

DATE: **October 1, 2003**

TO: **Michael G. Herring, CA**

FROM: **Brian McGownd, DDPWACE**



SUBJECT: Meeting Minutes, PW\Parks 9/11/03

A meeting of the Public Works/Parks Committee began at 5:40 p.m. on Thursday, September 11, 2003. Councilmembers in attendance were Chairperson Connie Fults (Ward 4), Barry Flachsbart (Ward 1), Bruce Geiger (Ward 2), and Mike Casey (Ward 3). Also in attendance were, Mayor John Nations, Councilmember Durrell (Ward 1), Councilmember Hurt (Ward 3), Councilmember Brown (Ward 4), Mike Herring – City Administrator, Brian McGownd - Deputy Director of Public Works\Assistant City Engineer, and Darren Dunkle - Superintendent of Parks, Recreation and Arts. Several other people were in attendance. A copy of the attendance list is attached to these minutes.

The meeting was called to order at 5:40 p.m.

*** To be discussed at 10/8/03 meeting of City Council.**

Agenda Item #1: Councilmember Casey motioned to accept the meeting minutes of the PW\Parks Committee from June 9, 2003, as submitted. Councilmember Geiger seconded the motion. The motion passed unanimously, 4 – 0.

Agenda Item #3: Councilmember Hurt stated that the subject repairs were made in the Baxter Lakes Addition II Subdivision, not in Claymont Lakes as listed on the agenda. He said that back in 1991 a trustee for the subdivision had met with the City Engineer, and that they had developed a map that showed which storm sewer lines located in the subdivision were the City's responsibility to maintain, per City policy, and which were the subdivision's responsibility to maintain. He said since the development of this map, the subdivision has repaired several lines that were shown on the map to be the subdivision's responsibility. He stated that in March of this year, the subdivision repaired a storm sewer located at 14827 Pheasant Hill Court, at a cost of \$6,500. He said that after the repair was completed, Mr. Bill Gentry, a trustee for the subdivision, discovered that the map was incorrect, and the line that was repaired was actually a line that, per City policy, was the responsibility of the City, not the subdivision. Councilmember Hurt said that upon discovering the error, Mr. Gentry met with Mr. McGownd regarding the possibility of the City reimbursing the subdivision for the cost of the repair. He said that Mr. Geisel stated in a letter to Mr. Gentry that the City could not reimburse the subdivision for several reasons; storm sewers are the ultimate responsibility of MSD, the City did not have the benefit of reviewing the line before it was repaired and therefore, could not prioritize any necessary repair, the City's procurement procedures were not followed, and the 2003 Budget did not included any funding for the repair. In response to a question from the Committee, Mr. Gentry stated that competitive bids were not sought. Councilmember Flachsbart stated that he was sympathetic to the subdivision's position, but was concerned with setting a precedent. He said that by seeking competitive bids, the cost of repair would have probably been less. Therefore, he would be in favor of a compromise regarding the amount of the reimbursement, possibly 80% of the cost of the repair. After some additional discussion, **Councilmember Casey motioned to reimburse the Baxter Lakes Addition II Subdivision 100% of the cost that the subdivision incurred for the repair of the storm sewer line at 14827 Pheasant Hill Court, with the funds being taken from the 2004 Budget. The motion died due to a lack of a second.** Councilmember Geiger stated that he was in agreement with Councilmember Flachsbart regarding setting a precedent, and was in favor of considering

reimbursing a percentage of the repair cost rather than the full amount. After additional discussion, **Councilmember Flachsbart motioned to recommend that, subject to Staff inspecting the repair, the City reimburse the Baxter Lakes Addition II Subdivision 80% of the cost the subdivision incurred for the repair of the storm sewer line at 14827 Pheasant Hill Court less the amount expended by Staff to inspect the repair, with the funds being taken from fund reserves, and to forward said recommendation to City Council for further consideration. Councilmember Casey seconded the motion, which passed unanimously, 4 – 0.**

