

City of O'Fallon, Missouri

Stormwater Management Policy for the Community Cost Share 50/50 Reimbursement Program Option



Approved for Use by City Council: January 28, 2016
City Resolution: 01-28-2016A

City of O’Fallon, Missouri
Community Cost Share (CCS)
50/50 Reimbursement Program Option

TABLE OF CONTENTS

PURPOSE	3
PROGRAM CONTACTS.....	4
PROGRAM CRITERIA	4
50/50 REIMBURSEMENT PROGRAM INFORMATION AND GUIDELINES.....	5
BIDDING AND REIMBURSEMENT REQUEST REQUIREMENTS.....	ERROR! BOOKMARK NOT DEFINED.
ELIGIBLE AND NON-ELIGIBLE ACTIVITIES/PROJECTS FOR COST SHARE FUND 50/50 REIMBURSEMENT.....	8
APPLICATION PROCESS	9
ROCK QUANTITIES	10
US ARMY CORPS OF ENGINEERS “BROKEN CONCRETE” REQUIREMENTS.....	11
LINKS OR HELPFUL INFORMATION	11
APPENDIX A.....	12
APPENDIX B	13
APPENDIX C	15
APPENDIX D.....	16
APPENDIX E	17
APPENDIX F	18
APPENDIX G.....	19
APPENDIX H.....	20

City of O'Fallon

Community Cost Share Program (CCS)

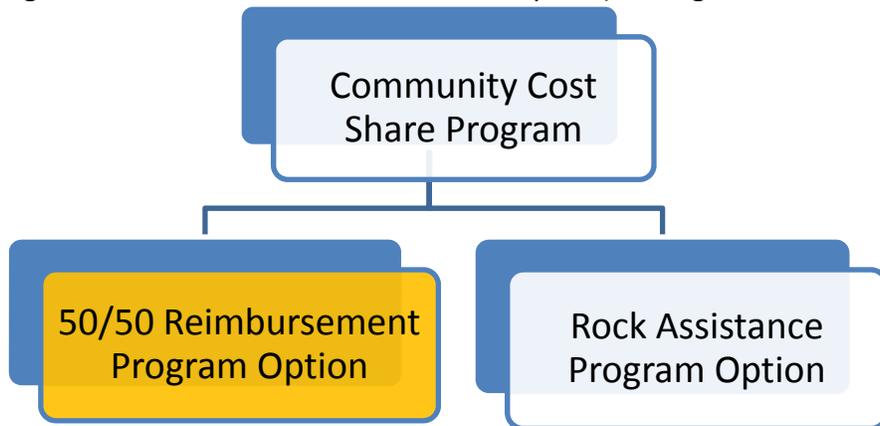
50/50 Reimbursement Program Option

Purpose

With any residential storm water issue, the difference between the responsibility of a private land owner and a problem large enough for the City to become involved is not always clear. As such, the City's Stormwater Policy, which was adopted in June 2011, contains multiple priority levels.

- Priority Levels 1 and 2 include items that warrant full funding from the City. These two levels are designed and constructed by the City.
- Priority Level 3 items will still be considered for partial public funding from the City, but are typically storm water issues that are within the realm of the property owner's private maintenance responsibility.

As a result, this CCS program has been developed to provide assistance to residential property owners through two sub-programs: the 50/50 Reimbursement Program option (50/50) and the Rock Assistance Program option (RAP). CCS also benefits the public by improving water quality and by preventing smaller problems from growing into larger concerns, which could affect adjacent properties or others throughout the watershed. These projects are more private in nature, but still have a public benefit. Please note that this program is approved for residential properties within City limits. Agricultural, Industrial, Commercial, Mobile Home Parks, and Apartment Complexes do not qualify for this program. Subdivisions also have to be accepted (no longer under escrow) by the City.



City staff will assist the property owner(s) through the entire process from initial application through construction and completion of the project upon acceptance into the program. If the applicant is not clear about anything on the application, please call us to discuss! Applicants should not hesitate to contact City staff if they have inquiries during the application process. City staff will happily work with the residents throughout the process from start to finish.

