



Work Session Agenda
BOARD OF ALDERMEN
CITY OF PARKVILLE, MISSOURI
February 7, 2017; 6:00 p.m.
City Hall Boardroom

1. GENERAL AGENDA

- A. Development Fee Structure for Public Works-related Items
- B. Smoke Free Park Areas

CITY OF PARKVILLE **Policy Report**

Date: February 1, 2017

Prepared By:
Alysen Abel
Public Works Director

Reviewed By:
Tim Blakeslee
Assistant to the City Administrator

ISSUE:

Discuss the revised proposal for a new development fee structure for Public Works related items.

BACKGROUND:

Developments are reviewed at the rezoning, preliminary development plan, final development plan, preliminary plat and final plat stages. Community Development and Public Works staff members review these applications prior to Planning & Zoning Commission and Board of Aldermen approvals. Public Works staff reviews the design of the public infrastructure associated with residential and commercial development projects which could include streets, storm sewer and sanitary sewer. Private infrastructure, such as stormwater detention and stormwater treatment facilities, is also reviewed by Public Works staff to make sure these improvements are in accordance with engineering standards. Public Works staff performs construction inspections for the public and private improvements.

The following outlines the City's current fee structure related to Public Works related items:

- Sewer Fees: The sewer tap (\$1,500) and sewer impact (\$1,400) fees are collected on residential and commercial developments with City-owned sanitary sewer. The purpose of the sewer fees is to cover the property's impact to the sewer based on the additional sewage introduced into the system. The sewer fees are collected with the building permit and the revenue is held in the Sewer Fund, which are used for plant maintenance.
- Public Improvement Fees: The public improvement fees are based on the square footage of residential properties (\$26.49 per 1,000 square foot) or commercial properties (\$19.68 per 1,000 square foot). The purpose of the improvement fees is to cover the plan review and inspections associated with the construction of the public improvements. The fees are collected prior to platting and the revenue is held in the General Fund. In some cases, the public infrastructure is constructed prior to final platting.
- Grading and Land Disturbance Permit: The grading and land disturbance permit is issued prior to the building permit issuance or approval of public improvement plans. This allows the contractor to perform clearing and grading operations. The fees are based on the amount of land disturbed, with the maximum permit fee set at \$75.00. The purpose of the permit fee is to cover the plan review and inspections associated with the land disturbance. The fees are collected with the permit application and the revenue is held in the General Fund.
- Right-of-Way Permit: The right-of-way permit is issued to contractors or utility companies who perform work within the City's right-of-way. The permit fee is \$10.00, regardless of the amount of work performed. The City collects a \$500 maintenance bond per permit issued. The purpose of the permit fee is to cover the administrative costs to issue the permit. The fees are collected with the permit application and the revenue is held in the General Fund.

ITEM 1A

For 02-07-17

Board of Aldermen – Work Session

On June 6, 2016, staff invited developers, contractors, engineers and other municipalities to a meeting to discuss the proposal for the new development fee structure. Based on the feedback from the meeting, staff made modifications to the proposal. The following outlines the concerns expressed during the meeting:

- Timing of the proposed fee structure. The developers were concerned that there would be a drastic change in the development fee structure. Staff plans to ease into the transition of the development fee structure over time, instead of making all the changes at once. Staff will send notices to developers and contractors, as well as host a public meeting, to outline the new structure. Staff suggests making the changes effective March 1, 2017, to allow any existing developments to be completed under the existing fee schedule.
- Sudden increase in fees. The developers feel that they pay fair fees related to subdivision construction. The intent with the change in the development fee structure is to cover staff's time related to engineering plan review and construction inspection. Staff reviewed the construction cost and fee structure for a recent development, the current fee structure covers approximately 1.5% of the construction costs. At the meeting, staff's original proposal included charging a permit fee of 4% of the construction costs for engineering plan review and construction inspection. Since the meeting, staff revised the proposal to 3% of the construction costs. Further, staff plans to evaluate the fee structure again in two years to determine if the fees collected cover staff resources expended. The current fee structure, which is based on square footage of residential and commercial properties, would need to be repealed.
- Timeframe of reviews. The developers were concerned with the turnaround time for plan reviews. Although this was not related to the development fee structure, Public Works will develop a departmental policy that addresses the maximum length of time to perform engineering plan reviews.

