

BILL NO. 22-20

ORDINANCE NO. 4.597

AN ORDINANCE ESTABLISHING CERTAIN FEES AND CHARGES FOR SERVICES AND ACTIVITIES PROVIDED BY THE CITY OF GLADSTONE, CLAY COUNTY, MISSOURI, AND AMENDING ORDINANCE 4.441.

WHEREAS, the City has the authority to charge fees for management of the rights-of-way; including, but not limited to, costs associated with registering applicants; issuing, processing, and verifying rights-of-way permit applications; inspection of job sites and other costs that may be considered “management costs” or “rights-of-way management costs” under section 67.1830 RSMo and Chapter 115, Managing Excavation and Use of City Rights-of-Way of the City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, CLAY COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. ENACTMENT OF NEW FEES FOR UTILITY PERMITS.

The new fees and charges for certain services and activities as set out in the attached Exhibit “A” are hereby adopted for inclusion in the City Schedule of Fees and Charges.


SECTION 2. SEVERABILITY CLAUSE.

The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of the Ordinance.

SECTION 3. EFFECTIVE DATE.

The Fees and Charges as set out in Exhibit “A” shall become effective upon passage.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 13th DAY OF JUNE, 2022.



Bill Garnos, Mayor

ATTEST:



Kris Keller, City Clerk

1st Reading: June 13, 2022

2nd Reading: June 13, 2022

EXHIBIT A – Utility Permit Fees

Excavation Permit Fee*

Minor Projects

1. Projects with a single excavation no greater than 150 square feet - \$100 per excavation (non-refundable base fee) including bore pits, manholes, poles and/or other facilities requiring excavation plus traffic control fee (if applicable).
2. Contiguous lineal installations no greater than 100 feet including those facilities installed by boring - \$100 per location (non-refundable base fee) plus single excavation fee (if applicable) for each bore pit, manhole, pole, and/or other facility requiring excavation plus traffic control fee (if applicable).

Major Projects

1. Contiguous lineal installations greater than 100 feet including those facilities installed by boring - \$100.00 per location (non-refundable base fee) for the first 100 feet plus \$75 per location for each additional 100 feet thereafter plus single excavation fee (if applicable) for each bore pit, manhole, pole, and/or other facility requiring excavation plus traffic control fee (if applicable).
2. Major projects requiring specialty work including building, electrical, mechanical, plumbing and excavations and any land disturbance activity that disturbs greater than 200 square feet – please contact Public Works at 816-436-5442 for assistance in calculating the permit fee.

Traffic Control Fee*

1. Required for all work that requires a lane closure on a collector or arterial street or full closure of any residential street - \$75 per location (non-refundable base fee) plus \$15 per location per day.

Facility Maintenance Permit Fee*

1. A Facility Maintenance Permit is required when working in the public rights-of-way and/or private easement so that the work can be tracked. Facility maintenance that requires a lane closure on a collector or arterial street or full closure of any residential street shall be charged a traffic control fee.
2. All other facility maintenance work that does not require excavation or street/lane closure – No fee.

Miscellaneous Fee(s)*

1. Double fees. Absent an emergency situation, fees established by this schedule shall be doubled if work is commenced prior to obtaining a permit.
2. Street Plates - \$250 per location not to exceed 2 weeks. Plates are prohibited between November 1 and April 15.

* The fee charged by the City is its cost incurred for rights-of-way management; including, but not limited to, costs associated with registering applicants; issuing, processing, and verifying rights-of-way permit applications; inspection of job sites and other costs that may be considered “management costs” or “rights-of-way management costs” under section 67.1830 RSMo. Excess fees collected and not used by the City may be refundable to the applicant upon written request of the applicant after closure of the permit and start of the warranty period.



Department of Public Works Memorandum

DATE: June 6, 2022

TO: Scott Wingerson, City Manager

FROM: Timothy A. Nebergall, Director of Public Works

RE: Rights-of-Way Management (Utility) Permit Fees

Background:

The City of Gladstone has the authority to charge fees for management of the rights-of-way; including, but not limited to, costs associated with registering applicants; issuing, processing, and verifying rights-of-way permit applications; inspection of job sites and other costs that may be considered “management costs” or “rights-of-way management costs” under section 67.1830 RSMo.

