CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM
Council Bill 2024-516 – Approving certain fee changes in the Planning Chapter of the Code of Ordinances and the Joplin Development Code

MEETING DATE
November 4, 2024

ORIGINATING DEPT
Finance

ATTACHMENTS
CB 2024-516 Ordinance; Streetlight Memo

REVIEWED BY
Department Head: Leslie Haase; Planning & Community Development Director: Troy Bolander; Assistant City Manager: Tony Robyn; City Attorney: Peter Edwards; City Manager: Nick Edwards

SUMMARY
This Council Bill revises the Joplin Development code by moving the fees section to the Planning Chapter of the Code or Ordinances and adopts a new streetlight fee for new subdivisions.

BACKGROUND
The City Subdivision Regulations currently requires developers of new subdivisions to be responsible for providing the infrastructure for streetlights in accordance with City standards. The regulations also set forth that the developer is responsible for the costs of providing street lighting equipment. However, the Subdivision Regulations do not establish the cost. This Council Bill establishes the cost based on the average cost of $4,000.00 per streetlight in the subdivision, which is due when the plan review is submitted and approved.

While the developer is responsible for the infrastructure, including the conduit, power lines, and the primary power distribution box, Liberty owns the poles and the mastheads. The City is responsible for the electric charges and the ongoing maintenance of streetlights based on the facility usage fee set by Liberty. This fee recovers the average facility usage fee assessed by Liberty and incurred by the City.

This Council Bill moves all zoning and planning fees from the Joplin Development Code to Chapter 94 of the Code of Ordinances.

The fee changes will be effective on January 1, 2025.

FUNDING SOURCE
This is not applicable for this item.

RECOMMENDATION
Staff recommends this council bill be approved on first reading.

Streetlight Recovery Costs
MEMO

TO: Nick Edwards, City Manager
From: Tony Robyn, Assistant City Manager
DATE: October 14, 2024
SUBJECT: Streetlights and Development Cost Recovery

The following outlines information on residential subdivision developments. Commercial is addressed in a separate manner and highlighted as well.

The Article 3 Subdivision Regulations, Required Improvements, Section 5, 1(H) Streetlights, states “The city shall provide for the installation of streetlights at street intersections and other locations as it deems necessary. The developer shall be responsible for all costs providing street lighting equipment other than that determined as necessary by the city."

1. The breakdown of actual costs and who bears responsibility.
   a. Streetlight pole, masthead, and power supply is approximately $4000 - currently Liberty pays for this upfront and owns the lights; City pays a monthly facility usage fee
   b. Liberty spreads that cost out as a facility usage fee, which is currently set at 9% of install cost of the infrastructure per year. So theoretically after 11 years, the City has paid for the light and installation, but the charges remain to cover any maintenance after.
   c. Liberty owns the pole and maintenance costs are covered by the facility usage fee the City pays to Liberty.

2. Provide a detailed breakdown of the process we follow when a developer comes to us for a planned subdivision related to streetlight installation and maintenance. A step-by-step process that cites the relevant city code sections.
   a. Developer submits sub-division plat plan for review. Per Article 3 above, City ensures lighting and associated infrastructure is included in the plan and followed. The development standard is a streetlight placed at each intersection or at least every 300' if possible.
   b. All of the infrastructure costs associated with streetlights are assigned to the developer. This includes the conduit, power lines, and most recently the connection for the primary power distribution box and streetlight power lines to the main power line. Previously this did not include the light pole or masthead which will now be included.
   c. Liberty works with the developers making sure that the developer covers the install of the power to the locations for streetlights. The City ensures development installations are completed according to the plan, now including the streetlight pole and masthead.

d. The “process” for utility installation, including streetlights, must be codified in the subdivision regulations per state statue.
e. The statute also requires a review by the Zoning and Planning Commission as well as the City Council.
f. Planning will insert the new street light process into the subdivision regulations once finalized.
g. The fees will be codified in the subdivision regulations and updated accordingly under normal fee review.
h. Staff have drafted an ordinance outlining costs proposed effective January 1, 2025

3. What does this cost look like and do we have a cost breakdown from Liberty that shows what the ongoing monthly costs are for each pole and electric usage? What are the City’s actual costs incurred, if any?
   a. Liberty bases their monthly pole charges on averages, currently $500 annually.
   b. Liberty has averages for electric usage based on the type of light fixture. The cost is also averaged over the year and the cost varies with peak verses nonpeak times.