At the development fee work session with the Board of Aldermen held on September 6, 2016, staff presented their original recommendation that included:

- Update the Public Improvement Permit Fee based on 3% of the construction costs for engineering plan review and construction inspection, with a minimum fee of \$50.00.
- Repealing the existing Public Improvement Fee based on lot area.
- Require an Erosion and Sediment Control Surety for all land disturbances over 1 acre, with a surety amount based on the amount of land disturbed. The surety would be returned to the developer upon successful stabilization of the disturbed area.
- Develop a testing frequency chart for construction materials testing.
- Require the developer to reimburse the City for costs to hire a third-party testing professional for the construction materials testing, in accordance with the construction materials testing frequency chart.
- Develop a Right-of-Way Permit program that has a variable rate based on the work being done in the right-of-way.
- Develop a strategy to disseminate the information to the development community regarding the new Public Works fee structure.

ITEM 1A

For 02-07-17

Board of Aldermen – Work Session

During the work session, the Board of Aldermen discussed issues of concern with the staff. The issues and responses are summarized in Attachment 1.

Staff held one-on-one meetings with the three prominent developers in the community following the first work session. During the meetings, staff presented the 4% fee structure proposal with the inclusion of the construction materials testing. The developers requested that their recent projects be calculated based on the old and new development fee structure.

Staff reviewed two recent residential developments to determine the fees under the current and proposed structures. One of the developments sanitary sewer infrastructure maintained by the City (Cider Mill) and the other has the sanitary sewer maintained by Platte County Regional Sewer District (Thousand Oaks 20th Plat):

Cider Mill 6th Plat:

Current Fee Structure:

- 338,849 sf of lots x \$26.49/1,000 sf = \$8,976.11
(This represents about 1.8% of infrastructure costs)

Proposed Fee Structure:

- \$497,700.98 (street, storm & sanitary) x 4% = \$19,908.04

Thousand Oaks 20th Plat:

Current Fee Structure:

- 484,961 sf of lots x \$26.49/1,000 sf = \$12,846.62
(This represents about 4.9% of infrastructure costs)

Proposed Fee Structure:

- \$263,488.85 (street & storm) x 4% = \$10,539.55

At the sewer rate hearing on January 17, 2017, staff presented the effect of increasing the sewer tap and sewer impact fees by \$500. Staff researched the sewer connection fees in other communities and sewer districts. Based on staff's analysis, Parkville is about average compared to other communities. Attachment 1 includes the sewer connection fees for the other communities and sewer districts.

BUDGET IMPACT:

The approval of a new development fee structure for public improvements will have a positive effect on the budget. The proposed charges are comparable to peer communities and will ensure that developers cover the cost for the staff time required to review the engineering plans and perform the necessary construction inspections.

The existing total sewer connection fee is \$2,900. With an increase of \$500, the total sewer connection cost would be \$3,400. The projected budget impact would be a revenue increase of approximately \$11,000 in 2017.

ALTERNATIVES:

1. Direct staff to finalize an ordinance with the new development fee structure as outlined in the staff report.
2. Provide direction to the staff associated to the development fee structure.
3. Do not approve the new development fee structure.

STAFF RECOMMENDATION:

Staff recommends that the Board of Aldermen direct staff to finalize an ordinance to implement the new development fee structure as outlined by staff:

- Update the Public Improvement Permit Fee based on 4% of the construction costs for engineering plan review and construction inspection, with a minimum fee of \$50.00. Repealing the existing Public Improvement Fee based on lot area.
- Increase the Sewer Connection Fee by \$500, with the total cost of \$3,400.

POLICY:

Although there is no specific statutory requirement, fees are typically codified by ordinance to ensure enforcement. Section 105.160 of the Municipal Code gives the Board of Aldermen the authority to levy and collect all taxes and licenses, which is interpreted to extend to all administrative fees. Section 800.010 of the Municipal Code establishes the Schedule of Fees which may be adopted or amended, from time to time, by resolution. The fees will be referenced in the Municipal Code and set in the Schedule of Fees by resolution on March 7.

SUGGESTED MOTION:

As this is a work session, no motion is necessary.

ATTACHMENTS:

1. Summary of 9/6/16 Work Session
2. Sewer Connection Table

Notes from the September 6, 2016 Work Session

1. **Repeat Inspection / Plan Review** – There was discussion about the repeat inspections and plan reviews on development projects that consume staff's time.

One of the goals of the new development fee structure is to provide the development community with predictability with respect to fees. During the planning stage of the project, the developer can easily calculate their development fees based on the total infrastructure construction costs.

Public Works staff is not aware of issues with developers or contractors taking advantage of Parkville staff. Community Development currently requires a re-inspection fee for Occupational Inspections only, which is \$25.00.

At this time, staff does not recommend a fee structure that includes fees on the Public Works related repeat inspections and excessive plan reviews. If there is an issue in the future, staff can bring a recommendation to the Board to incorporate additional fees.

