



CITY OF ST. PETERS BOARD OF ALDERMEN

TENTATIVE AGENDA FOR REGULAR MEETING
ST. PETERS JUSTICE CENTER, 1020 GRAND TETON DRIVE, ST. PETERS, MO 63376

November 10, 2016 - 7:00 P.M.

- A. Call to Order, Mayor Len Pagano
- B. Roll Call
- C. Opening Ceremonies
 - 1. Invocation
 - 2. Pledge of Allegiance: Boy Scout Troop 957 from Calvary Church Mid Rivers
 - 3. 2016 Blue Bag Recycling Contest Drawing
 - 4. Proclamation: Small Business Saturday – November 26, 2016
 - 5. Proclamation: National Apprenticeship Appreciation and Awareness Week –
November 14 – 20, 2016
 - 6. Recognition: ASCE “Service to People” Award – Tom Ratzki
- D. Approval of Minutes: The [Board of Aldermen Work Session meeting of October 27, 2016](#); and the [Regular Board of Aldermen meeting of October 27, 2016](#).
- E. Reports of Officers, Boards and Commissions
 - 1. Mayoral Report of Appointments to Boards and Commissions
 - 2. City Administrator's Report:
 - 3. Report of Director, Planning, Community and Economic Development:
 - a. [Petition 15-18 – Amending Special Use Permit](#), McClay Health and Rehab, LLC and McClay Adult Day Care, LLC, 3801 McClay Road
 - b. [Petition 16-18 – Special Use Permit](#), Hometown Equity Mortgage, 151 North I-70 Service Road
 - 4. St. Peters Business Spotlight:

- a. Boone Center, Inc – Tony Spielberg, CEO; Katie Jones, Program Director; & Don Rothermich, Director of Development

F. Open Forum

1. Citizens Petitions and Comments
2. Communications from the Elected Officials
3. Announcements

G. Public Hearings: None

H. Unfinished Business Items: None

I. New Business Items:

1. [Bill No. 16-200](#): [Bill](#) approving a time extension by the Board of Aldermen of the City of St. Peters for a Special Use Permit in the C-2 Community Commercial District for a nursing home in response to a request by Greg Gettman, McClay Health and Rehab, LLC and McClay Adult Day Care, LLC (Petition 15-18)
2. [Bill No. 16-201](#): [Bill](#) approving a Special Use Permit in the C-3 General Commercial District to permit the storage of vehicles and boats in response to Petition 16-18 (Hometown Equity Mortgage) and adopting the Findings of Fact and Conclusions of Law with respect thereto
3. [Bill No. 16-202](#): [Bill](#) directing the City Administrator of the City of St. Peters, Missouri, to execute a certain sale contract with Ronald S. Koenig, Thomas F. Koenig and David F. Koenig, trustees under the Koenig Family Gift Trust, for the acquisition of fee simple title to certain real property
4. [Bill No. 16-203](#): [Bill](#) approving a Record Plat within the City of St. Peters, Missouri, for the purpose of recording in St. Charles County, Missouri (A Roadway Maintenance Utility Easement Plat for St. Peters Commercial Park)
5. [Bill No. 16-204](#): [Bill](#) authorizing the City Administrator of the City of St. Peters, Missouri, to enter into a contract with JTL Landscaping, LLC for the Calwood Creek Storm Water Retrofit Project (P-27)
6. [Bill No. 16-205](#): [Bill](#) authorizing the City Administrator of the City of St. Peters, Missouri, to enter into an agreement with Schulte Supply for the purpose of residential and commercial water meters and miscellaneous meter components
7. [Bill No. 16-206](#): [Bill](#) authorizing the City Administrator of the City of St. Peters, Missouri, to execute a contract with Modern Tech Equipment for the purchase of a three-fraction mobile screening plant with specified options and warranty
8. [Resolution](#) concerning Voluntary Annexation – Service and Schulte, 4680 Central School Road
9. [Resolution](#) of official intent of the City of St. Peters, Missouri, toward the issuance of Industrial Revenue Bonds to finance an Industrial Development Project and authorizing certain actions relating thereto

J. Executive Session re: Litigation, Real Estate and Personnel, pursuant to Section 610.021 (1)(2)(3)(9)(12)(13)(14) & 610.022 (1-6)

K. Adjournment

AGENDA Posted at City Hall: November 7, 2016 at 9:00 a.m.

By: P. Smith, City Clerk

Next Regular Board of Aldermen Meeting: December 15, 2016



CITY OF ST. PETERS BOARD OF ALDERMEN
WORK SESSION MINUTES
October 27, 2016

BOARD OF ALDERMEN ITEMS FOR DISCUSSION

The Work Session was called to order at approximately 5:00 p.m. on Thursday, October 27, 2016 at the St. Peters Justice Center located at 1020 Grand Teton Drive. Patty Smith, City Clerk, called the roll. The following were present: Mayor Pagano; Alderman Aytes; Alderman Barclay; Alderman Bateman; Alderman Hollingsworth; Alderman Shea; Alderman Thomas; Alderman Violet; Russ Batzel, City Administrator; Special Counsel Randy Weber; Jeff Finkelstein, Chief of Police; Cathy Pratt, Staff Support Services Manager; Burt Benesek, Transportation and Development Services Manager; Bill Malach, Water Environment Services Manager; Rick Oloteo, Recreation and Cultural Services Manager; Jeff Hutsler, Parks and Golf Services Manager; Dave Kuppler, Health and Environmental Services Manager; Patty Smith, City Clerk. Alderman Reitmeyer was absent. Alderman Hollingsworth was presiding Board President during Alderman Reitmeyer's absence.

COMMUNICATIONS FROM BOARD MEMBERS/ALDERMANIC REPRESENTATIVES

Committee reports were given during this time.

Alderman Thomas reported on the Community Health & Wellness Advisory Committee's discussion pertaining to the October 13, 2016 Work Session item "Discussion/Citywide Smoking Ban inside Public Places – Aytes". At that meeting, the Board of Aldermen recommended Alderman Thomas present this to the Committee for discussion. Alderman Thomas gave his report, stating that although there was good dialogue among the Committee members, no recommendation to ban smoking was made by the Committee. The Committee Chairperson spoke with County Executive Steve Ehlmann on this topic and Mr. Ehlmann stated there is no support from the County Council for a Countywide ban on smoking. The consensus from the Committee was to allow businesses to continue to self-regulate smoking in their businesses; unless this initiative to ban smoking should come from the County or State level, then the City should support a vote of the people. Should the Board of Aldermen desire to continue this smoking ban discussion within the City limits, the Committee felt it should go to the vote of the people. Further discussion was held to not prohibit smoking in City parks, but rather consider regulating it at special outdoor City events. No formal motions or recommendations on the issue were made. Final discussion with the Committee was centered on their "Let's Talk" initiative to be held on February 27, 2017, and the speakers who would be scheduled to attend.

BOARD OF ALDERMEN ITEMS FOR DISCUSSION

UNFINISHED BUSINESS ITEMS

None

NEW BUSINESS ITEMS

None

MAYOR/CITY ADMINISTRATOR ITEM

UNFINISHED BUSINESS ITEMS

None

NEW BUSINESS ITEMS

Alderman Hollingsworth moved and Alderman Bateman seconded the motion to remove Water Meter Bid Recommendation from the agenda for discussion. The motion was approved.

WATER METER BID RECOMMENDATION – MALACH

Mr. Malach recounted that in 2006, the automated reading system was competitively bid and Neptune is the system required to be purchased and Schulte Supply in St. Peters is the sole source provider in the State of Missouri, who was the low bidder in 2006. This fiscal year's bulk order is for \$172,933.38. With the Board's approval, Mr. Malach will bring an ordinance back for the November 10, 2016 Board of Aldermen meeting agenda. Alderman Shea moved and Alderman Bateman seconded the motion to place this item on the November 10, 2016 Board of Aldermen meeting agenda. The motion was approved. **This item will be placed on the November 10, 2016 Board of Aldermen meeting agenda for consideration.**

Alderman Hollingsworth moved and Alderman Shea seconded the motion to remove County Kennel Agreement from the agenda for discussion. The motion was approved.

COUNTY KENNEL AGREEMENT – KUPPLER

Mr. Kuppler explained that the City's current Kenneling Services Agreement with St. Charles County expires on December 31, 2016. The proposed agreement in this evening's packet with St. Charles County is to use the Pet Adoption Center to meet the City's needs to kennel our animals. He explained the proposed changes to the agreement and to the County's Animal Regulation code changes, which the County adopted those code changes at their October 24th Council meeting. The County has agreed to no longer charge the City for kenneling services and they will pay for their water service at the Pet Adoption Center. The effective date will be January 1, 2017 for one year, with automatic renewals for additional one year terms on January 1st of each year for a period of 5 years, unless either party gives written notice on or before December 1st of each year. As the City adopts the County's code, they will provide a Memorandum of Understanding (MOU) that says the City is a designee of the County and any code we have to adopt we can also enforce on our side too. Mr. Kuppler anticipates having the redlined code changes and MOU at the

November 10, 2016 Board of Aldermen meeting; however if not received in time, this may be pushed back to the December 15, 2016 meeting.

Alderman Thomas moved and Alderman Shea seconded the motion to place this item on the November 10, 2016 Board of Aldermen meeting agenda. The motion was approved. **This item will be placed on the November 10, 2016 Board of Aldermen meeting agenda for consideration.**

Alderman Shea moved and Alderman Hollingsworth seconded the motion to remove Secretary of State/Records Retention Schedule from the agenda for discussion. The motion was approved.

SECRETARY OF STATE/RECORDS RETENTION SCHEDULE - SMITH

City Clerk Smith stated that the Destruction of Records forms provided in this evening's meeting packet necessitate being entered and made a part of the minutes of the Board of Aldermen for October 27, 2016. Alderman Barclay moved and Alderman Hollingsworth seconded the motion to accept the City Clerk's report regarding the Destruction of Record forms that are provided in the Work Session packet and to be entered into the October 27, 2016 minutes of the Board of Aldermen. The motion was approved. **No further Board of Aldermen action is required on this item.**

MISCELLANEOUS UPDATES – BATZEL

Mr. Kuppler provided an update on a schedule issue at Recycle City regarding the installation of a new push wall on November 17th and 18th. The City is asking residents to limit collection of their blue bags to the first collection cycle that week only. A Nixle alert and press release will be arranged for this event.

REPORT FROM MANAGER OF PARKS & GOLF SERVICES - HUTSLER

Mr. Hutsler provided a PowerPoint Presentation on the past, present and future Parks & Golf Services projects.

BOARD MEETING AGENDA ITEM REVISIONS – BATZEL

None

EXECUTIVE SESSION RE: LITIGATION, REAL ESTATE AND PERSONNEL, PURSUANT TO SECTION 610.021 (1)(2)(3)(9)(12)(13)(14) & 610.022 (1-6)

Alderman Barclay moved and Alderman Hollingsworth seconded the motion to enter Executive Session re: Litigation, Real Estate and Personnel, pursuant to Section 610.021(1)(2)(3)(9)(12)(13)(14) & 610.022 (1-6) and then adjourn the Work Session meeting from the Executive Session. With the motion approved, the Board of Aldermen entered Executive Session at approximately 5:40 p.m. Roll Call was taken as follows: Alderman Hollingsworth: yes; Alderman Reitmeyer: absent; Alderman Thomas: yes;

Alderman Bateman: yes; Alderman Violet: yes; Alderman Shea: yes; Alderman Barclay: yes; Alderman Aytes: yes.

