



RECORD OF PROCEEDING

PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 690 CHESTERFIELD PARKWAY WEST

NOVEMBER 15, 2010

The meeting was called to order at 6:45 P.M.

A roll call was taken with the following results:

PRESENT

ABSENT

Acting-Mayor Barry Flachsbart
Councilmember Matt Segal
Councilmember Bruce Geiger
Councilmember Lee Erickson
Councilmember Mike Casey
Councilmember Randy Logan
Councilmember Bob Nation
Councilmember Connie Fults

Acting-Mayor Barry Flachsbart called the Public Hearing to order. There were 24 people in attendance. Acting-Mayor Flachsbart stated that the purpose of the meeting was to allow for public discussion with regard to the proposed neighborhood improvement assessments in the Chesterfield Hill Neighborhood Improvement District.

Assistant City Administrator for Community Services and Economic Development Libbey Malberg-Tucker reported that the Chesterfield Hill Neighborhood Improvement District was formed by the City on September 1, 2010, pursuant to 67.457.3 RSMo., for the purpose of financing improvements known as the Chesterfield Hill Neighborhood Improvement District Improvement Project (the "Improvements"). The general nature of the Improvements is the remediation of two existing detention facilities, the first located near 1559, 1563 and 1567 Yarmouth Point Drive, and the second located near 1533 and

1537 Candish Lane, all within the Chesterfield Hill subdivision and within the City, as necessary to improve the drainage and detention system and confer other benefits on the properties located within the District that use them, as provided in Section 67.453(5) of the Act.

Mrs. Malberg-Tucker stated that the City received the pre-application in March, 2009. Mrs. Malberg-Tucker said that the City next received a petition from the residents, which was 70% approval of all residents. This was approved by the Finance and Administration Committee on June 22, 2009, which moved the process forward. The subdivision trustees issued an official petition this summer, which gained two-thirds (2/3) of the required petition signatures. City Council passed a resolution in September, 2010, to establish the Chesterfield Hill Neighborhood Improvement District. City Council next passed a resolution in October, 2010, to accept the plans prepared by the City's engineering staff and the construction information, order the assessment roll, prepare the information to notify residents of their assessment, and set this Public Hearing. The Public Hearing information was mailed to each of the residents of the Chesterfield Hill subdivision in October.

Mrs. Malberg-Tucker stated that the estimated maximum cost of the project is \$170,000. The most the residents could be charged is a five percent (5%) interest rate and the payment per lot will be \$90.34 annually over a twenty (20) year period. There is a one-time option for an up front payment of \$1,125. The assessment payment remains with the property owner, even if the property is sold. It is likely the actual costs for the project will be lower when finalized.

Mrs. Malberg-Tucker stated that Bill No. 2815 (Authorizes/directs the establishment of the Chesterfield Hill Neighborhood Improvement District) is scheduled for both first and second reading approval at tonight's City Council meeting since the bids will expire in sixty (60) days from their opening date of October 5. She said that Gansner Excavating is the preferred bidder on this project and Staff is recommending awarding a contract to Gansner Excavating in an amount not-to-exceed \$135,000. Staff will finalize the contracts in early December and the contractor could begin work at the end of 2010 or early January 2011. Once the work is completed, the actual costs will be determined and made available to the public. The City will re-calculate the numbers based on the actual costs and notify the residents of their final fees, which will be billed on their property tax statements issued by St. Louis County. City Council will then consider another ordinance that states the final assessment costs.

COMMUNICATIONS

Acting-Mayor Flachsbart read a list of the following questions from Mr. Ron Bourne, who resides at 1525 Yarmouth Point Drive:

1. When was the actual vote taken for the approval of this project?
 - A. How many yes and how many no votes did we have?
2. How many votes were required to approve this project?
3. Based on homes or homeowners?
4. Did we have a 51% approval? (simple majority)
5. Did we get a 51% approval for the special assessment?

(Again – homes or homeowners?)

6. Does this mean there cannot be any more special assessments for the drainage ponds for the next 20 years?

Mrs. Malberg-Tucker responded that there are 151 lots owned by property owners in the Chesterfield Hill Neighborhood Improvement District and the trustees got 70% approval of the residents as required by the City to bring forth the initial application. After the project was approved, a petition was prepared requiring the trustees to get two-thirds (2/3) approval from the residents, as required by State law. Mrs. Malberg-Tucker recognized Mr. Jim Mello of Armstrong Teasdale and stated that his firm also verified the count on the petitions, which met both qualifications. Mrs. Malberg-Tucker clarified that if a husband and wife jointly own the residence, both the husband and wife had to sign the petition. Further, no additional fees can be added on to the NID at a later date once it is finalized.

Acting-Mayor Flachsbart recognized Mr. Jim Mello of Armstrong Teasdale. Mr. Mello said he is Special Counsel to the City on development issues. Mr. Mello said that State law requires 2/3 of the property owners encompassing 2/3 of the area and both criteria were satisfied by the petition received by the City.

Ms. Diana Rawizza, who resides at 1567 Yarmouth Point Drive, spoke in support of the proposed Chesterfield Hill Neighborhood Improvement District.

Mr. Steve Wuennenberg, who resides at 1571 Foxham Drive, stated he is representing the trustees of Chesterfield Hills Subdivision and supports the proposed Chesterfield Hill Neighborhood Improvement District. Mr. Wuennenberg thanked Mrs. Malberg-Tucker for her help on this project.

Councilmember Randy Logan commended Staff, the trustees, and the residents of Chesterfield Hill Subdivision for their cooperation and work on this project.

ADJOURNMENT

There being no additional public discussion or comment, Acting-Mayor Flachsbart adjourned the meeting at 7:00 p.m.

Acting-Mayor Barry Flachsbart

ATTEST:

Judith A. Naggiar, City Clerk