2. **Maintenance Agreement** – There was discussion about who is responsible for the maintenance of private areas, such as detention ponds.

Stormwater detention and stormwater treatment facilities are private infrastructure that is constructed by the developer. For a standard subdivision, the private facilities should be maintained by the developer initially, and then transferred to the homes / business association, at which time one is created.

Staff recommends creating a standard form maintenance agreement for stormwater detention and stormwater treatment areas. The agreement would (1) outline the proper maintenance for the area; (2) name the property owners (and their successors) who are responsible for the maintenance; and (3) allow the City the right to take enforcement action if the area is not properly maintained.

Staff will work with the City Attorney to develop a standard form maintenance agreement. The agreement can be developed outside of the development fee structure.

3. **Performance Measures** – There was discussion about methods of keeping track of plan reviews and turn-around times associated with the plan reviews.

The Public Works staff will develop a department policy that includes performance management goals, which include the standard turn-around time for plan reviews. The projects can be tracked in a spreadsheet or database program. The software can track the number of business days for a single plan review, as well as number of reviews performed prior to permit issuance.

The discussion also included the possibility of expedited plan review fee structures. Staff does not have the current capacity to expedite plan reviews without having an impact to basic City services. Staff is currently developing on a Request for Proposal (RFP) for several professional services, including engineering plan review. When staff receives a request from a developer for expedited plan review, staff can contact one of the engineering firms selected to solicit a quote. The direct cost of plan review can be passed onto the developer.

Staff recommends developing a development agreement or memorandum of understanding between the City and Developer that outlines the financial arrangement. The agreement can be developed outside of the development fee structure.

4. Payment of Fees – There was discussion about the timing associated with the receipt of payment of the public improvement fees. There was concern expressed if the project was not constructed.

One recommendation that staff developed was to collect 50% of the fee with the permit application (prior to plan review), and remaining 50% prior to issuance of a permit. By collecting the fees up-front, the City can cover the staff costs associated with plan review and permit fee issuance. The subsequent fee would cover the construction inspection.

During meetings with the development community following the first work session, staff presented the payment sequence. There was some concern raised by the development community that the developer bears a large investment at the start of a project. In light of that information, staff revised the recommendation to accommodate the developer's investment while covering the City's costs.

Staff recommends that the fee structure include collecting 25% of the fee with the permit application; 25% prior to issuance of the permit; and the remaining 50% prior to acceptance of the public infrastructure.

5. Public Improvement Fee – There was discussion about the amount of the Public Improvement fee.

Staff's original recommendation to the Board of Aldermen during the first work session included a public improvement fee of 3% of the infrastructure construction costs, with the recommendation that the fee structure be reviewed after 2 to 3 years of implementation. During the work session, the Board discussed setting the fee at a higher level (between 4% and 5%) from the beginning, instead of phasing the fee increase over time. Based on the recommendation from the Board, staff reviewed the proposal for the public improvement fees and is comfortable increasing the fees to 4% of the infrastructure construction costs.

Construction material testing of concrete and asphalt materials on the public improvement projects is another area of concern for staff. Some communities require that the developer contract with a third-party consulting firm for the construction materials testing. Staff's concern with this arrangement is that the City does not have direct control over the quality and frequency of the testing. Further, it is difficult for City staff to obtain testing reports from these third party testing professionals, since the City is not their client. To help justify the increased public improvement fee structure, staff recommends that the City include the construction materials testing with the public improvement fee. This will allow the City control of the testing. Based on a recent development application, the construction material testing represented about 1% of the total infrastructure costs.

