

# CITY OF PERRYVILLE

## STREET POLICY

8<sup>th</sup> Edition as of February 16, 2021

### Section 1 - Preamble:

This policy is based on the following facts:

1. The City of Perryville has some unpaved and substandard streets remaining that it desires to improve by concrete paving complete with the construction of curbs, gutters and storm water facilities;
2. The cost of general maintenance of substandard streets without curbs, gutters and storm water facilities (i.e., oiled, chip and sealed and partially asphalted) creates a financial drain on the City and an indirect tax on the general public;
3. The City no longer owns and maintains equipment designed for asphalt overlays or significant patches, nor does it have an internal working knowledge of this material;
4. The construction of streets according to the City's design standards, complete with concrete curb and gutters and storm water facilities, reduces the cost of maintenance, increases the life of the street, aids in the correction of storm water problems, improves the valuation of property, promotes development and increases pedestrian and vehicular safety;
5. The use of the City's general revenue fund exclusively to improve existing streets constitutes the use of public funds to improve private property and is a practice which should be avoided;
6. The City plans to use only the "special assessment for improvement" portions of the Missouri State Statutes to improve existing substandard streets; and
7. The Board of Aldermen desires to establish a uniform policy for the improvement of its existing streets.

### Section 2 - Definitions:

1. **Alley:** means a permanent public service way dedicated for or in public use, other than a street, place, road, crosswalk, or easement, and designed to provide a secondary means of access for special accommodation to the back or side of abutting properties and not intended for general traffic circulation (Perryville Code of Ordinances 17.04.020)
2. **Arterial:** This type of street serves the major traffic movements entering, leaving, or moving within an area. Its principal function is to move traffic and, in cases of high traffic volumes, requires limited access or controlled points of access. These streets are normally characterized by traffic controls and parking restrictions
3. **Collector:** Collector streets provide for traffic movement between arterials and local streets and provide direct access to abutting property.
4. **Local (i.e., residential):** The sole function of a local street is to provide access to immediately adjacent property. This includes all streets not classified as arterial or collector streets. The primary function of a local street is to provide access to residential properties. For example, a cul-de-sac is classified as a local street.

5. **Marginal Access Street/Service Road:** A marginal access street/service road runs parallel and adjacent to arterials, railroad rights-of-way, or other barriers and provides access to abutting properties.
6. **New City Street:** A street identified for its initial construction through the City's Comprehensive Plan, Major Street Plan, Capital Improvement Plan, Annual Budget, an economic development activity or other official action by the Board of Alderman and the street construction is initiated by the Board of Aldermen.
7. **New Developer Street:** A street identified and initiated for its initial construction by a developer for the benefit and development of his/her property.
8. **Reconstruction:** shall mean the improvement of a street previously improved by pavement and/or other construction (i.e., curbs and gutter, storm water control) that the City finds is in need of replacement or further improvement.
9. **Substandard Street:** Existing, dedicated street that was previously improved by pavement and/or other construction but without curbs and gutter and/or storm water facilities and not in accordance with the City's design standard. Examples may include streets constructed utilizing chip and seal, cold mix, asphaltic patches, acquired county roads, etc.
10. **Unpaved Street:** A platted and dedicated street maintained by the City that is constructed of gravel or similar material.

