

AGENDA  
Special Session of the City Council  
Of the City of Saint Charles, Missouri  
City Hall, Council Chambers  
200 North Second Street, Saint Charles, Missouri  
Tuesday, April 11, 2023  
6:00 p.m.

**All persons who desire to provide public comment must complete a Speaker's Card in its entirety and present it to the City Clerk prior to the 6:00 p.m. start of the Special Session of the City Council to be eligible to speak.**

TO: COUNCILMEMBERS:

Christopher Kyle, Ward 1  
Tom Besselman, Ward 2  
Vince Ratchford, Ward 3  
Mary West, Ward 4  
Denise Mitchell, Ward 5

Justin Foust, Ward 6  
Michael Flandermeyer, Ward 7  
Michael Galba, Ward 8  
Bart Haberstroh, Ward 9  
Bridget Ohmes, Ward 10

You are hereby notified that a Special Session of the City Council of the City of Saint Charles, Missouri has been called by Mayor Daniel J. Borgmeyer to be held on Tuesday, April 11, 2023, at City Hall, Council Chambers, 200 North Second Street, Saint Charles, Missouri.

The Special Session is called for the following reasons:

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

3. CITIZEN COMMENTS - 3 Minute Limit Per Person

The Citizen Comments portion of the meeting is an opportunity for the City Council to listen to comments from citizens. It is not a question and answer session and the Mayor and City Council will not respond to comments or answer questions during this period. The Mayor or the City Council may refer any matter brought up to the Director of Administration or City Clerk if action is needed.

4. EMERGENCY ORDINANCES

**BILL 13654**

AN EMERGENCY ORDINANCE AUTHORIZING THE GRANT TO UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI OF AN EASEMENT LOCATED ON CITY PROPERTY AT 3600 ELM POINT ROAD FOR THE RELOCATION OF POWER POLES TO ACCOMMODATE THE CITY OF ST. CHARLES'S WATER TREATMENT PLANT GRANULAR ACTIVATED CARBON (GAC) FILTER PROJECT (*SPONSORS: ALL MEMBERS OF THE CITY COUNCIL*)

5. ADJOURNMENT

**RCA FORM (OFFICE USE ONLY)**

Bill # 13454

MEETING/DATE: 4/11/2023

Regular  Special  Work Session

ATTACHMENT: YES  NO

Report  Resolution  Ordinance

**Request for Council Action**

Ward(s): All

Sponsor(s): All

**Description:**

New utility easement for Ameren power poles at Elm Point water treatment plant.

**Contract Extension/Renewal:** Yes  No

**Information Paper Attached:** Yes  No

**Staff Recommendation:** Approve  Disapprove

**Board/Committee/Commission Recommendation:** Approve  Disapprove

**Summary:**

The modifications to the Elm Point water treatment plant necessitate Ameren moving their power poles to make room for the new filter building and drive lane. This ordinance will grant Ameren a utility easement for the proposed locations of their new poles. The new easement is approximately 20' north of the existing alignment on the Kiwanis park side of the fence.

Staff recommends approval of this Ordinance.

**Budget Impact:** (revenue generated, estimated cost, CIP item, etc.)

**Fiscal Impact:** N/A

**Account #:** \_\_\_\_\_

**Project #:** 22WTR10

RCA prepared by: ARW Dept. Dir. [Signature] Finance Dir. [Signature] Dir. of Admin. [Signature]



April 6, 2023

TO: City Council

FROM: Dan Mann, P.E., Director of Engineering

  
Daniel Mann  
Civil  
d.mann@schasesmo.gov  
City of Saint Charles, Missouri  
Director of Engineering  
2023 04 06 10:48:25 -0500

SUBJECT: Dedication of Electric Easements Relating to the Water Treatment Plant Granular Activated Carbon (GAC) Filter Project

### **Background**

On February 7, 2023 discussion was held regarding the procurement and project activities that would need to occur under emergency purchase authorization in order to install Granular Activated Carbon (GAC) Filters by approximately June 1, 2023.

