

**CITY OF TOWN AND COUNTRY
PUBLIC WORKS COMMISSION
MUNICIPAL CENTER COMMUNITY ROOM
1011 MUNICIPAL CENTER DRIVE
TOWN AND COUNTRY, MO 63131**

MONDAY, May 16, 2022 – 6:30 P.M.

AGENDA

- 1) Call to Order
- 2) Roll Call
 - Chairman – Ward 1
Alderman Pam Holman
 - Regular Members – Ward 1
George Tarlas
Robert Wunderlich
 - Regular Members – Ward 2
Robert Tuckett
David Hough (Vice-Chairman)
 - Regular Members – Ward 3
Tony Chao
Tom Pelikan
 - Regular Members – Ward 4
Mark Johnson
John Kovac
 - At Large Members
Kip Underwood
Todd Staley
- 3) Approval of Minutes –Monday, April 18, 2022
- 4) Old Business
- 5) New Business
 - a. Chapter 415. Flood, Stormwater and Erosion Control Regulations revisions
 - b. Stormwater Maintenance Policy revisions
- 6) Discussion
 - a. Reports/ Project Updates
- 7) Adjournment

CITY OF TOWN AND COUNTRY
PUBLIC WORKS COMMISSION
MUNICIPAL CENTER COMMUNITY ROOM
TOWN AND COUNTRY, MO 63131

MONDAY, APRIL 18, 2022 – 6:30 P.M.

MINUTES

1) Call to Order – at 6:32PM by Alderman Holman

2) Roll Call

Chairman – Ward 1
Alderman Pamela Holman
(present)

Regular Members – Ward 3
Tony Chao (present)
Tom Pelikan (absent)

Regular Members – Ward 1
George Tarlas (present)
Robert Wunderlich (present)

Regular Members – Ward 4
Mark Johnson (present 6:54pm)
John Kovac (present)

Regular Members – Ward 2
Robert Tuckett (absent)
David Hough (present)

At Large Members
Kip Underwood (present)
Todd Staley (absent)

3) Approval of Minutes – Tuesday, March 22, 2022 – A motion was made by Commissioner Underwood and seconded by Commissioner Chao to approve minutes. Passed unanimously (6-0).

4) Old Business

5) New Business

a. Contract Agreement – 2022 Road & Parking Lot Project – NB West

i. After discussion a motion was made by Commissioner Chao and seconded by Commissioner Tarlas to recommend approval to the Board of Aldermen. Passed Unanimously (7-0).

b. Engineering Agreement – Woodmark 2012-5 Fee Amendment – Reitz & Jens

i. After discussion, a motion was made by Commissioner Underwood and seconded by Commissioner Johnson to recommend approval to the Board of Aldermen. Passed Unanimously (7-0).

c. Private Street Acceptance- Moratorium

- i. After discussion a motion was made by Commissioner Chao and seconded by Commissioner Underwood to recommend approval to the Board of Aldermen. Passed Unanimously (7-0).

6) Discussion

- a. Staff provided an update on the stormwater subcommittee work product and information for the May Public Works Commission meeting
- b. Public Works Director gave an update on projects and Department Planning.
- c. Alderman Holman provided a city update.

- 7) Adjournment - A motion to adjourn was made by Commissioner Tarlas and seconded by Commissioner Underwood at 8:23 PM. Passed unanimously (7-0).

Chapter 415. Flood, Stormwater and Erosion Control Regulations

Article III. Stormwater Control Program

Section 415.140. Stormwater Control Program.

It is the intention of the City to address stormwater concerns for affected City infrastructure as well as private properties where surface drainage conditions have created a negative impact. This program is funded from portions of the sales tax of one-half-cent (\$0.005) collected for parks and stormwater improvements. Notwithstanding any ordinance to the contrary, the City shall not be obligated to undertake any stormwater project. Where used, the term director shall also include the Directors designee.

Section 415.145. **Application for Project Identification.**

A. The Director of Public Works or their designee is responsible for the identification of potential projects through analysis of public infrastructure or through input received from by individual resident (s). A meeting and site visit with the Director or their designee and all affected Property Owners is mandatory prior to the submission of an application with the Property Owner(s) to understand whether the Project is eligible.

1. Projects identified as "eligible" for the Stormwater Control Program after Month xx, 2022 and thereafter will be required to complete an application.
2. Application. An application must be submitted to the Director or their designee before May 1, for inclusion of in that year's analysis. Applications will include a non-refundable filing fee of three thousand dollars (\$3,000.00).
3. Stormwater Control projects previously identified by on the City's Stormwater program on or prior to June 1, 2022, and that remain eligible as a capital project, must complete the an application by January 1, 2023 to remain on the program. The application fee will not apply to pre-existing eligible capital projects.