### **Section 3 – Maintenance of Streets**

1. **Concrete Streets** - The Public Works Director shall maintain concrete streets that have been improved with curb and gutter as appropriate to prolong the life of the street and protect the City's prior investment.
2. **Asphalt Streets with Curb and Gutter** - The Public Works Director may utilize city staff and equipment to seal and otherwise maintain asphalt streets that have been improved with curb and gutter as appropriate to prolong the life of the street and protect the City's prior investment. It shall be the goal of the City to eventually replace all asphalt streets with concrete.
3. **Substandard Streets** - The City shall conduct only routine maintenance on streets that do not have curbs and gutters and said maintenance shall only be limited to that which the City has the ability, knowledge and equipment to perform.
4. **Gravel Roads** - The Public Works Director is hereby directed to maintain existing gravel streets as gravel streets through grading and the addition of gravel when necessary. In the event a property owner on a gravel street submits to the City an affidavit from a licensed physician that the dust created by travel on the gravel street presents a serious medical danger to the property owner, the City shall oil or otherwise treat said street to impede dust, provided, however, that 100% of the owners of property abutting on said street:
  - a. Pay in advance the estimated cost of the dust retardant and application thereof; and
  - b. Contract with the City to pay for the cost of paving said street in accordance with this policy; and
  - c. Deposit in the City General Revenue Fund an amount equal to 5% of the engineers estimate to reconstruct the street, which said deposit shall be applied to the special assessment for the permanent improvement of said street upon the paving of said street.

#### **Section 4 - Priority Street Identification**

1. The City shall share in the improvement of any existing substandard street which the Board of Aldermen has found to be in need of improvement. Such streets shall be identified as priority streets for improvement through the City's Major Street Plan, Capital Improvement Plan, and/or Annual Budget.
2. City streets in commercial and industrial zoning districts of the City may be improved by the City outside the provisions hereof if, in the determination of the Board of Aldermen, the improvement planned provides a substantial benefit to the citizens of the community.
3. Citizen Petition - property owners and citizens may petition the City to have a particular street improved in accordance with this policy at any time.
  - a. Priority for improvement will be given to any street having 100% of the property owner signatory to the petition. In general, these streets will be placed in the City's Capital Improvement Plan before streets not petitioned for improvement or other streets for which the City contributes funds.
  - b. Petitions Filing: The City Clerk shall maintain a copy of the petition language/form and shall provide the same upon request. All voluntary petitions for street construction must be submitted to the City Administrator no later than September 1st to be considered for paving in the following year and will be scheduled for construction in chronological order by the date the petition is received.

#### **Section 5 - Design & Construction Standards:**

1. All new streets shall conform to the City Street Standard Specifications and be of concrete construction and shall include curb and gutter, sidewalks, and storm water control;
2. Driveways will be the responsibility of the property owner, except that the City's contractor will replace driveways removed during construction up to the property line at the City's cost. Driveways beyond the property line damaged during construction shall be repaired or replaced at City's cost. Repair and replacement shall be with materials same or better than preexisting; and
3. The City will backfill to a rough grade with clean topsoil and replace valid property markers that may have been removed by the contractor during construction, but property residents will finish, grade and seed the areas behind the curb. In situations where the property is not developed, the City shall include this work as part of the street contract.

#### **Section 6 - New Streets**

1. **New Developer Street** - the developer shall be responsible for all costs associated with the installation of city streets when developing their property. ADA compliant sidewalks shall be included in the developer's design with the city reimbursing 100% of reasonable construction and inspection costs associated with the sidewalks.
  - a. Streets to be dedicated shall be of concrete construction and done in accordance with City's Street Design Standards.
  - b. Throughout construction and prior to dedication, all streets shall be inspected by the City Engineer at the City's cost.

- c. The City Engineer shall make a recommendation to the Board of Aldermen regarding the City's acceptance of the dedicated street. Any street found substandard shall not be accepted by the City.
  - d. If, in accordance with the City's Major Street Plan, the developer is required to install a collector or arterial street, the City shall be responsible for 100% of the construction costs exceeding the residential street standards defined within this policy.
2. **New City Street** - the City may, from time to time, install a street at the direction of the Board of Aldermen and in accordance with the needs of the greater community. Such streets shall be consistent with the City's major street plan and all costs associated with said street shall be paid by the City. The necessary right of way for such streets shall be dedicated at no cost by the adjoining property owners.