***Pursuant to City Ordinance and state law, the City cannot undertake drainage improvements on private property except where an easement exists, there is a benefit to the public that will decrease the need and/or cost of a potentially larger, more expensive fully-funded project in the future or in the event that protection of life or property requires emergency efforts.*

Program Contacts

The individual named here should be considered the first point of contact for any application, or any general questions:

Michele Gremminger

Stormwater Management Coordinator

636-379-7632

micheleg@ofallon.mo.us

Program Criteria

This program is designed to provide assistance to property owners experiencing creek bank erosion or similar storm water related concerns as a means of reducing soil erosion and its effects on water quality and the storm system throughout the City. The following paragraphs will explain in detail the guidelines that will be applied to the CCS 50/50 Reimbursement Program option. The Rock Assistance Program option is explained in a separate document.

Property owners shall request consideration for matching funds in writing in the form of an application (see Appendix) from the Public Works Director or his designee. Once an application is received, a site visit will be performed in order to verify whether the potential project will qualify as a Priority Level 3 as per the Stormwater Management Policy. Prime consideration will be given to areas with high ratings per the City's criteria. For full details on how drainage concerns are resolved and approved for funding, please see the Stormwater Management Policy. The Stormwater Policy is located on the City website at <http://www.ofallon.mo.us/stormwater-funding>.

Once a project is evaluated, approved, ranked and rated, it will be added to the Priority Level 3 Stormwater Priority List. During review of the application, the City will work with the resident to determine if a minimalist in-house design can be completed or if it needs bids from private engineering firms. A pre-qualified engineer and contractors list will be provided to the approved applicant to complete bid requirements as stated in the options section of this policy. The City reserves the right to deny reimbursement on items submitted that are not deemed associated with the project. Again, it will be required for the applicant to utilize a company that is on the City-provided list. Failure to adhere to this requirement will immediately result in the termination of the agreement and any reimbursement to the property owner.

The current program cap is set at an amount that is approved by City Council per budget year or remaining fund balance in the budget year at the time of application approval. This program is operated on a first come, first served basis. When program funds are depleted; no additional projects can be completed for the remaining budget year. If an application is received and approved with no funds available, the project will be placed as top priority for the following budget year, provided funds are approved by City Council. If a project total is above the available funds, then it

may have to be completed in phases or the reimbursement portion to the applicant will be made in portions.

50/50 Reimbursement Program Information and Guidelines

- The City will pay up to 50% of the costs of alleviating erosion or similar storm water concerns, funds permitting, for construction projects.
- The applicant is fully responsible for hiring the engineer and/or contractor from the approved list, and will also be responsible for making payment to those individuals.
- The City's total share of the 50/50 reimbursement option shall not exceed the amounts allocated in the budget for that purpose.
- If the project cannot be completed in that calendar year/budget, then it may have to be completed in phases based on the City budget and no other project would start until the project is complete.
- The applicants must provide a signed statement from all adjoining property owners, including their street address, stating they have no objections to the project whether they are affected by the project or not. The City will provide a template to administer these letters (refer to the Appendix).
- If this is a minimalist design, City staff will evaluate and design the solution and work with the resident to complete design and/or any permit applications necessary. If it is determined that a private engineer needs to be hired, the City will provide a list of recommended private engineers to the applicant.
- Project completion is subject to funds available at the time of application. If the total reimbursement request exceeds the City's available balance at the time of application, then the remaining balance will have to wait until City Council re-appropriates funds; which may be the following budget year. If a project must be completed in phases, the City may ask for documentation from the applicant in advance to secure funds to complete the project in a timely manner and as funds are available.
- The applicant must keep in mind that their project is not a fully funded City Capital Improvement Project but a private one, which provides some public benefit. Therefore, any warrantee, guarantee or other agreements made between applicant and contractor are private and not subject to City intervention with regard to such agreements.
- All proposed projects shall meet the guidelines of the City, US Army Corps of Engineers and Missouri Department of Natural Resources.
- **If engineering, construction, or other costs are completed before being approved for the program, then they will be excluded from the reimbursement request and considered funds expended before approval. Any design completion will not be eligible for reimbursement until the final construction inspection is completed. Below are two examples regarding engineering and construction reimbursement:**
 - Example 1: If the applicant hires an engineer (not pre-approved, or not part of the application) and pays them before the City reviews and approves or sees the application, then those expenses will not be reimbursed, nor count towards the applicant's match.