Agenda Item #2a: Ms. Stacey Morse, Executive Director of Chesterfield Arts, spoke to the Committee about the economic impact/benefit that art has on the local area. She said that they had a limited budget and had to be creative with the funds they were given. She listed a number of communities in the area and the amount they donated to their local arts organization. Councilmember Flachsbart reminded everyone that most of the municipalities listed were point of sales cities, and that Chesterfield was a pool city, and therefore, did not have as much revenue to work with. Discussion ensued regarding funding levels. Councilmember Casey stated that the City currently provides \$5,000 to Chesterfield Arts, and that he felt it would be appropriate to increase this amount to \$15,000. After additional discussion, **Councilmember Casey motioned to direct Staff to include \$15,000 for Chesterfield Arts in the 2004 Budget which would be submitted to City Council for their consideration. Chairperson Fults seconded the motion.** Councilmember Geiger stated that he would prefer not to include this in the 2004 Budget, but to list this separately as an additional program, which the City Council would consider whether or not to include in the 2004 Budget. Additional discussion ensued. **Councilmember Geiger called the question. Councilmember Flachsbart seconded the motion, which failed 2-2, with Chairperson Fults and Councilmember Casey voting in opposition.** Discussion continued with regard to the original motion. After additional discussion, **the Committee then voted on the original motion, which failed 2-2, with Councilmember Flachsbart and Councilmember Geiger voting in opposition. Councilmember Geiger made a motion to direct Staff to add funding Chesterfield Arts with an additional \$10,000 onto the list of additional programs that will be submitted to City Council for their consideration for inclusion in the 2004 Budget. Councilmember Flachsbart seconded the motion, which passed unanimously, 4 – 0.**

Agenda Item #2c: Mr. Dunkle gave a brief summary of the chapters. After some discussion, **Councilmember Flachsbart motioned to accept Chapters 3, 4, 6 & 7 of the Parks Master Plan, as prepared by Staff, recognizing that all of the recommendations contained in the chapters may not be followed, and will be considered at a later date. Councilmember Casey seconded the motion.** Additional discussion ensued regarding maintenance and funding. **The motion passed unanimously, 4– 0.** Councilmember Flachsbart commended Mr. Dunkle and his staff for the outstanding job that they did on preparing the master plan documents.

Agenda Item #2b: Mr. Dunkle summarized the various admission fees charged by the City of Chesterfield, and the City of Ballwin for each municipality's swimming pool. After a brief discussion, **Councilmember Geiger motioned to receive and file the information. Councilmember Flachsbart seconded the motion, which passed unanimously, 4-0.**

***Agenda Item #2d:** Mr. Dunkle summarized Staff's request regarding the extension of the current contract with Midwest Pool Management for the operation of the Chesterfield Family Aquatic Park. After some discussion, **Councilmember Flachsbart motioned to recommend that the current contract with Midwest Pool Management for the operation of the Chesterfield Family Aquatic Park be extended for a period of one year, and to forward said recommendation to City Council for further consideration. Councilmember Geiger seconded the motion, which passed unanimously, 4-0.** Mr. Dunkle summarized Staff's request regarding the extension of the current contract with Ballpark Concessions for the concession operation at both the Chesterfield Valley Athletic Complex and the Chesterfield Family Aquatic Park. After some discussion, **Councilmember Flachsbart motioned to recommend that the current contract with Ballpark Concessions for the concession operation at both the Chesterfield Valley Athletic Complex and the Chesterfield Family Aquatic Park be extended for a period of one year, and to forward said recommendation to City Council for further consideration. Councilmember Geiger seconded the motion, which passed unanimously, 4-0.**

Agenda Item #2e: Mr. Dunkle stated that the Chesterfield Athletic Association donated \$10,000 to the Chesterfield Valley Athletic Complex. He said that the CAA specifically requested that a portion of the donation be used to purchase and install bat/helmet holders in the dugouts, with the remainder of the funds being used at the City's discretion for baseball/softball field improvements. Mr. Dunkle said that the remaining funds would be used to laser grade and sod the infield of field 2. **Councilmember Flachsbart motioned to accept the CAA's donation, and to use the funds as stipulated by the CAA and Staff. Councilmember Casey seconded the motion, which passed unanimously, 4-0.**