B. Upon identification After an application has been accepted, the Director will shall develop have a draft analysis created utilizing the attached Location Benefit Identification (LBI) Scale under Section 415.185 for each affected property. This shall be presented to the Public Works Commission (Commission) for review. The Commission shall seek input from any and all agencies, groups or individuals as necessary to evaluate the draft and revise the draft. as is necessary.

Section 415.150. Minimum Project Standards **for Eligibility.**

- A. Projects identified to be a part of the "eligible" for the program must shall meet two or more of the following minimum guidelines:
1. Threatened public structure or improvement; or 1. Receive at least a score of 5 utilizing the Location Benefit Identification Scale; or
 2. Surface flows altered or caused by a public improvement; or 2. Have an overall project cost that exceeds seventy five thousand dollars (\$75,000.00); or
 3. Cannot reasonably be completed by individual property owner due to the necessary involvement of other parties or agencies outside of that individual's control; or 3. Have a total drainage area that exceeds three (3) acres.
 4. Altered upstream conditions; or

~~5. Inadequate system design under previously less restrictive development regulations.~~

- B. Issues determined to be the result of the actions of an individual property owner impacting his or her own property are not eligible for programming. Issues created as the result of the actions of an individual property owner which impact downstream properties are not eligible, but instead shall be considered a matter to be referred for civil action between the affected parties. The maintenance of functioning systems under the control or ownership of other agencies, political subdivisions, private individuals or subdivision trust associations are not eligible for programming.

Section 415.155. Benefit Calculation.

- A. The preliminary project scope is to be prepared by the Director ~~or their designee~~. The LBI for each affected residential property ~~and~~ Section of public property shall also be calculated by the Director ~~or their designee~~ individually as a part of the preliminary project scope. The sum of these individual LBI calculations shall comprise the total benefit calculation for the project. The probable opinion of cost is to be prepared by the Director ~~or their designee~~ under contract with a qualified professional services provider or utilizing internal resources.
- ~~B. The preliminary project scope, probable opinion of cost and LBI are to be reviewed in open session by the Commission. All affected property owners shall be informed of this review at least one (1) week prior to the session utilizing the United States Postal Service. Upon solicitation of public input, the Commission shall alter, adopt or reject the benefit calculation for placement in the program.~~

Section 415.160. Ranking System.

Projects adopted by the Commission shall be ranked with the highest priority given to those with the lowest cost-to-benefit ratio. Projects shall be inserted into the rankings based solely on the calculated ratio regardless of order of identification. ~~The program shall be presented to the Board of Aldermen in the form of a five-year implementation plan recommended by the Commission as a part of the City of Town and Country's annual budget process. The five-year implementation plan shall be based upon the comparison of implementation cost of the highest-ranked projects with the funding available for stormwater projects in the Parks and Stormwater Fund of the City of Town and Country.~~

Section 415.165. Property Owner Participation.

Individual property owners, subdivision organizations and other interested parties may make a monetary contribution to a project. Any contributions pledged by outside sources shall be identified as a part of the probable opinion of cost and deducted from the total project cost prior to the calculation of the cost-to-benefit ratio. This adjusted ratio shall be utilized in the project ranking. No project with an adjusted ranking shall be implemented prior to the commitment of funds by the outside sources. These funds shall be placed in escrow with the City prior to the commitment of any resources by the City for the project.

Section 415.170. Reevaluation/ Inactivation.

- A. Each project shall be reevaluated by the Commission no less than every ~~three (3)~~ five (5) years. If changes in project scope are identified by the Director, their designee, or requested by the affected property owners, the project may be reevaluated annually prior to the presentation of the program to the Board of Aldermen.
- B. 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 Public Works ~~and Stormwater~~ Commission, a project can be recommended to be placed on inactive status. Prior to this designation, a hearing shall be held at a regularly

scheduled meeting of the Public Works and Stormwater Commission. 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 impacted parties shall be notified of such hearing via 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 status once the conditions have been met and a review of the project has been held by the Public Works and Stormwater Commission. This placement upon inactive status shall be reported to the Board of Aldermen as a part of the five-year Capital Plan.

Section 415.175. Minimum Design/Construction Standards.

All projects shall be designed to meet all requirements of the City of Town and Country, the Metropolitan St. Louis Sewer District (MSD), Missouri Department of Natural Resources (MDNR), United States Army Corps of Engineers (USACE) and any other necessary regulatory agency or political subdivision with permissible rights established under local, State or Federal law.

