

STUDY SESSION
On Storm Response (Forestry Department)
VIA VIDEOCONFERENCE - ZOOM
September 13, 2021
5:30 p.m.

AGENDA

Requested by the City Manager

1. MEETING CALLED TO ORDER

At the Study Session of the City Council of University City held via videoconference, on Monday, August 9, 2021, Mayor Terry Crow called the meeting to order at 5:30 p.m.

In addition to the Mayor, the following members of Council were present:

Councilmember Stacy Clay
Councilmember Aleta Klein
Councilmember Steven McMahon
Councilmember Jeffrey Hales
Councilmember Tim Cusick
Councilmember Bwayne Smotherson

Also in attendance were City Manager, Gregory Rose, and City Attorney, John F. Mulligan, Jr., and Director of Parks, Recreation, and Forestry, Darren Dunkle.

2. CHANGES TO REGULAR AGENDA

(No changes requested)

3. STORM RESPONSE (FORESTRY DEPARTMENT)

Mr. Rose stated tonight staff is presenting a proposal for the removal of debris after storms and is asking for Council's direction for when these services should be provided to the community.

Mr. Dunkle stated his Department has been working on clarifying their roles with respect to establishing uniform operating procedures and policies for the removal of debris after major storms.

Severe Storm - Definitions

Severe Storms are defined as a thunderstorm that produces one (1) inch hail or larger in diameter and/or winds equal to or exceed fifty-eight (58) miles an hour; or tree damage and/or downed trees associated with freezing rain, sleet, or snow.

Severe Storms are classified into three groups: Minor Storms, Major Storms, and Catastrophic Storms:

Minor Storms are those events in which all road blockages, fallen trees, large limbs, and large overhead hazards can be remedied within twenty-four (24) to forty-eight (48) hours after the end of the storm event; Inventory Damage Assessments extend to forty-eight (48) to seventy-two (72) hours after the end of the storm event, and clean-up and follow-up activities should be completed by the City within two (2) weeks after the end of the storm event.

Mr. Dunkle stated the City experienced two major storms during the summer which caused a lot of damage.

Major Storms are those events in which all road blockages, fallen trees, large limbs, and large overhead hazards cannot be remedied within twenty-four (24) to forty-eight (48) hours after the end of the storm event; Require the use of resources beyond those normally assigned to the Parks, Forestry and Street Divisions such as additional resources such as leased or rented equipment or require the use of outside contractors, and clean-up and follow-up activities are anticipated to take two (2) to four (4) weeks after the end of the storm event.

Catastrophic Storms are those events in which all road blockages, fallen trees, large limbs, and large overhead hazards cannot be remedied within days to weeks after the end of the storm event; Require the use of resources beyond those normally assigned to the Parks, Forestry and Street Divisions as additional resources such as leased or rented equipment or require the use of outside contractors, and clean-up and follow-up activities are anticipated to take longer than four (4) weeks after the end of the storm event.

Mr. Dunkle stated the following definitions were provided to assist residents with understanding how where the damage occurs impacts the Department's clean-up activities.

- **Public Rights-of-Ways** are those areas that are publicly owned by the City (i.e., streets, sidewalks, tree lawns, etc.).
- **Private or Common Properties** are those areas that are privately owned (i.e., homes, yards, driveways, private subdivision streets, sidewalks, tree lawns, etc., or private business properties).
- **Public Trees** are those trees located within the Public Rights-of-Ways.
- **Private Trees** are those trees located on Private or Common Property.

Arterial Roadways

Emergency or hazard conditions (Downed power lines, blocked roads on major or primary arterial thoroughfares, Police Station, Fire Stations, hazard trees and limbs, etc.) on Public and Private roadways shall be assessed and cleared (pushed to the side of the roadway) for emergency vehicle passage. St. Louis County and MoDOT are to be contacted if there is debris or hazards on County and/or State roads and rights-of-ways.

Non-Arterial Roadways

Emergency or hazard conditions (Downed power lines, blocked roads on minor or secondary non-arterial thoroughfares (residential streets) on Public and Private Roadways shall be assessed and cleared (pushed to the side of the roadway) for emergency vehicle passage. St. Louis County is to be contacted if there is debris or hazards on County roads and rights-of-ways.

Hazard Assessment

An assessment of potentially hazardous trees and limbs shall be conducted by the Forestry Supervisor and shall be handled in a manner to reduce any potential hazard.

Clean-Up Procedures

- Driveway entrances on Public roadways shall be assessed and cleared (pushed to the side of the roadway).
- Debris (trees, limbs, branches, etc.) from public trees that are placed within the Public rights-of-way shall be removed by the City.
- Trees on private or common property are the responsibility of the private or common property owner.
- Downed trees (public or private) on private or common property (homes, driveways, yards, etc.) will be the responsibility of the private or common property owner. They may elect to contact their homeowner's insurance carrier for a claim, as **the City will not remove downed trees or limbs on private property**. If desired, a claim can be filled with the City

Manager's Office for public street tree damage to private or common property; (if damage is from a City-owned tree, a Police report is recommended).

In the event of a Major or Catastrophic Storm, the City Manager may elect to provide additional services to private or common property owners. If additional services are to be provided, the information will be posted on the City's website and other social media outlets.

Councilmember McMahon posed the following questions:

Q. I've heard that sometimes people will dump their debris in public parks, like Oakbrook, for the City to dispose of. So, in the case of severe or major storms, how does staff determine whether debris found in the streets or parks is from public or private property?