The footprint of the GAC Filters conflicts with overhead 34kV Ameren electric lines. City staff has coordinated plans with Ameren Missouri to relocate the power poles approximately 20' to the north of their current location. Ameren requires that the new power poles be contained within easements, and has conveyed to staff that they will not begin construction until the easement is in place.

Two separate deadlines loom:

1. The City's construction on the new filter units is set to begin next week and the poles need to be relocated by early May in order for the City to stay on schedule.
2. Ameren has conveyed concerns on missing a Spring "outage window." If the relocation and power cut over is not completed by May 31, 2023 then Ameren will miss their outage window linked with cooler Spring weather and would delay the cut over until Fall 2023.

Per conversations with Ameren, they must have the easements in place by April 14, 2023 at the latest in order complete their relocations on schedule. Without an Emergency Authorization the City will fail to deliver the GAC Filters by approximately June 1, 2023.

### **Discussion**

In order for the City to accelerate the delivery of the GAC Filters, this easement dedication needs to occur prior to April 14, 2023. Following a traditional approval timeline, this ordinance would be introduced on April 18, 2023 and approved on May 2, 2023. This timeline would not allow for Ameren to start until at least May 3, 2023 which would delay the City's project and could delay the GAC Filter project until Fall if the relocations are not completed prior to Ameren's Spring outage window.

### **Staff Recommendation**

Staff recommends approval of this Ordinance utilizing an Emergency Authorization.

Sponsors: Christopher Kyle, Tom Besselman, Vince Ratchford, Mary West, Denise Mitchell Justin Foust, Michael Flandermeyer, Michael Galba, Bart Haberstroh, Bridget Ohmes

AN EMERGENCY ORDINANCE AUTHORIZING THE GRANT TO UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI OF AN EASEMENT LOCATED ON CITY PROPERTY AT 3600 ELM POINT ROAD FOR THE RELOCATION OF POWER POLES TO ACCOMMODATE THE CITY OF ST. CHARLES'S WATER TREATMENT PLANT GRANULAR ACTIVATED CARBON (GAC) FILTER PROJECT.

WHEREAS, the Water Treatment Plant Granular Activated Carbon (GAC) Filter Project (the "Project") established by the City of St. Charles (the "City") is of vital importance to the City in furtherance of its mission to reliably provide safe drinking water to its citizens; and

WHEREAS, the City's construction on the Project as it pertains to the installation of new GAC filter units is set to begin the week of April 10, 2023; and

WHEREAS, the footprint of the Project construction conflicts with an existing easement granted by the City to Union Electric Company d/b/a Ameren Missouri ("Ameren") for its overhead 34kV power lines and, based upon communications with Ameren, the power poles carrying the power lines must be relocated by early May in order for the City to continue the Project construction on schedule; and

WHEREAS, City staff has coordinated the relocation plans with Ameren to relocate the power poles approximately 20' to the north of their current location, which is outside the existing easement; and

WHEREAS, Ameren informed the City: (i) that a new easement must be in place for the relocated power poles before it will begin the relocations, (ii) that the new easement must be in place by April 14, 2023 in order for Ameren to complete the relocation of the power poles and power cut over by May 31, 2023, which is its "Spring outage window," and (iii) that if the said relocation of the power poles and power cut over are not complete by May 31, 2023, then Ameren will be unable to complete the relocation until Fall 2023; and

WHEREAS, should such delay in Ameren's relocation of the power poles result, the same will negatively impact the City's ability to meet the Project schedule timelines; and

WHEREAS, in order for the City to accelerate the delivery and installation of the GAC filters in furtherance of meeting the Project schedule timelines, the same cannot be accomplished without an emergency declared herein; and

NOW, THEREFORE, Be It Ordained by the Council of the City of Saint Charles, Missouri, as Follows:

SECTION 1. The City Council hereby declares an emergency exists affecting the ability of the City of St. Charles to timely complete the Water Treatment Plant Granular Activated Carbon (GAC) Filter Project, which is of vital importance for the continued provision of safe drinking water to its citizens and, thus, is in the public interest.