Section 415.180. Five-Year Implementation Program Plan.

The five-year implementation plan shall be based upon the comparison of implementation cost of the highest-ranked projects with the funding available for stormwater projects in the Parks and Stormwater Fund. The Commission shall develop an updated implementation ~~program~~ plan annually ~~by August 1~~ and ~~shall~~ be presented ~~such~~ to the Board of Aldermen as a part of the annual budgeting process. This shall include the portion of the program which is recommended for funding under the upcoming year and four (4) following years. The ~~first two (2)~~ upcoming years shall contain specifically identified projects as well as the anticipated design, property/easement acquisition and construction costs associated with these projects and the necessary budget requests. The ~~final three (3)~~ following four (4) years shall consist of a general identification of potential budget requests for continued implementation of the ~~program~~ plan. Upon adoption of the five-year implementation plan and the necessary budget requests, the Director shall be responsible for the implementation of the plan.

Section 415.185. Location Benefit Identification (LBI) Scale.

**CITY OF TOWN AND COUNTRY
LOCATION BENEFIT IDENTIFICATION**

Project ID:

Location Address/Description:

Total Calculated Benefit Points:

Evaluation Category	Problem Type	High	Medium	Low
Erosion	Public Structure	45	15	5
	Residential Structure	36	12	4
	Retaining Wall (Public)	36	12	4
	Street ROW	27	9	3
	Improved Channel	27	9	3
	Retaining Wall (Private)	18	6	2

CITY OF TOWN AND COUNTRY
LOCATION BENEFIT IDENTIFICATION

Project ID:

Location Address/Description:

Total Calculated Benefit Points:

Evaluation Category	Problem Type	High	Medium	Low
Flooding	Drainage Structure	18	6	2
	Yard		3	1
	Unimproved Channel			1
	Other			
	Public Structure	45	15	5
	Residential Structure	36	12	4
	Impassable Traffic	27	9	3
	Passable Traffic	18	6	2
	Accessory Structure		3	1
	Yard			1
Maintenance	Other			
	Drainage Structure	18	6	2
	Improved Channel		6	2
	Unimproved Channel		3	1
	Street Gutter		3	1
	Swale/Berm			1
Drainage	Other			
	Street		3	1
	Yard			1
Regional Benefit	Other			
	Drainage Area Size (ac)	20+ ac	10 – 20 ac	0– 10 ac
	Minimum Threshold	20	10	0
Pollutant Reduction	Additional Multiplier	1	0.5	0.2
	Bank Stabilizer (sy)	500+ sy	100 – 500 sy	0 – 100 sy
	Minimum Threshold	500	100	0
	Additional Multiplier	0.5	0.1	0.05
	Bioswale/Rain Garden (sy)	300+ sy	200 – 300 sy	0 – 200 sy
	Minimum Threshold	300	200	0
Additional Multiplier	0.5	0.1	0.05	

	Frequency Rating		Degree of Risk
>1/year	1.0	Life/Limb	1.0
1/year	0.9	Health	0.5
1/5 years	0.6	Property Value	0.1

Frequency Rating**Degree of Risk**

1/10 years

0.3

Section 415.190. Maintenance Stormwater Grant Program.

The owners of any property located within the City, may apply for funds from the Stormwater Maintenance Stormwater Grant Program to recover up to 50% of the total property owner's eligible cost, to a maximum of twenty-five thousand dollars (\$25,000.00) per project. A maximum annual budget of \$100,000.00 will allotted for the Stormwater Maintenance Grant Program. Grant funds are to design and install a City-approved storm water project. Applications will be received by the Director or their designee and processed by date received. An application must be submitted before May 1 of any year, for inclusion in the following fiscal year's budget. Applications will include a non-refundable filing fee of five hundred dollars (\$500.00). Details about the Maintenance Stormwater Grant Program can be reviewed in the Public Works Department

Section 415.195. (Reserved)

City of Town & Country Storm Water Maintenance Project Policy Stormwater Maintenance Grant Program.

Overview

In 2009, the Public Works and Storm Water Commission developed a program to address storm water concerns throughout the City. This program utilizes funds from a one-half of one percent (.5%) tax on all retail sales made in the City for the purpose of providing funding for storm water control and local parks. This program was memorialized as a part of Chapter 415 – Flood, Storm Water and Erosion Control Regulations of the Town & Country Municipal Code by the Board of Aldermen on May 10, 2010. This can be referred to as the Storm Water Program.

The Storm Water Program provides the mechanism for identification, assessment and implementation of measures for projects which require a large degree of coordination with multiple stakeholders and regulatory agencies. It has been determined that not all projects require the same degree of coordination and are therefore overly burdened by the assessment and ranking requirements of the Storm Water Program.

