

**ILA.**



**DATE:** November 3, 2009  
**TO:** Planning & Public Works Committee  
**FROM:** <sup>TM</sup> Brian McGownd, PWD\CE

**SUBJECT:** North Outer 40 Trust Fund – Status Update

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At the Committee's July 27, 2009 meeting, Staff was directed to review the possibility of utilizing the North Outer 40 Trust Fund for the purpose of constructing a pedestrian walkway over I-64/US40. We have discussed this matter with City Attorney Rob Heggie. Mr. Heggie has confirmed that a pedestrian walkway is indeed a "transportation" improvement; therefore, the trust fund can be utilized to construct a pedestrian walkway over the highway.

Staff is in the process of developing a Request for Proposals for the design of the pedestrian walkway. It is anticipated that a consultant contract for the design of this project will be presented to City Council, for their consideration, in February of 2010.

If you need additional information or have any questions please advise.

attachments

cc: Mike Herring, City Administrator  
Mike Geisel, Director of Planning & Public Works  
Rob Heggie, City Attorney

The total cost for the repairs is \$10,739.00; therefore the Doty's are requesting the maximum amount possible of \$5,000.

Once the grant application is approved and once the improvements are made to the site, the property owner would submit the bill to the City and the grant funds would be released.

This Grant is a matching grant which can provide financial assistance up to \$5,000. It was noted that there is no expiration date applied to the Grant. The Grant is a budget expense which does not require City Council approval.

**Councilmember Flachsbart made a motion to approve Landmarks Preservation Commission Improvement Grant Application Request for Eberwien-Howe House.** The motion was seconded by Councilmember Erickson

#### **Discussion on the Motion**

Mayor Nations thanked Mrs. Doty for attending the Committee meeting and commends the improvements and additions they are proposing to make to the home and encourages the approval by the Committee for the maximum amount.

It was noted that only one property can be awarded up to \$10,000 over a consecutive five (5) year period.

Councilmember Casey noted that work is being requested for the driveway instead of just the historic structure. Ms. Nassif explained that the Grant Application is written to include both the structure and the site, which would allow for the driveway improvements.

The motion to approve then **passed** by a voice vote of 4 to 0.



#### **D. North Outer 40 Trust Fund**

##### **STAFF REPORT**

Mike Geisel, Director of Planning & Public Works, stated that several years ago the North Outer 40 Trust Fund was created because there was some disagreement regarding which improvements were going to be constructed in the corridor along North Outer 40 between the City's eastern boundary and the Chesterfield Parkway East. Unfortunately, he doesn't feel that the issues are any closer to being resolved and the City cannot construct any improvements on those roadways without the State or County consent. The total amount of cash that would be generated from the Trust Fund is far less than what will be required for any of the improvements.

If the funds are not spent on improvements to the roadway or within the City's trust fund area, the money will get refunded to the developer after ten years. It is Staff's

recommendation that the Committee move to dissolve this Trust Fund, and transfer the \$352,320.34 to the St. Louis County Corridor Trust Fund.

It was noted that St. Louis County does not have a ten year refunding requirement. Mr. Geisel stated that the Trust Fund does include language stating that the money can be deposited into the City's North Outer 40 Trust Fund or into St. Louis County's Route 40 Trust Fund.

**Councilmember Flachsbart made a motion to dissolve the North Outer 40 Trust Fund and to transfer the funds to St. Louis County.** The motion was seconded by Councilmember Casey.

### **Discussion on the Motion**

Councilmember Casey concurs with Staff and feels that this is the proper way to handle the funds and is in complete support of the transfer.

It was noted that it is City Counsel's recommendation to dissolve the North Outer 40 Trust Fund and transfer the funds to St. Louis County Route 40 Corridor Trust Fund.

### **Pedestrian Overpass**

The funds generated by the Trust Fund could be used to for a variety of improvements, such as to replace the overpass at Chesterfield Parkway East or adding pedestrian walkways over Highway 40. Councilmember Geiger feels that a pedestrian walkway over the overpass should be pursued.

Mayor Nations explained that when the buildings along North Outer 40 were being constructed, a traffic study was prepared by one of the proposed developments, which noted that when more than approximately 350,000 square feet was built out, improvements would be needed at North Outer 40 Road and Chesterfield Parkway. It has since been determined that these improvements are not needed.

There was considerable discussion of how the funds should be utilized. It was clarified by Staff that the Trust Fund monies are designated specifically for transportation improvements.

Councilmember Logan felt that the Committee should direct Staff to explore what options are available for utilizing the money; and to determine whether the term "traffic" includes pedestrian traffic.

**Councilmember Erickson made a motion to table the discussion.** The motion was seconded by Councilmember Flachsbart and passed by voice vote of 4 – 0.



**Staff was then directed to review the possibility of utilizing these funds for the purpose of constructing a pedestrian walkway over the highway.**

# III.D.



DATE: July 27, 2009  
TO: Mike Herring, CA  
FROM: Mike Geisel, DPPW

**SUBJECT: North Outer 40 Trust Fund**

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In August of 2000, Chesterfield passed Ordinance #1652 thereby establishing the North Outer Forty Trust Fund. Initially, the concept was that developers within the 40 corridor between the eastern City Limits and Chesterfield Parkway East would contribute to the City's trust fund in lieu of the standard contribution to the County's Route 40 (Interstate 64) Corridor Trust Fund (No. 553). Prior to this time, there was some disagreement about what improvements within this corridor that either the State or County might actually construct with Trust Fund monies. It was thought that this arrangement might provide additional control over the timing and actual design of the road improvements themselves. Unfortunately, I don't think creating our own Trust Fund accomplishes either of those things.

First, the improvements will actually occur on State or County maintained roadways. Any proposed improvement must be permitted by the respective agency. If the improvement is not consistent with their long term plans, the improvements would not be permitted.

Secondly, the funds that would be generated from development within the City's trust fund area are inadequate to fund the necessary ultimate improvements. Accordingly, any improvements to be constructed would necessarily require assistance from the State, County, or other source.

Finally, Ordinance #1652 contains three different mechanisms by which funds would be returned to the developers if improvements are not funded within ten years. While the ten year period can be re-started if plans, surveys or improvements are initiated, It remains a serious concern.

As of this date, the City's North Outer 40 Trust Fund has a balance of \$352,320.34. Accordingly, **it is my recommendation that the North Outer 40 Trust Fund be dissolved and all funds within same would be transferred to St. Louis County's Route 40 (Interstate 64) Corridor Trust Fund (No. 553).** It should be noted that the trust fund's geographic areas are very similar. Any expenditure of funds from the County's trust fund would necessarily be within their trust fund boundaries, clearly benefitting the City of Chesterfield.

Michael Herring  
North Outer 40 Trust Fund  
July 27, 2009  
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**I request that the Planning and Public Works Committee consider this recommendation and if they concur, we can draft appropriate legislation to terminate the Trust Fund for full Council action.** If you have any questions or require additional information, please let me know.

attachments

Cc Rob Heggie, City Attorney  
Kelly Vaughn, Director of Finance and Administration

*oh'd  
JRH  
7/27/09*

→ *Mike Basel*