



JANUARY 2010

Upcoming League Meetings

- Thursday, January 28, Membership Meeting 7:30 pm, Hilton Garden Inn, Berkeley
Wednesday, February 17, Legislative Luncheon, 11:30 am., Capitol Plaza Hotel, Jefferson City
Thursday, February 25, Membership Meeting, 7:30 pm, Site TBD
Thursday, March 25, Membership Meeting, 7:30 pm, Crestwood

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January 28 Meeting in Berkeley

The first meeting of 2010 will be hosted by the City of Berkeley and will be held at the Hilton Garden Inn Hotel, which is located at the north-west corner of Interstate 70 and Hanley Road, about one mile east of I-170 and 3 miles east of the main entrance to Lambert Airport. The address is 4450 Evans Pl., 63134

Program: Legislative Issues - The Honorable Don Calloway, State

Representative from District 71, which encompasses most of the Normandy area, has been invited to offer his perspective on the "hot" legislative topics for 2010 and issues that will be of particular importance to municipal officials. Representative Calloway has been one of the leaders of the effort to restore fiscal responsibility and accountability to the North-east Fire District.

Rep. Calloway was



Rep. Don Calloway

elected to the House in 2008. In addition to his legislative duties, he is an attorney in private practice.

County Can Collect Municipal Nuisance Fees

All cities are faced with "problem properties", and trying to collect bills when they are forced to abate a public nuisance. These include bills for cutting grass and weeds, cleaning up debris, cutting dangerous tree limbs, and other ordinance/code violations that affect the health and welfare of neighborhoods. Tim Lee, Assistant Collector of Revenue for St Louis County, talked with many municipal clerks about a service that will help with this problem.

State statute and St Louis County ordinance provide that municipali-

ties can enter into a contract with the County to collect these bills. Once cities have attempted to collect these fees from property owners for several months, the unpaid bills can be turned over to the Collector of Revenue. This office will create a special tax bill that is included with real property taxes. The Collector will mail the tax bill to the property owner, send delinquent notices, and treat this in same way they collect all tax bills.

This tax bill can include the actual cost for the abatement, as well as administrative fees

for dealing with the problem. Once collected, these funds are disbursed to municipalities with the same 1% withholding as other taxes. There is no need to file a lien, and wait for the property to sell before the city is reimbursed.

For more details about how your municipality can take advantage of this service, please contact Tim Lee at (314) 615-4210 or e-mail at tlee@stlouisco.com.

(Tim is also a Florissant City Councilman.)

November Meeting Synopsis

At the November meeting the membership heard a presentation on **energy efficiency for local governments** and upcoming grants on this subject from CORO fellow Sarah Cunningham who worked in the League office on the issue of helping cities secure federal energy efficiency grants.

She introduced Rock Hill Mayor Julie Morgan, who had participated on a Focus St. Louis committee which had completed a **“tool kit” to help cities become more sustainable**. A key recommendation is that cities conduct energy audits and carbon footprint analyses to better understand environmental changes that could be made. Mayor Morgan then introduced John Wagner of Focus St. Louis to further discuss the report.

Mr. Wagner said that the Focus committee had conducted a survey of local municipalities to help gauge the level of sustainability in the region. Recommendations made by the committee are that local governments and others in the region

focus on five main areas: **transportation and land use; open space; stormwater; energy and water; and materials procurement**. He recommended that League members review the report and its recommendations to see how best to work towards sustainability.

Bill Haas, from the Missouri Department of Natural Resources, stated that the federal stimulus plan provides funding for **grants for developing and implementing sustainable strategies**. DNR is developing guidelines for public building lighting retrofits. **This is a win-win-win for job creation-taxpayers-energy independence**.

Ms. Cunningham then discussed how she had been determining the level of municipal interest in applying for a joint application for public building lighting retrofits. Joint applications score additional points and could enhance the application for municipalities. She noted that Ameren also has grant funds available which could be used to defray a portion of the 25% municipal

match. A group of 15 cities will be submitting a joint application as a result of the League effort.

Also at the meeting the membership **endorsed a one-half cent sales tax for Metro**, which the County Council placed on the April 2009 ballot. It was presented by Mayor John Nations of Chesterfield who noted that the League had endorsed a similar proposition in 2008, which failed at the polls. Metro then dramatically reduced service in early 2009 due to a lack of funds. Emergency appropriations from the state legislature temporarily restored these cuts, but **Metro again faces a budget deficit in mid-2010**.

We would like to thank Mayor David Willson and the officials and employees of the City of Manchester for hosting the meeting at their impressive new police headquarters and council chambers. They are justifiably proud of such an impressive facility.

Legislature Convenes - Numerous Municipal Bills Introduced

The Missouri General Assembly convened on January 6 and a number of bills of municipal interest have been prefiled. We will keep our members apprised with weekly legislative emails. If you are not currently receiving the League newsletter by email and would like to receive it electronically, along with legislative updates and meeting notices, please contact the office at 314-726-4747 or staff@stlmuni.org.

Some the topics that our members should follow include:

Sunshine Law Revisions - several bills have been introduced to increase fines for violations. **Violations are rare and are prosecuted - indicating that the current law works.**

Property Tax Relief - There are also numerous bills proposing relief for seniors, eliminating personnel property taxes, replacing property taxes with sales taxes and limiting assessment in-

creases.