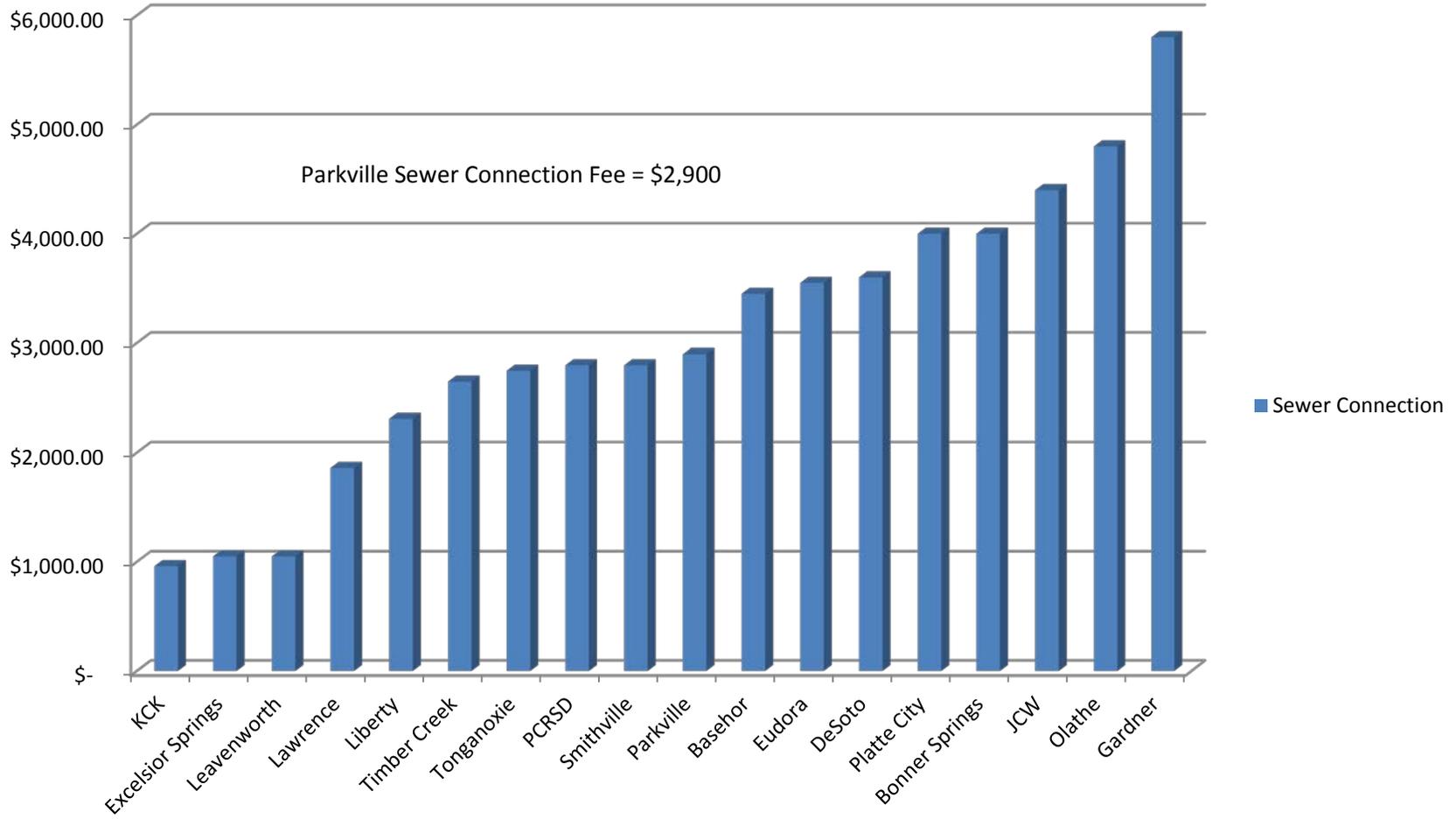
6. Existing Projects – There was discussion about the timing of the new fee structure with respect to existing projects.

If directed by the Board of Aldermen, staff can present the first reading of the development fee ordinance on February 21st, with the second reading on March 7th.

The development fees will be added to the Schedule of Fees and removed from the various sections of the Code. The Code will be revised to reference the Schedule of Fees, which will require an ordinance. The resolution approving the Schedule of Fees will be approved with the second reading, as a separate agenda item.

Staff recommends delaying the start date of the development fees related to public improvements until April 1st. Any applications for public improvement permits submitted after April 1st would be subject to the new development fee structure.

Sewer Connection Fees



CITY OF PARKVILLE
Public Input Material

Date: Tuesday, January 31, 2017

PREPARED BY:

Tim Blakeslee
Assistant to the City Administrator

REVIEWED BY:

Alysen Abel
Public Works Director

ISSUE:

Discussion regarding an ordinance prohibiting smoking in certain public park locations.

BACKGROUND:

In October 2016, City staff was approached by Mr. Michael C. Hudak who wanted to present information to the Community Land and Recreation Board (CLARB) regarding the importance of smoke-free parks. After a consultation with CLARB Chair Michelle Flamm, City staff agreed to allow Mr. Hudak time to present to CLARB during the October meeting. Smoking is already prohibited in the dog park in Platte Landing Park.

Following the presentation and subsequent discussion, CLARB was interested in prohibiting smoking in areas that children and families congregate. CLARB asked City Staff to research smoking regulations in Platte County Parks and other local communities and come back with a recommendation. Staff researched and determined that Platte County Parks limits smoking in playgrounds, sports complex dug outs, bleachers and spectator areas, and concession areas or restrooms. Kansas City, Missouri has created similar smoke-free zones in over 437 area park locations that are most frequented by children and families. In Kansas City “Healthy Lungs at Play” signs are now posted in each area park (Attachment 1). However, the policy in Kansas City is only to discourage smoking, it doesn’t policy does specifically prohibit it. The cities of Lee’s Summit and Independence have complete smoking bans in public parks.