ADJOURNMENT OF THE EXECUTIVE SESSION AND THE WORK SESSION

Alderman Shea moved and Alderman Barclay seconded the motion to adjourn the Executive Session and the Work Session meetings. The motion carried and the Executive Session and the Work Session was adjourned at approximately 6:00 p.m. with roll call shown as follows: Alderman Hollingsworth, yes; Alderman Bateman, yes; Alderman Reitmeyer, absent; Alderman Thomas, yes; Alderman Barclay, yes; Alderman Violet, yes; Alderman Shea, yes; Alderman Aytes, yes.

Submitted by,

Patricia E. Smith
City Clerk

DRAFT



CITY OF ST. PETERS CITY HALL
BOARD OF ALDERMEN MINUTES
OCTOBER 27, 2016

CALL TO ORDER

Mayor Pagano called the Board of Aldermen meeting to order at approximately 6:00 p.m. on October 27, 2016, at the St. Peters Justice Center located at 1020 Grand Teton Drive. Patty Smith, City Clerk, called the roll. Present were: Mayor Pagano; Alderman Aytes; Alderman Barclay; Alderman Bateman; Alderman Hollingsworth; Board President Reitmeyer; Alderman Shea; Alderman Thomas; Alderman Violet; Russ Batzel, City Administrator; Randy Weber, Special Counsel; Jeff Finkelstein, Chief of Police; Patty Smith, City Clerk. The Invocation was delivered by Pastor Steve Koeneman. The Pledge of Allegiance was led by Mayor Pagano. Aldermen Reitmeyer was absent.

Mayor Pagano introduced Francis Howell student Trevor Moos who took an assignment to shadow the Mayor and will be sitting with him during tonight's meeting.

PROCLAMATION: NO HUNGER HOLIDAY, NOVEMBER 22, 2016

Mr. Moos presented the No Hunger Holiday Proclamation to Mike Narkawicz. Mr. Narkawicz gave a brief presentation on the 26th year of the "No Hunger Holiday" sponsored by the Knights of Columbus Organization. He announced that cash donations or turkeys can be dropped off at the Cottleville Knights of Columbus on Highway N between November 17 - 21, on week days from 4:00 p.m. – 7:00 p.m. and 9:00 a.m. – 4:00 p.m. on the weekend.

PROCLAMATION: PLUMBERS & PIPEFITTERS LOCAL 562 – 30TH ANNIVERSARY HEAT'S ON PROGRAM

Alderman Hollingsworth presented the proclamation to Plumbers and Pipefitters Local Union 562 representatives for their 30th Anniversary for the Heat's On Program conducted on October 8th, 2016. This program teams Pipefitters with the Mechanical Contractors Association to provide free services to local poor and elderly residents. The contractors donate the trucks and materials needed, while Pipefitters donate their time and expertise to inspect and/or repair faulty furnaces, hot water heaters and smoke detectors. Mayor Pagano also spoke about other community volunteering activities which the Local 562 participates.

PRESENTATION: SHOW ME PACE; JAN SCHUMACHER & JOSH CAMPBELL

Ms. Schumacher gave a slideshow presentation on the Show Me PACE (Property Assessed Clean Energy) Program. PACE allows funding of clean/renewable energy and energy efficiency improvements through a property assessment. The Missouri PACE legislation requires municipalities to adopt an ordinance in order for PACE projects to be approved within their boundaries. This allows municipalities to belong to more than one clean energy district. PACE is a finance program available to eligible commercial, industrial, agricultural, nonprofit and government buildings. The program will be available to residential owners within 6-12 months. PACE lenders offer loans with 100% upfront financing towards the cost of energy audits, energy efficient upgrades, renewable energy upgrades, and water conservation measures, with no out-

of-pocket cost to property owners. Ms. Schumacher further explained how the process works and the benefits to property owners. She advised that more information is available at showmepace.org. Ms. Schumacher provided flyers and asked the Board to consider joining the Show Me PACE Clean Energy District so projects can be completed in our community.

Alderman Shea stepped out of the meeting in progress at 6:33 p.m. and returned at 6:38 p.m.

PRESENTATION: CENTRAL COUNTY FIRE CHIEF DAN AUBUCHON

Chief Aubuchon spoke about the services Central County Fire and Rescue Department provides and spoke about the rise in Emergency Medical Services (EMS) calls in St. Charles County. Chief Aubuchon explained Proposition L, which is a property tax increase on the November 8th ballot. Proposition L will provide training and supplies for firefighter-paramedics to offer advanced life service. He explained the difference between the emergency medical technician (EMT) training they currently receive and paramedic training. A firefighter with paramedic training will be able to start an IV, administer medications, and have heart monitors in place for patients while waiting for ambulance personnel to arrive. He advised that this will not affect St. Charles County Ambulance District and these measures are for Central County Fire personnel to assist the Ambulance District.

APPROVAL OF MINUTES: WORK SESSION MEETING OF OCTOBER 13, 2016 AND THE REGULAR BOARD OF ALDERMEN MEETING OF OCTOBER 13, 2016

Alderman Bateman moved and Alderman Thomas seconded the motion to approve the Board of Aldermen Work Session meeting minutes of October 13, 2016, and the Regular Board of Aldermen meeting minutes of October 13, 2016. The motion carried and the minutes were approved.

REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

MAYORAL REPORT OF APPOINTMENTS TO BOARDS AND COMMISSIONS

APPOINTMENTS TO THE VETERANS MEMORIAL COMMISSION

Alderman Bateman read the appointment to the Veterans Memorial Commission. Alderman Hollingsworth moved and Alderman Shea seconded the motion to approve the appointment of the following individual to serve as a member to the Veterans Memorial Commission: Donald L Shaikewitz, 52 Soenker Circle, St. Peters, MO 63376 (Ward 3), for the term effective immediately and expiring December 31, 2016. Mr. Shaikewitz will be filling the vacancy of Forrest Routh, who resigned. All in favor, the motion was approved.

CITY ADMINISTRATOR'S REPORT

None

REPORT OF DIRECTOR OF PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT

None

ST. PETERS BUSINESS SPOTLIGHT

None

OPEN FORUM

CITIZENS PETITIONS AND COMMENTS

None

COMMUNICATIONS FROM THE ELECTED OFFICIALS

Elected Officials made comments during this time.

ANNOUNCEMENTS

PUBLIC HEARINGS

None

UNFINISHED BUSINESS ITEMS:

None

NEW BUSINESS ITEMS:

MOTION/APPROVED: BILL NO. 16-198: ORDINANCE NO. 6662: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS, MISSOURI, TO ENTER INTO AGREEMENTS PROVIDING FOR EITHER TEMPORARY CONSTRUCTION EASEMENTS OR FOR BOTH TEMPORARY CONSTRUCTION EASEMENTS AND PERMANENT DRAINAGE EASEMENTS WITH VARIOUS PROPERTY OWNERS FOR THE COUNTRY HILL ESTATES, SHINING ROCK, RACHELS TRAIL, AND FOREST GROVE COURT STORMWATER PROJECT - P-24

Alderman Bateman moved and Alderman Hollingsworth seconded the motion to introduce the Bill. The motion carried. Alderman Bateman moved and Alderman Hollingsworth seconded the motion to read Bill No. 16-198 for the first time. The motion carried and Alderman Hollingsworth read the Bill. Alderman Hollingsworth moved and Alderman Aytes seconded the motion to read the Bill for the second time. The motion carried and Alderman Shea read the Bill. Alderman Violet moved and Alderman Hollingsworth seconded the motion to put the Bill to a final vote. The motion was approved and Bill No. 16-198 was passed becoming Ordinance No. 6662.

Reitmeyer: Absent Thomas: Yes Bateman: Yes Hollingsworth: Yes
Shea: Yes Violet: Yes Aytes: Yes Barclay: Yes
AYES: 7 NAYS: 0 ABSTENTIONS: 0 ABSENT: 1 MAYOR:

MOTION/APPROVED: BILL NO. 16-199: ORDINANCE NO. 6663: AN ORDINANCE ACCEPTING FOR MAINTENANCE THE DEDICATION OF CERTAIN SECTIONS OF SIDEWALK AND CERTAIN WATER DISTRIBUTION LINES IN AND/OR CONNECTED WITH THE RESUBDIVISION OF LOTS 2 AND 14 OF JUNGERMANN SUBDIVISION PLAT (COUNTRY CLUB CARWASH AND MOBIL ON THE RUN DEVELOPMENT)

Alderman Shea moved and Alderman Aytes seconded the motion to introduce the Bill. The motion carried. Alderman Shea moved and Alderman Aytes seconded the motion to read Bill No. 16-199 for the first time. The motion carried and Alderman Barclay read the Bill. Alderman Violet moved and Alderman Aytes seconded the motion to read the Bill for the second time. The motion carried and Alderman Thomas read the Bill. Alderman Barclay moved and Alderman Aytes seconded the motion to put the Bill to a final vote. The motion was approved and Bill No. 16-199 was passed becoming Ordinance No. 6663.

Reitmeyer: Absent Thomas: Yes Bateman: Yes Hollingsworth: Abstention
Shea: Yes Violet: Yes Aytes: Yes Barclay: Yes
AYES: 6 NAYS: 0 ABSTENTIONS: 1 ABSENT: 1 MAYOR:

EXECUTIVE SESSION RE: LITIGATION, REAL ESTATE AND PERSONNEL, PURSUANT TO SECTION 610.021 (1)(2)(3)(9)(12)(13)(14) & 610.022 (1-6)

No Executive Session was called at this time.

ADJOURNMENT

Alderman Hollingsworth moved and Alderman Barclay seconded the motion to adjourn the Regular Board of Aldermen meeting. The motion was approved and the Regular Board of Aldermen meeting was adjourned at approximately 6:53 p.m.

Respectfully submitted,

Patricia E. Smith
City Clerk

To whom it may concern,

10-13-16

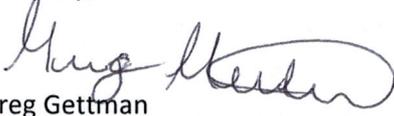
Please accept this letter requesting an extension to the Special Use Permit for McClay Health and Rehab, located at 3801 McClay Rd., St. Peters Mo 63376.

We have been unavoidably delayed by the State of Missouri CON process, but received our approval September 19 2016 for the State regulated beds. We do not see any barriers at this time to completion (aside from St. Louis weather.) Since the approval meeting we have begun demolition of the existing structures, clearing of trees, preliminary grading and initiated the sewer tap for the new facility. We expect to be at the required construction phase complete by January 10th 2016 just a few weeks shy of our original required date of December 16th 2016.

We humbly ask that you approve this extension so that we may continue with the build and avoid any additional delays. As we originally stated our goal is to provide a beautiful project that will bring jobs and affordable long term care to the City of St. Peters, and we are well on our way to accomplishing that goal.

If you have any additional questions please email them to GGettman1@gmail.com or call 314-368-3247.

