

BILL NO. 23-95

ORDINANCE NO. 5449

AN ORDINANCE APPROVING THE OMCI STORMWATER REIMBURSEMENT AGREEMENT WITH THE METROPOLITAN ST. LOUIS SEWER DISTRICT AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE SAME ON BEHALF OF THE CITY

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WHEREAS, the Metropolitan St. Louis Sewer District (“MSD”) was established pursuant to Article VI, § 30(a) of the Missouri Constitution to provide sewer and stormwater services throughout the City of St. Louis and St. Louis County; and

WHEREAS, MSD has established a series of taxing subdistricts to pay for operations, maintenance, and construction improvements within such subdistricts (the “OMCI Subdistricts”);

WHEREAS, the City of Crestwood (the “City”) is located within the Gravois Creek Subdistrict; and

WHEREAS, the City requested approval and usage of MSD’s OMCI stormwater funds for a stream bank stabilization project in Gravois Creek; and

WHEREAS, MSD has authorized an Agreement approving usage of the \$230,675 OMCI Funds from MSD for the 2024 Gravois Creek Erosion Restoration Project; and

WHEREAS, the Board of Aldermen of the City of Crestwood finds and determines that it would be in the best interest of the City to approve such Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CRESTWOOD, MISSOURI AS FOLLOWS:

SECTION 1: An OMCI Stormwater Reimbursement Agreement with the Metropolitan St. Louis Sewer District is hereby approved, as attached hereto as Exhibit A and made a part hereof.

SECTION 2: The Mayor and City Clerk are hereby authorized and directed to execute the Agreement on behalf of the City and to take further action as may be reasonably necessary to carry out the intent of this Ordinance.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

PASSED AND SIGNED 9<sup>th</sup> day of April, 2024.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED this 9<sup>th</sup> day of April, 2024.

  
\_\_\_\_\_  
Mayor

**OMCI STORMWATER REIMBURSEMENT PROGRAM AGREEMENT**

THIS AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2024, by and between The Metropolitan St. Louis Sewer District (MSD) and the City of **Crestwood** (CITY), regarding the project **Gravois Creek Along Pardee Road Stream Bank Erosion Stabilization (24R1-001-Crestwood)**.

WHEREAS, in 2019 by and through an outreach campaign, MSD solicited input from the municipalities and St. Louis County on reactivation of existing Operations Maintenance Capital Improvement (OMCI) taxing sub-districts;

WHEREAS, based on feedback, MSD has authorized the collection of revenue in the **Gravois Creek** OMCI sub-district;

WHEREAS, MSD has agreed to allocate up to 50% of the **Gravois Creek** OMCI sub-district revenue collected within the CITY to the CITY, for reimbursement of costs incurred on eligible stormwater projects in the OMCI boundary;

WHEREAS, CITY desires to address qualifying stormwater issues, and has requested that MSD participate in the cost of the project;

WHEREAS, MSD has evaluated the CITY's application and has determined the project scope to be eligible for reimbursement under the OMCI reimbursement program;

WHEREAS, MSD is authorized to enter into this Agreement pursuant to **Ordinance No. 5449**, as adopted by the MSD Board of Trustees on \_\_\_\_\_, 2024; and

WHEREAS, CITY has been authorized by its governing body, and the official(s) who has applied his/her signature to this REIMBURSEMENT PROGRAM AGREEMENT has been duly authorized to execute it for and on behalf of said entity, and otherwise to act as the representative of CITY in connection with this REIMBURSEMENT PROGRAM AGREEMENT.

NOW THEREFORE, in consideration of certain mutual benefits inuring to the parties hereto, and to the public, the receipt of which are hereby acknowledged, the parties hereto agree as follows:

1. MSD will provide financial assistance to CITY as reimbursement for CITY's direct costs for stormwater improvements for 24R1-001-Crestwood in the amount not to exceed of \$230,675.
2. Prior to construction and if required by MSD, CITY must complete Plan Approval process and obtain all required Permits from MSD.
3. Construction must begin within **six** months of the latter of notice of Application Approval or Plan Approval, if required. The construction start date may be extended by MSD for good cause upon request from CITY. If after **twelve** months construction has not started, the reimbursement offer shall be forfeited.
4. As applicable, when any work is contracted and/or subcontracted, CITY shall ensure that Prevailing Rates of Pay are paid to all skilled and unskilled labor employees utilized, in accordance with Chapter 290, Sections 290.210 through and including 290.340, Revised Statutes of Missouri. CITY shall provide an affidavit of compliance prior to final reimbursement. Failure to comply could result in non-payment or return of prior payments to MSD for work found to be in non-compliance.
5. If the project requires MSD Permits, then the project must receive MSD Construction Approval prior to any payment by MSD to CITY.
6. CITY will invoice MSD, providing details of costs incurred and supported with invoices/receipts and proof of payment verifying CITY's costs.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

GRANTEE  
CITY OF CRESTWOOD

GRANTOR  
THE METROPOLITAN ST. LOUIS  
SEWER DISTRICT

BY:



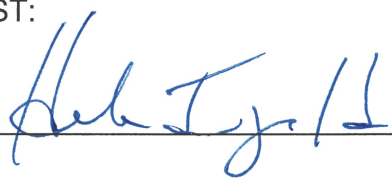
Name: Scott Shipley

Title: MAYOR

BY:

\_\_\_\_\_  
Brian Hoelscher  
Executive Director

ATTEST:



ATTEST:

\_\_\_\_\_  
Timothy R. Snoke  
Secretary-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Susan Myers  
General Counsel