According to the American Lung Association, cigarette smoking is the number one cause of preventable disease in the United States. The elderly and young populations, as well as people with chronic illnesses, are especially vulnerable to the adverse effects of smoking. The 2006 Surgeon General’s report notes that secondhand smoke causes an estimated 50,000 deaths in adult non-smokers in the United States each year. Involuntarily inhaled smoke (secondhand smoke) also causes disease and premature death in children and adults who do not smoke.

The draft ordinance (Attachment 2) for consideration closely reflects the Platte County regulations. Per the direction of CLARB, the draft ordinance does not prohibit smoking system-wide due the number of consumption events (Brewfest, Parkville Days, etc.) in the parks. The ordinance also allows for smoking in the prohibited locations if specifically permitted by the Board of Aldermen or a special event permit. City staff will also investigate a cost effective and attractive sign option to install in various park areas to proactively provide information park visitors.

BUDGET IMPACT:

There is no budget impact.

ALTERNATIVES:

1. Receive and discuss an ordinance prohibiting smoking in certain public park locations.
2. Postpone the item.

STAFF RECOMMENDATION:

Staff recommends that the Community Land and Recreation recommend the Board of Aldermen adopt an ordinance prohibiting smoking in certain public park locations.

COMMUNITY LAND AND RECREATION BOARD RECOMMENDATION:

At the meeting on January 11, 2017, by a vote of 6 to 0, the Community Land And Recreation Board recommended the Board of Aldermen adopt an ordinance prohibiting smoking in certain public park locations as outlined in the ordinance.

POLICY:

Section 150.050.A. of the Parkville Municipal Code directs CLARB to act in an advisory capacity to the Board of Aldermen to develop and administer a writer plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs along streets and in other public areas. As CLARB serves in an advisory capacity, its recommendations must be approved by the Board of Aldermen.

SUGGESTED MOTION:

As this is a work session item no motion is necessary

ATTACHMENTS:

1. Sample Sign
2. Draft Ordinance

This park is maintained by the
North
Maintenance District



To report a problem or volunteer
please call:

(816) 513-9580

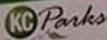
or contact us through our website at
www.kcmo.org/parks



**HEALTHY
LUNGS AT
PLAY!**



**THIS IS A
SMOKE-FREE
ZONE**



Made possible with CDC funding



Public Health

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF CHAPTER 140 RELATED TO SMOKING IN PUBLIC PARKS

WHEREAS, the Community Land and Recreation Board heard a presentation regarding the effects of smoking in public parks in October 2016; and

WHEREAS, the Community Land and Recreation Board is interested in prohibiting smoking in areas that children congregate;

WHEREAS, Platte County Parks and Recreation adopted an ordinance prohibiting smoking in specific park locations (225.020 Z); and

WHEREAS, changes to the Municipal Code are required for compatibility with Platte County Parks and Recreation and to meet the desires of the Community Land and Recreation Board.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. Parkville Municipal Code, Title I, Chapter 140, Section 140.010, *Definitions*, is hereby amended to include:

SMOKING

Smoking means possessing a lighted or ignited tobacco, nicotine product or paraphernalia; or engaging in an act that generates smoke (including, but not limited to, possessing a lighted or ignited pipe, hookah pipe, cigar, electronic cigarette or cigarette of any kind); or lighting or igniting a pipe, hookah pipe, cigar, electronic cigarette or a cigarette of any kind. Smoking includes the use of any product which emits smoke in the form of gases, particles, vapors or other byproducts released by electronic cigarettes, tobacco cigarettes, herbal cigarettes, marijuana cigarettes and any other type of cigarette, pipe or other implement for the purpose of inhalation of vapors, gases, particles or there byproducts released as a result of combustion or ignition.

SECTION 2. Parkville Municipal Code, Title I, Chapter 140, is hereby amended to create a new Section 140.035, *Smoking*, to read as follows:

Section 140.035 Smoking prohibited in certain public park locations

Smoking in or around playgrounds, sports complex dugouts, bleachers and spectator areas, or permanent restroom facilities is prohibited unless otherwise permitted by the Board of Aldermen or an approved special event permit issued in accordance with the guidelines for events in Parkville pursuant to Section 140.345.

SECTION 3. This ordinance shall be effective upon adoption.

PASSED and APPROVED this 21th day of February 2017.