A. (Mr. Dunkle) - Any trees or debris found on public property is removed. However, there have been some instances where staff can easily identify that someone has cut down a tree from their backyard and that is left for the owner to remove.

Q. How does the City communicate its desire to extend additional services to private property owners to make sure they understand that it is an exception rather than the norm?

A. (Mr. Rose) - Previously, there were no policies in place, so any directives were issued administratively when the need arose. However, going forward, the intent is for Mr. Dunkle and Ms. Macaluso to work on a communication strategy to disseminate these new policies out to the public, which typically includes the use of social media and the City's website.

Councilmember Cusick asked if it was correct that no funds were allocated in the budget for emergencies related to storm mitigation? Mr. Rose stated that it is correct. Councilmember Cusick asked Mr. Rose if he could provide a rough estimate of the costs to provide these services? Mr. Rose referred the question to Mr. Dunkle who stated although he did not have the cost for the manpower it took with him today, retrieving and disposing of the debris for the first storm was roughly \$19,000. Councilmember Cusick asked if staff performed all of the work associated with storm damage removal in-house? Mr. Dunkle stated pick-up and removal is performed in-house by employees of the Forestry, Park, and Street Departments, but the goal is to contract out the grinding of those materials into mulch.

Councilmember Hales stated while he appreciated the decision to add additional services after the City's first storm, this policy is still causing some confusion in his neighborhood. So, he's glad to learn that it is being addressed.

Councilmember Hales then posed the following questions:

Q. Is the City responsible for removing debris blocking the roadway in private subdivisions?

A. (Mr. Rose) - The City must ensure that emergency vehicles have access throughout the entire City, which includes private subdivisions.

Q. Is it staff's preference that residents report incidents of debris in the public rights-of-way to the City?

A. (Mr. Dunkle) - Since manpower is limited and staff's first objective is to identify any hazardous conditions, it's always helpful when residents call in. He stated he is working with Sinan to establish a specific phone line with a dedicated employee to handle these calls, rather than the current method which utilizes two or three different numbers.

Q. What is Ameren's responsibility for maintaining trees impacting utility poles that encroach on someone's private property?

A. (Mr. Dunkle) - Staff will forward any calls they receive, however, since it's Ameren's responsibility to repair any damage, residents are encouraged to contact them directly.

Q. Is any priority given to debris found on one-way streets?

A. (Mr. Dunkle) - Debris is to be removed from any street that impedes the passage of emergency vehicles.

Councilmember Clay stated the distinctions between the categories of storms and roadways might be challenging for a layperson, so he would underscore the need for clear communication of these policies to residents.

Councilmember Clay then posed the following questions to Mr. Rose:

Q. Is it correct that trees located in a tree lawn are generally considered to be City trees?

A. That is correct.

Q. And is it also correct, that if a tree falls on private property it will not be removed by the City, but if it falls in the street, it will be?

A. That is correct.

Q. What is the rationale behind this policy?

A. It's an issue of liability. The City's removal of a tree on private property could potentially cause additional damage to the homeowner. So, residents are encouraged to file a claim with their insurance company to have the tree removed or evaluated to determine whether the City has any liability.

Q. Can residents file an appeal if they believe the City is liable?

A. Yes, they can file a claim with the City's insurance company to evaluate whether there is any liability on the part of the City. However, even though the City has thousands of trees, most of these situations are considered to be an act of God, which resolves the City from having any legal responsibility.

Councilmember Smotherson stated many of these issues prompted numerous questions from residents during the previous storms, so there is definitely a need to provide these explanations to the community. He then questioned why there had been such a long delay in the pick-up and disposal of the debris after the second storm?

Mr. Rose stated staff's initial belief was that the second storm would not be as severe as the first storm, so there was an approximate 24-hour delay in assessing the damage and deciding about whether the additional services provided in the first storm were necessary. However, staff had already begun to remove any debris in the streets and once the decision for additional services was made, it was promptly adhered to.

Councilmember Smotherson questioned why uprooted trees could not be replanted? Mr. Dunkle stated once the roots are disturbed it weakens the strength of the tree and ultimately, it will end up dying if it is replanted.

Mayor Crow stated whatever form of communication is utilized should be sent directly to the trustees within specific neighborhoods because typically, they are the first ones to receive questions or complaints. Implementing this piece as a first step will probably help to eliminate much of the confusion and misinformation that gets disseminated. And while he is pleased that the City was able to provide these additional services; and has no doubt that the residents were too, he thinks it is incumbent upon this Council to establish, adopt, and publicize these parameters as quickly as possible so that residents understand what to expect going forward.

Mayor Crow asked Mr. Dunkle and the City Manager if they would convey Council's sincere appreciation to their staff for all of the work they performed during these two storms.

Mayor Crow noted that Council had approximately 25 minutes left before the start of its Regular Session and asked if they would like to proceed straight into tonight's Executive Session?

Mr. Rose stated he believes that Council would have enough time to complete the meeting prior to commencing its Regular Session.

4. EXECUTIVE SESSION

Motion to go into a Closed Session according to Missouri Revised Statutes 610.021 (1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives or attorneys and (2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration.

Councilmember Smotherson moved to adjourn the Study Session and go into a Closed Session, it was seconded by Councilmember Hales.

Roll Call Vote Was:

Ayes: Councilmember Klein, Councilmember Smotherson, Councilmember McMahon, Councilmember Hales, Councilmember Clay, Councilmember Cusick, and Mayor Crow.

Nays: None.

5. ADJOURNMENT

Mayor Crow adjourned the Study Session at 6:06 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 6:33 p.m.

LaRette Reese
City Clerk

