

**Meeting Minutes**  
**Ladue Storm Water Advisory Committee**  
**Thursday January 26, 2023 8:00 a.m.**

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Chairman Lloyd Palans called the meeting to order at 8:01 a.m.

The following members were present:

Lloyd Palans, Jim Adams, Maryann Rober, and Scott Solsvig

Also present:

Josiah Holst, H.R. Green; Mayor Spewak; Bill Brennan, Councilman; Anne Lamitola, Public Works Director; Amanda Griffin and Mark Koester, Storm Water Engineers; Scott Kroenung, Finance Director; and Lori Mullins, Deputy City Clerk.

Members of the public:

Philip Delano, 10 Wakefield; Mike and Sharon Kinsella, 21 Ellsworth; Felix and Malissa Ungacta, 38 Deerfield Terrace; Nancy Nafe, Landscape Architect; Jane Boudoures, 24 Ellsworth; William Stenson, 11 Wakefield; Pete McGowan, 3 Robin Hill; David Carrico, 18 Danfield Road; William Powers, 22 Oak Bend Court; Ed and Carol Horn, 50 Woodcrest; and Daniel Rothery, 53 Woodcrest

Mr. Palans recognized the loss of longtime resident and committee member Robert Mueller. Mr. Mueller was an asset to the Committee and will be missed.

Adoption of the Agenda

The agenda was adopted upon motion by Mr. Solsvig and second by Ms. Rober.

Approval of the Minutes from the November 29, 2022 Meeting

The minutes were approved upon motion by Ms. Rober and second by Mr. Adams.

Storm Water Management Program Budget

Ms. Griffin presented the City of Ladue's latest Collector's Report for the Period Ending November 30<sup>th</sup>. The activity for November 2022 is \$411,238 vs \$58,481 for November 2021; a favorable variance of 352,757 or 603.2% and \$1,452,021 vs \$1,000,737 for November 2021 for Year to Date; a favorable variance of \$451,285 or 45.1%.

Flood Buyouts Update

Ms. Lamitola gave the report on the application process. Revised submittals were made to SEMA on January 10, 2023 and January 17, 2023. The City was informed that 23 Foxboro is not eligible for FMA funding due to private insurance without NFIP backing. Property owners of 10104 Conway Road have chosen to be removed from the FMA application. The revised city share for the FMA buyouts is \$226,190.

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### Small Project Storm Water Grant Program Update

Mr. Koester informed the committee that to date a total of \$158,612.23 in City funds have been disbursed under the program. To date, 15 applications have been filed for a total request of \$244,335.73. One application has been withdrawn, and four are inactive.

2018: One is complete with a disbursement of \$10,350.00

2019: Two are complete with a disbursement of \$44,955.78

2020: Four are complete with a disbursement of \$62,271.60

2021: One is complete with a disbursement of \$18,301.00

2022: One is complete with a disbursement of \$22,733.85

Application #221117-1 was before the committee, submitted by Mr. Richard Hagedorn, 15 Deer Creek Woods Drive. The completed and fully executed grant application requests reimbursement from the City of Ladue in the amount of \$25,000.00. By Ordinance “the Public Works Director and the Committee will review the completed application together with the information submitted by the Property Owner(s). The Director, after Committee approval, will notify the Property Owner(s) of the eligibility of the proposed Project as:

- Accepted with funding available;
- Accepted with funding not available and placed on the wait-list;
- Not eligible and denied.”

In funding year 2023, \$100,000.00 is currently available for disbursement.

The property, not included in the SMP database, has structure flooding due to overflow from the MSD storm sewer system. The scope of work includes the installation of a retaining wall and sodded swale to direct the overflow around the swimming pool and the house.

Public Works recommends favorable consideration by the Committee of the application for “acceptance with funding available”. Upon Committee approval, a funding request will be forwarded to the City Council for approval because the reimbursement amount is over \$7,500.00.

Mr. Solsvig moved for approval of application #221117-1. The motion passed unanimously upon second by Ms. Rober.

### Storm Water Management Program/2019 Five Year Implementation Program

#### ***Robin Hill Lane - McKnight Lane Bank Stabilization Project***

Mr. Koester reported that Public Works is continuing to work with FEMA on reimbursement for 75% of our costs to repair the flood damage from the July 2022 floods and has received approval for a reimbursement of \$80,274. FEMA turns over the reimbursement process to the State Emergency Management Agency SEMA. We anticipate that it will take several months to complete the process.

#### ***Willow Hill Stormwater Infrastructure Project***

Ms. Griffin reported on change order negotiations with Bi-State Utilities. The City’s Construction Administrator HR Green recommends an approval of \$82,915.97 in change orders if the City pursues a pipe quantity underrun credit, or \$97,477.97 in change orders if the City does not pursue the credit. Bi-State has also requested a 1.5% performance and payment bond to be applied to the remaining change orders.

