for three years, it would also have meant that they hadn't paid their real property taxes for three years, which would expose them to foreclosure anyway.

Alderman Kauffmann asked if the property owner could pay the real property taxes separate from the nuisance fees, and Alderman Travaglini stated that this would not be possible since both numbers would be aggregated into a single bill.

Alderman Lauter asked whether the City had a clear definition of what the word "nuisance" meant, and Mayor Buckley stated that the City did have an ordinance defining what a nuisance is in the City.

Alderman Kauffmann stated that there was not a nuisance ordinance attached to the proposed ordinance.

Alderman Kauffmann stated that he wanted to table the issue until the ordinance under discussion had the nuisance definition attachment and stated that he was making a motion to the same effect.

Assistant Greever stated that the reference in the contract to the "municipal nuisances" incorporated the definitional nuisance chapter.

Upon motion made by Alderman Scherer, seconded by Alderman Travaglini and passed with a majority, and in accordance with Section 79.130 as approved by the General Assembly of the State of Missouri, the Bill was read by Title the first time. Mayor Buckley opened the Bill for discussion. There being no discussion, a motion was made by Alderman Scherer, seconded by Alderwoman Gorman, and passed with a majority, and in accordance with Section 79.130 as approved by the General Assembly of the State of Missouri, the Bill was read by Title only the second and final time. Alderman Scherer then made a motion that Bill No. 2591 be adopted to become Ordinance No. 2587. Alderwoman Gorman seconded the motion and upon roll call, the following vote was recorded: Alderman Kauffmann, "Nay"; Alderman Travaglini, "Aye"; Alderwoman Gorman, "Aye"; Alderman Scherer, "Aye"; Alderman Kopff, "Aye" and Alderman Lauter "Aye".

There being a majority of votes in favor, the Mayor declared the motion passed and that Bill No. 2591 was adopted as Ordinance No. 2587.

City Administrator Ordinance Modification

Mayor Buckley introduced Bill No. 2592, a proposed Ordinance amending Title I. Government Code, Chapter 125: Offices, Officers, and Commissioners of the City of Shrewsbury Missouri Code by deleting current section 125.130 and replacing it with a new section 125.130, relating to the office of the City Administrator; providing for the current maintenance of this code; providing for the repeal of all conflicting ordinances; and providing for the effective date of this ordinance.

Mayor Buckley stated that the original ordinance made the Assistant City Administrator the acting City Administrator in the absence of the City Administrator. She stated that this ordinance modification had been previously discussed and asked if anyone had any further comments.

Alderman Kauffmann stated that he wanted to add an amendment to subsection 125.130 (I) (8) (b) to include the word "full" before the word "Board", so that the phrase read, "With the approval of a two-thirds (2/3) majority of the full Board of Aldermen". He stated that without this word, it was possible for a quorum to assemble and generate a two-thirds vote, which would be a smaller number than if the full Board conducted the same action.

City Attorney Daming stated that his interpretation of the ordinance was consistent with Alderman Kauffmann's interpretation.

Alderman Travaglini pointed out that subsection 125.130 (B) utilized the phrase "all of the Board of Aldermen" to make this distinction, and stated that a replication of the same phrase rather than the word "full" would give the ordinance greater uniformity. Attorney Daming stated that this change would work as well.

Alderman Kauffmann made the motion to amend the proposed ordinance to insert the phrase "all of the" into the first phrase of the first sentence of subsection 125.130 (I) (8) (b) after the words "majority of" and before the words "Board of Aldermen". Alderman Travaglini seconded the motion and it was unanimously passed.

