

I.A. MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning & Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, November 19, 2009

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, November 19, 2009 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Barry Flachsbart** (Ward I); **Councilmember Lee Erickson** (Ward II); and **Councilmember Mike Casey** (Ward III).

Also in attendance were: Councilmember Bob Nation; Michael Herring, City Administrator; Mike Geisel, Director of Planning & Public Works; Brian McGownd, Public Works Director/City Engineer; Shawn Seymour, Project Planner and Kristine Kelley, Administrative Assistant.

The meeting was called to order at 5:30 PM

I. APPROVAL OF MEETING SUMMARY

A. Approval of the October 22, 2009 Committee Meeting Summary.

Councilmember Flachsbart made a motion to approve the Meeting Summary of October 22, 2009. The motion was seconded by Councilmember Erickson and **passed by a voice vote of 4 to 0.**

II. OLD BUSINESS

A. North Outer 40 Trust Fund – Status Update

STAFF REPORT

Brian McGownd, Public Works Director/City Engineer, stated that the Committee directed Staff back in July to determine if the remaining funds in the North Outer 40 Trust Fund estimated at \$352,000, could be used to construct a pedestrian walkway over I-64/US40.

After discussing the matter with the City Attorney, it was 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 met with the Missouri Department of Transportation and has developed a Request for Proposals to engage an engineering firm to offer some options for the design of the pedestrian walkway. Those options are; to hang a sidewalk off the existing bridge or build a free-standing pedestrian walkway.

It is anticipated that a consultant contract for the design of this project will be presented back to the Committee based on the following;

1. Construction of a pedestrian walkway is not a budgeted project.
2. A budget amendment will be necessary to authorize transfer of the money from the North Outer 40 Trust Fund to the budget.

Mr. McGownd cautioned the Committee not to expect that the North Outer 40 Trust Fund could provide full funding for this project.

This is for information purposes only. No vote was required.

B. Bill No. 2758 - Discussion

Councilmember Flachsbart suggested that (1) *statutory committee* be defined in the Ordinances that set up each of the statutory committees; and (2) that each Ordinance be amended to state that: *a person, upon accepting membership in this statutory committee, must:*

- a) *Resign from any other statutory committee.*
- b) *Step down as Chair or head of any other City committee, board, task force, etc., but may retain membership on other such committees, boards, task forces, etc., if desired.*

Mr. Geisel distributed prior versions of City ordinances in an effort to identify the origins of the provisions which prohibited Planning Commissioners from membership on other boards, commissions, or task forces. Staff determined that this provision was originally enacted in 1996 and has incorporated in two subsequent ordinance updates.

Chair Fults acknowledged the enormous responsibility of serving on the Planning Commission and did not see any benefit of Planning Commission members serving on other committees. She feels it is more beneficial to have different citizens serving on the City’s various committees as a way of getting more citizens involved. She expressed concern that serving on a particular committee could bias a Planning Commission member as a project is coming forward. Councilmember Erickson felt a Planning Commissioner would already have a particular point of view whether he is serving on a committee or not.

Councilmember Casey suggested that the proposed amendments pertain to all the statutory committees, which would include Planning Commission, Police Personnel Board, Board of Adjustment, and the Public Works Board of Variance. Because there is the potential for conflict, he felt that members who serve on statutory committees should be excluded from serving on other committees.

Councilmember Flachsbart felt that persons serving as members on both a statutory committee and another committee is not a “negative”, but that such persons should not serve on two statutory committees.

Councilmember Erickson thought that by serving on a committee, a person may have a broader point of view, which could be brought back to the benefit of their statutory committee. He pointed out that several committees are always looking for new members so if someone is willing to spend time serving on another committee, he thinks the benefits outweigh the negatives.

Mr. Herring pointed out that the process, as established, was intended to force turn-over on committees.

Councilmember Flachsbart then made a motion to direct Staff to prepare a green sheet, to reflect amendments so that (1) *statutory committee* is defined in the Ordinances that set up each of the statutory committees; and (2) each Ordinance is amended to state that: *a person, upon accepting membership in this statutory committee, must:*

- a) Resign from any other statutory committee.***
- b) Step down as Chair or head of any other City committee, board, task force, etc., but may retain membership on other committees, boards, task forces, etc., if desired.***

The draft amendment is to be forwarded to City Council with a recommendation to approve. The motion was seconded by Councilmember Erickson and **passed** by a **voice vote of 3 to 1** with Chair Fults voting “no”.

Mr. Geisel stated that since the bill was read once at City Council, the draft amendment will show up as a green sheet.

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the December 7, 2009 City Council Meeting. See Bill #

[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works, for additional information on Bill No. 2758.]

III. NEW BUSINESS

A. Sanitary Sewer Lateral Repair Policy & Procedures – Proposed Revisions

STAFF REPORT

Brian McGownd, Public Works Director/City Engineer, stated that back in 2003, the policy/procedures document for the Residential Sanitary Sewer Lateral Repair Program was reviewed to require the homeowner to solicit three bids for each submitted application for the repair of their lateral line. The intent was to obtain better pricing for each repair.