Sincerely,

A handwritten signature in cursive script, appearing to read "Greg Gettman", written in black ink.

Greg Gettman

NOTICE OF PUBLIC HEARING

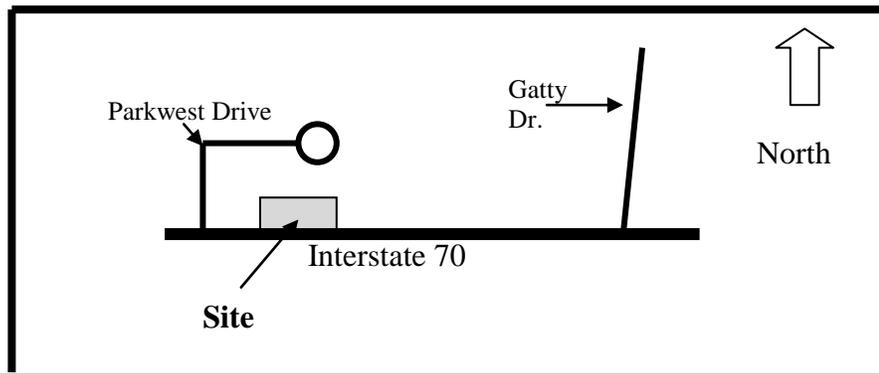
The Planning and Zoning Commission of the City of St. Peters will hold a public hearing at 6:30 p.m. on Wednesday, November 2, 2016 at the St. Peters Justice Center. The St. Peters Justice Center is located at the intersection of Suemandy Drive and Grand Teton Drive. The Planning and Zoning Commission may recommend and the Board of Aldermen may enact by ordinance the rezoning as described below or an alternate zoning category.

All interested citizens will have the opportunity to give written and oral comment. Persons with disabilities needing assistance should contact the City before the meeting by calling or writing to the City Administrator at P.O. Box 9, St. Peters, MO, 63376, 477-6600 or 278-2244.

Petition 16-18

Hometown Equity Mortgage requests a Special Use Permit in the C-3 General Commercial District to allow the storage of vehicles and boats on a 1.94 +/- acre parcel. The subject site is located on the north side of Interstate 70, east of Parkwest Drive. (151 North I-70 Service Road).

LOCATION MAP



LEGAL DESCRIPTION

A legal description of the subject property is on file at the
City of St. Peters Planning Department

ORDINANCE NO. ____

ORDINANCE APPROVING A TIME EXTENSION BY THE BOARD OF ALDERMEN OF THE CITY OF ST. PETERS FOR A SPECIAL USE PERMIT IN THE C-2 COMMUNITY COMMERCIAL DISTRICT FOR A NURSING HOME IN RESPONSE TO A REQUEST BY GREG GETTMAN, MCCLAY HEALTH AND REHAB, LLC AND MCCLAY ADULT DAY CARE, LLC (PETITION 15-18)

WHEREAS, on December 17, 2015, Ordinance No. 6450 was passed by the Board of Aldermen in response to Petition 15-18 granting a Special Use Permit to McClay Health and Rehab, LLC and McClay Adult Day Care, LLC to permit a nursing home; and

WHEREAS, due to delayed construction of the project, commencement of the use has been delayed; and

WHEREAS, to McClay Health and Rehab, LLC and McClay Adult Day Care, LLC is requesting a one hundred eighty day (180) extension to begin construction of said nursing home; and

WHEREAS, in TERMS AND CONDITIONS, Section D.b. of the Special Use Permit, the Board of Aldermen may, upon request, grant a time extension to McClay Health and Rehab, LLC and McClay Adult Day Care, LLC; and

WHEREAS, the Board of Aldermen finds that it is the best interest of the inhabitants of the City of St. Peters to grant said extension.

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

SECTION 1. The Board of Aldermen of the City of St. Peters, Missouri, does hereby approve a one hundred eighty day (180) time extension, as requested, for the Special Use Permit granted to McClay Health and Rehab, LLC and McClay Adult Day Care, LLC to operate at the subject site, to wit:

LEGAL DESCRIPTION

Parcel 1:

A tract of land being part of the Northwest Quarter of Section 9, Township 46 North, Range 4 East of the Fifth Principal Meridian, St. Charles County Missouri, being more particularly described as follows:

Beginning at the Southeast corner of Lot 5 “The Commons”, a subdivision according to the plat thereof recorded in Plat Book 28 Page 163 of the St. Charles County Records, said point being also in the West line of Horstmeier Road, variable width; thence along said West line of Horstmeier Road South 00 degrees 08 minutes 57 seconds West 420.88 feet; and South 45 degrees 06 minutes 34 seconds West 26.89 feet to a point in the North line of McClay Road, 80 feet wide; thence along said North line of McClay Road, North 89 degrees 55 minutes 49 seconds West 184.00 feet to a point; thence leaving said North line of McClay Road and along the West line of property identified as future development area on plat recorded as “Jungermann-McClay Station Plat One” in Plat Book 39 Pages 282-283 of said records, North 00 degrees 08 minutes 58 seconds East 439.41 feet to a point in the South line of aforesaid “The Commons”; thence along said South line, North 89 degrees 56 minutes 13 seconds East 203.00 feet to the Point of Beginning containing 2.045 Acres according to a survey by Bax Engineering during October 2015.

Parcel 2:

Lot 2 of Jungermann-McClay Station Plat One, according to the plat thereof recorded in Plat Book 39, Pages 282 and 283 of the St. Charles County Records.

Parcel 3:

A tract of land being part of the Southwest Quarter of the Northwest Quarter of Section 9, Township 46 North, Range 4 East in St Charles County, Missouri and being more particularly described as follows:

Beginning at the intersection of the Northern right-of-way line of McClay Road, 80 feet wide, with the Southwestern right-of-way line of Horstmeier Road, also being the Southeast most corner of a tract of land conveyed to the Meppen Group, Inc. as recorded in Book 2889, Page 66 of the St Charles County, Missouri Recorder of Deeds Office; thence along said Northern right-of-way line of McClay Road South 89 degrees 55 minutes 49 seconds West, 230.29 feet to the TRUE POINT OF BEGINNING; thence continuing along said Northern right-of-way line South 89 degrees 55 minutes 49 seconds West 15.00 feet to a point being the Southeast corner of Lot 2 of Jungermann-McClay Station Plat One, as recorded in Plat Book 39 Page 282 and 283 of the St. Charles County, Missouri Recorder of Deeds Office; thence leaving said Northern right-of-way line and along the Eastern property line of the aforesaid Lot 2 North 00 degrees 04 minutes 11 seconds East 175.00 feet to the Northeast corner of said Lot 2; thence leaving said Eastern property line South 89 degrees 55 minutes 49 seconds East, 15.00 to a point; thence South 00 degrees 04 minutes 11 seconds West, 175.00 feet to the TRUE POINT OF BEGINNING and containing 2,625 square feet or 0.06 acres more or less.

and states it will not adversely affect the character or the traffic conditions of the surrounding area, nor adversely affect the public utility facilities, that this Special Use complies with the Comprehensive Plan of the City and with other matters pertaining to the general welfare of its residents.

SECTION 2. Savings Clause

Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 3. Severability Clause

If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

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

Read two times, passed, and approved this 10th day of November, 2016.

As Presiding Officer and as Mayor
Len Pagano, Mayor

Attest: _____
Patricia E. Smith, City Clerk

Approved this 10th day of November, 2016.

Len Pagano, Mayor

Attest: _____
Patricia E. Smith, City Clerk

ORDINANCE NO.

AN ORDINANCE APPROVING A SPECIAL USE PERMIT IN THE C-3 GENERAL COMMERCIAL DISTRICT TO PERMIT THE STORAGE OF VEHICLES AND BOATS IN RESPONSE TO PETITION 16-18 (HOMETOWN EQUITY MORTGAGE) AND ADOPTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW WITH RESPECT THERETO

WHEREAS, by Petition to the Board of Aldermen, a special use permit was requested in the C-3 General Commercial District to permit the storage of vehicles and boats; and

WHEREAS, the Board of Aldermen of the City of St. Peters, Missouri, did refer this Petition to the City's Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission did hold a Public Hearing on this proposed special use; and

WHEREAS, the said Planning and Zoning Commission of the City did consider this Petition and did recommend approval of this petition to the Board of Aldermen; and

WHEREAS, at the Public Hearing persons in interest and citizens were given an opportunity to be heard on this proposed special use.

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

SECTION 1. The Board of Aldermen of the City of St. Peters, Missouri, does hereby approve the Special Use Permit, attached herewith and marked as Exhibit "A", for Hometown Equity Mortgage, to permit the storage of vehicles and boats:

LEGAL DESCRIPTION

Lot 1 of Dan's Boats Plat One as recorded in Plat Book 42 Page 61 of the St. Charles County, Missouri Recorder of Deeds.

and states it will not adversely affect the character or the traffic conditions of the surrounding area, nor adversely affect the public utility facilities, that this Special Use complies with the Comprehensive Plan of the City and with other matters pertaining to the general welfare of its residents.

SECTION 2. The Board of Aldermen of the City of St. Peters, Missouri, does hereby authorize the requested special use by Hometown Equity Mortgage, in the C-3 General Commercial District to permit the storage of vehicles and boats at the subject site.

SECTION 3. Savings Clause

Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 4. Severability Clause

If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision, which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 5. This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of St. Peters, Missouri.

Read two times, passed, and approved this 10th day of November, 2016.

As Presiding Officer and as Mayor
Len Pagano, Mayor

Attest: _____
Patricia E. Smith, City Clerk

Approved this _____ day of November, 2016.

Len Pagano, Mayor

Attest: _____
Patricia E. Smith, City Clerk

DRAFT

Exhibit A

BEFORE THE BOARD OF ALDERMEN
OF THE CITY OF ST. PETERS, MISSOURI

In re: Application for Special Use)
Permit --)
)
) Application No. 16-18
Hometown Equity Mortgage of St. Louis,)
Inc., d/b/a Hometown Equity Mortgage)
Applicant)

FINDINGS OF FACT AND CONCLUSION OF LAW

INTRODUCTION

On September 22, 2016, pursuant to the requirements of Section 405.780 of the Code of the City of St. Peters, Missouri (the “City Code”), Hometown Equity Mortgage of St. Louis, Inc., d/b/a Hometown Equity Mortgage (the “Applicant”) submitted to the City of St. Peters, Missouri (the “City”), Application No. 16-18 for a Special Use Permit requesting a permit to use certain property within the C-3 General Commercial District for house trailer and recreational vehicle storage (the “Application”), which property is more particularly described in the legal description attached hereto as **Exhibit A** (“the Property”). Specifically, the Applicant requested the following use:

“boat/rv/vehicle storage and office”

Pursuant to the Application and the requirements of the Section 405.780.C.4 of the City Code, a hearing was conducted before the Board of Alderman on November 10, 2016, a copy of the video recording of which is available in the office of the City Clerk and is incorporated by reference herein (the “Hearing”). At such Hearing all persons-in-interest and other citizens were given an opportunity to be heard regarding the proposed Special Use Permit.