**Section 7 - Construction Costs of Substandard Streets**

- 1. **City Costs** - The City shall pay for 100% of administrative, legal and engineering design and inspection services along with existing driveway replacement to the property line and existing sidewalk replacement or installation.
- 2. **Property Owners Costs** - The property owners shall be assessed for their portion as described in this policy and in accordance with Chapter 88 RSMo. These costs may only be assessed one time per parcel. Future improvements, if necessary, shall be at the City's cost exclusively.
- 3. **Street Construction Costs**
  - a. **Unpaved Streets** - All new paving of unpaved streets shall be tax billed with the City participating in 30% and the property owner participating in 70% of a construction cost. The cost of paving all unpaved streets shall include, but not be limited to, excavation, pavement, curbs and gutters, grading base material, labor, backfill, and all other costs associated with street construction. Storm water costs will be assessed in accordance with Section 8 of this policy.
  - b. **Substandard Streets** - All reconstruction of substandard streets shall be tax billed with the City participating in 70% and the property owner participating in 30% of the construction cost. The total cost of reconstruction of a substandard street shall include, but not be limited to, excavation, pavement, curbs and gutters, grading base material, labor, backfill, and all other costs associated with street construction. Storm water costs will be assessed in accordance with Section 8 of this policy.
- 4. **Cost over Standard Residential Street Design** - The total cost to the property owner shall be determined based on the City's residential street design standard and the City shall be responsible for 100% of the construction costs exceeding this standard.
  - a. **Width** - The City shall pay the difference in the cost of paving any street wider than a residential street standard of thirty-six (36) foot of concrete (as measured outside of curb to outside of curb)
  - b. **Depth** - The City shall pay the difference in the cost of paving of any street of greater depth than a residential street standard of six (6) inches of concrete

## **Section 8 - Storm water Construction Costs**

1. The Board of Aldermen has determined that storm water control varies greatly from street to street or area to area and in many cases the desirability and value of a lot is affected by the presence of storm water controls. As such, property owners shall pay a portion of the storm water cost, for both paved and unpaved streets, as such work results in the direct improvement of one's private property.
2. The Board of Aldermen also recognizes that storm water requirements have increased significantly due to changing environmental protections associated with state and federal regulations, city ordinances regarding sinkhole protection, and the Perry County Community Conservation Plan, which was designed, in part, to help protect the Grotto Sculpin, a federally-listed endangered species native to Perry County, Missouri.
3. In light of these conditions, the City shall share in 70% of all storm water costs associated with street projects and the adjoining property owners shall be assessed the remaining 30%.

## **Section 9 - Protests**

Protests will be handled in accordance with RSMo 88.700 and are summarized below. An itemized list of the steps is also included as an annex to this policy:

- a. The City Clerk shall maintain a copy of the protest petition language/form and shall provide the same upon request.
- b. A valid protest must be received within ten (10) days of the date the second public notice was placed in the local newspaper. Upon receipt, the protest shall be reviewed by the City Attorney to determine its validity and a report of the same shall be given to the Board of Aldermen at its next scheduled meeting.
- c. To be considered valid, all property owners for a particular parcel must sign the petition. For example, a home owned by a husband and wife must include the signatures of both in order to be considered valid for the purposes of the protest petition.
- d. To be considered valid, the protest petition must be signed by a majority (more than 50%) of property owners who reside within the City limits owning a majority (more than 50%) of front lineal footage.
- e. Signatures on the protest petition on behalf of corporations or signatures of non-city residents are not legally binding and shall be considered invalid.

## **Section 10 - Alleys**

1. The City shall maintain alleys in a similar manner as streets. Maintenance shall only be limited to that which the City has the ability, knowledge and equipment to perform and gravel alleys shall be maintained as gravel alleys through grading and the addition of gravel when necessary.
2. The City shall only pave alleys, or portions of alleys, when addressing significant storm water problems for the City of Perryville or when the adjoining property owners contract to pay for 100% of the concrete construction costs. In such case, the City shall provide for 100% of the costs related to administration, legal, engineering design and inspection services.