- Example 2: if the applicant hires a contractor (pre-approved or not) and only has one bid, hires that company, and they start the work, before the application is submitted, the application will not be accepted and funds will not be reimbursed.
- If multiple owners adjacent to one another want to apply for the program at one time, each property owner must fill out a separate application in his/her name for reimbursement purposes. All contact information must be included in the application process. We recommend that property owners working together agree on one engineer/construction contractor to submit bids and perform the work. Bids will have to be submitted for each applicant once approved.
- Property owners/contractors have the ability to use recycled concrete at no cost from the City as part of the construction project. However, the City will not deliver this material. Arrangements must be made with the Street Department for the applicant's contractor pick up the recycled concrete material. This material will not count towards any reimbursable material. Recycled concrete is subject to availability.
- **Bidding**
 - The applicant must obtain three (3) bids minimum from engineering and/or construction companies for services that are anticipated.
 - Prevailing wage is required for all submitted bids and all work performed by the Contractor.
 - All engineering and construction companies must be pre-approved from the City's lists that are included in this policy and updated throughout the year. Failure to seek bids from the qualified list could void reimbursement.
 - In most cases, the City will only provide a maximum of 50% percent reimbursement on the lowest of the three bids, assuming each are pre-qualified. However the applicant may still elect to hire a company other than the low bidder.
 - For example: Contractor 1 bid is \$5,000, and Contractor 2 bid is \$8,000. Assuming the bids seemed legitimate and comparable regarding the scope of services offered, the City will only offer a maximum reimbursement (based on half of Contractor 1's bid) of \$2,500. The resident could still hire Contractor 2 at the higher dollar amount, but only \$2,500 would be reimbursed and not \$4,000.
 - All Engineering/Construction bids must show a cost break down with line items showing material and quantity used. Labor and overhead can be listed separately or combined with the material price. No lump sum bids will be accepted.
 - Again, the applicant or applicant's contractor has the option to use recycled concrete from the City at no cost, but must pick up the material. The Contractor's bid should specify either purchased rock or picking up the City rock. Contractor costs for picking up the City's rock are eligible for reimbursement pending they are part of the bid.

- **Reimbursement**

- The full cost of the project must be FULLY paid by the property owner/applicant to the contractor and/or engineer prior to any reimbursement from the City.
- The City will not issue design and construction reimbursement separately. Only one payment for reimbursement will be issued after construction is inspected as complete.
- Eligible engineering-only expenses will not be reimbursed by themselves. It is required to have the improvements built and a final inspection performed by the City before reimbursement is made. It is also required to have any improvements (as-designed) built in substantial conformity to the designed plans and specifications.
 - Failure to construct the designed components for which the 50/50 program is scheduled to reimburse could result in termination of this agreement and any reimbursement.
- It is understood that occasionally site conditions require variation or deviation from the approved plans for the project and on-site modifications or a “change order” may be requested to modify the design/construction that may increase the cost of the project. If this occurs, the applicant should discuss this with the City prior to continuing with such modification. If the City is not notified and does not approve the modification request or “change order” that is requested, the modification/change order request will be denied and the property owner will be responsible to reimburse the contractor for the full amount of such request.
 - Any Change Orders submitted for the project **do not** qualify for reimbursement unless they are extreme in nature and not anticipated prior to project approval with construction under way.
 - All Change Orders must be submitted to the City in writing and include a price quote and explanation as to why they are needed. Approval from the City is required for Change Orders to be an allowable reimbursement item.
- Any funds expended **before** an application is approved are not eligible expenses for reimbursement.
- Prior to reimbursement the following must be done:
 - A final inspection with all deficiencies corrected for the project, must be completed. A copy of the inspection and a letter will be sent to the applicant stating that the project is inspected and approved as completed.
 - A final “Lien Waiver” must be submitted to the City prior to any reimbursement.
 - A receipt or other proof of payment must be submitted to the City prior to any reimbursement for project completion.
 - The Reimbursement Request Worksheet needs to be completed and submitted (appendix E)
 - The City will then provide reimbursement to the applicant in the form of a check.
- The resident will not be reimbursed for more than 50% of the total cost of engineering, design and construction.