The Board of Aldermen makes its findings based upon the following:

- A. The Application submitted by the applicant on September 22, 2016, a copy of which is attached hereto as **Exhibit F** and incorporated by reference herein;
- B. The sworn testimony of _____ provided at the Hearing;
- C. The Site Plan, a copy of which is attached hereto as **Exhibit B** and incorporated by reference herein;
- D. The Architectural Design, a copy of which is attached hereto as **Exhibit C** and incorporated by reference herein;
- E. The City Code, a copy of which is on file in the office of the City Clerk, and incorporated as though fully set forth herein;
- F. The City's Comprehensive Plan, a copy of which is available in the office of the City Clerk and incorporated by reference herein;
- G. The Zoning Map of the City, a copy of which is available in the office of the City Clerk and incorporated by reference herein;
- H. The Report of the Director of Planning, Community and Economic Development, a copy of which is attached hereto as **Exhibit D** and incorporated by reference herein; and
- I. The Recommendation of Planning and Zoning Commission, a copy of which is attached hereto as **Exhibit E** and incorporated by reference herein.

FINDINGS OF FACT

- A. The Property is owned by Hometown Equity Mortgage of St. Louis, Inc., d/b/a Hometown Equity Mortgage (the "Owner"), who is also the Applicant.
- B. The Property is located in the C-3 General Commercial District.
- C. Section 405.210(D)(12) of the City Code provides that Special Uses within the C-3 General Commercial District include "House trailer and recreational vehicle sales/storage; "

CONCLUSIONS OF LAW

At a public meeting held on November 10, 2016, the Board of Aldermen of the City of St. Peters, Missouri, reviewed and discussed the Application, the sworn testimony and the additional information presented by all interested parties. Following discussion of the foregoing, and after each Board Member had been provided the opportunity to express their respective thoughts concerning the Application, a motion was made to approve the

Application, with details of the motion, seconding of the motion, and vote of the Board members set forth in the approved minutes of the Board of Aldermen from the meeting. The vote of the Board was _____ () in the affirmative, _____ () in the negative, and _____ () member(s) absent. The motion passed and the Application was approved.

Pursuant to the foregoing vote, the Board of Aldermen makes the following conclusions of law:

- A. The proposed Special Use complies with all applicable provisions of the City Code, including intensity of use regulations, setback regulations and use limitations.
- B. The proposed Special Use of the Property will contribute to and promote the general, welfare, health, safety and convenience of the public.
- C. The location and size of the Special Use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the Property with respect to streets giving access to it are such that the Special Use will not adversely affect the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.
- D. Off-street parking and loading areas will be provided in accordance with the standards set forth in the City Code.
- E. Adequate utility, drainage and other such necessary facilities have been or will be provided on the Property.
- F. Adequate access roads, entrances and exit drives are being provided and are so designed to prevent traffic hazards and to minimize traffic congestion on public streets and alleys.

Based on all of the circumstances, including the Application and the evidence presented to the Board of Aldermen, the Special Use Permit requested pursuant to the Application shall be, and hereby is GRANTED subject to the following terms and conditions:

A. Uses:

This Special Use Permit shall authorize the use of the Property for a recreational vehicle and boat storage facility.

B. General Requirements:

1. The Owner/Applicant, and any future owner of the Property, may use the Property for a house trailer and recreational vehicle storage facility in addition to all permitted uses in the C-3 General Commercial District.
2. The Owner/Applicant may operate a house trailer and recreational vehicle storage facility on the Property in a manner consistent with house trailer and recreational vehicle storage facilities, and in compliance with all local and State regulations related to house trailer

and recreational vehicle storage facilities.

- a. The Property shall be fenced and gated as indicated on the Site Plan attached hereto as **Exhibit B**.
3. The configuration of the Property shall be shall be as substantially shown on the Site Plan attached hereto as **Exhibit B**. Any minor modifications to the Property from that shown on the Site Plan shall be as approved by the Planning Department. Any substantive changes to the approved Site Plan shall first be approved by the Planning and Zoning Commission.
4. The design of the existing building on the Property shall be as substantially shown on the Architectural Design attached hereto as **Exhibit C**. Any minor modifications to the building shall be as approved by the Planning Department. Any substantive changes to the approved building shall first be approved by the Planning and Zoning Commission.
- C. If any provision of this Special Use Permit shall to any extent be invalid or unenforceable, the remainder of the Special Use Permit shall not be affected thereby, and each such provision of the permit shall be valid and enforceable to the fullest extent permitted by law.
- D. The Special Use Permit shall only be valid for a period of one (1) year from the date of its approval by the Board of Alderman, unless within such period:
 - a. a building permit or occupancy permit is issued for and the herein permitted use of the Property is commenced; or
 - b. the Board of Aldermen, upon written request of the Applicant, grants an extension not exceeding one hundred eighty (180) days, without notice of hearing.
- E. The terms and conditions herein set forth shall be deemed to be covenants running with the Property.
- F. The Owner/Applicant, and their successors in interest, shall comply with all other requirements of the City's Zoning and Subdivision Regulations, including but not limited to parking and signage requirements, and any other city, state, or federal regulations that are applicable unless otherwise stated herein.

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IN WITNESS WHEREOF, the parties have hereunto set their hands as of the _____
day of _____, 2016.

CITY OF ST. PETERS, MISSOURI

SEAL

By _____
Len Pagano, Mayor

Attest:

Patricia E. Smith, City Clerk

STATE OF MISSOURI)

) SS

COUNTY OF ST. CHARLES)

On this _____ day of _____, 2016, before me appeared LEN PAGANO, to me personally known, who, being by me duly sworn, did say the he is the Mayor of the CITY OF ST. PETERS, MISSOURI, a municipal corporation, that the seal affixed to the foregoing instrument is the seal of said City, and that said instrument was signed and sealed in behalf of said City, by authority of its Board of Aldermen; and, said LEN PAGANO acknowledged said instrument to be free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid the day and year first above written.

Notary Public

My Commission Expires:

APPLICANT/OWNER

HOMETOWN EQUITY MORTGAGE OF ST. LOUIS, INC., d/b/a HOMETOWN EQUITY MORTGAGE

By: _____
Donald S. Miller, President

STATE OF MISSOURI)
)
COUNTY OF _____) SS.

On this _____ day of _____, 2016, before me appeared DONALD S. MILLER, who, being by me duly sworn did say that he is the President of Hometown Equity Mortgage of St. Louis, Inc., d/b/a Hometown Equity Mortgage, a Missouri corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation, and said Donald S. Miller, by authority of its Board of Directors, acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State the day and year first above written.

Notary Public

My Commission Expires:

EXHIBIT A
Legal Description

Lot 1 of Dan's Boats Plat One as recorded in Plat Book 42 Page 61 of the St. Charles County, Missouri Recorder of Deeds.

DRAFT

EXHIBIT B Site Plan

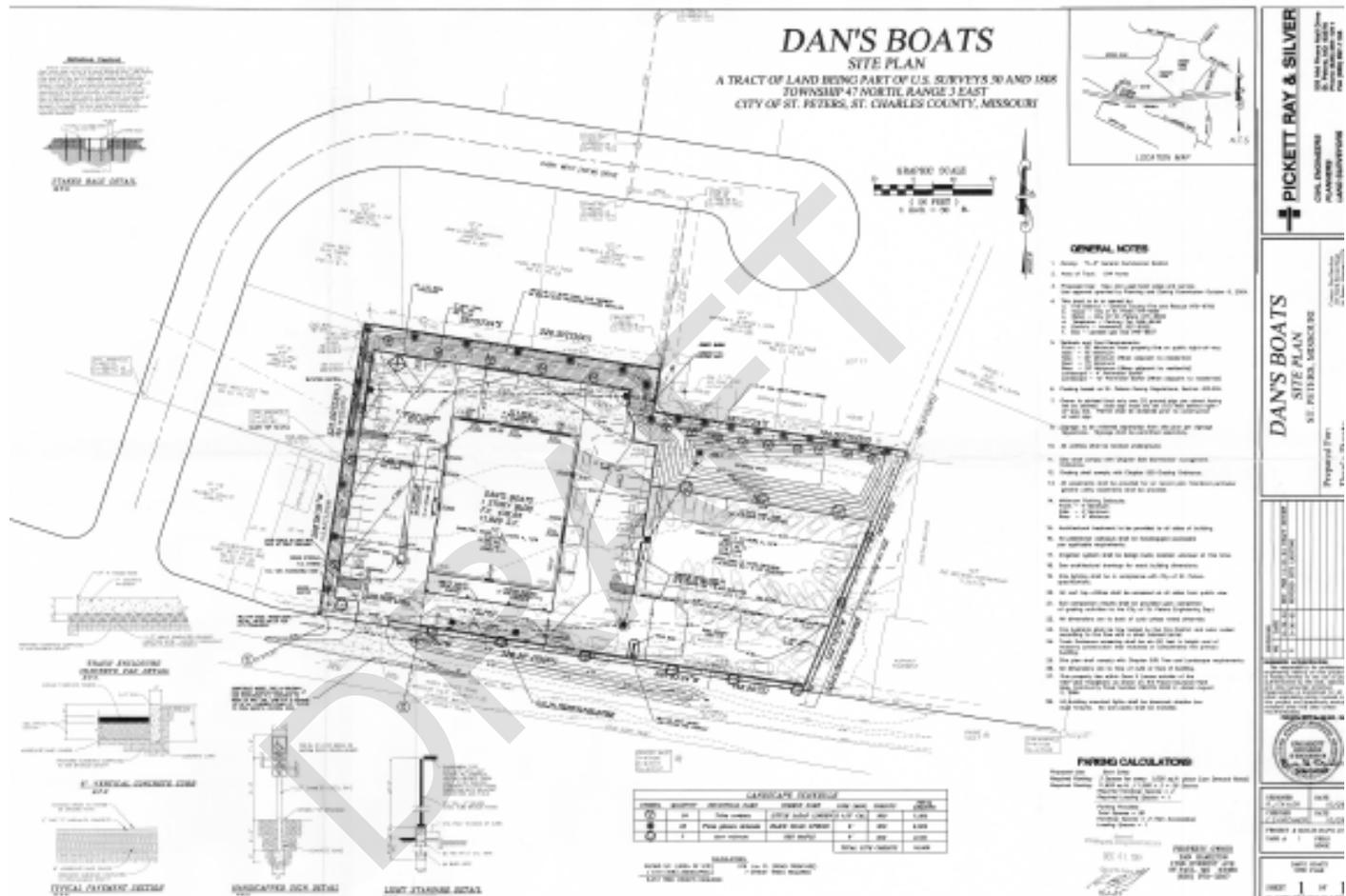


EXHIBIT C
Architectural Design

RECEIVED MAR 17 2006



EXHIBIT D

Report of the Director of Planning, Community and Economic Development

Name/Location of Development:

- a. Petition 16-18 – Hometown Equity Mortgage: A request for a special use permit in the C-3 General Commercial District to permit a recreational vehicle and boat storage facility on a 1.94 +/- acre parcel. The property is located on the north side of I-70 Service Road North, east of Parkwest Drive – 151 North Service Road (Ward 1)

Staff Evaluation:

The site is developed with an existing office building used by the applicant/owner for a mortgage business. The site was rezoned and originally developed and used for a boat sales facility in 2002. Subsequent to the closing of the boat sales and service facility, it has been used as an office space for the current mortgage company. The current applicant/owner proposes using the site for boat and rv storage. The site is already fenced for this use, and it is easily accessible from Interstate 70.