The budget remaining in Bi-State’s contract is \$173,358.50; however, this number includes \$106,795.52 in retainage. \$66,562.98 of Bi-State’s base contract value has not been billed. After change order #6 was approved, the contingency fund sits at \$82,778.88. Change order requests more than \$149,341.86 will require a contingency increase from City Council.

Project Financials:

- Bi-State Utilities construction contract: current contract value: \$2,202,473.38; contingency fund balance: \$82,778.88; paid-to-date: \$2,029,114.88.
- HR Green construction phase services contract: current contract value: \$255,116.20; paid-to-date: \$252,565.04

***Deerfield-Wakefield Stormwater Infrastructure Project***

Ms. Griffin reported on the hearing for the Deerfield/Wakefield project to be placed on inactive status. The City has not received all easements necessary to proceed with construction of the project. The Storm Water Advisory Committee met on September 29 to review status of the project, and agreed to extend the deadline to obtain the necessary easements until the meeting today. The City's Code of Ordinances, Article X – Storm Water Control Program, "Sec. 2-326. – Revaluation/Inactivation" (b), states the following:

*In the event that the progress of a project becomes stalled during the design stage due to a failure to reach an agreement/solution with the impacted parties, and it is so deemed by the committee, a project may be recommended to be placed on inactive status. Prior to this designation, a hearing shall be held at a regularly scheduled meeting of the committee. The recommendation to place a project on inactive status shall include a set of conditions which if met will allow the inactive status to be lifted. All affected property owners shall be informed of this recommendation at least one week prior to the meeting of the committee through notice given by first class mail. Upon recommendation of placement upon inactive status, all application of city resources shall be suspended until such a time as the project is returned to active status. A project may be returned to active status once all conditions have been met and the project has been reviewed and approved by the committee. This placement of a project upon inactive status shall be reported annually to the city council as part of the rolling five-year implementation plan.*

MSD has implemented the following change that directly impacts the project. Property owners are no longer required to grant a ponding easement to enable the project to move forward, as MSD has removed this specific ponding easement requirement on December 21. MSD agreed to eliminating the separate ponding easement requirement in response to the fact that the City adopted an Ordinance in April 2020 that regulates development on properties where sinkholes or ponding from sinkholes exist. All other easement requirements remain. Previously signed ponding easements have been returned to the property owner(s) and will not be recorded.

Fourteen easement binders have been signed; however, the following four properties have outstanding or denied easements: 39 Lindworth Drive, 25 Deerfield Road, 29 Deerfield Road, 34 Deerfield Terrace. One of two properties owners at 34 Deerfield Terrace has signed the easement binder.

Ms. Lamitola shared the conditions made by property owners of 25 Deerfield in order to grant the required easements to the City. One of several conditions is a request for \$20,000 in compensation. It was noted that the City's policy has been that payments for easements for stormwater projects are not issued.

Options for moving forward without the four properties were discussed. Mr. Holst stated the project could be completed east of Deerfield, but not to the west. Ms. Lamitola reported that a large-scale change would require a look at the benefit cost ratio and could alter the scorecard rating. The Deerfield/Wakefield project had the highest rating and thus would be a cost benefit to all residents.

Mr. Palans started the discussion including:

- the high priority of the Deerfield/Wakefield project
- the \$500,000 investment that the City has made for the project to date
- the outstanding easements
- the change of circumstances due to MSD removing ponding easement requirement

Mr. Palans asked the committee to consider placing the project on inactive status or tabling the decision until the April meeting.

Mayor Spewak stated with regards to easements, the City does not pay for stormwater project easements. The City has \$500,000 invested in order to help a lot of residents alleviate stormwater problems. She acknowledged that eminent domain has been brought up, should be explored, and a part of the discussion. Stating that this question will come up at the City Council level.

Mr. Palans mentioned tabling the decision until the April meeting, and requests that the City Attorney attend the meeting. A letter will be sent to all residents impacted by the project.

Staff will distribute the required easement documents to subdivision trustees in an attempt to obtain them in advance of the next Stormwater Advisory Committee meeting.

Mr. Adams moved tabling the status of the Deerfield/Wakefield amendment to inactive, until the April meeting. The motion passed unanimously upon second by Ms. Rober.

#### Public Forum

Dan Rothery, 53 Woodcrest, offered his assistance in obtaining an easement from property owner of 39 Lindworth.

Discussion ensued regarding the process from letters of intent to easement acquisition. Several residents shared their comments, concerns, and questions. Ms. Lamitola explained the necessity of 100% of impacted residents signing letters of intent, before the funds are invested in detailed project planning. This did take place for the Deerfield Wakefield project.

#### Other Matters Deemed Appropriate

Mr. Palans updated the Committee on the upcoming MSD rate hearings, and the possible ballot initiative for April 2024.

The next meeting will be held on April 6, 2023 at 8:00 am.

#### Adjournment

Mr. Palans adjourned the meeting at 9:28 AM.

A handwritten signature in black ink, appearing to read "Lloyd Palans", written over a horizontal line.

Mr. Lloyd Palans, Chairman