Eligible and Non-Eligible Activities/Projects for Cost Share Fund 50/50 Reimbursement

Eligible Activities/Projects:

1. Design/Engineering Services:
 - a. Creek bank stabilization involving such methods as grade controls, bio-stabilization, gabion baskets, reno-mattresses, rip rap placement
 - b. Projects within flood plains, in which any floodplain and/or no-rise certificate is required, are eligible for necessary engineering services for that evaluation
 - c. Surveying services as needed for the design of the improvements
 - d. Geotechnical services if needed/required by the engineer
2. Permit Fees and expenses:
 - a. US Army Corps permits for work in a creek bank
 - b. Missouri Department of Natural Resources permits for Land Disturbance (typically not required for less than one (1) acre)
3. Construction activities:
 - a. Rock placement in creek or creek bank; grade controls
 - b. Creek bank stabilization related items; placement or replacement of failed gabion baskets or similar wall structures
 - c. Resetting or placing pipe flared end sections or repairs to public infrastructure
 - d. Placement of new soil as may be necessary for slope stabilization
 - e. Removal of debris in the project areas as may be necessary for completion for the project
 - f. Private drains, currently in the project area, in which the work has to expose/remove them, can use the funds to restore that utility
 - g. Site restoration (grass, sod, plants) resulting from the construction project
 - h. Relocation and restoration of obstructions near the project limits (i.e. fencing, sheds, wood piles, swing sets, and other structures)
 - i. Erosion and sediment control activities
 - j. Soil stabilization methods where faulty soil is found

Non-Eligible Activities/Projects:

1. Private drain installation (burying downspouts, piping sump pump drains, adding random French or underground drains) where they are not currently found. Appeals will be considered on a case by case basis
2. Purchase/installation of rain barrels
3. Standalone re-grading of a yard and associated restoration
4. Purchasing new material to replace items that were removed and could have been salvaged
5. Removal of trees on a property not directly in the access areas or project areas
6. Watering expenses of new grass and trees
7. Private construction inspection services as hired by the applicant
8. Surveying of the yard above and beyond project staking
9. Any costs associated with having the utilities staked
10. New landscaping that doesn't match pre-construction conditions

Note: The City reserves the right to withhold payment for items that may be observed and/or aren't on this list and will have final determination as to what activities/projects are eligible and non-eligible.

Application Process

Preapproval of all potential projects must be completed with an evaluation by City staff prior to accepting an application for the program. All potential projects must be approved for the program utilizing parameters explained in the Stormwater Management Policy, which can be reviewed on the City's website at <http://www.ofallon.mo.us/stormwater-funding>.

Refer to the flow chart on the next page which provides a snapshot of the processes within this program.

