MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: James Eckrich, Public Works Director/City Engineer

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, November 10, 2016

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, November 10, 2016 in Conference Room 101.

In attendance were: **Chair Dan Hurt** (Ward III), **Councilmember Barbara McGuinness** (Ward I), and **Councilmember Bridget Nations** (Ward II). (Councilmember Bruce DeGroot, Ward IV, was absent.)

Also in attendance were: Mayor Bob Nation; Councilmember Guy Tilman, (Ward II); Planning Commission Chair Stanley Proctor; Jim Eckrich, Public Works Director/City Engineer; Aimee Nassif, Planning & Development Services Director; Jessica Henry, Senior Planner; Justin Wyse, Senior Planner; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:30 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the October 20, 2016 Committee Meeting Summary

Councilmember McGuinness made a motion to approve the Meeting Summary of October 20, 2016. The motion was seconded by Councilmember Nations and **passed by a voice vote of 3-0.**

II. UNFINISHED BUSINESS

A. Article 2 Updates (Surety Bond Acceptance Criteria)

STAFF REPORT

Jessica Henry, Senior Planner, stated that several months ago the Committee directed Staff to research measures to impose a restriction on accepting bonds from surety companies that had previously defaulted on their obligation to the City. Staff has researched this issue and has worked with Interim City Attorney, Chris Graville. Staff is proposing that Article 2 of the Unified Development Code (UDC) be updated. This section of code pertains to improvements installed and guaranteed by developers so it was the most logical place to insert this new language. Staff is proposing two major changes and the rest are minor housekeeping items to keep the update consistent with the remainder of Article 2.

The primary change includes language that the City will not accept a bond from any surety company that has previously defaulted on its obligation to the City within the past ten years. Upon approval of the proposed changes, Staff will create and maintain a list of surety companies from which the City will not accept surety bonds.

DISCUSSION

Discussion occurred on whether or not the proposed updates would be retroactive and would apply to Travelers. Ms. Aimee Nassif, Planning and Development Services Director, stated that she would confer with the Interim City Attorney as to the retroactive status of the proposed amendments. There was further discussion related to the City's past difficulties with Travelers and it was decided that the Committee could exclude accepting bonds from Travelers in the future by way of a motion.

Councilmember Nations made a motion to forward the proposed updates to Article 2 (Surety Bond Acceptance Criteria) of the Unified Development Code to City Council with a recommendation to approve. The motion was seconded by Councilmember McGuinness and **passed by a voice vote of 3-0.**

Chair Hurt made a motion to exclude acceptance of surety bonds from Travelers for a period of ten years effective after the passage of Article 2 updates. The motion was seconded by Councilmember McGuinness and **passed by a voice vote of 3-0.**

Ms. Nassif stated that she will confer with Interim City Attorney Graville as to the legality of this motion in addition to seeking clarification regarding the retroactive nature of the proposed amendments.

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the November 21, 2016 City Council Meeting. See Bill #

[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on Article 2 Updates (Surety Bond Acceptance Criteria).]

III. NEW BUSINESS

A. Chesterfield's Council of Local Government (CLG) Status

STAFF REPORT

Ms. Aimee Nassif, Planning and Development Services Director, explained that over the past 14 years, the City has retained certification as a CLG (Council of Local Government) with the State Historic Preservation Office. This certification enables the City to apply for grants for rehabilitation of buildings or other historic projects and to have access to other resources that are not available to other cities. To date, the City has only utilized these resources twice.

In order to remain in good standing as a CLG, the City must successfully complete a series of yearly requirements established by the State. The State has recently tightened up their CLG status requirements to the point that it would be prohibitive for the City to remain in good standing. One such requirement is that every member must attend historic preservation training or a conference each year including all liaisons and every member in any standing of the City's historical committee. The City's CHLPC roster includes several members who do not attend any meetings and this would present a hardship for many of them. There are other such requirements that the City must fulfill which are becoming more difficult for the City to meet and for which the City has not met for the past two years.

Therefore, Staff is not recommending that the City maintain CLG status. If the need arises, the City can seek recertification in the future. If the Committee wishes to retain this certification, Staff will proceed with drafting the required year-end report to the State office, however the City will not meet the minimum requirements for this reporting year.

Councilmember Mc Guinness made a motion to voluntarily decertify the City's CLG status and forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Nations and **passed by a voice vote of 3-0.**

B. Emerald Ash Borer Preparedness Plan 2017 Funding Authorization

STAFF REPORT

Jim Eckrich, Public Works Director/City Engineer, stated that Staff is requesting funding authorization for the Emerald Ash Borer (EAB) Preparedness Plan for 2017. This was initially contemplated to be an expenditure of $583,000 per year, which included $300,000 for the sidewalk program, $75,000 for stump grinding, $140,000 for reforestation, and $68,000 for personnel. As outlined in the EAB Plan, Ash tree removals were to be completed by a street maintenance crew who were previously assigned to sidewalk replacement and sidewalk replacements would be contracted out.