The Stormwater Maintenance Grant Program is authorized under City of Town & Country Municipal Code Section 415.190 to help Property Owners address limited storm water problems such as, but not limited to, yard flooding, flooding from an inadequate sinkhole, flooding from an inadequate conveyance, yard erosion, creek erosion, water entering a structure, and/or structural erosion at their property from (caused) storm water runoff. (Where used, the term director shall also include the Directors designee)

The program does NOT apply to projects intended to alleviate problems associated with the regulated floodplain as mapped by the Federal Emergency Management Agency (FEMA).

The Program does requires a front-end commitment on the part of the Property Owners that requires to hire ing a licensed design professional(s) to develop a scope of work; prepare construction plans; obtain regulatory approvals; obtain required permits; prepare, obtain and record easements and ancillary agreements; and take construction bids.

To be eligible for the grant program the project must address an inadequate storm water system from caused by a previously less restrictive development guidelines period or altered upstream conditions.

Issues determined to be the result of the actions of an the individual property owner impacting his or her own property are not eligible for the programming. Issues created as the result of the actions of an individual property owner or in conjunction with new building construction which impact downstream properties are not eligible, but instead shall be considered a matter to be referred for civil action between the affected parties. The maintenance of retention, detention or other required systems under the control or ownership of other agencies, political subdivisions, private individuals or subdivision trust associations are not eligible for the programming.

Funding Mechanisms and Restrictions

~~As this program is intended for the remediation of storm water concerns which are of a maintenance nature only, the scope of these projects are to be limited. In an effort to define the maximum level of resources to be provided, the program as a whole shall not be allocated any amount greater than 5% of the annual revenue projection for the entire Parks and Storm Water Fund. Also, no individual project within this program shall exceed in cost 1% of this same annual projected revenue.~~ The amount of funds to be granted to any applicant shall be limited to not more than fifty percent (50%) of the approved eligible Project costs, but not to exceed twenty-five thousand dollars (\$25,000.00) of the total Project cost whichever is the lesser amount. Applications are to be submitted to the Public Works Department before May 1 of any year, for inclusion in the following fiscal year's budget. Upon recommended approval by the Public Works Commission, applications will be submitted to the Board of Aldermen for funding and ultimate project approval. It shall be the sole discretion of the Board of Aldermen to determine available funding approvals. Applications shall be processed in date order: Any application that has met all requirements but is not approved due to budgetary limits shall remain eligible, and shall be processed the following fiscal year.

Project Identification

~~The Director is responsible for the identification of potential projects through analysis of public infrastructure or through input received by individual residents. Upon identification, the Director shall develop a draft cost analysis for the individual project. This shall be presented to the Public Works and Storm Water Commission for review. The Commission may seek input from any and all agencies, groups or individuals as necessary to evaluate the draft and revise as is necessary.~~

~~The intent of this policy is to address storm water concerns for affected city infrastructure as well as private properties where surface drainage conditions have created a negative impact. The projects identified under this policy are those which do not require permitting by outside agencies or the need for additional professional services above what can be provided by City Staff. To be eligible for this Storm Water Maintenance Program projects must meet one of the following criteria:~~

- ~~• Threatened public structure or improvement, or~~
- ~~• Surface flows altered or caused by a public improvement, or~~
- ~~• Cannot reasonably be completed by individual property owner due to the necessary involvement of other parties or agencies outside of that individuals control, or~~
- ~~• Altered upstream conditions, or~~
- ~~• Inadequate system design under previously less restrictive development regulations~~

Procedure for Project Application

To be considered for Project approval and eligibility in the Grant Program, Property Owner(s) must submit to the Public Works Department a fully completed and executed application containing all information, materials and documents as described and/or required in this Grant Program - to the Public Works Department prior to commencement of any stormwater remediation work. A meeting and site visit with the Director or their

designee is mandatory prior to submission of an application to enable the Property Owner(s) to understand whether the Project is eligible and to as well as identify all information necessary to be submitted.

An executed application form must be submitted to the Public Works Department by the Property Owner(s) and which must include, at minimum, the following information:

1. The Property Owner(s)' name(s), property address, telephone number, email address, and the contact information of primary contact person.
2. A statement describing the specific issues, problems or concerns regarding surface or storm sketch showing the proposed actions, work or improvements to be performed on the property.
3. A description and scope of the proposed corrective action, including a formal site plan or a sketch showing the proposed actions, work or improvements to be performed on the property.
4. The formal sealed site plan or a sketch to include:
 - a. A detailed plan and scope for proposed storm water remediation (i.e., rain gardens, drain berms, and yard inlets).
 - b. The specific location and scope of the proposed work and remediation improvements on the property.
 - c. The direction of storm and surface water drainage flow with directional arrows.
5. A non-refundable fee of five hundred dollars (\$500.00) shall be paid at the time of the application submittal.