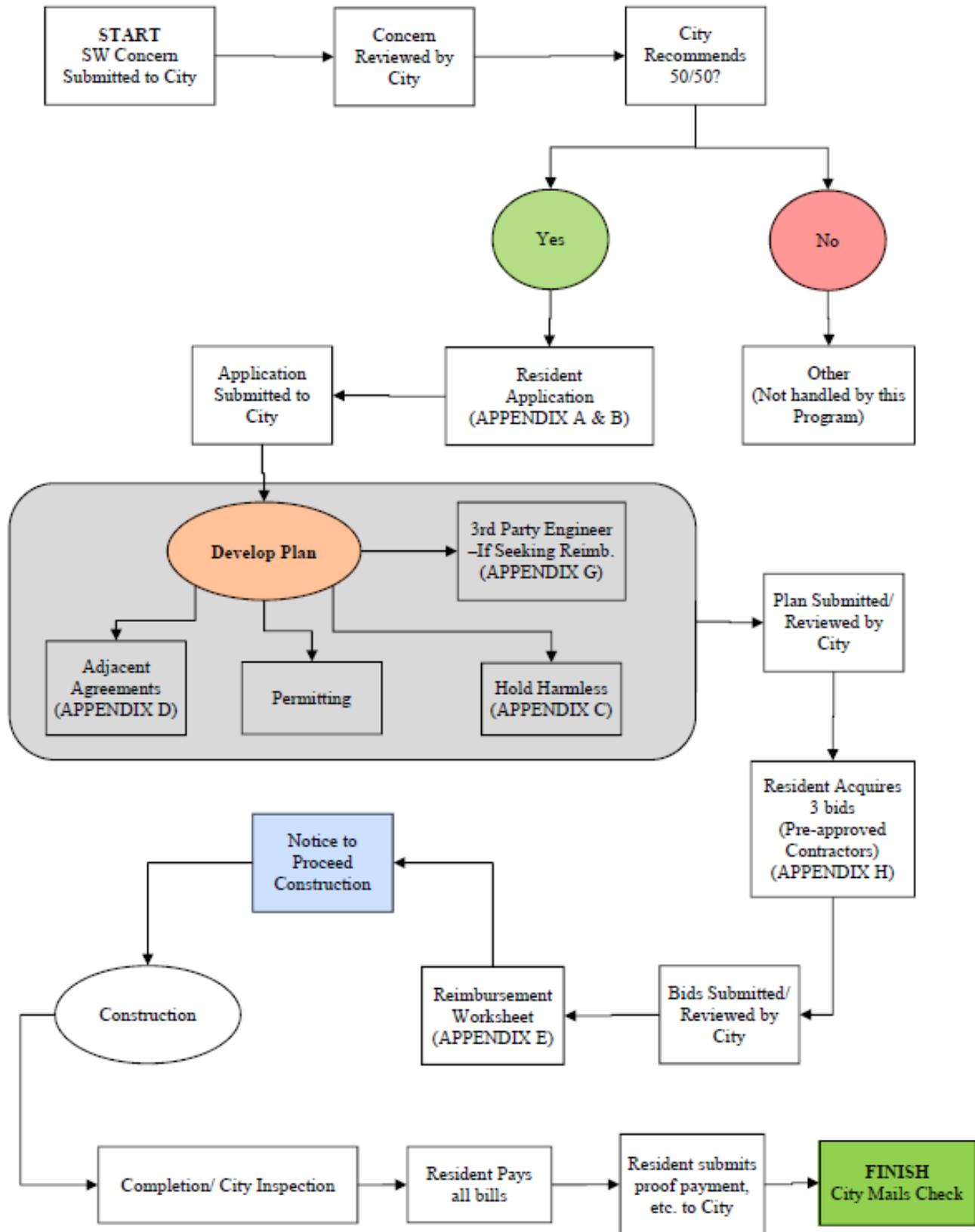
The City will review the application submitted and will use the information provided to establish the necessity for and priority of the request based on the availability of funds for the program. Once City staff has reviewed and approved the request for assistance, the applicant will be notified and the process of obtaining necessary US Army Corp of Engineers (USACE) and Missouri Department of Natural Resources (MDNR) permitting will commence. The City will provide assistance to property owners to obtain necessary permits, if required. Work in an area of less than one (1) acre will most likely not require a MDNR land disturbance permit (401/404). Should the project require a permit from either USACE or MDNR, the applicant should be aware that there is a 2-4 month processing period to get these approved and returned.