Contractors would bid on each individual job, thus providing a better price than the unit bid price that we obtain on an annual basis for all repairs. The revised policy allowed the City to waive the bidding requirements if an emergency existed, and have the City's contractor to repair the line as soon as possible, thus eliminating the bidding process, which could take several weeks.

Since the revised policy took effect, it has become evident that the new procedure has not been working as intended. It has been determined that practically all of the homeowners who submit applications only do so when they have a major problem with their lateral. In order to eliminate the possibility of a major backup of sewage in their basements, we waive the bidding requirements, and have our contractor repair the lateral as soon as possible. Although the owners are relieved not to have to solicit bids, there always is some confusion regarding the exact procedure that they are required to follow. Almost universally, the residents ask for the City to use the emergency procedures and use the pre-approved contractors to remedy their sewer lateral problems.

Therefore, Staff has revised the policy/procedures to remove the requirement that the owner solicit bids. The owner will have the option to solicit bids if they choose; otherwise, all repairs will be made by the City's contractor. We feel that this revision will eliminate some confusion, will allow the repairs to be expedited regardless of the severity of the problem. It is estimated that 95% of all the repairs need to be addressed immediately.

It was noted that the homeowner expenses are allowed up to \$15,000.

Councilmember Flachsbart made a motion to approve Staff's recommended revisions to the Residential Sanitary Sewer Lateral Repair Program Policy & Procedures to remove the requirement that a homeowner solicit bids for the program. The motion was seconded by Councilmember Casey and passed by a voice vote of 4 to 0.

It was noted that the Committee has the authority to amend the Policy/Procedures per Ordinance 1814, which established the program.

B. Amendment to City of Chesterfield Zoning Ordinance Section 1003.210 "Fees"

STAFF REPORT

Shawn Seymour, Project Planner, explained that Staff is requesting to modify the "Fees" chapter of the Zoning Ordinance. This decision is based on the fact that over the past year, the cost to advertise for public hearing petitions has skyrocketed. This is mainly due to the fact that the Suburban Journal, which is one of the papers we are required to advertise in, has more than doubled their advertising fees.

This is coupled with the fact that the City has not increased the fee for petitions which require a public hearing in over five years. Therefore, Staff is proposing a flat fee of \$250 for an Application Review Fee; and a Public Hearing Petition Fee that would be equal to the direct cost to the City for advertising in both the St. Louis Countian and the Suburban Journal.

Question was raised as to why the City has to advertise in the St. Louis Countian and the Suburban Journal. Mr. Geisel clarified that there is a City Council policy that dictates advertising in those two publications. However, Staff welcomes direction to review that policy and to compare it with State Statutes.

Councilmember Flachsbart made a motion to direct Staff to review the City's current policies and statutory requirements for public notification and advertisement in all areas and to report back to this Committee. The motion was seconded by Councilmember Casey and **passed** by a voice vote of 4 – 0.

Mr. Seymour stated that the City does not currently require a filing fee for applications for site plan review, which is unlike the surrounding municipalities, municipalities both throughout the state and nationally. The proposed fees are based upon research collected from neighboring communities as follows;

- A full review fee of \$150.00 for any site plan, site development plan, site development concept plan, and site development section plan regardless of development size.
- A plat review fee of \$50.00 for any landscape plan, tree preservation plan, tree stand delineation, lighting plan and architectural elevations, which are not part of an existing site plan review.

Chair Fults questioned the cost pertaining to smaller projects; such as a lot split. Mr. Seymour responded that there is already a \$50.00 plat review fee in place.

Councilmember Casey made a motion to forward to City Council with a recommendation to approve the proposed Ordinance, which includes Staff's modifications to the fee schedule in the City of Chesterfield Zoning Ordinance.

The motion was seconded by Councilmember Erickson

Discussion on the Motion

There was additional discussion as to why the City has to advertise in a "print" publication and recognition that online news sites are taking the place of newspapers. Mr. Geisel noted that it is required by State Statute to put legal notice in a paper of general circulation. The City also sends notifications to subdivision trustees within one mile of the subject site and residences within 225 feet, posts notices on the site and on the City's website.

Councilmember Flachsbart feels that it would be adequate to advertise in one newspaper and one online site.

Mr. Herring mentioned that he serves on the Legislative Affairs Committee for St. Louis County Municipal League and has helped draft legislation to eliminate the requirement to advertise in a paper of general circulation.

Below is cost information on recent projects which have required a public hearing.

<i>Project Name</i>	<i>Cost to advertise in St. Louis Countian</i>	<i>Cost to advertise in Suburban Journal</i>	<i>Total Advertisement Cost paid by the City</i>	<i>Fee Paid to the City</i>
<i>Jim Lynch Hummer CUP Request</i>	<i>\$112.00</i>	<i>\$501.36</i>	<i>\$613.36</i>	<i>\$500.00</i>
<i>Villages at Kendall Bluffs</i>	<i>\$93.80</i>	<i>\$751.45</i>	<i>\$845.25</i>	<i>\$425.00</i>
<i>Boyde Estates (15150 Highcroft)</i>	<i>\$61.60</i>	<i>\$451.16</i>	<i>\$512.76</i>	<i>\$425.00</i>
<i>Stallone Pointe</i>	<i>\$117.00</i>	<i>\$502.00</i>	<i>\$619.00</i>	<i>\$350.00</i>
<i>Four Seasons West</i>	<i>\$74.20</i>	<i>\$648.86</i>	<i>\$723.06</i>	<i>\$430.00</i>
<i>Chesterfield Village parcels C-119&C-148</i>	<i>\$284.00</i>	<i>\$622.00</i>	<i>\$906.00</i>	<i>\$560.00</i>
<i>New Kinkead Estates (Burnley Tract)</i>	<i>\$114.80</i>	<i>\$515.80</i>	<i>\$630.60</i>	<i>\$350.00</i>

Councilmember Erickson feels that since the mass media is changing, the City should take adequate steps to notify the citizens in the best way possible.

Councilmember Flachsbart would like to expand the notification from 225 feet to 1,000 feet. In addition, he likes the trustee notifications, which shows the residences that the City is looking out for their best interest. Mr. Geisel reminded the Committee that postage is now \$0.44.

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

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the December 7, 2009 City Council Meeting. See Bill #

[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works, for additional information on Amendment to City of Chesterfield Zoning Ordinance Section 1003.210 "Fees".]

A. 2010 P &PW Committee Meeting Schedule

Councilmember Casey made a motion to approve the 2010 P&PW Committee Meeting Schedule.

Staff has prepared the meeting schedule using the list provided for religious holidays.

Chair Fults would like to delete the July 8, 2010 meeting since there will not be a July 5th City Council meeting, which will allow Staff and Council additional vacation time.

Councilmember Flachsbart amended the original motion to delete the July 8, 2010 meeting. The motion was seconded by Chair Fults and **passed** by a voice vote of 4 to 0.

The Committee then approved the 2010 P&PW Committee Meeting Schedule, as amended, by a voice vote of 4 – 0.

D. Use of Planning & Development Services employees to study revenue-generating capacity of City properties.

Councilmember Erickson noted that the City has a very talented Planning & Public Works Staff who may have some current capacity to consider and present any ideas on how to generate revenue through recently acquired City-owned properties. After discussions with trustees and residents, examples are provided;

1. Outdoor Market (Doorack property) – present to a local market the option to lease land,
2. Dog Park (Eberwein property) – payment of fees for use of the park,
3. Amphitheatre property – concert series sponsorship.

Instead of assigning Planning Staff to research “Special Projects”, Mr. Herring stated that he would look into the mechanics of how to get it done. He added that he thinks this is a wonderful idea.

The Committee felt that it is worth investigating.

Mr. Geisel noted that depending on the project, such as a Farmers Market, zoning requirements need also to be considered. A commercial activity cannot be allowed on a parcel that might subsequently impact the zoning of adjacent properties.

Noting the tremendous amount of work that the Planning Staff has done over the past year, Chair Fults asked if Staff is “catching up” on all the major projects. Mr. Geisel stated that since the departments have merged, Staff has had the opportunity to prioritize activities and research projects that Staff did not have an opportunity to consider prior to the merge – such as the Parking Studies, the Unified Development Code, and to expand Code Compliance activities. He assured the Committee that Staff is working at “full tilt” and feels that the City has a very professional and engaged Planning Staff.

Councilmember Flachsbart made a motion to authorize the City Administrator to study the revenue-generating capacity of City properties. The motion was seconded by Councilmember Erickson and **passed by a voice vote of 4 to 0.**

E. WILSON ROAD

Councilmember Nation brought up concerns about Wilson Road with respect to safety improvements at a couple of locations. Mr. McGownd stated that he had spoken to Mr. Nation and noted that these improvements are above and beyond the normal maintenance type.

Mr. Geisel stated that in 1991-92, the City had a \$1.5 million federal grant to design and improve Wilson Road. Money was spent on the design but the residents indicated that they did not want the road improved. He is in agreement with Councilmember Nation that road improvements need to be done but noted that City Council officially took a policy to only allow maintenance of the road.

He further stated that any improvements must be brought up to current standards and even the slightest improvements are expensive. In addition, Wilson Road does not qualify for Federal funding.

Councilmember Nation feels that a guard rail would be appropriate for the bridge and the upper end of the hill on the east side of the road. Mr. McGownd stated that he will look into the matter as to whether it would be warranted to add a guard rail and any additional safety issues. He will also look into the possibility of having Ameren U.E move some of their telephone poles, which are located at the S curve.

IV. ADJOURNMENT

The meeting adjourned at 6:31 p.m.