SECTION 2. The City of St. Charles hereby grants to Union Electric Company, d/b/a Ameren Missouri, an easement located on City Property at 3600 Elm Point Road for the relocation of its power poles from an existing easement located on said property.

SECTION 3. The Mayor and City Clerk are authorized to execute any documents necessary to grant the easement listed above. The easement shall be substantially the same in form and content as attached hereto and identified as Exhibit 1.

SECTION 4. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

\_\_\_\_\_  
Date Passed

\_\_\_\_\_  
Vince Ratchford, Presiding Officer

\_\_\_\_\_  
Date Approved by Mayor

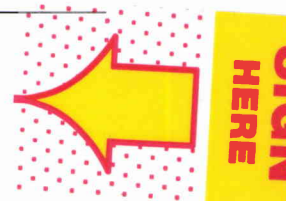
\_\_\_\_\_  
Daniel J. Borgmeyer, Mayor

Approved as to Form:

Attest:

 4/6/23  
\_\_\_\_\_  
Michael P. Cullen, City Attorney      Date

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



---

**REMS INFORMATION**

Agreement ID:

Project ID:

**EASEMENT**

(Underground Electric)

3600 Elm Point Road  
St. Charles, Mo 63301  
St. Charles District  
Gateway Division

KNOW ALL MEN BY THESE PRESENTS, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that **City of St. Charles, Missouri, a political subdivision of the State of Missouri, 200 North Second Street, St. Charles , Missouri 63301**, its successors and assigns, whether one or more and whether an individual, individuals, a corporation, or other legal entity (hereinafter "Grantor"), for and in consideration of the sum of One and No/100th Dollars (\$1.00) and other valuable consideration in hand paid, the receipt of which is hereby acknowledged, does hereby grant unto **UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI**, a Missouri corporation, its successors and assigns (hereinafter "Grantee"), a perpetual easement (hereinafter "Easement") with the right, privilege, and authority of Grantee, its agents, contractors, and subcontractors to survey, stake, construct, reconstruct, replace, use, operate, maintain, patrol, inspect, protect, repair, relocate, modify, add to the number of, abandon or retire in place, and remove an electric and communication line or lines consisting of wires, cables, conduits, fixtures, appliances, and other appurtenances thereto, including above-ground transformers, cabinets, and pedestals (hereinafter individually and collectively "Facilities"), together with all rights and privileges for the exercise and enjoyment of the Easement rights and the authority to extend to any other party the right to use, pursuant to the provisions hereof, upon, over, across and under the following described land in U.S. Survey 205, Township 47 North, Range 4 East, of the 5th Principal Meridian, in St. Charles County, State of Missouri, to-wit:

[legal description see Exhibit A] (hereinafter "Easement Area").

Grantor also conveys the right of ingress and egress to and over the Easement Area and premises of Grantor adjoining the same, for all purposes herein stated, together with the right to trim, control the growth, cut and remove or cause to be removed at any time and from time to time, by any means, any and all brush, bushes, saplings, trees, roots, undergrowth, rock, over-hanging branches, and other obstructions upon, over, and under the surface of said Easement Area and of the premises of Grantor adjoining the same deemed by Grantee to interfere with the exercise and enjoyment of Grantee's rights hereunder, endanger

the safety of the Facilities, or in order for Grantee to maintain compliance with the minimum clearance requirements of the National Electric Safety Code.

Grantee shall be responsible for actual damages (except the trimming, controlling of growth, cutting, and removal of trees and other vegetation) occurring as a result of the Grantee's exercise of the Easement rights hereinabove conveyed and shall reimburse the owner thereof for such loss or damages.