Upon analysis of the program after one year, Staff is recommending a total allocation of $518,000 for 2017 instead of $583,000. The 2017 requested allocation is as follows:

- $300,000 for contractual sidewalk replacement (same as last year).
- $75,000 for contractual stump removal (same as last year).
- $100,000 for reforestation, which is a $40,000 reduction.
- $43,000 for personnel, which is a reduction of $25,000

DISCUSSION

In response to questions, Mr. Eckrich stated this allocation is not in the 2017 budget. When the EAB plan was originally adopted, the intention was that it would be funded each year through Fund Reserves. Therefore, in accordance with the plan, Staff will come back to the PPW Committee each year in the fall with a recommendation for funding in the subsequent year. Mr. Eckrich also noted that the projected 2016 fund reserves, above the 40% policy, are $1.8 million and the requested $518,000 will be subtracted from that.

Councilmember Tilman inquired about the reduction in reforestation. Mr. Eckrich explained that upon initiation of the plan, Staff estimated the removal of 960 trees per year and estimated there would be 700 replacements. However, this estimate may have been too high since the City has only received 420 requests for replacement trees so far this year.

After further discussion on the duration of the EAB Preparedness Plan, Mr. Eckrich clarified that the program is a seven year program whereby 6,700 Ash trees will be removed at 960 a year, however, he stated we are slightly ahead with 1,074 removals anticipated this year.

Chair Hurt informed the Committee that Councilmember Logan expressed concern about reducing the allocation to $518,000 as he would rather keep it at $583,000 in case we would have to accelerate the program for some reason. Therefore, Chair Hurt stated he will be voting

"no" to support his Ward-mate to keep it at $583,000. Mr. Eckrich stated that the money is being allocated for the specific purpose of sidewalk replacements and stump grinding. If we would have to contract for additional expenses over and above what is recommended, Staff would have to come back to the Committee to request additional funding anyway, so it is more prudent to wait and request additional funding at a later date if it is needed. Based on this information, Chair Hurt agreed with Mr. Eckrich and stated that he would vote in favor of the requested amount.

Councilmember McGuiness made a motion to forward to City Council a recommendation to approve a $518,000 allocation from the General Fund-Fund Reserves for costs associated with the Emerald Ash Borer Preparedness Plan and Action Strategy. The motion was seconded by Councilmember Nations and **passed by a voice vote of 3-0.**

[Please see the attached report prepared by Jim Eckrich, Public Works Director/City Engineer, for additional information on the Emerald Ash Borer Preparedness Plan 2017 Funding Authorization.]

C. Snow Removal Recoupment Program for Private Streets 2017 Funding Authorization

STAFF REPORT

Jim Eckrich, Public Works Director/City Engineer, stated this is the second supplemental funding request from the General Fund-Fund Reserves above the 40% policy. He explained that funding for this program is submitted to the PPW Committee each fall in order that a funding level can be set. As detailed in Public Works and Parks Policy #38, only non-gated private subdivisions can recoup costs for eligible snow removal expenses (streets only) up to $4,500 per centerline mile or $40 per residential unit, whichever is greater. Therefore, the Committee has the following options:

1. Confirm that the City desires to fund the Program for the 2016/2017 winter season in accordance with the current Policy and authorize an expenditure from the General Fund-Fund Reserves in an amount not to exceed $162,765.

2. Determine that the City will not fund the Program for the 2016/2017 winter season.

3. Choose to fund the Program in an amount other than $162,765.

DISCUSSION

Chair Hurt stated this is a Policy that the City has had for several years and it should be a budgeted item. Mr. Eckrich explained that at times, this item has been included in the budget and other times it has not been included. Last fall, the Committee decided that it should be removed from the budget and that the funding should be considered annually for this program.

In response to Councilmember McGuinness' question, Mr. Eckrich stated that although the area had a relatively mild winter last year, the City still reimbursed subdivisions $142,000.

Mr. Eckrich explained the reimbursement process stating that subdivisions must submit their invoices and evidence of payment for snow removal and salting of streets only. The majority of subdivisions have their Property Management Company submit the expenses. There are

currently 50 subdivisions that are participating in the program and there may be a few subdivisions that are eligible to participate but choose not to.

(Stanley Proctor, Planning Commission Chair, left the meeting at 6 p.m. in order to attend the Architectural Review Board meeting.)

After further discussion, Councilmember McGuiness recommended expanding the notification process. Mr. Eckrich stated Staff will send a letter at the beginning of the snow season to everyone that has been approved for the program so they know to submit their invoices. Chair Hurt recommended that Staff notify the subdivisions that are eligible to participate but who have not yet participated in the program.

Councilmember McGuinness made a motion to direct Staff to contact non-gated subdivisions with private streets that might be eligible for the program to ensure these subdivisions are aware of the program. The motion was seconded by Councilmember Nations and **passed by a voice vote of 3-0.**

Councilmember Tilman questioned why private, gated subdivisions are excluded from the program. Chair Hurt stated that he had the same concern previously and was told that if the subdivision is gated, the general public cannot drive down the street. If it is a non-gated private street, the general public can drive down the street. This issue has been discussed three or four times previously. Councilmember McGuiness stated it is a constitutional issue because cities cannot spend public money for anything private unless it serves a public purpose. Mr. Eckrich stated the City has obtained the opinion of three previous City Attorneys regarding this matter and they have opined that the current program is lawful and that extending it to gated-subdivisions would be unlawful. Councilmember Tilman requested a copy of the most recent explanation that he can send to the nine gated subdivisions in Ward II to explain why they are not eligible for the program. He also requested obtaining another opinion from Chris Graville, the current Interim City Attorney. Councilmember Tilman stated that if it is ruled unlawful, he will not vote in favor of funding the program because he does not think it is fair for taxpayers who live on private streets in gated communities to be treated differently than residents who live on private streets in non-gated communities. If it can be done legally, Mayor Nation agreed that the City should not differentiate between private streets in gated and non-gated communities.

Councilmember McGuinness made a motion to direct Interim City Attorney Graville to prepare a legal ruling on whether gated private subdivisions are eligible to participate in the City's Snow Removal Recoupment Program. The motion was seconded by Councilmember Nations and **passed by a voice vote of 3-0.**

Councilmember McGuinness made a motion to forward to City Council a recommendation of a transfer from the General Fund/Fund Reserves, over the 40% policy, in the amount of $162,765 to fund the Snow Removal Recoupment Program for private streets. The motion was seconded by Chair Hurt.

In response to Mayor Nation's questions, Mr. Eckrich stated that the $162,765 is based on the 50 subdivisions that are currently participating in the program. If additional subdivisions apply and are eligible to participate, then the total amount will have to be increased in order to comply with the current policy. In the past, the program was prorated but it was replaced with a funding formula in 2013 that is based on reimbursement of $4,500 per centerline mile or $40 per residential unit, whichever is greater. Mr. Eckrich also stated there are 21 gated subdivisions

consisting of 14.9 miles, which if included in the program, would require an additional annual reimbursement of $101,000 based upon the current policy.

The above motion passed by a voice vote of 3-0.

[Please see the attached report prepared by Jim Eckrich, Public Works Director/City Engineer, for additional information on Snow Removal Recoupment Program for Private Streets 2017 Funding Authorization.]

D. City Limit Signs on MoDOT Right of Way

STAFF REPORT
Jim Eckrich, Public Works Director/City Engineer, stated this is an agreement with MoDOT that allows the City to maintain the existing City Limits signs that are on State right of way.

Councilmember Nations made a motion to forward an "Agreement for Signing Installed and Maintained by Applicant" to City Council with a recommendation to approve. The motion was seconded by Councilmember McGuinness.

Councilmember McGuinness asked if the City had an agreement previously. Mr. Eckrich stated the City did not, however, MoDOT is now requiring such an agreement. He noted that the sign in front of St. Luke's is in disrepair and MoDOT will not let the City replace it until this agreement is signed.

Councilmember Tilman asked if the noise ordnance signs could be included in this as well and Mr. Eckrich stated that would require a separate agreement with MoDOT.

The above motion passed by a voice vote of 3-0.

[Please see the attached report prepared by Jim Eckrich, Public Works Director/City Engineer, for additional information on the "Agreement for Signing Installed and Maintained by Applicant".]

IV. OTHER

Jim Eckrich, Public Works Director/City Engineer, advised that there will be four easement dedications presented at the next City Council meeting regarding the Kraus Farm Office Center located at Timberlake Corporate Center and I-64. As part of that development, the developer is required to provide a dedicated strip of land to the City between Conway Road and the development itself. The developer has done so, however, the development will still need to be serviced by utilities that are located on Conway Road. Chair Hurt stated Council knew easements through the dedicated parcel would be necessary when it was required and that the Committee had no objections to it going straight to Council. Mr. Eckrich further explained that utility easements may be referenced in the governing ordnance but it is generally good practice for City Council to approve all easements.

V. ADJOURNMENT

The meeting adjourned at 6:20 p.m.