## **Section 11 - Economic Development**

1. The City may, from time to time, provide a street or other public infrastructure to aid in the overall economic development of the community.
2. In such cases, the Board of Aldermen may deviate from the cost share standards identified within this policy if, in the determination of the Board of Aldermen, the improvement planned provides a substantial benefit to the citizens of the community.

## **Section 12 - City Streets adjoining County Property**

1. Such streets represent a unique and challenging situation in that the City of Perryville does not have the authority or ability under Missouri law to tax bill property outside of the city limits. As such, the City shall conduct only routine maintenance on such streets and said maintenance shall be limited to that which the City has the ability, knowledge and equipment to perform.
2. Such streets may be scheduled for reconstruction under the following conditions:
  - a. City residents shall petition the City to have the street reconstructed according to the terms of this policy
  - b. Said petition shall include the signatures of 100% of the adjoining city property owners and petition shall indicate city property owners' desire to improve the street by means of a cost-share with the City of Perryville and in accordance with this policy
  - c. Upon receipt of a valid petition, the Board of Aldermen shall proceed according to the following process:
    - i. Determine if annexing the property in question is in the best interest of the City of Perryville
    - ii. If so, officially request the county properties adjoining the city street to voluntarily annex into the City of Perryville
    - iii. If the voluntarily annexation request is declined, the Board of Aldermen may proceed with involuntary annexation pursuant to the Revised Statutes of the State of Missouri. If the Board determines not to proceed with the involuntary annexation, the street shall continue to be maintained according to Section 3 of this policy
    - iv. Once the property is annexed, the City may begin the street improvement process described in this policy
  - d. If the county property is not annexed for whatever reason, 100% of the property owners in the city limits may enter into an agreement with the City to proceed with the improvements according to terms of this policy. In those cases, it is understood the property owners' share of the street and storm water costs will be billed in its entirety against the adjoining properties within the city limits and the county properties will not be billed.
  - e. If the County property owners decline to annex but contract with the City to pay for their share of the street in accordance with the project estimates, the project may proceed. At the conclusion of the project, any overpayment shall be returned to the county property owner.

### Section 13 - Recently Annexed Streets

1. The Board of Aldermen acknowledges the City's street policy is supported by the tax-paying residents of the City of Perryville and county properties are not assessed city taxes. Understanding this and for the purposes of applying this policy, the following conditions shall apply to the improvement of recently voluntarily annexed streets:
  - a. Immediately upon annexation, a street shall be treated as an unpaved street for the purpose of this policy regardless of its paving surface and may be improved as such according to the terms of this policy
  - b. Five years after the date of its annexation and if applicable, such street may be considered a substandard street and improved as such according to the terms of this policy.
2. This section shall not apply to streets and property that were involuntarily annexed. Said streets shall be subject to normal cost-share provisions, as determined by surface type, found in Section 7 of this policy.

### Section 14 – Sidewalks

1. The Board of Aldermen desires to have a safe, walkable community for **all of** its citizens and visiting pedestrians. As such, it is the goal of the Board that every street eventually includes a sidewalk on at least one side and parallel to the street.
2. **Sidewalk priority** will be established by the Board of Aldermen according to the following conditions:
  - a. **Schools and parks** - streets adjacent to and connecting city parks and/or school zones will be given priority as the greatest number of young children are most likely to be in these areas.
  - b. **Gaps in existing infrastructure** - sidewalks found throughout town that are incomplete and have existing gaps between sections of sidewalk shall be given priority and those locations where short "runs" of sidewalk can connect much longer "runs" will be completed first.
  - c. **Residential areas** - sidewalks are most likely to be used when they are nearest to the people that use them. As such, residential areas of the city will be given-priority over business and industrial areas.
  - d. **Substandard sidewalks** - although a nonconforming sidewalk is thought better than no sidewalk, it shall be the goal of the City to bring remaining sidewalks up to current accessibility standards after other needs have been addressed.
  - e. **Business/commercial areas** - since the central business district already has sidewalks, remaining districts will be connected as the last phase of implementation.
3. **Sidewalk installation during street construction/reconstruction** – the Board of Aldermen establish the following process for sidewalk installation during street construction or reconstruction.
  - a. **Installation of sidewalks during new street construction** – During construction of a new street, ADA compliant sidewalks shall be included in the construction project. When a developer builds a new subdivision, the City of Perryville will

pay a reasonable amount for the construction of ADA compliant sidewalks in the subdivision.