Agenda Item #4: Councilmember Flachsbart stated that he had received some calls from residents inquiring about the City providing tree limb removal for residents. He said that he has informed the residents that, per current City policy, City crews will pick up and chip tree limbs that are left at the curb, however, this will only be done in areas where City crews are trimming trees. The Committee discussed the current policy, and after the discussion, **Councilmember Flachsbart motioned that the City's current tree limb policy be retained. Councilmember Geiger seconded the motion, which passed unanimously, 4-0.**

Agenda Item #5: The Committee discussed the City's current standards for public and private streets. Mr. McGownd stated that, per the subdivision ordinance, all streets, regardless if they are to be private or public, are required to be built to public standards. After some discussion, it was determined that the only reason a development would consider private streets was if they wanted the development to be a gated community. Gates would be allowed on a private street, but would not be allowed on a public street. Discussion ensued regarding the City's policy for accepting an existing private street as a public street. Mr. McGownd stated that he was not aware of an official City policy regarding this matter, but was told by Mr. Geisel that some sort of policy on this issue exists, and in fact, has been followed in the past. **Councilmember Geiger motioned to direct Staff to investigate whether or not a policy regarding the acceptance of an existing private street as a public street exists, and if so, place the policy on the next agenda for discussion. If such a policy does not exist, then Staff is directed to develop a policy for the Committee's review. Councilmember Casey seconded the motion, which passed unanimously, 4-0.**

- * **Agenda Item #6:** After a brief discussion, **Councilmember Flachsbart motioned to recommend that the City reimburse the Monarch-Chesterfield Levee District for the design and construction of low flow pumps, at each of the three existing stormwater pump stations, with funds coming from the TIF Projects Fund, in an amount not to exceed \$225,000, and to forward to City Council for further consideration. Councilmember Casey seconded the motion, which passed unanimously, 4-0.**

- * **Agenda Item #7a:** Councilmember Flachsbart stated that the Public Works Citizens Advisory Group had reviewed the City's policy and procedures regarding the Residential Sanitary Sewer Lateral Repair Program, and had recommended several revisions, with the main revision being in regards to who is responsible for hiring the contractor and managing the work. He said the new policy and procedures would require the property owner to solicit bids, hire a contractor and manage the work. He said the City would pay for the work. He also stated that Staff had prepared a list of contractors and had prepared a package of information that would assist the property owner. He said the benefits of revising the policy and procedures included lowering repair costs and reducing the amount of time that Staff spends administering the program. After a brief discussion, **Councilmember Flachsbart motioned to recommend that the policy and procedures of the Residential Sanitary Sewer Lateral Repair Program be revised per the recommendation of the Public Works Citizens Advisory Group, and to forward this item to City Council for further consideration. Councilmember Geiger seconded the motion, which passed unanimously, 4-0.** Councilmember Flachsbart told the Committee about all of the hard work that the PWCAG had put into this issue, and how they had spent a significant amount of time in reviewing the program and coming up with the revisions to the program's policy and procedures. **Councilmember Flachsbart motioned to thank the Public Works Citizens Advisory Group for all of their hard work that they put into this issue, and to extend the Committee's appreciation for their dedication to the City of Chesterfield. Chairperson Fults seconded the motion, which passed unanimously, 4-0.**

- * **Agenda Item #7b:** Councilmember Flachsbart explained that the PWCAG had investigated the possibility of the City recovering all costs associated with administering the sewer lateral program. He said that the Missouri State Statute, that sets up the program, allows for the governing agency to recover administrative costs. Mr. McGownd stated that Mr. Beach had reviewed this issue and concurred, that legally, the City could recoup all administrative costs. After a brief discussion, **Councilmember Flachsbart motioned to recommend that the City recover all costs associated with administering the Residential Sanitary Sewer Lateral Repair Program, effective immediately, subject to a positive balance in the fund, and to forward to City Council for further consideration.** Councilmember Geiger asked what the definition of administrative costs is. After some discussion, Mr. McGownd said that he would provide that information to City Council before the next meeting. **Councilmember Casey seconded the motion, which passed unanimously, 4-0.**

- * **Agenda Item #8:** Chairperson Fults explained that MoDOT had already erected the signs, and that this ordinance was necessary to make the restriction official. After a brief discussion, **Councilmember Casey motioned to recommend that parking be restricted on the Olive Boulevard South Outer Road, from Route 340 to Toreador, and that the appropriate ordinance be forwarded to City**

Council for further consideration. Councilmember Flachsbart seconded the motion, which passed unanimously, 4-0.