Upon completion of an application (see Appendix A, B), the applicant shall return the application to the City for review and consideration. The completed application will include the following:

- A sketch (and/or photographs) with information indicating the proposed project including materials to be used (Provide length and width measurements)
- Location of work
- Estimate of required quantities of material needed
- An estimated time frame for the work to be completed
- Completed and signed Hold Harmless Agreement (Appendix C)
- Completed Adjacent Property Agreement Form (Appendix D)
- Three (3) construction and/or engineering bids from the approved contractor/engineer list (Appendix G,H)
- Final Lien Waiver and Reimbursement Request Worksheet (Appendix E) once work is completed for reimbursement only. Conditional lien waivers will not be accepted
- Copy of invoice and proof of payment by applicant to contractor for reimbursement only
- Copy of USACE or MDNR permits, as well as any other certification or written permit required such as a no-rise or floodplain certification

If the applicant is not clear or confused about anything on the application, please call the City to discuss. Staff will be happy to work with property owners throughout the entire process from start to finish.

50/50 Program Flowchart



Rock Quantities

The recommended rip rap rock sizes for the stabilization project should be calculated per the MSD (Metropolitan Sewer District) Guideline as shown in the Appendix F.

US Army Corps of Engineers “Broken Concrete” Requirements

Per the US Army Corps of Engineers (**NWP 13 - Bank Stabilization, Permit Regulations**):

Broken concrete used as bank stabilization must be reasonably well graded, consisting of pieces varying in size from 20 pounds up to and including at least 150 pound pieces. Gravel and dirt should not exceed 15% of the total fill volume. All protruding reinforcement rods, trash, asphalt, and other extraneous materials must be removed from the broken concrete prior to placement in waters of the United States.

Information regarding permit regulations may be viewed at:

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx>

Links or Helpful Information

Government Links:

Missouri Department of Natural Resources and US Army Corps of Engineers:

401/404 Permit Application Information:

<http://www.dnr.mo.gov/env/wpp/401/>

<http://www.mvs.usace.army.mil/ConOps/permits/permits.html>

Appendix A

APPLICATION CHECKLIST

Submit with application. Applicant must initial next to each item and sign the bottom of the page. Attach to the front of the application.

Pre-approval of a Community Cost Share Program project is required prior to application submittal.

Initials	Item
	One (1) paper copy of application delivered to City of O'Fallon.
	Three (3) engineering bids (if applicable). All engineering bids shall be from the approved Engineer's list
	Documentation of the need and cost of any permit necessary for this project.
	Three (3) construction bids. All construction bids shall be from the approved Contractor's list
	Sketches/photographs/plans of the proposed improvements
	Applicable permits
	General schedule for the total project
	Signed Hold Harmless Agreement
	Signed Adjacent Property Agreement Form

Application Contact - Signature and Date

Appendix B

City of O'Fallon – Stormwater Management Department
Community Cost Share Program
100 North Main Street
O'Fallon, Missouri 63366
www.ofallon.mo.us
636.240.2000



Application - 50/50 Reimbursement Program Option

Please Print Clearly

50/50 Reimbursement Request for:

Engineering and Construction: Engineering Only: Construction Only:

Contact Information (Please Type or Print):

Applicant/Property Owner

Company:

Contact Person:

Address:

City/State/Zip:

Phone:

Fax:

E-mail:

Subject Property Information:

Property Location:

Is project located entirely on your property?

If No, is it located on Common Ground or other private property?

Homeowners Association Contact Information:

Management Company (if applicable): _____

Trustee Name:

Address:

Telephone:

Estimated Grading Quantity:

- Does on-site erosion cause an immediate threat to any habitable structures? If yes, estimate distance
0-5 ft. 5-10 ft. 10-20 ft. +20 ft.
- Are there any utilities located within project boundaries?
If yes, please list them and their location:
- Description of work to be completed: (attach sketch/photographs)
- Estimated time of complete work, if approved:
- The Owner is willing to perform or contract work:

By signing this application, the applicant understands the following:

- Measures should be taken to protect driveway, sidewalk, curb or other City owned infrastructure or City Right-of-Way from damage by use of protective materials such as ¾” plywood or larger, protective mats, etc.
- Any leftover materials will be the responsibility of the property owner to dispose properly

I (We) the undersigned owner(s) of the property, have read, understand and agree to the terms and conditions of the Stream Bank Erosion Cost Share Program for the City of O’Fallon, Missouri.