The subject site includes a one story, 11,829 square foot boat building with canopies on multiple sides of the building. The site is fenced and includes a gate; this area was previously used for boat display and will be used for recreational vehicle and boat storage. Staff notes that the Interstate 70 corridor, including this portion, is largely made up of C-3 General Commercial District and I-1 and I-2 Industrial District uses except for the Park West Apartments zoned R-3 Multiple-Family Residential District to the west. The design of the site and the proximity of the lot to the highway makes it ideally suited for commercial activity, including boat and rv storage.

Staff notes that when the site was originally developed for boat sales and service it was noted that the site was already zoned commercial and it was also noted that apartment developments can operate effectively adjacent to commercial development with adequate buffering. Therefore, fencing and extensive landscaping to buffer the apartments from the commercial development were included. Staff will ensure that the required buffering is in place and healthy prior to operation of the boat and rv storage facility.

Staff is of the opinion the facility can operate without detriment to the area. The business will be located within a major interstate corridor on an already commercial property that is served by the interstate outer road. The site was designed for boat sales so the use of it for boat and rv storage can be easily accommodated.

Per the City of St. Peters Zoning Code, the review of any proposed special use must include consideration of certain standards; these are addressed below:

- a. *Character of the surrounding area*: The facility is located along an interstate outer road adjacent to predominantly other non-residential uses. Landscaping was originally

installed in 2002 to adequately buffer the adjacent multiple family uses. The proposed use would be consistent with the nature of the area.

- b. *Traffic conditions in the surrounding area:* The site is served by I-70 Outer Road North which has been adequately improved to serve the land uses in the area; it is designed to accommodate substantial traffic levels.
- c. *Public Utility facilities:* The existing building is currently served with all utilities. Utility services are readily available in this area.
- d. *The Comprehensive Plan:* The City's Comprehensive Plan, as amended in 2008, indicates the site area is appropriate for commercial oriented uses. The proposed use of a recreational vehicle and boat storage facility would be consistent with the plan.
- e. *Other matters pertaining to general welfare:* The site is located along an interstate corridor; this location is appropriate for continued commercial development including the proposed use.

Staff Recommendation:

Based on the above review, staff recommends approval of the proposed special use subject to the attached special use permit.

EXHIBIT E
Recommendation of Planning and Zoning Commission

Petition 16-18- Hometown Equity Mortgage: A request for a Special Use Permit in the C-3 General Commercial District to allow the storage of vehicles and boats on a 1.94 +/- acre parcel. The subject site is located on the north side of Interstate 70, east of Parkwest Drive (151 North I-70 Service Road.

Ms. Christina Bollinger, Hometown Equity Mortgage, presented this to the Commission for approval. Ms. Bollinger explained that the site is developed with an existing office building used by Hometown Equity Mortgage. The site was originally developed and used for a boat sales facility in 2002. Subsequent to the closing of the boat sales and service facility, it has been used as an office space for the current mortgage company. Hometown Equity Mortgage proposes using the site for boat and RV storage. The site is already fenced for this use, and it is easily accessible from Interstate 70. Chairman McNames opened the public hearing at 7:20 p.m. and asked anyone wishing to speak on this petition to come forward. Seeing no one present to comment, Chairman McNames closed the public hearing at 7:20 p.m. Mr. Winslow made a motion and Mr. Westhoff seconded to adopt staff's Findings of Fact as the Commission's Findings of Fact. The motion carried unanimously. Mr. Winslow made a motion and Ms. O'Mara seconded to recommend approval of this Special Use Permit to the Board of Aldermen. The motion carried unanimously.

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EXHIBIT F
Application



APPLICATION FOR A SPECIAL USE PERMIT
STATE OF MISSOURI
COUNTY OF ST. CHARLES
CITY OF ST. PETERS



INSTRUCTIONS TO APPLICANT:

APPLICATION NUMBER: 16-18

Submit the following to an Administrative Officer:

- The petition forms completely filled out typed or printed.
- The petition fee.
 - THE BASE FEE IS \$250.00 WHICH SHOULD BE SUBMITTED WITH THIS PETITION.
 - THE APPLICANT WILL BE BILLED \$2.00 PER EACH SET OF 3 LETTERS FOR THE ADDITIONAL COST OF THE MAILINGS.
- A typed and electronic version of the legal description of the property being petitioned.
- Provide items required by Section 405.780 (D)(2)

NAME OF APPLICANT: Hometown Equity Mortgage
IF APPLICANT IS A LIMITED LIABILITY CORPORATION OR INCORPORATION, A COPY OF THE CURRENT OPERATION AGREEMENT OR ARTICLES OF INCORPORATION, WHICHEVER IS APPLICABLE, SHALL BE PROVIDED.

ADDRESS: 151 N Service Road
St Peters ZIP CODE: 63376

TELEPHONE NUMBER: 636-387-4377 FAX: 636-377-0556 E-MAIL: dmiller@hometownequitymortgage.com

NAME OF LEGAL OWNER: Hometown Equity Mortgage
IF OWNER IS A LIMITED LIABILITY CORPORATION OR INCORPORATION, A COPY OF THE CURRENT OPERATION AGREEMENT OR ARTICLES OF INCORPORATION, WHICHEVER IS APPLICABLE, SHALL BE PROVIDED.

ADDRESS: 151 N Service Road
St Peters ZIP CODE: 63376

TELEPHONE NUMBER: 636-387-4377 FAX: 636-377-0556 E-MAIL: dmiller@hometownequitymortgage.com

CHECK ONE: OWNER OWNER BY OPTION AGENT OTHER (SPECIFY): _____

IF OWNER BY OPTION, INDICATE: DATE OF CONTRACT: _____
EXPIRATION DATE: _____

LOCATION OF PROPERTY 151 N Service Road, St Peters 63376

ACREAGE TO THE NEAREST 1/10 OF AN ACRE OF THE PROPERTY BEING PETITIONED: 1.94

PRESENT ZONING CLASSIFICATION: C-3

PRESENT USE: office

PROPOSED USE: boat/rv/vehicle storage + office

DESCRIBE IN DETAIL THE SPECIAL USE PROPOSED AND JUSTIFICATION FOR THE REQUEST (MAY BE ATTACHED):
Use of property for vehicle and boat storage.

SIGNATURE OF APPLICANT (MUST BE NOTARIZED): [Signature]

DATE: 9/15/2016

STATE OF MISSOURI
COUNTY OF ST. CHARLES SS

ANGELA G. MESECHER
Notary Public - Notary Seal
STATE OF MISSOURI
St. Charles County
My Commission Expires: Feb. 12, 2019
Commission #15391540

On this 15 day of September, 2016, before me personally appeared

Donald S Miller

To me known, who, being by me duly sworn, did say that they have signed the foregoing instrument of their own free will and deed. In Testimony Whereof, I have hereunto set my hand and affixed my official seal in the County and State aforesaid the day and year first above written.

[Signature]
Notary Public

My Commission Expires: Feb 12, 2019

SIGNATURE OF LEGAL OWNER (MUST BE NOTARIZED): [Signature]

DATE: 9/15/16

STATE OF MISSOURI
COUNTY OF ST. CHARLES SS

ANGELA G. MESECHER
Notary Public - Notary Seal
STATE OF MISSOURI
St. Charles County
My Commission Expires: Feb. 12, 2019
Commission #15391540

On this 15 day of September, 2016, before me personally appeared

Donald S Miller

To me known, who, being by me duly sworn, did say that they have signed the foregoing instrument of their own free will and deed. In Testimony Whereof, I have hereunto set my hand and affixed my official seal in the County and State aforesaid the day and year first above written.

[Signature]
Notary Public

My Commission Expires: February 12, 2019

TO BE COMPLETED BY ADMINISTRATIVE OFFICE	
DATE FILED: <u>September 22 2016</u>	FEE PAID: \$ <input checked="" type="checkbox"/> (\$250.00)
month day year	\$ (Mailing)

ORDINANCE NO. _____

AN ORDINANCE DIRECTING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS, MISSOURI, TO EXECUTE A CERTAIN SALE CONTRACT WITH RONALD S. KOENIG, THOMAS F. KOENIG AND DAVID F. KOENIG, TRUSTEES UNDER THE KOENIG FAMILY GIFT TRUST, FOR THE ACQUISITION OF FEE SIMPLE TITLE TO CERTAIN REAL PROPERTY

WHEREAS, the Board of Aldermen of the City of St. Peters, Missouri, does hereby find, declare and ascertain that stormwater control and the comfort, convenience, safety, happiness and health of the inhabitants of the City will be improved by the acquisition of certain real property described more fully below, and that such acquisition serves a proper public and valid municipal purpose.

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

SECTION 1. That the terms and provisions of the Sale Contract attached hereto, marked as Exhibit "A", and incorporated by reference herein, providing for the acquisition of fee simple title to certain real property, be and they hereby are, in all respects approved, and that the City Administrator is hereby authorized, empowered and directed to further negotiate, acknowledge, deliver and administer on behalf of the City said Sale Contract in substantially the form attached hereto, the execution of which, by the City Administrator, is hereby ratified and confirmed.

SECTION 2. Savings.

Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in manner connected with the subject matter hereof.

SECTION 3. Severability.

If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer valid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 4. This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of St. Peters, Missouri.

Read two (2) times, passed and approved this 10th day of November, 2016.

As Presiding Officer and As Mayor
Len Pagano, Mayor

Attest: _____
Patricia E. Smith, City Clerk

Approved this 10th day of November, 2016.

Len Pagano, Mayor

Attest: _____
Patricia E. Smith, City Clerk

EXHIBIT A

SALE CONTRACT

This Sale Contract (the "Contract") is made and entered into as of the Effective Date, as hereinafter defined, by and between RONALD S. KOENIG, THOMAS F. KOENIG and DAVID F. KOENIG, TRUSTEES UNDER THE KOENIG FAMILY GIFT TRUST DATED NOVEMBER 19, 1996, hereinafter referred to as "Seller", and the CITY OF ST. PETERS, MISSOURI, a fourth class city and political subdivision of the State of Missouri, hereinafter referred to as "Purchaser".

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Seller agrees to sell and Purchaser agrees to purchase the "Subject Property" described below, upon the terms and subject to the conditions set forth herein.

1. **Subject Property.** The Subject Property consists of approximately 2.483 acres, more or less, located in the County of St. Charles, Missouri, and is a portion of a 7.483 acre tract of land described on Exhibit "A" attached hereto and made a part of this Contract by this reference, and is more specifically depicted as Lot 1 on Exhibit "B" attached hereto and made a part of this Contract by reference, together with all rights-of-way, easements and appurtenances to it, collectively referred to as the "Subject Property."

2. **Purchase Price.** The Purchase Price for the Subject Property shall be the sum of Three Hundred Seventy Three Thousand Nine Hundred Twenty Nine and 00/100 Dollars (\$373,929.00). The Purchase Price is subject to adjustment in accordance with the provisions of Paragraph 7 below.