- * **Agenda Item #9:** Mr. McGownd summarized the changes that were made to the grading ordinance. He said that the revised ordinance conforms to the EPA's Phase II Storm Water Regulations, as well as, to the St. Louis County Storm Water Management Plan. After a brief discussion, **Councilmember Flachsbart motioned to recommend approval of the revised Chapter 12 of the City Code, and to forward the ordinance to City Council for further consideration. Councilmember Casey seconded the motion, which passed unanimously, 4-0.** Discussion ensued regarding violations that occur on sites undergoing development, particularly regarding siltation that leaves the site. After further discussion, **Councilmember Flachsbart motioned to urge the City Administrator to investigate how the City can effectively address violations to the grading ordinance, with the goal of reducing multiple violations of the same nature, on the same site. Councilmember Geiger seconded the motion, which passed unanimously, 4-0.**

- * **Agenda Item #10:** Chairperson Fults explained that the City had previously approved a reimbursement of \$49,966 for this project. She stated that recently, it was determined that an existing gas main would have to be relocated. Therefore, the cost of the project would increase. She said that THF has requested that the reimbursement amount be increased to \$66,122.50. After a brief discussion, **Councilmember Flachsbart motioned to recommend that the City increase the reimbursement from \$49,966 to a not to exceed amount of \$66,122.50, for the construction of three stormwater pipes underneath Chesterfield Airport Road, and to forward this item to City Council for further consideration. Councilmember Casey seconded the motion, which passed unanimously, 4-0.**

Agenda Item #11: Councilmember Geiger summarized the events regarding a development along Conway Road where blasting was to occur, and how the nearby residents were poorly notified and informed of the proposed blasting activity. After a brief discussion, **Councilmember Geiger motioned to direct Staff to develop a policy regarding notifying residents of any proposed blasting activity associated with the construction of nearby developments, and to place the proposed policy on the next meeting agenda for the Committee's review. Councilmember Flachsbart seconded the motion, which passed unanimously, 4-0.**

Agenda Item #12: Mr. McGownd briefly summarized Staff's request regarding attaching the escrows for 10 subdivisions. He stated that the City's policy regarding escrow attachments allowed Staff, with the permission of the Committee, to expedite the work in those situations that were determined to be time sensitive, and needed to be repaired as soon as possible. He said in this case, Staff would not seek competitive bids for the work, but would utilize the City's emergency procurement procedures to have the work done as soon as possible. He asked that this be allowed for the Stonehill development. After a brief discussion, **Councilmember Flachsbart motioned to attach the escrow for the developments listed in Ms. Hubert's memo dated August 28, 2003, and to authorize Staff to follow the procedure outlined in Section V, Paragraph C of the City's Policy Statement No. 32, Procedure for Escrow Extension/Attachment, regarding the attachment of the escrow associated with the Stonehill development, Villages A, B and C. Chairperson Fults seconded the motion,**

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which passed unanimously, 4-0.

Agenda Item #13a: Councilmember Hurt congratulated Councilmember Flachsbart for being named the Chairman of the Department of Information Science and Technology at the University of Missouri at Rolla.

Agenda Item #13b: Chairperson Fults told the Committee about all of the hard work the members of the Public Works Board of Variance performed regarding a recent variance request that was brought to them. She thanked the PWBOV for their hard work and dedication to the City.

The meeting was adjourned at 7:50 PM.

The next meeting of the PW/Parks Committee is scheduled for November 19, 2003, at 5:45 p.m. in Conference Room No. 102 and 103 located at City Hall.

cc: Mayor John Nations
Department Heads/Executive Staff