Applicant/Property Owner Signature

Printed

Applicant/Property Owner Signature

Printed

Appendix C



**Community Cost Share Program
Hold Harmless Agreement
(For 50/50 Reimbursement or RAP)
Please Read Before Signing**

**RELEASE
HOLD HARMLESS AGREEMENT**

This release is made and entered into this _____ day of _____, 20____, by and between _____ (printed name of property owner), hereinafter referred to as "Owner" of the property located _____ (physical address), and the City of O'Fallon (hereinafter referred to as the "City").

In consideration of the Owner's voluntary participation in the City of O'Fallon Community Cost Share Program, the Owner hereby release, protect, indemnify, and hold harmless the City of O'Fallon, Missouri and employee's from any loss, damage, liability, and expense for all injuries, including death to persons or damage to property directly or indirectly arising or growing out of the performance of the and City of O'Fallon Missouri and employees and agrees to indemnify and hold harmless the City, its agents, employees, and officers from all claims, damages or causes of action (including reasonable attorney's fees) caused by or arising in any manner from the owners participation in the City of O'Fallon Community Cost Share Program and any agreements or contracts between the Owner and home improvement contractors. In consideration of the Owner's voluntary participation in the City of O'Fallon Community Cost Share Program, the Owner shall hold City of O'Fallon and employees harmless from and shall answer and defend any action instituted against the City of O'Fallon for any loss, damage, or injury sustained by any person resulting from the performance of the City of O'Fallon.

I, the Owner, have read this release and understand all its items. I execute it voluntarily and with full knowledge of its significance the day and year first written above.

SIGNATURE-OWNER

DATE

SIGNATURE-CITY OF O'FALLON, MO WITNESS

DATE



Appendix D
CITY OF O'FALLON
COMMUNITY COST SHARE PROGRAM
ADJACENT PROPERTY AGREEMENT

APPLICANT INFORMATION: (WHERE WORK IS BEING PERFORMED)

NAME: _____

ADDRESS: _____

PHONE: _____

ADJACENT PROPERTY OWNER(S) CONSENT:

THE INFORMATION AND SIGNATURE BELOW IS TO INFORM THE CITY OF O'FALLON THAT I AM AN ADJACENT PROPERTY OWNER, AWARE OF, REVIEWED AND HAVE NO OBJECTIONS TO THE STORMWATER PROJECT THAT WILL BE COMPLETED BY THE HOMEOWNER OR HOMEOWNER'S ASSOCIATION (HOA) LISTED AT THE ABOVE ADDRESS. ANY DISCREPANCIES OF THE FINAL PROJECT WILL BE RESOLVED BETWEEN MYSELF AND THE HOMEOWNER/HOA.

NAME (PRINTED): _____

SIGNATURE _____

ADDRESS: _____

PHONE: _____

NAME (PRINTED): _____

SIGNATURE _____

ADDRESS: _____

PHONE: _____

NAME (PRINTED): _____

SIGNATURE _____

ADDRESS: _____

PHONE: _____

NAME (PRINTED): _____

SIGNATURE _____

ADDRESS: _____

PHONE: _____

Appendix E
CITY OF O'FALLON
COMMUNITY COST SHARE 50/50 REIMBURSEMENT PROGRAM
Reimbursement Request Worksheet

Line Number	Category	Total Cost
A	Engineering (approved engineering service contract amount)	\$
B	Construction (City approved bid total)	\$
C	Permit Fee, etc.	\$
D	Sub Totals-Engineering and Construction and Permit Fees (Lines A+B+C)	\$
E	Approved Change Order total (if utilized)	\$
F	Grand Total for Project (Lines D+E)	\$
G	50% Grand total (0.5 x Line F)	\$
H	Requested Reimbursement Amount to Applicant (Line G)	\$

This form will be completed by City staff upon final receipt of all quotations.

Please clearly write below who the check should be made out to and an address for mailing:
NOTE: Checks will be mailed. Pickups are not allowed.

By signing this form, the applicant agrees to:

- Supply a final lien waiver/proof of payment
- Agrees final payment will not be made until final construction is complete and contractor is paid in full.