Upon motion made by Alderman Kauffmann, seconded by Alderwoman Gorman and unanimously passed, and in accordance with Section 79.130 as approved by the General Assembly of the State of Missouri, the Bill was read by Title the first time. Mayor Buckley

opened the Bill for discussion. There being no discussion, a motion was made by Alderman Kauffmann, seconded by Alderwoman Gorman, and unanimously passed, and in accordance with Section 79.130 as approved by the General Assembly of the State of Missouri, the Bill was read by Title only the second and final time. Alderman Kauffmann then made a motion that Bill No. 2592 be adopted to become Ordinance No. 2588. Alderwoman Gorman seconded the motion and upon roll call, the following vote was recorded: Alderman Kauffmann, "Aye"; Alderman Travaglini, "Aye"; Alderwoman Gorman, "Aye"; Alderman Scherer, "Aye"; Alderman Kopff, "Aye" and Alderman Lauter "Aye".

There being a majority of votes in favor, the Mayor declared the motion passed and that Bill No. 2592 was adopted as Ordinance No. 2588.

Community Development Block Grant Allocation Determination

Mayor Buckley stated that the next item on the agenda was the allocation determination for the 2011 Community Development Block Grant (CDBG). She stated that the Board of Aldermen had held a Public Hearing to discuss this allocation with the public on June 8th. She reiterated that the grant was funded through the U.S. Housing and Urban Development Department, and that the City of Shrewsbury was eligible for a \$20,000 grant. She stated that the City had the option to set aside some of this money for projects assisting individuals or could utilize these resources for the community as a whole through projects such as the street improvements. She added that the Board had previously set aside as much as \$5,000 for these individual projects. She stated that the St. Louis County would make the determination on applicant eligibility and that the money would be distributed on a "first come first serve" basis. She stated that the Board would not know whether the individuals who spoke before the Board would ultimately be eligible, but that the Board would have to decide how to allocate the resources.

Alderman Kauffmann asked Assistant Greever if any other individuals had expressed interest in addition to those who had previously done so, and Assistant Greever stated that there had not been any others.

Alderman Scherer asked if the Board would have to make this decision without knowing whether the requesting individuals would be eligible, and Mayor Buckley stated this was the case.

Alderman Kauffman stated that the main purpose of this grant money was to assist individuals with hardships and he suggested that the Board split the total allocation between the street project and the Housing Improvement Program (HIP) projects evenly, meaning \$10,000 to each.

Alderwoman Gorman asked how long it might take for the City to retrieve the HIP allocated money if the applicants were ultimately deemed ineligible. Assistant Greever stated that the City would have to submit a revised supplemental agreement, which could take anywhere from 1-3 months to have full executed and returned.

Alderman Scherer stated that he had heard that the purpose of this grant was to serve the community as a whole.

Alderman Kopff asked what deadlines existed for the determination of the allocation. Assistant Greever stated that the grant application had to be submitted to the County by July 9th. Alderman Kopff asked when the City could know whether the applicants had been approved or denied and Mayor Buckley stated that the City did not know those determination dates.

Alderman Scherer asked why the allocation for HIP had to be in increments of \$5,000, and Assistant Greever stated that the County required this increment breakdown, since each applicant can be eligible up to \$5,000, which means the allocation would have to match this potential amount.

Mayor Buckley asked how the Board wished to allocate the CDBG funds. Alderman Travaglini and Alderwoman Gorman stated that were voting to allocate all \$20,000 for street slab replacement projects. Alderman Kauffmann stated that he was voting to allocate \$10,000 for streets slab replacement projects and \$10,000 for the Housing Improvement Program. Aldermen Scherer, Kopff, and Lauter stated that they were voting to allocate \$15,000 for streets slab replacement work and \$5,000 for the Housing Improvement Program.

The Board therefore decided to allocate \$15,000 in CDBG funds for street slab replacement projects and \$5,000 for the Housing Improvement Program.

Discussion over the Proposed Creation of an Ordinance Guiding the Issuance of Severance Packages

Mayor Buckley stated that the next item on the agenda was the discussion over the proposed creation of an ordinance guiding the issuance of severance packages. She stated that it may be helpful to have guidelines for the future issuance of severance packages to employees. She stated that she would ask the City Attorney to create the ordinance. She stated she would like to have any request for severance packages be in writing, that they would require attorney review, and that they would require a set period of time for Board review.