Grantor, for itself, its successors and assigns, does hereby warrant and covenant unto Grantee, (1) that Grantor is the owner of the Easement Area and has the full right and authority to grant this Easement, (2) that Grantee may quietly enjoy the Easement for the purposes herein stated, and (3) that Grantor will not create or permit any building or other obstruction or condition of any kind or character upon Grantor's premises that will interfere with the Grantee's exercise and enjoyment of the Easement rights hereinabove conveyed.

This Easement shall be governed by the laws of the State of Missouri.

IN WITNESS WHEREOF, the Grantor has hereunto caused this Easement to be executed on the date hereinabove written.

**Attest:**

\_\_\_\_\_  
Daniel J. Borgmeyer, Mayor

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

**ALL PURPOSE NOTARY ACKNOWLEDGMENT**

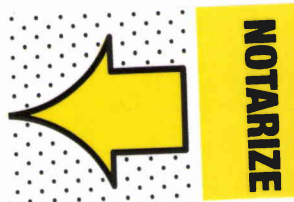
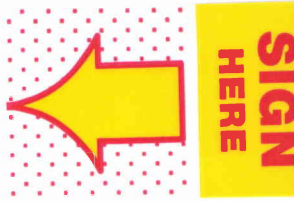
STATE OF MISSOURI }  
COUNTY OF STCHARLES } SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared (print or type names of signatories):

\_\_\_\_\_

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she/they executed the same as his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Capacity Claimed By Signator(s)			
<input type="checkbox"/> Individual(s)	<input type="checkbox"/> Corporate	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Partner(s)
<input type="checkbox"/> Trustee(s)	Title(s) of Officer(s): _____	Member(s)/Manager(s): _____	<input type="checkbox"/> Limited Partnership
<input type="checkbox"/> Executor(s)	_____	_____	<input type="checkbox"/> General Partnership
<input type="checkbox"/> Administrator(s)	_____	_____	<input type="checkbox"/> Other (Specify Below): _____
<input type="checkbox"/> Attorney-In-Fact	_____	_____	_____
<input type="checkbox"/> Conservator(s)	_____	_____	_____
<input type="checkbox"/> Guardian(s)	_____	_____	_____



---

My Commission Expires

---

Notary Public

Affix Notary Stamp Below

Prepared By: Brenda Conway

Return To: Brenda Conway  
PO Box 66149, MC 700  
St. Louis, MO 63166-6146

BJC  
WR#: KA31542  
Facility Name:  
[location reference or coordinates]  
04/06/2023



Exhibit 'A'

An easement in, on, upon, along, over, through, across and under part of a tract of land conveyed to the City of St. Charles, Missouri recorded by deed 2022R-002488 in the St. Charles County, Missouri land records, U.S. Survey 205, Township 47 North, Range 4 East of the Fifth Principal Meridian and being more particularly described as follows: Commencing at an iron pipe at the Southeast corner of Lot 59 of Edgemont Subdivision as recorded in Plat Book 28, Page 23 of said St. Charles County, Missouri land records: Thence North  $84^{\circ}05'16''$  East a distance of 47.95 feet to the beginning of the easement herein described; Thence North  $15^{\circ}21'14''$  West a distance of 99.86 feet; Thence North  $74^{\circ}38'46''$  East a distance of 751.95 feet to the West line of Elm Street; Thence along said West line South  $08^{\circ}44'05''$  East a distance of 40.27 feet; Thence leaving said West line South  $74^{\circ}38'46''$  West a distance of 707.31 feet; Thence South  $15^{\circ}21'14''$  East a distance of 59.86 feet; Thence South  $74^{\circ}38'46''$  West a distance of 7.00 feet; Thence South  $15^{\circ}21'14''$  East a distance of 30.67 feet; Thence South  $74^{\circ}38'46''$  West a distance of 15.00 feet; Thence North  $15^{\circ}21'14''$  West a distance of 30.67 feet; Thence South  $74^{\circ}38'46''$  West a distance of 18.00 feet to the beginning containing 0.75 acre ( 32,840 square feet ).