Red Light Cameras - Bills have been proposed to prohibit the use of cameras or to give the fines to schools. **Surveys show that citizens support red light enforcement.**

Emergency Communication Sales Tax - Legislation would sunset the tax after five years and exempt food from the tax. **This would make it impossible to build the system mandated by voters.**

Phase II Stormwater Update - Part II

This article was prepared by Bruce Litzsinger with the Department of Environmental Compliance at MSD. Part I appeared in November.

Part II

Federal law requires that stormwater runoff be reduced and more pollutants removed. MSD, St. Louis County and cities jointly signed an agreement to pursue the improvements. Current issues being addressed by the Phase II Committee include dealing with new permit requirements and regulatory developments related to water quality. Every five years, the Missouri Department of Natural Resources (MDNR) will issue a revised MS4 permit. A significant change in the most recent permit involves the requirement for new development to **mimic pre-construction runoff conditions** with an emphasis on absorbing stormwater into the ground. Green infrastructure will be necessary to accomplish this goal. This is why MSD developed, and cities are implementing "Site Design Guidance" for incorporating green storm

water quality strategies into site design concepts. MSD is a partner and sponsor in the ShowMe Rain Gardens regional initiative to **promote the use of rain gardens**. Cities are also encouraged to join, as St. Louis plans to compete with Kansas City's 10,000 Rain Garden initiative.

Water quality concerns regarding **bacteria** and **chloride** continue to be a topic of concern as eight local streams have officially been declared by the MDNR as impaired because they do not meet State water quality standards. For MSD's part on bacteria, plans are underway for a capital program costing **billions of dollars** to address sanitary and combined sewers, however, pet waste and wildlife contributions to storm sewers will also need to be addressed.

For chloride, cities have begun to document salt usage in an effort to develop a baseline for usage and **identify best practices for improvements**. Last year, co-permittees applied over 37,000 tons of salt in St. Louis County with 87% of cities reporting.

For continued implementation success, the best approach must

include harnessing the power and momentum of the "green" movement, whether in terms of green building, sustainability, or climate change.

For maximum benefits as well as compliance assurance, Phase II implementation should be focused on the benefits that it can provide to the community by protecting our local water resources, solving stormwater problems, and ensuring a sustainable future. In addition, continued coordination through a co-permittee group of local governments seems to provide overall efficiency in implementation for the community, and allows for the sharing of resources. **However, continued cooperation and active involvement will be necessary to preserve this legal option in a way that benefits everyone.** MSD appreciates the partnership we've established and looks forward to working together to accomplish the difficult task of protecting water quality.

For more information visit the Phase II stormwater program at www.stlmsd.com.

Park Commission Awards New Grants

The Municipal Park Grant Commission recently announced the awarding of 12 grants to municipalities totaling \$2.9 million dollars for park and recreation improvements.

The municipalities and parks are:

Brentwood - Memorial Park Playground
Chesterfield - Riparian Trail Corridor
Clayton - Shaw Park Playground
Ferguson - Wabash Aquatic Center
Florissant - Bangert Pool Renovation
Glendale - North Glendale Playground
Jennings - Koeneman Park Shelter

Kirkwood - Kirkwood Park Tennis Courts
Manchester - Schroeder Park Amphitheater
Overland - Woodson Park Tennis Courts
University City - Flynn Park Tennis Courts
Woodson Terrace - Brown Park Ballfield Lights

Including the current round, the Commission has awarded approximately **190 grants totaling over \$25 million** to improve municipal facilities. The Commission was created in 2001 to award grants to cities from the 1/10 cent sales tax for parks and trails.

St. Louis County Municipal League
121 S. Meramec Ave.
Clayton, MO 63105

The January 28 Meeting will be at the Hilton Garden Inn at I-70 and Hanley Rd. in Berkeley.

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Mulligan Named Top Attorney

John Mulligan, City Attorney for University City, was recently named one of Missouri's Lawyers of the Year for leading the effort to secure a settlement with phone companies over unpaid taxes.

The case resulted in the payment of back taxes to cities and the promise of future revenues from both cell phones and landlines. At a time when landline phone usage is decreasing, the settle-

ment will help local governments try to maintain revenue levels and services to residents.

The League congratulates John on this tremendous award.

Laclede Gas Right-of Way Case (Thanks to Attorney Dan Vogel for this Article)

In a recent St. Charles County Circuit Court case, the court granted summary judgment for St. Charles County, requiring the relocation of utility lines by Laclede Gas Company on County (and city) rights-of-ways. The case is now on appeal but is significant because Laclede Gas argued that the Subdivision Plat dedication of utility easements in "public" streets simultaneous to dedication of the public street was akin to a private easement in the roads, thus requiring compen-

sation from the County to relocate utility facilities when relocation was necessary to make way for a County road project. The Court rejected this argument, **holding that the utility easements were subservient to the County's use of a public roadway**, that the utility easements granted were merged into the County's fee interest in the dedicated public roads, and that private interests in dedicated public roadways cannot be created because such interests would limit the County's

exercise of its police powers. As such, the Court reaffirmed the general rule that "Utility facilities placed within public roads are subject to the general rule that the utility must relocate its facilities, at its own expense, when changes are required by public necessity, or public convenience and security require it." This issue may affect many cities and the appeal should be of interest to municipalities across the state.