3. **Earnest Money.** The parties agree that this Contract is entered into with no earnest money being paid. In the event the Contract does not close due to a failure of performance on the part of Purchaser, Seller shall have the right to pursue all additional and further rights it may have against Purchaser, whether at law or in equity. In the event the Contract does not close due to a failure of performance on the part of Seller under this Contract, then Purchaser shall have the right to pursue all additional and further rights it may have against Seller, whether at law or in equity.

4. **Closing.** The Closing of the sale and purchase of the Subject Property under this Contract shall occur on November 15, 2016 (the "Closing Date") (or on such earlier date as the parties may agree in writing). Closing shall take place at the offices of the Title Company.

5. **Due Diligence Matters.** Except as hereinafter specifically set forth, at any time prior to Closing, Purchaser shall have the right to pursue the following due diligence matters:

(a) **Title.** Purchaser shall, at its sole cost and expense, cause to be issued a title insurance commitment by Title Company agreeing to issue upon recording of the deed conveying the Subject Property to Purchaser, an owner's title insurance policy in the amount of the Purchase Price insuring the title of Purchaser, in the Subject Property, subject only to the matters to which Purchaser does not object. The parties agree that Old Republic Title Company of St. Louis is an acceptable title and issuing agency company hereunder. Said Title Insurance commitment shall embody the foregoing requirements, insuring title to the Property in Purchaser on the standard form used in the State of Missouri; except, however, that any rights of dower, curtesy, homestead or other marital rights of spouse, mechanic's lien, or rights of parties in possession exceptions shall be deleted and such policy shall except only those conditions of title and other matters referred to herein, for the benefit of

Purchaser. The parties hereby agree that all monetary liens and encumbrances (including mortgages, deeds of trust, mechanic's liens and special assessments) are expressly disapproved and the debt(s) secured thereby shall be deleted as an exception from the title insurance policy to the Subject Property prior to or contemporaneously with the Closing. Seller shall be solely responsible for the payment of such liens and/or encumbrances and agrees to take such actions as are reasonably necessary to cause the Title Company to issue a title insurance policy deleting the mechanic's lien exception, including, but not limited to, the escrow of such monies as the Title Company may reasonably require. The Parties further agree that all leasehold interests in the Property are expressly disapproved. Seller shall be solely responsible for terminating all leasehold interests prior to the Closing Date. Purchaser shall have up to and including five (5) calendar days prior to the Closing Date to deliver its written objections thereto. Seller shall have five (5) calendar days after receipt of such objections to cure any title defects recited by Purchaser, and the Closing Date shall be postponed for such period, if necessary. If Seller is unable or unwilling, in its sole discretion, to cure such defects, Purchaser may elect to take title as is or to terminate this Contract. The Title Insurance Commitment shall be continued through the Closing Date at Purchaser's sole cost and expense.

6. **Conveyance of Property.** The record title to the Subject Property described in Exhibit A shall be conveyed by General Warranty Deed. Title shall be marketable in fact and insurable by a standard ALTA owner's policy of title insurance issued by the Title Company, except for easements or other exceptions to which Purchaser has not objected in writing and the lien for general real estate taxes for the year in which the sale is closed. Seller agrees to execute at Closing, a Standard Seller's Affidavit and such other and further affidavits and documents reasonably required by the Title Company in order to insure title to the Subject Property in Purchaser or to otherwise complete the transaction contemplated hereunder. Possession of the Subject Property shall be delivered to Purchaser at the time of Closing.

7. **Costs and Prorations.** Purchaser shall pay all costs of obtaining the title insurance commitment, the cost of any policy of title insurance and all endorsements to it. General taxes shall be prorated to the date of Closing, with Seller to have the last day. All Title Company closing fees shall be paid by Purchaser.

8. **Representations of Seller.** Seller makes the following representations and warranties:

(a) Seller has no knowledge of any noncompliance with any law or regulation of any governmental authority having jurisdiction over the Subject Property, and has not received any notice, not heretofore complied with, from any such body or agency that the Subject Property or any improvements thereon violated or fails to comply with any applicable law, regulation or requirement or is deficient or defective in any manner.

(b) Seller has received no notice and has no knowledge of any hazardous material or hazardous environmental conditions on, under or about the property which now or with the passage of time will violate any governmental law, regulation or ordinance.

(c) That to Seller's knowledge, no hazardous materials (as herein later defined) exist on or under the Subject Property or on any properties immediately adjoining the Subject Property or have been transported to or from the Subject Property or used, generated, manufactured, stored or

disposed of on or under the Subject Property, or any properties immediately adjoining the Subject Property and that the Subject Property is not in violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or environmental conditions on or under the Subject Property, including without limitation, soil and groundwater conditions.

For purposes of this Contract "Hazardous Materials" shall mean (i) substances defined as "hazardous substances," "hazardous materials," or "toxic substances" in the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seq.; the Hazardous Materials Transportation Act, as amended, 49 U.S.C. Section 1801, et seq.; the Resource Conservation and Recovery Act, as amended, 42 U.S.C. Section 6901, et seq. (ii) those substances defined as "hazardous waste" in Section 260.360 and 260.500 RSMo. and the Regulations adopted and publications promulgated pursuant to said laws; (iii) asbestos in any form, urea, formaldehyde foam insulation, transformers or other equipment which contained an electric fluid or other fluids containing levels of polychlorinated biphenyls in excess of 50 parts per million; and (iv) any other chemical, material or substance, exposure to which is prohibited, limited or regulated by any governmental authority or may or could pose a hazard to the health or safety of persons occupying or entering upon the Subject Property.

(d) In the event during the period of time between the execution of this Contract and Closing on the Subject Property, Seller has actual knowledge of, learns or has reason to believe that any of the above representations and warranties may cease to be true, Seller now agrees to give notice immediately to Purchaser of such change in circumstances. Upon the occurrence of such change in circumstances, Purchaser shall have the right in its sole discretion to terminate this Contract.

(e) The above listed representations and warranties shall be true as of the Effective Date of this Contract, shall be deemed to have been remade as of Closing, and shall survive Closing.

9. **Notices.** All notices required or permitted under this Contract shall either be personally delivered or placed in the United States mail, properly addressed as set forth below, registered, return receipt requested, postage prepaid. Such notices shall be deemed received on the earlier of the date actually received or 48 hours after being mailed in the manner set forth above. Such notices shall be sent to the parties at the following addresses unless otherwise notified in writing:

To Seller: Ronald S. Koenig, Thomas F. Koenig and David F. Koenig,
Trustees Under The Koenig Family Gift Trust Dated November
19, 1996
268 Jungermann Road
St. Peters, Missouri 63376

With a copy to: Mike Fisher & Associates Realty
Attn: Mr. Michael Fisher
2040 Bluestone Drive
St. Charles, Missouri 63303

To Purchaser: City of St. Peters, Missouri
Attn: Russell W. Batzel, City Administrator
P.O. Box 9
St. Peters, Missouri 63376

With a copy to: Hamilton Weber LLC
Attn: Wm. Randolph Weber
200 North Third Street
St. Charles, Missouri 63301

10. **Assignment**. This Contract is not assignable without the written consent of the other party, which consent shall not be unreasonably withheld.

11. **Remedies**. The parties declare that it is impossible to measure in money the damages which will accrue to Seller or Purchaser by reason of the failure of Seller or Purchaser to perform the obligations set forth in this Contract. Should any dispute arise or any action be instituted by Seller or Purchaser, their successors or assigns, to enforce the provisions of this Contract, it is agreed that this Contract shall be enforceable in a court of equity by a decree of specific performance and that an injunction may be issued restraining any sale or transfer of the Subject Property or any use thereof contrary to the provisions of this Contract, pending the determination of such controversy, and the Seller or Purchaser for their successors and assigns waive the claim or defense that an adequate remedy at law exists. Such equitable remedy shall be cumulative and not exclusive and shall be in addition to any other remedy which the Seller or Purchaser may have.

12. **Casualty**. In the event of a loss caused by casualty, Purchaser shall have the right to request the Seller to reconstruct the Subject Property using any recovery from hazard insurance. If Seller refuses to reconstruct, then Purchaser may purchase the Subject Property for the difference between the Purchase Price and the amount of the recovery from the hazard insurance or Purchaser may elect to terminate this Contract.

13. **Miscellaneous**.

(a) **Effective Date**. The "Effective Date" of this Contract shall be the last date that this Contract has been duly executed by all the parties hereto; provided, however, notwithstanding the execution of this Contract on behalf of the Purchaser, this Contract shall not be effective nor binding on the Purchaser until authorized by an Ordinance of the Purchaser duly passed and adopted by the Board of Alderman and approved by the Mayor.

(b) **Severability**. Whenever possible, each provision of this Contract and any related document shall be interpreted in such a manner as to be valid under Missouri law. If any of the foregoing provisions or provisions of any related document are deemed to be invalid or prohibited under applicable law, such provisions shall be ineffective to the extent of such invalidity or prohibition without invalidating the remainder of the provision or the remaining provisions of the Contract or related document.

(c) **Definition of Termination.** Whenever it is provided that the occurrence or nonoccurrence of any event shall cause this Contract to be terminated, such termination shall mean that the Contract is rescinded so that neither party hereto shall have any further obligations under this Contract from and after the date of termination.

(d) **Waiver.** No claim or waiver, consent or acquiescence with regard to any of the provisions of the Contract shall be made against either party except on the basis of a written instrument executed by such party.

(e) **Further Actions.** Purchaser and Seller agree to execute such other and further documents and to take such further action as may be reasonably required to carry out the provisions and intent of this Contract or any agreement or document relating hereto or entered into in connection with this Contract.

(f) **Covenants to Survive Closing.** The covenants to be performed by either party hereto after Closing and the representations and warranties of Seller above, shall survive the execution and delivery of the deed from Seller to Purchaser.

(g) **Last day for Performance.** If the last day for performance of any obligation or satisfaction or waiver or any conditions or contingency under this Contract is a Saturday, Sunday or legal holiday, then such last day will be extended to the next business day.

(h) **Time of the Essence.** Time is of the essence with respect to this Contract.

(i) **Attorney's Fees.** In the event that either party hereto brings an action or proceeding for a declaration of the rights of the parties under this Contract or for any alleged breach or default thereof, or for any other acts arising out of this Contract, the prevailing party to such action shall be entitled to an award of all of its costs, including reasonable attorney's fees, and any court costs incurred in said action or proceeding in addition to other damages or relief awarded, regardless of whether final judgment is entered in such action or proceeding.

(j) **Entire Agreement.** This Contract constitutes the entire undertaking between the parties hereto and supersedes any and all prior agreements, arrangements and understandings, if any, between the parties. This Contract may only be amended in writing executed by Purchaser and Seller.

14. **Brokerage.** Neither party has engaged any broker, finder or agent in connection with this transaction, except as expressly specified in this Contract, and each party to this Contract agrees to indemnify and hold the other party harmless from any cost, damages or expense, including reasonable attorneys fees and court costs, resulting from any claim for a commission, finder's fee or other compensation in connection with this transaction asserted by any person acting in or claiming to act through or on behalf of such indemnifying party. Seller acknowledges that it has engaged, on its behalf, Mike Fisher & Associates Realty.

