

Meeting Minutes
Ladue Storm Water Advisory Committee
Thursday April 6, 2023 8:00 a.m.

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:

Mayor Spewak; Anne Lamitola, Public Works Director; Greg Dohrman, City Attorney; Amanda Griffin and Mark Koester, Storm Water Engineers; Scott Kroenung, Finance Director; and Lori Mullins, Deputy City Clerk.

Members of the public:

Jack Kenny, 9057 Clayton Road; Felix Ungacta, 38 Deerfield Terrace; Nancy Nafe, Landscape Architect; Josiah Holst, HR Green; Elizabeth Maxeiner, 22 Woodcrest; Peder and Carolyn Arneson, 10036 Conway Road; William Stenson, 11 Wakefield Dr.; David Carrico, 18 Danfield Road; and Ed and Carol Horn, 50 Woodcrest.

Adoption of the Agenda

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

Approval of the Minutes from the January 26, 2023 Meeting

Mr. Palans requested an addition to the minutes to reflect the mailing to all affected property owners regarding the changed circumstances, the inactive status possibility at the April 6th public hearing. The minutes were approved, as amended, upon motion by Mr. Solsvig and second by Mr. Adams.

Storm Water Management Program Budget

Ms. Griffin reported on the budget, stating the magnitude of the favorable balance is partially due to reimbursements from MSD for the intergovernmental agreement on the Willow Hill project and OMCI funding on the Robin Hill project. February 2023 activity is \$438,080 vs \$92,619 for February 2022: a favorable variance of \$345,461 or 373.0%. February 2023 Year to Date activity is \$1,115,256 vs \$192,239 for February 2022 Year to Date: a favorable variance of \$923,017 or 480.1%.

Flood Buyouts Update

Ms. Lamitola reported on the status of the application process. On Thursday, March 2, 2023 the HMGP application was submitted to SEMA for 14, 22, and 25 Foxboro. City Council Resolutions were required to apply for funding and were adopted by the City Council. The City share for the HMGP buyouts is \$453,888.75. 23 Foxboro property was submitted as both an alternate and a stacked HMGP application. The City share for 23 Foxboro under the HMGP program is estimated to be \$150,517.50. The City had previously committed to \$56,440 for the FMA City share. 23 Foxboro is eligible for the next round of FMA funding if the property owner obtains NFIP flood insurance and has claim history that meets the eligibility threshold. This option will be pursued if 23 Foxboro is not funded through the HMGP stacked or alternate application. The FEMA review process for both buyout programs will take several months. The entire buyout process can take 24 – 36 months.

Storm Water Management Program/2019 Five Year Implementation Program

Deerfield-Wakefield Stormwater Infrastructure Project

Ms. Griffin reported that following the January meeting, when the decision to move the project to inactive status was continued, the City has not received all easements necessary to proceed with the project. The Storm Water Advisory Committee met on January 26 to review status of the project and decided to extend the deadline to obtain the necessary easements until the April meeting. 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.

The following four properties have outstanding or denied easements:

- 39 Lindworth Drive - Property owners are willing to sign provided that conditions regarding their fence are met
- 25 Deerfield Road - Property owners have outlined terms, including a request for compensation, in order to sign
- 29 Deerfield Road – Has verbally stated that they will not sign the required easement
- 34 Deerfield Terrace - One of two property owners has signed the easement binder

Additionally, there are required easements for common ground subdivision properties as well as temporary construction licenses (TCLs) that require trustee signatures. There is trustee support, however, some of the subdivision indentures have lapsed; the City Attorney is in the process of conducting further analysis and some trustees question their legal authority to sign.

Mr. Palans gave the following summary of recent events:

- November of 2022 there were 11 outstanding easements
- December of 2022 MSD removed the ponding easement requirement
- January of 2023 there were 4 remaining easements
- January 26th the Committee tabled the decision to move the project to inactive
- The City has invested \$550,000 in the project

Mr. Palans advised there were items for discussion in a closed session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021(1)

Mr. Solsvig moved to enter in to closed session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021(1); upon second by Ms. Rober the roll call vote was as follows:

Mr. Solsvig "Aye"
Mr. Adams "Aye"

Storm Water Management Program/2019 Five Year Implementation Program

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Mr. Solsvig "Aye"
Mr. Adams "Aye"

Ms. Rober "Aye"
Mr. Palans "Aye"

The motion passed unanimously. The Committee went into closed session at 8:26 a.m. with Mayor Spewak, Mr. Dohrman, Ms. Lamitola, Ms. Griffin, Mr. Koester, and Ms. Mullins.

The Committee returned to open session at 9:43 a.m. with Mayor Spewak, Mr. Dohrman, Ms. Lamitola, Ms. Griffin, Mr. Koester, and Ms. Mullins.

Mr. Palans reported that the progress of the Deerfield-Wakefield has been stalled due to failure to reach an agreement with all affected parties. Notice was provided to said parties in advance of this meeting, that this project may be placed on inactive status. Rather than vote to place this project on inactive status today, he asked for a motion to suspend the vote to place the project on inactive status, pending the Committee's recommendation to the City Council to consider exercising the City's enforcement rights necessary to proceed with the Deerfield-Wakefield project.

Mr. Adams moved to suspend the vote today pending the recommendation to City Council so they may consider taking further action; upon second by Ms. Rober the roll call vote was as follows:

Mr. Solsvig "Aye"
Mr. Adams "Aye"
Ms. Rober "Aye"
Mr. Palans "Aye"

Public Forum

Jack Kenny, 9057 Clayton Road, shared concerns regarding storm water depositing gravel on his property; the gravel creates a mess and obstructs the drainpipe. Mr. Palans explained the authority of the Committee suggested the grant program as well as reaching out to MSD for assistance. Ms. Lamitola offered to come and look at the issue.

Ed Horn, 50 Woodcrest, inquired about completing the project for Ellsworth and Lindworth and excluding Deer Field. The cost benefit ratio for this project was derived for the scope of the entire project, and it cannot be altered and retain the rating in the implementation plan.

Other Matters Deemed Appropriate

Ms. Lamitola stated the City of Ladue's Deer Creek Preserve project will be constructed soon. The bid date for the project was March 30. The project is anticipated for award at the City Council meeting in April. Storm water improvements for the project will be funded through the Storm water Fund.

Mr. Palans updated the Committee on the MSD ballot initiative proposed for April 2024.

The next meeting will be held on July 13th.

Adjournment

The meeting adjourned upon motion of Mr. Adams and second by Ms. Rober at 10:06 a.m.

Mr. Lloyd Palans, Chairman