Alderman Scherer asked Attorney Daming if the set review period would cause any legal issues, and Attorney Daming stated that it would not. Attorney Daming added that contracts passed by the Board are required by statute to be in writing.

Mayor Buckley stated that she would like for the contract or severance package to be in writing prior to the Board's review.

Alderman Kopff stated that it was his understanding that a specific severance package should be included in the contract with an employee so that the Board is not negotiating a severance agreement at the time of termination.

Alderman Kauffmann stated that most employees did not have contracts, and Alderman Kopff stated that the contract usually applied to the position of city administrator.

Mayor Buckley stated that she would like for the ordinance to control severance packages for all employees.

Alderman Kopff stated that his research had been specific to the city administrator position, and asked whether it was normal to have severance package guidelines for all employees.

Alderman Travaglini asked if the City had conducted research on what other cities had done in this matter. He stated that he would like to know this before making any decisions.

Alderman Kopff stated that in the case of the city administrator position, he would not be in favor of negotiating a severance package at the time of termination, but stated that it should be delineated at the outset. Alderman Kauffmann stated that this would be a contract, and Alderman Kopff agreed.

Alderman Kauffmann stated that the City had not wanted to do this in the past due to the obligation that it would incur. Alderman Kopff stated that contracts also provide protection for the City as well as the employee.

Mayor Buckley said that it seemed that the Board wanted to see what other cities had done, and Alderman Travaglini stated that in addition to this, there was some interest in reviewing the possibility of issuing a contract for a future city administrator.

Mayor Buckley stated that it might be more appropriate to discuss whether the Board wanted to issue a contract to a city administrator if and when the City was close to hiring one.

Alderman Travaglini stated that if the Board decided to not make a decision on this for some time, that it would still be nice for the Board to now know what other cities had done in these matters.

Mayor Buckley stated that the City would find out what other cities had done with the issue of severance packages and contracts.

Alderman Kauffmann asked who would perform the research and Mayor Buckley stated that Assistant Greever and she would do so.

Alderman Scherer suggested that Attorney Daming assist in the research, and Attorney Daming said that he would assist.

Old/New Business

Bids for Vinyl Floor Installation Project

Chief Keller stated that the Board had budgeted \$10,000 for the flooring of the public safety building. He stated that he had sent out ten bids to ten different companies and that three had been disqualified. He stated that each bidder used the same flooring material and that Carpet Outlet Agency submitted the lowest bid at \$9,475.64. He recommended that the Carpet Outlet Agency bid be accepted as the lowest and best bid.

Alderman Kauffmann made a motion to accept the bid from Carpet Outlet Agency in the amount of \$9,475.64. Alderman Scherer seconded the motion and it was unanimously passed.

Work Session Scheduling

Mayor Buckley stated that the Board of Aldermen needed to meet for a Work Session in July and stated that the available dates were July 26th-28th. The Board of Aldermen decided to meet on Tuesday, July 27th for the Work Session.

Motion to Enter Closed Session

Alderman Kauffman made a motion for the Board of Aldermen to go into a Closed Session with closed vote and closed record pursuant to RSMo 610.021 (1), (3) and (13). Alderwoman Gorman seconded the motion and the following roll call vote was recorded: Alderman Kauffmann, "Aye"; Alderman Travaglini, "Aye"; Alderwoman Gorman, "Aye"; Alderman Scherer, "Aye"; Alderman Kopff, "Aye" and Alderman Lauter "Aye".

Adjournment

Alderman Scherer made a motion to adjourn the Work Session subject to the Closed Session. Alderwoman Gorman seconded the motion and it was unanimously passed. The Work Session adjourned at 7:03 p.m.

Respectfully submitted,



Jonathan D. Greever,
Assistant City Administrator/City Clerk

ATTEST:



Felicity Buckley,
Mayor