- b. **Street Reconstruction: Repairs to existing sidewalks** – During street reconstruction, existing sidewalks shall be reconstructed to achieve ADA compliance. In order to fill sidewalk gaps, sidewalks shall be constructed on any property along the reconstructed street that does not have a sidewalk. The City of Perryville’s goal is to make the sidewalk along the entire length of the reconstructed street ADA compliant.
  - c. **Street Reconstruction: When sidewalks do not exist; city (has) (possesses) right-of-way** – During street reconstruction when sidewalks do not exist and the city has the right-of-way necessary to install sidewalks, ADA compliant sidewalks shall be installed along the length of the newly reconstructed street.
  - d. **Street Reconstruction: When sidewalks do not exist; city does not (have) (possess) right-of-way** – During street reconstruction when sidewalks do not exist and the city does not have the right-of-way necessary to install sidewalks, the city shall attempt to acquire right-of-way from the adjoining property owners. If all adjoining property owners agree to grant the city the right-of-way, an ADA compliant sidewalk shall be built along the newly reconstructed street. However, if the city is unable to secure all of the right-of-way along the street, a sidewalk shall not be constructed.
4. **ADA Transition Plan** – City staff shall develop and maintain an ADA Transition Plan. The Board-approved transition plan shall identify and plan for the improvement of substandard sidewalks requiring maintenance or reconstruction in order to comply with ADA regulations.
  5. **Standard Design** - concrete sidewalks of no less than 4' in width shall be constructed in accordance with ADA standards. When constructing designated hiking and biking trails, the City may increase the width to up to 10'. As part of this policy, the City Clerk shall maintain minimum design standards for sidewalks.
  6. **Green Strips** - as a matter of pedestrian safety and whenever the right of way allows for it, sidewalks will be designed utilizing a green strip of 18" or more. To accomplish this, sidewalks will be located on, or as near as possible to, the right of way line and furthest away from the street. Property owners may utilize grass, landscaping rock, and low ground cover vegetation in the area between the curb and sidewalk. Property owners shall maintain this area in good condition. For reasons relating to pedestrian safety, concrete or asphalt will not be allowed in the green strip area. However, upon property owner request and Board of Alderman approval, contrasting gray concrete may be installed during reconstruction between the sidewalk and the curb in front of commercial buildings located in and adjacent to the Central Business District.



7. **City utilities** - it is appropriate and encouraged to locate fire hydrants, stop signs, power poles, telephone pedestals, etc. within the green strip.
8. **Costs** - efforts shall be made by the Board of Aldermen to budget each year for sidewalk improvements. Sidewalks completed under this policy shall be paid 100% by the City of Perryville, including the installation of necessary retaining walls and restoration of landscaping vegetation and materials that were removed during the project's construction.
9. **Protest** - The Board of Aldermen believes sidewalk connectivity is a bigger issue than a single property or street as the goal is to connect whole neighborhoods throughout the city to each other. In addition, the City of Perryville, in most cases, already owns the necessary right of way with the original intention of developing sidewalks. Although the citizens are encouraged to express their opinion on this matter, there is no formal protest process for sidewalk improvements.