Chapter 115, Managing Excavation and Use of City Rights-of-Way of the City Code states that “...applicable rights-of-way permit fee shall be recommended by the Director of Public Works, approved by the City Council, and set out in the schedule of fees and charges as maintained in the City Clerk's office.”

The code states that a separate fee structure shall be established for minor projects that require excavation in the rights-of-way in which a single excavation of no greater than 150 square feet is made and for major projects that require additional staff time and resources due to size and complexity. Furthermore, the code allows the City to issue permits for facilities maintenance projects in the rights-of-way that disrupt traffic.

The current fee structure that was adopted in 2018 is as follows:

Minor Projects

1. Projects with a single excavation no greater than 150 square feet - \$75 per excavation (non-refundable base fee).
2. Contiguous lineal installations no greater than 100 feet including those facilities installed by boring - \$75 per location (non-refundable base fee).

Major Projects

1. Contiguous lineal installations greater than 100 feet including those facilities installed by boring - \$75 for the first 100 feet plus \$37.50 for each additional 100 feet thereafter.

Facility Maintenance Projects (No Excavation)

1. Facility Maintenance Permit that requires a lane closure on a collector or arterial street or complete closure of a residential street - \$37.50 per location.

2. All other facility maintenance work that does not require excavation or street/lane closure – No fee.

Gladstone collected \$12,525 in FY21 and \$19,010 so far in FY22 and has issued over 100 utility permits during this same time period.

Analysis:

The time required to manage the utility permit process continues to increase due to a variety of factors including the number of utilities operating in the rights-of-way. Furthermore, utility companies provide little or no public engagement further placing the burden on the City. Missouri law requires that all fees be substantiated and attorney's fees must be excluded.

The City typically commits approximately 4 hours of time for each minor project. Major projects require additional time and resources to manage. The process includes a detailed review of the application for proof of insurance, bonding, and City business license. This process is all electronic. The project application also undergoes a technical review to ensure conformance with City codes and ordinances. Potential conflicts with City facilities including water and sewer are also identified during the review process. During construction, City staff will perform inspection(s) and respond to resident concerns as necessary. The permit is valid for 60 days.

Kansas City, MO (KCMO) currently charges a fee of \$167 per excavation and \$167 per 100 feet for lineal installations. Furthermore, KCMO charges an \$88 application fee and a daily fee for all traffic control permits requiring lane closures. The daily fee is calculated using a complex formula that factors in the number of lane closures and length of detours.

Blue Springs, MO currently charges a base fee of \$125 for all types of excavations up to 667 feet and an additional \$20 for inspections. Traffic control fees are included in the base fee.

Raytown, MO currently charges a base fee of \$125 for all types of excavations up to 200 feet and a \$70 temporary traffic control fee.

Recommendations:

Staff recommends the adoption of the new fee structure contained in Exhibit A. Fees will be calculated in a similar manner as they have in the past with the exception of a traffic control fee for work that disrupts traffic. Traffic control fees will be calculated separately from other permit fees and will include a daily fee to assist the City in recovering rights-of-way management costs for extended lane closures. It should be noted that the proposed fee structure is sufficient to cover the City's rights-of-way management costs for the recent Evergy work in NE 72nd Street. That project included the installation of 800 feet of new duct bank and cable and required lane closures for a period of 180 days.

For large projects requiring specialty work including building, electrical, mechanical, plumbing and excavations and any construction activities that disturb greater than 200 square feet, staff is proposing to use the existing fee structures established for this type of work and utilized by the Community Development Department.

If you have any questions, please contact me at your convenience.

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Request for Council Action

RES ☐ # City Clerk Only

BILL ☒ # 22-20

ORD # 22-4.597

Date: 6/7/2022

Department: Public Works

Meeting Date Requested: 6/13/2022

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: Rights-of-Way Management (Utility) Permit Fees

Background: Please see attached memorandum.

Budget Discussion:

Public/Board/Staff Input: City staff recommends that the City adopt a new schedule of fees and charges for Rights-of-Way Management (Utility) Permits.

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Timothy A. Nebergall
Department Director/Administrator

JM
City Attorney

SW
City Manager