Process for Project Approval

After an application has been accepted the Director or their designee shall refer the matter to the Public Works Commission for its review. During their review the Commission may request such additional information as it deems appropriate in order to make an informed decision. Once the Commission has reviewed the application and associated information they it may make a recommendation to the Board of Alderman for of approval, approval with modifications, or denial. to the Board of Aldermen.

After the Commission makes a recommendation the Property Owner(s) shall take the following additional steps to complete the process.

1. No application will be considered complete until all necessary information is provided as follows:
 - a. Submit a formal and complete engineering plan prepared by a licensed Missouri professional civil engineer or landscape architect including with the necessary scope and design requirements for review.
 - b. Obtain any required permits, easements or other information required by other governmental agencies or permitting authorities, such as the St. Louis Metropolitan Sewer District, U.S. Army Corps of Engineers, or the Missouri Department of Natural Resources.

- c. Submit any necessary easements required by the City, fully executed and in recordable form.
 - d. Submit signed agreements from all adjacent property owners for the work to be performed including any necessary temporary easements.
2. Applicants shall obtain and submit a minimum of three comparable bids from contractors which are fully capable of completing the proposed work for the Project in a workmanlike manner and in full compliance with the scope of work and applicable law and regulations.

After determining that the application is complete the Director or their designee shall refer the matter to the Board of Aldermen. The Board may request such additional information as it deems appropriate in order to make an informed decision. The Board may approve, approve with modifications, or deny the application. Upon Board approval the applicant will have one (1) year to complete the project in conjunction within the fiscal year for which the project was approved for.

Procedure for Reimbursement

Upon completion of the work, and before any reimbursement is made by the City, the Property Owner(s) shall provide the following to the Director, for review and approval, the following:

- a. Written verification by the Property Owner(s) of completion of the work by the Property Owner(s)' contractor and compliance with the Project documents and requirements:
- b. Paid receipts or invoices identifying the necessary detail and itemization for the materials and work done by the contractor, with fully executed and completed lien waivers and releases from the contractor, subcontractors and material suppliers; and
- c. A copy of required recorded easements.

Once the above items are received the Director or their designee will perform a final inspection to verify that the Project was completed as designed and is in full compliance with the scope of the work, applicable law and regulations, and the Project plan. When the final inspection is completed and approved the Director shall process the reimbursement for payment.

Reimbursement Costs

The following costs are authorized for reimbursement under the Grant Program:

1. The cost of demolition or removal of any site improvements (i.e. fences, sidewalks, driveway, etc.) necessary for excavation and installation of the improvements.
2. The cost of restoration of any section of sidewalk, driveway, or landscaping required to be removed by the work.
3. The cost of the improvements.

4. The cost of necessary professional services employed for survey, design and engineering related to the proposed improvements.

Non-Eligible Costs

The following costs are not eligible for reimbursement under the Grant Program:

1. The cost of interior clean-up or any damage to the interior of a home, building or personal property caused by the construction or installation of the improvements.
2. Any lost wages or income to the Property Owner(s) or any occupancy due to absence from work or time necessary to accommodate the City or contractors to complete the Project plan.
3. Flowers, bushes, trees, landscaping, turf, and other similar yard improvements unrelated to or not necessary for the storm water mitigation Project plan.
4. Utilities, lawn irrigation systems, low voltage wiring and high voltage wiring and other similar equipment, materials or related devices unrelated to the storm water mitigation Project plan.

Other

1. All Project improvements shall be located within easements created and dedicated to the City. Proposed easements for this purpose shall be submitted together with the plan for Project approval. Recorded easements must be submitted with recording receipts before reimbursement will be made.
2. Property Owner(s) are responsible for directly hiring and paying the contractor to perform the work and assuring that the contractor completes the Project pursuant to the approved plan, scope and specification. It is expressly understood that the City has no responsibility to the contractor for payment, which is the sole responsibility of the Property Owner(s).

Project Implementation

~~Upon approval by the Public Works and Storm Water Commission, projects will be implemented as funding is made available by the Board of Aldermen. The Director shall solicit for these services in accordance with the City of Town & Country Purchasing requirements. Once a selection has been made, the Director shall obtain contract and scope approval from the Board of Aldermen for each project.~~