### **Section 15 - Citizen Payment and Tax Bills**

1. At the Direction of the Board of Aldermen, staff shall prepare plans, specifications and estimates of cost for street improvements.
2. Notice, including an estimate of costs to individual properties, shall be given to each property owner detailing the following options for payment:
  - a. After the project is completed, property owners may make payment in full within 60 days after tax bills are issued, or
  - b. Property owners may request to participate in the ten-year tax bill payment process in accordance with RSMo 88, or
  - c. Property owners may secure a private loan through their selected banking institution.
3. No payment shall be required until the project is completed in full and accepted as satisfactory by the Board of Aldermen.
4. Tax bills shall bear interest at the rate of the last Federal 10-Year Note sale beginning sixty (60) days from date of issue. Initial payments for property owners utilizing the ten-year tax bill payment process shall be due no later than twelve months after the issuance of the tax bill.

### **Section 16 - Deviation from Policy**

The City reserves the right to deviate from the provisions of the policy when, in exercising its legislative discretion, the Board of Aldermen believes that such deviation is in the best interest of the City as a whole.

**CITY OF PERRYVILLE**  
**STREET POLICY - Appendix 1**

**PROCEDURE CHECKLIST FOR STREET IMPROVEMENTS**  
**NEW CONSTRUCTION-ENGINEERED STREET**

1. The Board of Aldermen identify a street project or, in some cases, a majority (more than 50%) of property owners who reside within the city limits owning a majority (more than 50%) of front lineal footage may submit a petition to Board of Aldermen requesting street improvements in accordance with the City's street standards.
2. The Board of Aldermen motions for staff to prepare plans, specifications and estimate of cost for street improvement.
3. Staff prepares plans, specifications and estimate of cost for street improvement and files with the City Clerk.
4. The Board of Aldermen approve the plans and specs by motion
5. The Board of Aldermen passes a resolution declaring it necessary to improve the street.
6. The City Clerk publishes a resolution for two (2) consecutive weeks in local newspaper.
7. Staff sends letters to adjacent property owners notifying them of the process of special assessments, including the engineer's estimate of the project.
8. If there is no protest against the proposed project within ten (10) days of the last date of publication of the notice in the local newspaper, the Board of Aldermen is empowered to proceed.
9. Protests - Upon receipt of a protest against the proposed project within ten (10) days of the last date of publication of the notice in the local newspaper, the protest shall be reviewed by the City Attorney to determine its validity and a report of the same shall be given to the Board of Aldermen at its next scheduled meeting. If the protest is not valid, the Board of Aldermen is empowered to proceed. If the protest is determined valid, the project shall cease immediately and staff shall continue to maintain the street according to the City's policy.
10. Public Hearing - If the City receives a written request signed by no less than three (3) affected property owners, the Board of Aldermen shall hold a public hearing. The City Clerk shall publish a notice of said hearing for two (2) consecutive weeks in local newspaper.
11. The Board of Aldermen passes an ordinance to improve the street. Said ordinance shall set the bid date. The City Clerk shall advertise for bids for two (2) consecutive weeks in local newspaper.

12. The City Administrator sends letters to affected property owners advising them what to expect regarding the construction phase of the project.
13. The Board of Aldermen accepts the lowest, most responsive and responsible bid.
14. The Board of Aldermen passes an ordinance accepting the contract with bidder.
15. Affected property owners shall have thirty (30) days from the date bids are opened to request a ten (10) year payment plan.
16. Upon project completion, staff shall prepare a final report on project, listing total cost to be assessed, the lineal foot cost to be assessed, the description of lot, lot owner, footage assessed, amount of assessment, and other necessary information.
17. The Board of Aldermen accepts final report from staff.
18. The City formally accepts street improvements and Board passes an ordinance levying special assessments.
19. The staff prepares special assessment tax bills and gives those to the contractor for payment. Tax bills bear interest at rate of last Federal 10-Year Note sale rate starting sixty (60) days from date of issue.
20. The City Clerk shall send advisory letters to property owners detailing tax bills.
21. Most often, the contractor will sell the tax bills to a local bank and the bank proceeds to establish a repayment schedule to collect the debt.
22. If the holder of the tax bills cannot collect after a reasonable effort, the tax bill is reassigned to City and the City pays the bank and, in turn, takes reasonable efforts to collect tax bill.