15. **Authorization and Capacity.** Purchaser and Seller each represent to the other that it has the full right, power and authority to enter into this Contract and to fully perform its obligations.

Each person executing this Contract warrants and represents that he has the authority to execute this Contract in the capacity stated and to bind the Purchaser and Seller, respectively, except as otherwise specifically set forth herein. Each person will furnish to the Title Company at Closing copies of such resolutions, certificates and agreements as the Title Company shall require in order to confirm such authority and capacity of Seller and Purchaser and of the persons who are to execute documents in connection with the Closing.

In Witness Whereof, the parties hereto have executed this Contract as of the Effective Date.

SEAL

PURCHASER:

CITY OF ST. PETERS, MISSOURI

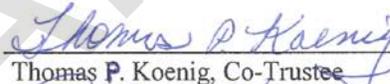
By: 
Russell W. Batzel, City Administrator

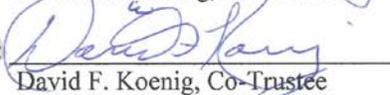
Date: 10-27-16

SELLER:

KOENIG FAMILY GIFT TRUST dated
November 19, 1996

By: 
Ronald S. Koenig, Co-Trustee

By: 
Thomas P. Koenig, Co-Trustee

By: 
David F. Koenig, Co-Trustee

Date: 10/21/16

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

On this 27 day of Oct., 2016, before me appeared RUSSELL W. BATZEL, P.E., to me personally known, who, being by me duly sworn, did say the he is the City Administrator of the CITY OF ST. PETERS, MISSOURI, and that the seal affixed to the foregoing instrument is the seal of said City, and that said instrument was signed and sealed in behalf of said City, by authority of its Board of Alderman, subject to the provisions of Section 13(a) of said instrument; and said Russell W. Batzel, P.E., acknowledged said instrument to be free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State the day and year first above written.

Christine D Cattoor
Notary Public

My Commission Expires:



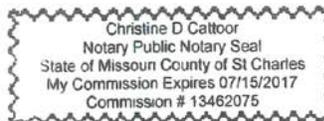
STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

On this 21 day of Oct., 2016, before me, Christine D Cattoor, a Notary Public in and for said state, personally appeared RONALD S. KOENIG, Co-Trustee known to me to be the person who executed the within Sale Contract in behalf of the Koenig Family Gift Trust dtd 11/19/1996 and acknowledged to me that he executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State the day and year first above written.

Christine D Cattoor
Notary Public

My Commission Expires:



STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

On this 21 day of Oct, 2016, before me, Christine D Cattoor, a Notary Public in and for said state, personally appeared THOMAS ~~P.~~ KOENIG, Co-Trustee known to me to be the person who executed the within Sale Contract in behalf of the Koenig Family Gift Trust dtd 11/19/1996 and acknowledged to me that he executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State the day and year first above written.

Christine D Cattoor
Notary Public

My Commission Expires:



STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

On this 21st day of Oct, 2016, before me, Christine D Cattoor, a Notary Public in and for said state, personally appeared DAVID F. KOENIG, Co-Trustee known to me to be the person who executed the within Sale Contract in behalf of the Koenig Family Gift Trust dtd 11/19/1996 and acknowledged to me that he executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State the day and year first above written.

Christine D Cattoor
Notary Public

My Commission Expires:



Exhibit A

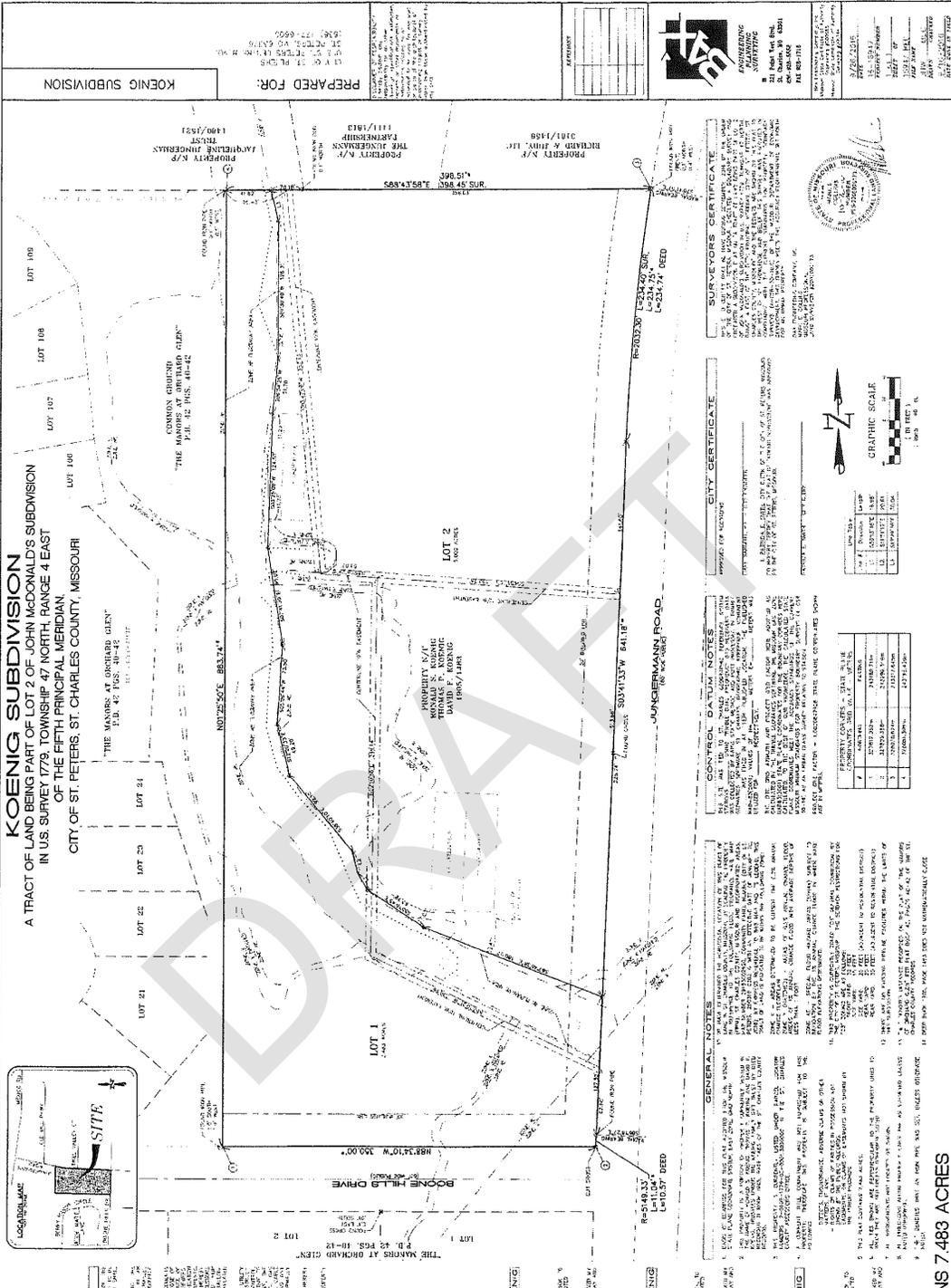
A tract of land being part of Lot 2 of John McDonald's Subdivision, in U.S. Survey 1779, Township 47 North, Range 4 East, St. Charles County, Missouri, and being more particularly described as follows: COMMENCING at the northwestern corner of Misty Valley Estates Plat Two, a subdivision filed for record in Plat Book 28, Page 144 of St. Charles County Records, said point being on the eastern line of Carrington Estates Subdivision filed for record in Plat Book 30, Pages 116-119 of the St. Charles County Records; thence along the Eastern line of Carrington Estates, North $00^{\circ}24'16''$ East, 30.00' feet to the Northwestern corner of a tract of land described in a Deed to the City of St. Peters in Book 1419, Page 437 of the St. Charles County Records; thence along the Northern line of said tract, South $89^{\circ}27'08''$ East, 250.00 feet to a point; thence South $00^{\circ}32'52''$ West, 26.00 feet to a point; thence South $89^{\circ}27'08''$ East, 2190.83 feet to the POINT OF BEGINNING of the tract herein described; thence leaving said Northern line, North $00^{\circ}32'52''$ East, 877.11 feet to a point on the Northern line of a tract of land described in a Deed to Harold and Emma Koenig in Book 388, Page 670 and Book 404, Page 403 of the St. Charles County Records; thence along the Northern line of said tract, South $89^{\circ}39'18''$ East, 1017.35 feet to a point on the Western right-of-way line of Jungermann Road; thence along said Western right-of-way line in a Southwardly direction along a curve to the left having a radius of 2032.30 feet, an arc length of 234.74 feet, the chord of which bears South $06^{\circ}09'17''$ West, 234.61 feet to a point of tangency; thence South $02^{\circ}50'45''$ East, 641.18 feet to a point of curvature; thence along a curve to the left having a radius of 5149.33 feet, an arc length of 10.57 feet to a point on the Northern right-of-way line of Boone Hills Drive; thence along said right-of-way line, North $89^{\circ}27'08''$ West, 872.67 feet to the Southeastern corner of the aforementioned tract of land conveyed to the City of St. Peters in Book 1419, Page 437; thence along the Eastern line of said tract, North $00^{\circ}32'52''$ East, 4.00 feet to a point; thence along the Northern line of said tract, North $89^{\circ}27'08''$ West, 95.63 feet to the POINT OF BEGINNING, excepting therefrom that part conveyed to Jungermann, L.L.C. by instrument recorded in Book 3916 page 439.

Address: 268 Jungermann Road
 St. Peters, MO 63376

Locator Number: 2 0108 1779 00 0001.3

EXHIBIT B

KOENIG SUBDIVISION
 A TRACT OF LAND BEING PART OF LOT 2 OF JOHN McDONALD'S SUBDIVISION
 IN U.S. SURVEY 1779, TOWNSHIP 47 NORTH, RANGE 4 EAST
 OF THE FIFTH PRINCIPAL MERIDIAN
 CITY OF ST. PETERS, ST. CHARLES COUNTY, MISSOURI



GENERAL NOTES

1. THIS PLAT IS MADE IN ACCORDANCE WITH THE STATUTE OF THE STATE OF MISSOURI, CHAPTER 165, REVISION 1960, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND LAND COMMISSIONERS OF THE STATE OF MISSOURI, CHAPTER 165, REVISION 1960, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND LAND COMMISSIONERS OF THE STATE OF MISSOURI, CHAPTER 165, REVISION 1960.
2. THE SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT ACCURATELY REPRESENTS THE ACTUAL SURVEY MADE.
3. THE SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT ACCURATELY REPRESENTS THE ACTUAL SURVEY MADE.
4. THE SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT ACCURATELY REPRESENTS THE ACTUAL SURVEY MADE.
5. THE SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT ACCURATELY REPRESENTS THE ACTUAL SURVEY MADE.
6. THE SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT ACCURATELY REPRESENTS THE ACTUAL SURVEY MADE.
7. THE SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT ACCURATELY REPRESENTS THE ACTUAL SURVEY MADE.
8. THE SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT ACCURATELY REPRESENTS THE ACTUAL SURVEY MADE.
9. THE SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT ACCURATELY REPRESENTS THE ACTUAL SURVEY MADE.
10. THE SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT ACCURATELY REPRESENTS THE ACTUAL SURVEY MADE.