4. Cost recovery - Staff are recommending the $4,000.00 per streetlight pole cost be added to the current developer's civil infrastructure costs. This is the cost incurred by the City and complies with the State requirements under the Hancock Amendment in recovering the City’s cost. This will be a new fee and added to the developer’s civil package plan review and collected prior to permits issued. It will be collected by each phase of development.

Commercial developments are handled differently as the developer pays for all associated streetlight costs up front with Liberty during construction. When construction is complete, the City is deeded the public streets including the streetlights. From that point the City owns and maintains the infrastructure.

c: Troy Bolander, Planning, Development, and Neighborhood Services Director
Leslie Haase, Finance Director
Dan Johnson, Public Works Director
Peter Edwards, City Attorney

COUNCIL BILL NO. 2024-516 ORDINANCE NO.

AN ORDINANCE amending Section 2.01A, Applications and Fees, Article 2, Procedures, of the Joplin Development Code, Appendix 29A as adopted by Ordinance No. 2022-119 of the City of Joplin and enacting in lieu thereof an amended Section 2.01A, Applications and Fees, Article 2, Procedures, of the Joplin Development Code, Appendix 29A; and, enacting Section 94-100, Application Fees, Article V, Permits and Fees, of Chapter 94, Planning, of the Code of Ordinances of the City of Joplin to implement certain fee changes; and setting a date when this Ordinance shall become effective.

WHEREAS, the Council of the City of Joplin desires to include the Planning Application Fees in Chapter 94, Planning of the Code of Ordinances; and,

WHEREAS, the Council of the City of Joplin desires to set a new subdivision streetlight fee to meet the reasonable expenditures of this function.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. That Section 2.01A, Applications and Fees, Article 2, Procedures, of the Joplin Development Code, Appendix 29A as adopted by Ordinance No. 2022-119 be amended enacting in lieu thereof to read as follows:

"**CITY OF JOPLIN, MISSOURI**
JOPLIN DEVELOPMENT CODE

SECTION 2.01A

Applications and Fees

…

2. *Fees.* Applications shall be accompanied by the non-refundable fees set forth in Chapter 94, Planning, Section 94-100, Application Fees, of the Code of Ordinances of the City of Joplin. Any application that does not include the required fee shall be returned to the applicant as incomplete. Fees shall not be required with applications initiated by the Staff on behalf of the Planning Commission or City Council.

…"

Section 2. That Section 94-100, Application Fees, Article V, Permits and Fees, of Chapter 94, Planning of the Code of Ordinances of the City of Joplin be enacted to read as follows:

"ARTICLE V. PERMITS AND FEES

Sec. 94-100. Application Fees

(1) *Zoning.* There shall be paid by all persons or corporations submitting any zoning request for approval by the City an application fee of Six Hundred Dollars ($600.00). This fee shall be paid at the time the application is submitted. The zoning type applications include the following:
   a. Rezoning Application
   b. Special Use Permit Application
   c. Special Use Renewal Application
   d. Request for Board of Zoning Adjustment Application
   e. Request of Vacation of Streets, Alleys and Easements Application
   f. Site Plan/Development Review Application

(2) *Subdivision Plats.* There shall be paid by all persons or corporations submitting preliminary plats for approval by the City an application fee of Two Hundred Dollars ($200.00), plus Fifteen Dollars ($15.00) per lot. This fee shall be paid at the time that the preliminary plat is submitted to the Planning and Zoning Commission and shall apply to approval of the preliminary plat and final plat, provided that the final plat, includes the same area to be subdivided as the preliminary plat.

(3) *Lot Splits.* The filing fee for lot splits shall be One Hundred Fifty Dollars ($150.00).

(4) *Subdivision Streetlights*: There shall be paid a subdivision streetlight fee of Four Thousand Dollars ($4,000.00) per streetlight in any new subdivision. This fee shall be paid at the time the plan review is submitted and approved.

(5) City Council shall review the costs of services associated with all user fees at least on a biennial basis during the budget process to determine the appropriateness of the fee charge."

Section 3. That this ordinance shall become effective on January 1, 2025.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this

_____ day of _____, 2024.

_____
Keenan T. Cortez, Sr., Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney