

Aurora City Council Minutes

**Aurora City Hall
City Council Chambers
2 W. Pleasant
Aurora, Missouri**

Tuesday, May 18, 2021

**The "Work Session" will take place at the conclusion of the
Planning and Zoning Meeting**

1. CALL TO ORDER

Mayor Lewis called the meeting to order at 6:51 pm.

2. Discussion - Riddle Development

City Manager, Jon Holmes addressed the Council regarding the Riddle Development on Hadley Street. He informed the Council that this item came before the Planning and Zoning Commission requesting rezoning from R-1 to R-2. The Planning and Zoning meeting held on May 4, 2021 was for rezoning and other concerns were presented but not addressed at that time. This joint work session to give the citizens a chance to come back in and voice all concerns. Mr. Holmes states that the property developer, Riddle Properties Inc, requested a land disturbance permit from Director Howlett. Mr. Holmes stated that Items such as land disturbance does not come before Planning and Zoning or Council and is typically a matter just handled by Director Howlett. Manager Holmes explains to the Council that this work session meeting is to let everyone have an opportunity to speak about their concerns and opinions. Mr. Holmes stressed that we need to share information on legalities and our responsibility as a City. Dr. Patterson is present at the meeting and is the main hydrologist for the City's Engineering firm, Allgeier Martin and Associates. Mr. Holmes explains that Dr. Patterson is the lead hydrologist we work with as the City on major developments. Mr. Holmes states that the engineers, the hydrologists, Director Howlett and himself all work together to make certain all parties are following the rules and regulations required. Manager Holmes goes on to say that Aurora experienced a 200-year rain event yesterday, May 17, 2021. Due to the rain and extenuating circumstances, new concerns are arising from citizens.

2.1. Public Comment

Dough Smith resides at 1701 Mary Lane and is present to voice concerns. He informs the crowd that he has lived on Mary Lane for 18 years and has interest in another property on Daniels street. He states he has always had to have a sump pump living in this area. He goes on to add that the area is already prone to water issues and that the issues are increasing with each year. He voices a concern that the City's Storm Water Master Plan on page 39 does not take the Riddle development into account. He states that the Riddle development would increase storm water run-off. He further adds that this would create negative impacts on all neighboring properties. He requests of the Council to please protect existing homeowners and their properties.

John Canedy, homeowner at 1504 Tyler Street, is present and voices concerns. Mr. Canedy's concern is the impact from the development from water run-off. He referenced City Code 410.080.5A regarding grading. Mr. Canedy states that the developer must provide proof of water flow and that the impact will not be detrimental to surrounding areas. Mr. Canedy has done several studies and read through manuals regarding water flow amounts and rates and feels that the impact from the Riddle Development will be detrimental. He refers to the Storm Water Master Plan, page 10, Section 4. He inquires of where the Riddle property fits into the Storm Water plans. He is concerned about the performance of the

existing system. Mr. Canedy states he is against the development altogether because of water flow issues. Mr. Canedy wishes that the City would correct the water ways before we allow the development to proceed.

Citizen Rose Mechowski of 1301 Mary Lane is present. She does not stand to speak but voices agreement with the previous citizens who spoke against the development.

Coach Pat Woods of 1503 Mary Lane speaks at the meeting with concerns regarding the development. Mr. Woods stated when they moved in that they needed a sump pump immediately. He further adds that a second pump was needed shortly after the first pump. Finally, years later, he now has a 3rd sump pump. Mr. Woods states that the Riddle Property is higher in elevation than the surrounding properties. He worries that water created at these properties will move down and impact the rest of the town. Mr. Woods stated that he calculated that one inch of rain is equal to 250,000 gallons of water. Mr. Woods is opposed to the development as he is worried about flooding already and the development would magnify the current issues.

David Clair is present. He states he has been a resident of 1605 Mary Lane for 24 years. Mr. Clair states that most of his neighborhood is occupied by long term residents. Mr. Clair voices concern that the Riddle Development all flows downhill and as soon as they begin the first step of the development that a water slide will be created. Mr. Clair does not want to have a repeat of the flooding event from last night, May 17, 2021. He prefers the trees to be left alone.

Anthony Wells, resident of 701 W Hadley Street is present and voices concerns. He addressed the Council that he recently purchased this home as his first home and has lived at the location for 4 years. Mr. Wells is concerned about water rushing in and causing damage to his home or causing property values to decline. Mr. Wells requests to the Council that the development hold off until the drainage system improvements for the City are completed.

Kaytlynn Wells, also of 701 W Hadley voices concerns over the development. She states to the Council that when they purchased their home, the realtor told them they were not in a flood zone. She states that they must pay extra money for flood insurance if the development is allowed.

Sonjia Leonardos of 1603 Mary Lane is present. She states that she has resided at 1603 Mary Lane since 1992. Ms. Leonardos voices concern over the development. She states that water has continuously increased since 1992 as more homes are added to the neighborhoods.

Manager Holmes clarifies in response to question that no, a land disturbance permit has not been approved and is still pending.

Ms. Leonardos continues to speak and states that if trees are removed, flooding will increase. She requests to the Council that the Riddle Development not be allowed to begin until proper work is done to stop flooding.

Director Howlett addressed the Council informing them that full approval from DNR must in place before her office will issue a permit. DNR is the Department of Natural Resources.

2.II. Council / Staff Discussion

Council discussed the topic amongst themselves. Mayor Lewis stressed that the question should be "Does the request meet the requirements, or does it not meet the

requirements? Mayor Lewis stated that should be the determining factor when moving forward.

Dr. Patterson, hydrologist, speaks to the property owners, validating their concerns. Mr. Patterson informs the Council and the general audience that during the process, he makes sure it meets all requirements. He stated that he analyzed the City Code and have looked at existing conditions. The City has storm water requirements. He further adds that all new developments must be analyzed and determine how to cause minimal impact. The rules that are followed apply to not only the City Rules and Codes but the States Statutes and other State Rules. Dr. Patterson refers to "Reasonable Use" in that one cannot do anything to a property if it damages another property. He further explains that these are reasons for detention requirements. He instructs the Council and audience that work can be done in the Flood way with the proper engineering requirements fulfilled. He states that it is very costly for the developer but can be done. Dr. Patterson emphasized that it is good to have a plan and that the water flow to the area is controllable. Councilwoman Pettit inquires to confirm that the water flow can be controlled with the new Riddle development. Dr. Patterson confirms that yes, it is costly but possible. It will be up to the developer to spend the money to ensure all requirements are fulfilled.

City Manager Holmes comments to the Council that the mapping the City currently has shows the Storm Water Master Plan and the current problem areas and the future concerns. He adds that Lyla Corners, another new development, was a similar situation and faced flooding concerns as well. All developers are required to follow the City Code and work with the City engineers. He further informs citizens and the Council that every person involved must do their job or the City can be legally liable. Mr. Holmes states that the City addresses any shortcomings and then require developers to meet the City's demands, or their project cannot continue. Mr. Holmes informs the Council that when the surrounding subdivisions were created in the 1990's, the Storm Water Regulations were not adhered to as they are required present day.

City Manager Holmes and Director Howlett are working with engineers to better the City's water flow and drainage. The goal is to slow things down "higher" as to not overwhelm the "lower". Dr. Patterson states that he, along with the other City engineers, determine the areas that are of high priority. He further states they then meet with the City staff to hear what high priority areas they may have encountered. A list is then generated as a joint issue to show priorities and areas of flooding concern.

Councilwoman Pettit pointed out to the audience that the City has already made improvements of \$650,000 to the Storm Water system. She stated that this was a great opportunity for education and learning new information for all parties. She added that as a City, we want to grow and develop but also want to protect what we currently have.

Council Member Ferguson reiterates that the run-off must be addressed before a permit of any kind is issued to the developer.

Mayor Lewis inquires of Director Howlett what the permit process is. Director Howlett explains the permitting process. A developer will approach her office. If the property in question is subject to the flood plain regulations, they are sent from Director Howlett to DNR to apply for an initial permit. This must be approved by DNR. Director Howlett will then review DNR and City permit applications. These will be sent to the city engineers for opinion before any permit is issued. She further educates the Council that the City reviews all issues and then the developer and engineers communicate until everything has been satisfied by all parties. Once all demands have been met, a preliminary site plan goes to the Planning and Zoning Commission, followed by City Council. A final site plan is then sent to Council. Site improvements are then made.

Dr. Patterson emphasized that the worst-case scenario, the property, and surrounding neighborhood would remain the same, but that the development would not cause the flooding to become more severe or worse. He further explains that if the property is regraded, he and his engineers would make sure the water flow would not be affected.

Councilwoman Pettit inquires of Dr. Patterson if a home can be built in a flood zone. Dr. Patterson confirms that yes, although costly for the developer or builder, a home can be built in a flood zone.

Citizen, Sonjia Leonardos inquires of how the City will get money to make the corrections as the corrections will be costly. Manager Holmes informs that adding to the tax base will increase tax revenue to be used on improvements. The more citizens we have, and the more homes have, all will contribute to more revenue for needed improvement projects. Mr. Holmes reiterates that the City will not be out expense related to the improvements for the Riddle Development. That cost is the sole responsibility of the developer, not the City. Developers can ultimately be helping with our Storm Water detention, thus saving money for the City. Council Member Ferguson inquires if the City Attorney has any advice. City Attorney, Ken Reynolds, addressed the Council. He informs the Council that if the developer meets all requirements of Ordinances, the City cannot deny a development. If all requirements are not met, it will not be presented to you for approval. Mr. Reynolds points out that Manager Holmes and Director Howlett work very hard to make sure all developments meet our requirements.

Manager Holmes concludes by telling the citizens that Carrie and He are available and will take time to visit with any concerned citizen.

3. ADJOURNMENT

Chairman Pro Tem Oplinger motioned to adjourn, time noted 8:05. Council Member Ferguson seconded the motion. Motion passed with all Members voting aye.



Mayor Jason Lewis

ATTEST:



Crystal Abbott, Administrative Assistant