 Signature of Applicant/Property Owner (s)

 Date

Appendix F
CITY OF O'FALLON
COMMUNITY COST SHARE PROGRAM
Rock Chart

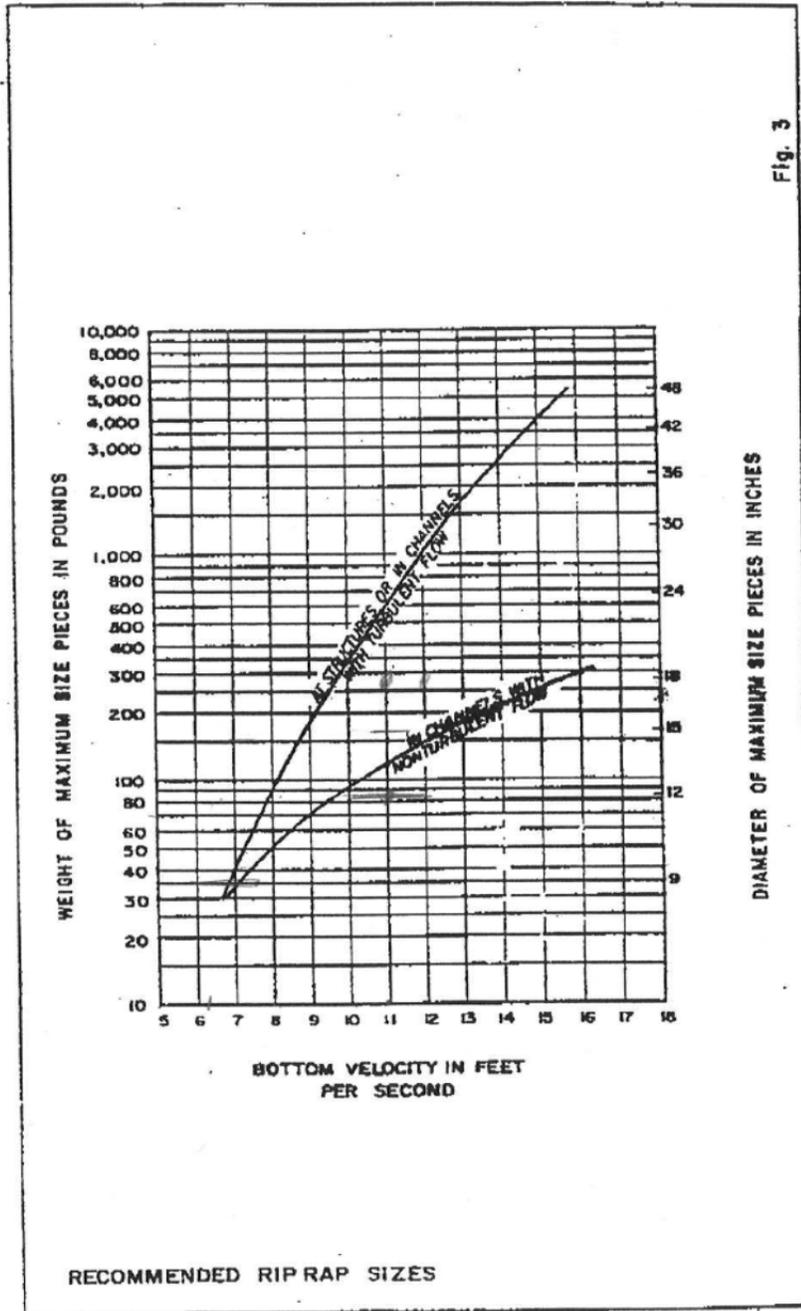


Fig. 3

.22c

Appendix G
CITY OF O'FALLON
COMMUNITY COST SHARE 50/50 PROGRAM
Pre-approved List of Engineers

(Refer to the attached list)

Appendix H
CITY OF O'FALLON
COMMUNITY COST SHARE 50/50 PROGRAM
Pre-approved List of Contractors

(Refer to the attached list)