

# MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: James Eckrich, Director of Public Works/City Engineer  
Justin Wyse, Director of Planning

SUBJECT: Planning & Public Works Committee [Virtual Meeting Summary](#) Thursday, November 5, 2020



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held virtually via Zoom on Thursday, November 5, 2020.

In attendance were: **Chair Dan Hurt**, (Ward III), **Councilmember Mary Monachella** (Ward I), **Councilmember Mary Ann Mastorakos** (Ward II), and **Councilmember Michelle Ohley** (Ward IV).

Also in attendance were: Councilmember Michael Moore (Ward III); Councilmember Tom DeCampi (Ward IV); Planning Commission Chair Merrell Hansen; Jim Eckrich, Director of Public Works/City Engineer; Justin Wyse, Director of Planning; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:31 p.m. by Vice-Chair Ohley.

## I. APPROVAL OF MEETING SUMMARY

### A. Approval of the October 8, 2020 Committee Meeting Summary

**Councilmember Mastorakos** made a motion to approve the Meeting Summary of October 8, 2020. The motion was seconded by Councilmember Monachella and **passed by a voice vote of 3-0** (Chair Hurt was absent for the vote, he arrived at 5:32 p.m.)

## II. UNFINISHED BUSINESS

Justin Wyse, Director of Planning, stated that in response to COVID-19, City Council approved Ordinance 3103, which suspends the application or enforcement of ordinances as necessary to support the reopening of businesses across the City and to protect public health, safety and welfare during this period. This Ordinance has a sunset of December 31, 2020. Given the circumstances surrounding the pandemic, which persists and continues to evolve, Staff is recommending a six-month extension to Ordinance 3103. The Committee agreed that an extension is appropriate and directed Staff to present the extension to City Council for approval.

## III. NEW BUSINESS

### A. Proposed 2021 Planning & Public Works Committee Meeting Calendar

**Councilmember Ohley** made a motion to approve the 2021 Planning & Public Works Committee meeting calendar. The motion was seconded by Councilmember Monachella and **passed by a voice vote of 4-0**.

## **B. Private Street Snow Removal Reimbursement– 2020-2021**

### **STAFF PRESENTATION**

Jim Eckrich, Director of Public Works/City Engineer, stated that in accordance with Public Works Policy 21, annual funding is being requested for the reimbursement of snow removal costs on private streets. This requires a recommendation from the Committee and ultimately an allocation from City Council. There are 51 subdivisions eligible to participate in the program with a maximum financial obligation of \$167,071. Therefore, Staff recommends a 2021 transfer from the General Fund - Fund Reserves account in the amount of \$167,071.

### **DISCUSSION**

In response to questions, Mr. Eckrich confirmed that this item is not included in the Annual Budget in accordance with City Council PW Policy 21. He also stated that the program was revised approximately five years ago and prior to that, spending was very inconsistent. The maximum amount was capped five years ago, and since that time, the City has not spent the entire allocation. Spending for this year was \$121,692 and the year prior, it was \$133,000. Mr. Eckrich stated that \$167,071 is the maximum amount that could be spent with the current formula.

**Councilmember Monachella made a motion to forward to City Council a recommendation of a 2021 budget transfer of \$167,071 from the General Fund - Fund Reserves, over the 40% policy, to fund the 2020-2021 Snow Removal Recoupment Program for private streets. The motion was seconded by Chair Hurt.**

### **Discussion after the Motion**

Councilmember Ohley expressed hesitancy to fund the program at this time due to the City's current financial position during the pandemic. However, she stated that she does not want to take away that service to the residents as they rely on it.

The above motion was **passed** by a voice vote of 4-0.

**[Please see the attached report prepared by Jim Eckrich, Director of Public Works/City Engineer, for additional information on the Private Street Snow Removal Recoupment Program for 2020-2021.]**

## **C. Public Works Facility Generator**

### **STAFF PRESENTATION**

Jim Eckrich, Director of Public Works/City Engineer, stated that the current generator was installed when the facility opened in 1997. As a preventative measure, the generator is regularly run, serviced and load tested. During the last load test on September 23, the motor malfunctioned and the generator failed. The City is currently renting a generator at a cost of \$2,275 per month in order to preserve our emergency readiness capabilities.

Staff obtained quotes to repair the generator that ranged from \$25,708 to \$30,142, however, each contractor recommended replacing the generator. Staff is recommending the purchase of a new 150 kilowatt CAT diesel generator at a cost of \$58,800 (including installation) through the Sourcewell Cooperative Procurement Program.

This purchase was not planned as part of the 2020 budget; however, due to the myriad cuts made earlier this year, there is 2020 budgetary funding available for this purchase. Because the purchase was not budgeted and exceeds \$25,000 it requires Council authorization.

## DISCUSSION

In response to questions, Mr. Eckrich confirmed that the money would come from the 2020 budget and that there is only one generator at the Public Works Facility.

Chair Hurt commented that the City may be able to receive a salvage value on the generator because there are still usable parts that can be refurbished and resold. Mr. Eckrich indicated that once the Generator is replaced, we will get as much money as possible for the old generator.

Councilmember Ohley stated that even though this is a large expenditure, she felt that it is an essential expense. The Public Works Facility is the City's emergency base and it needs to be kept up and running at all times, especially with winter approaching.

**Councilmember Ohley made a motion to forward to City Council a recommendation for the purchase of a new 150 kilowatt CAT diesel generator through the Sourcewell Cooperative Procurement Program at a cost of \$58,800. The motion was seconded by Councilmember Mastorakos and **passed by a voice vote of 4-0.****

**[Please see the attached report prepared by Jim Eckrich, Director of Public Works/City Engineer, for additional information on the Public Works Facility Generator.]**

### **D. Wilson Avenue Sidewalk**

#### **STAFF PRESENTATION**

Jim Eckrich, Director of Public Works/City Engineer, stated that the City received a request through Councilmember Tom DeCampi to construct a small section of sidewalk on Wilson Avenue on the west side of Wilson Avenue north of the Buchholz Mortuary. The sidewalk along the mortuary dead ends at the old Wilson Avenue (which is now a private road) that formerly connected Wilson Avenue to Clarkson Road. There is an approximate 70 foot gap between the end of that sidewalk and the end of the existing sidewalk in front of the Sea Beauty Farms subdivision.

Staff does not typically initiate construction of additional sidewalk unless directed by City Council. In this case, it appears that construction of the missing sidewalk would require the removal of vegetation and re-grading to accommodate an existing stormwater drainage path north of Old Wilson Avenue. Further analysis would be required to determine the extent of the stormwater modification, grading, and whether any right of way acquisition would be necessary.

## DISCUSSION

In response to Councilmember Mastorakos' questions, Mr. Eckrich replied that when the City vacated the right of way, ownership reverted to the underlying property owner. However, a roadway easement was granted to the property owner that utilizes the now private road. He stated that funding would likely have to come from the Capital Projects Fund or General Fund – Fund Reserves. If the Committee wants the City to pursue this, Staff will look into it further to determine if there are right of way limitations, provide a cost estimate, and determine whether it would be preferable to construct the sidewalk in-house or via contract. Staff will then bring this back to Committee for a supplemental budget allocation or authorization to include this project in a subsequent budget.

Councilmember Mastorakos then asked if the City has a program whereby sidewalk gaps are routinely inspected and prioritized. Mr. Eckrich stated that the City has 260+ miles of sidewalk that already need a lot of work due to cracks, ponding water, trip hazards, etc. The Public Works

Department exclusively maintains the existing sidewalk. There is a City Council Policy whereby residents and subdivisions can request public improvements, such as sidewalks. These matters are forwarded to the PPW Committee and further researched by Staff only if approved by the PPW Committee. The City does not currently have a program to analyze and prioritize sidewalk gaps. Such a program has been discussed in the past, and it is something that Staff ultimately would like to develop in the future.

Councilmember Ohley asked whether there were any sidewalks included in the upcoming grant application to improve Wilson Avenue north to Wild Horse Creek Road. Mr. Eckrich replied that that question is part of the research involved in the resident input survey. He also confirmed that there are no future plans for improvement to this portion of Wilson Avenue. Councilmember Mastorakos asked if the sidewalk could be coupled with the grant application for the northern portion of Wilson Avenue. Mr. Eckrich replied that it would not be possible because they are not continuous sidewalks.

Councilmember DeCampi commented that a constituent brought this issue to his attention. He believes that it is a question of safety, which is the City's number one priority. Wilson Avenue is a busy road and it makes sense to consider filling in the sidewalk gap. The City strives to be a bikeable/walkable community as much as possible and he is in favor of filling in sidewalk gaps.

**Councilmember Ohley made a motion to direct Staff to investigate the proposed sidewalk to determine the feasibility and cost to construct the missing sidewalk along Wilson Avenue.** The motion was seconded by Councilmember Monachella and **passed by a voice vote of 4-0.**

With reference to the time frame, Mr. Eckrich stated that he could likely present something to the Committee in January or February of 2021. At that time, it can be determined how to move forward. If it is small enough, it could be incorporated into the City's existing sidewalk program; otherwise, it will require a supplementary budget allocation or it can be moved into the 2022 budget.

## **E. Monarch-Chesterfield Levee Trail**

### **STAFF PRESENTATION**

Jim Eckrich, Director of Public Works/City Engineer, stated that construction of the remaining section of the Levee Trail, which extends from I-64 north and west to the current end of the trail near Top Golf, has been on hold pending an improvement project by the Monarch-Chesterfield Levee District (Levee District). The Levee District is now ready to move forward with their project.

This project is important to the City in that it further improves the Levee protecting Chesterfield Valley and it allows the City to complete Phase VI of the Levee Trail.

Phase VI of the Levee Trail requires easements from underlying property owners. The City does not own the Levee and has no right to construct a trail on or near it without an easement from the property owners. The majority property owner in this area has previously indicated that he opposes the trail on his property and will not grant an easement for trail purposes. His primary concern is the trail would pass in close proximity to his home. In an effort to mitigate his primary concern, the City has worked with the Levee District to "drop" the trail from the top of the Levee to the riverside bench in the vicinity of his home. Thus, in this area, the Levee Trail will actually be approximately 15 feet below the top of the Levee, with the Levee serving as a buffer between the trail and the property owner's home.

In order to construct the Levee Trail in this area, the Levee District has incorporated the grading portion of the City's plans for the Levee Trail into its drawings for the Levee improvement project. This will allow for an overall better project and save the City time and costs associated with additional permitting and administration of a separate grading contract. Because these costs are not a part of the Levee improvement, the Levee District has bid the trail grading as an Alternate and the low bid includes a cost of \$101,000 for the Trail Alternate.

Staff is recommending that Council authorize the Trail Alternate at a cost of \$101,000. It is noted that this cost will be entirely funded through the Chesterfield Valley Transportation Development District (TDD) and NOT the City of Chesterfield. .

### **DISCUSSION**

In the event the trail is dropped so as not to be visible to the property owner, Councilmember Mastorakos questioned whether the trail would still be on his property. Mr. Eckrich stated that it would be, and the City would still need to obtain an easement from him. Mr. Eckrich pointed out that this matter will likely go to condemnation as it is anticipated that the property owner will not sign an easement whether the trail is on top of the Levee or adjacent to the Levee. If a condemnation hearing is necessary, we will be able to demonstrate that the City has done everything possible to try and mitigate his concern. Councilmember Mastorakos stated that she is not in favor of condemnation. She understands the overall benefit for the City, but as a property owner, she appreciates the fact that property owners have rights.

Councilmember Monachella stated that the property owner is already benefitting from the Levee so maybe in turn he would grant the City an easement.

There was further discussion regarding how deep to drop the trail and Mr. Eckrich explained that if a second bench were created, it would be more expensive. It is more cost effective to utilize the existing bench.

Councilmember Moore asked for clarification as to what the property owner is objecting to. Mr. Eckrich replied that he is objecting to people walking and biking on the Levee Trail because of its close proximity to his house. While there is already an easement for the Levee, it was noted that neither the Levee District nor the City has any right to construct a trail on it.

Chair Hurt pointed out that if ownership of that property were to change in the future, it would be advantageous to put the trail on top of the Levee. He assumed that dropping the trail would not preclude the City from placing the trail on top of the Levee in the future. Mr. Eckrich confirmed that if ownership changes, the trail could be moved to the top of the Levee in the future.

Mr. Eckrich stated that it is Council's decision as to whether to pursue the project now or wait for conditions to change, possibly with development of that property. If Council would prefer, this project can be placed on hold in which case there would be no need to pursue these ramps. If the desire is to move forward now, the City can either proceed with placing the trail on top of the Levee or constructing the ramps necessary to drop the trail onto the riverside bench. Either action is likely to require condemnation. However, by dropping the trail onto the bench, the City will be in a better condition when / if this goes to condemnation.

Councilmember Mastorakos asked whether the property owner has been approached recently. Mr. Eckrich replied that the City has met with the owner in the past. The most recent correspondence has been through letters explaining the project and the plans. The owner's response was that all correspondence should go through his attorney.

There were questions regarding the proposed location of the trail and what will happen when flooding occurs in that area. . Mr. Eckrich replied that in this section there is an agricultural levee immediately adjacent to the river which rarely overtops. When the agricultural levee does overtop, the Levee Trail is closed per the City's Emergency Operations Plan. In the last ten years, the agricultural levee has overtopped two or three times.

Councilmember DeCampi commented that completion of this stretch of the trail is long overdue. Dropping the trail to the bench is a reasonable solution which allows the City to be cognizant of the property owner's concerns. It is the most reasonable solution for everyone.

**Councilmember Ohley made a motion to authorize the City Administrator to enter into an Agreement with the Monarch-Chesterfield Levee District in the amount of \$101,000 for grading work necessary to construct Phase VI of the Levee Trail.** The motion was seconded by Councilmember Hurt.

#### **Discussion after the Motion**

Councilmember Mastorakos expressed her concern about the City infringing upon property owners' rights.

Councilmember Ohley stated that she agrees with Councilmember Mastorakos regarding property rights, however, she also agrees with Councilmember Monachella that the property owner is already benefitting from the Levee. Since he will not be affected if the trail is dropped, perhaps the City can avoid condemnation.

The above motion **passed** by a voice vote of 3-1 with Councilmember Mastorakos voting nay.

**[Please see the attached report prepared by Jim Eckrich, Director of Public Works/City Engineer for additional information on the Monarch-Chesterfield Levee Trail.]**

#### **F. Public Street Acceptance – Warwick on White**

##### **STAFF PRESENTATION**

Jim Eckrich, Director of Public Works/City Engineer, stated that Staff has recently completed inspections of the Warwick on White subdivision and has determined that the following streets meet the City's design and construction standards for acceptance as a public street:

- Warwick Gate Drive
- Whetherly Landing

**Councilmember Monachella made a motion to accept Warwick Gate Drive and Whetherly Landing as public streets.** The motion was seconded by Councilmember Ohley and **passed** by a voice vote of 4-0.

#### **IV. OTHER**

There was no other business.

#### **V. ADJOURNMENT**

The meeting adjourned at 6:19 p.m.