NOTARY FOR RONALD S. KOENIG

STATE OF MISSOURI, COUNTY OF ST. CHARLES, MISSOURI

RONALD S. KOENIG

DAVID F. KOENIG

THOMAS P. KOENIG

NOTARY FOR THOMAS P. KOENIG

STATE OF MISSOURI, COUNTY OF ST. CHARLES, MISSOURI

THOMAS P. KOENIG

DAVID F. KOENIG

THOMAS P. KOENIG

NOTARY FOR DAVID F. KOENIG

STATE OF MISSOURI, COUNTY OF ST. CHARLES, MISSOURI

DAVID F. KOENIG

THOMAS P. KOENIG

DAVID F. KOENIG

CONTROL DATUM NOTES

THIS PLAT IS MADE IN ACCORDANCE WITH THE STATUTE OF THE STATE OF MISSOURI, CHAPTER 165, REVISION 1960, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND LAND COMMISSIONERS OF THE STATE OF MISSOURI, CHAPTER 165, REVISION 1960, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND LAND COMMISSIONERS OF THE STATE OF MISSOURI, CHAPTER 165, REVISION 1960.

CITY CERTIFICATE

THE CITY OF ST. PETERS, MISSOURI, HAS REVIEWED THIS PLAT AND FINDS IT TO BE IN ACCORDANCE WITH THE CITY ORDINANCES AND THE CITY ENGINEER HAS APPROVED THE SAME.

SURVEYORS CERTIFICATE

WE, THE UNDERSIGNED SURVEYORS, HAVE MADE A CAREFUL AND ACCURATE SURVEY OF THE TRACT OF LAND DESCRIBED IN THIS PLAT AND TO THE BEST OF OUR KNOWLEDGE AND BELIEF IT ACCURATELY REPRESENTS THE ACTUAL SURVEY MADE.

GRAPHIC SCALE

1" = 100' HORIZ. DIST.

1" = 100' VERT. DIST.

PREPARED FOR:

KOENIG SUBDIVISION

PROFESSIONAL SEAL

DAVID F. KOENIG

REGISTERED SURVEYOR

MISSOURI

THIS PLAT CONTAINS 7.483 ACRES

ORDINANCE NO. _____

AN ORDINANCE APPROVING A RECORD PLAT WITHIN THE CITY OF ST. PETERS, MISSOURI, FOR THE PURPOSE OF RECORDING IN ST. CHARLES COUNTY, MISSOURI (A ROADWAY MAINTENANCE UTILITY EASEMENT PLAT FOR ST PETERS COMMERCIAL PARK)

WHEREAS, the property owner has submitted to the City for review and approval the following record plat:

A Roadway Maintenance Utility Easement Plat for St. Peters Commercial Park

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

SECTION 1. The record plat, A Roadway Maintenance Utility Easement Plat for St. Peters Commercial Park, is hereby approved.

SECTION 2. The City Clerk will maintain a copy of said Record Plat on file with City Records.

SECTION 3. Savings Clause.

Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 4. Severability Clause.

If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision, which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 5. This ordinance shall be in full force and take effect from and after the date of its final passage and approval.

Read two times, passed, and approved this 10th day of November, 2016.

As Presiding Officer and as Mayor
Len Pagano, Mayor

Attest: _____
Patricia E. Smith, City Clerk

Approved this 10th day of November, 2016.

Len Pagano, Mayor

Attest: _____
Patricia E. Smith, City Clerk

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS, MISSOURI, TO ENTER INTO A CONTRACT WITH JTL LANDSCAPING, LLC FOR THE CALWOOD CREEK STORM WATER RETROFIT PROJECT (P-27)

WHEREAS, the City of St. Peters encompasses a land area of approximately 22 square miles and contains more than 47 miles of waterways, 250 storm water basins, and 166 miles of storm sewer pipe as part of the storm water collection and conveyance system; and

WHEREAS, the Missouri Department of Natural Resources has issued a Municipal Separate Storm Sewer System (MS4) discharge permit for the City that requires management of storm water discharges and implementation of best management practices for the watershed area identified in the MS4 permit for the purpose of achieving improved water quality; and

WHEREAS, it is the best interests of the citizens of the City of St. Peters to complete projects identified in the City's Storm Water Watershed Management Plan in order to comply with the requirements of the MS4 permit and to improve water quality; and

WHEREAS, the City solicited bids for the Calwood Creek Storm Water Retrofit Project (P-27); and

WHEREAS, three (3) bid proposals were received on November 2, 2016, and

WHEREAS, it is recommended that the bid be awarded to JTL Landscaping, LLC for the Calwood Creek Storm Water Retrofit Project (P-27).

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

SECTION 1. That the City Administrator of the City of St. Peters, Missouri be and he is hereby authorized to enter into a contract with Tjl Landscaping, LLC in the amount of \$549,014.63 for the construction and maintenance of the Calwood Creek Storm Water Retrofit Project (P-27). Upon approval of the City Administrator the contract amount shall be adjusted as necessary based on the final measured quantities at the unit prices bid in the contract.

SECTION 2. The City Administrator be and he is hereby authorized to negotiate, execute and administer said contract on behalf of the City of St. Peters.

SECTION 3. The Project approved by this Ordinance is subject to the requirement of Section 292.675, RSMo, which requires all contractor or subcontractors doing work on the Project to provide, and require its on-site employees to complete, a ten (10) hour course in

construction safety and health approved by the Occupational Safety and Health Administration (“OSHA”) or similar program approved by the Missouri Department of Labor and Industrial Relations which is at least as stringent as an approved OSHA program. The training must be completed within sixty (60) days of the date work on the Project commences. On-site employees found on the worksite without documentation of the required training shall have twenty (20) days to produce such documentation. Non-compliance with this ordinance will be investigated and adjudicated by the Department of Labor and Industrial Relations pursuant to RSMo 292.675.

SECTION 4. Savings Clause. Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 5. Severability Clause. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision, which had been held invalid, is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 6. This ordinance shall be in full force and take effect from and after the date of its final passage and approval.

Read two times, passed, and approved this 10th day of November, 2016.

As Presiding Officer and as Mayor
Len Pagano, Mayor

Attest: _____
Patricia E. Smith, City Clerk

Approved this 10th day of November, 2016.

Len Pagano, Mayor

Attest: _____
Patricia E. Smith, City Clerk

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS, MISSOURI, TO ENTER INTO AN AGREEMENT WITH SCHULTE SUPPLY FOR THE PURCHASE OF RESIDENTIAL AND COMMERCIAL WATER METERS AND MISCELLANEOUS METER COMPONENTS

WHEREAS, the City of St. Peters owns, as a public utility, a water supply and distribution system operated for the general health, safety and welfare of the community; and

WHEREAS, in 2006 the City solicited bids for an automated meter reading system, with Neptune being the selected system; and

WHEREAS, Neptune meters and electronic heads are required for compatibility with the meter reading software; and

WHEREAS, Schulte Supply of St. Peters is the sole source provider of Neptune meters in the state of Missouri; and

WHEREAS, it is recommended that the City enter into an agreement with Schulte Supply for the purchase of residential and commercial water meters along with miscellaneous meter components.

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

SECTION 1. That the City Administrator of the City of St. Peters, Missouri, be and he is hereby authorized to execute a contract with Schulte Supply in an initial amount of \$172,933.38 for residential and commercial water meters and miscellaneous meter components.

SECTION 2. The City Administrator be and he is hereby authorized to negotiate, execute and administer said contract on behalf of the City of St. Peters.

SECTION 3. Savings Clause.

Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless

expressly set forth herein.

SECTION 4. Severability Clause.

If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision, which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 5. This ordinance shall be in full force and take effect from and after the date of its final passage and approval.

Read two times, passed, and approved this 10th day of November, 2016.

As Presiding Officer and as Mayor
Len Pagano, Mayor

Attest: _____
Patricia E. Smith, City Clerk

Approved this 10th day of November, 2016.

Len Pagano, Mayor

Attest: _____
Patricia E. Smith, City Clerk

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS, MISSOURI, TO EXECUTE A CONTRACT WITH MODERN TECH EQUIPMENT FOR THE PURCHASE OF A THREE-FRACTION MOBILE SCREENING PLANT WITH SPECIFIED OPTIONS AND WARRANTY

WHEREAS, the City of St. Peters has long been an advocate of recycling organic materials for beneficial re-use to improve our environment and to promote the general health, safety and welfare of the community; and

WHEREAS, the City of St. Peters owns and operates a yard waste and sewage biosolids composting facility and desires to replace a piece of out of date equipment with a new mobile compost screening plant for the composting facility per the City's Capital Improvement Plan; and

WHEREAS, the City solicited bids for a mobile screening plant, along with options and warranty costs; and

WHEREAS, bid proposals were received from four (4) bidders on October 31, 2016; and

WHEREAS, it is recommended that the City enter into a contract with Modern Tech Equipment for the purchase of a Mobile Screening Plant.

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

SECTION 1. That the City Administrator of the City of St. Peters, Missouri, be and he is hereby authorized to execute a contract with Modern Tech Equipment in the proposed amount of \$542,427.00 for a Three-Fraction Mobile Screening Plant with specified options and warranty.

SECTION 2. The City Administrator be and he is hereby authorized to negotiate, execute and administer said contract on behalf of the City of St. Peters.

SECTION 3. Savings Clause.

Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless

expressly set forth herein.

SECTION 4. Severability Clause.

If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision, which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 5. This ordinance shall be in full force and take effect from and after the date of its final passage and approval.

Read two times, passed, and approved this 10th day of November, 2016.

As Presiding Officer and as Mayor
Len Pagano, Mayor

Attest: _____
Patricia E. Smith, City Clerk

Approved this 10th day of November, 2016.

Len Pagano, Mayor

Attest: _____
Patricia E. Smith, City Clerk

RESOLUTION NO. _____

A RESOLUTION CONCERNING VOLUNTARY ANNEXATION
SERVICE AND SCHULTE, 4680 CENTRAL SCHOOL ROAD

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF ST.
PETERS, MISSOURI, AS FOLLOWS:

SECTION 1. That there has been presented to the Board of Aldermen of the City of St. Peters, Missouri, on this date, one (1) verified petition signed by the owners of all fee interests of record of all tracts of real property located within the area described in the petition, which is proposed to be annexed to the City of St. Peters, and which petition requests annexation of such area into the City limits of the City of St. Peters, Missouri, a copy of which petition is attached hereto and made a part hereof.

SECTION 2. That no part of the said real property is now included in any incorporated municipality.

SECTION 3. That the said real property as a whole is contiguous to the existing corporate limits of the City of St. Peters, Missouri.

SECTION 4. That, in accordance with Section 71.012 RSMo, a public hearing shall be held concerning the matter, and this public hearing shall be held on the 15TH day of December, 2016, at 7:00 p.m. at the St. Peters Justice Center in the City of St. Peters, Missouri.

SECTION 5. The City Clerk is authorized and directed to cause a notice of such hearing to be published at least seven (7) days prior to the date of the hearing in a newspaper of general circulation in St. Charles County, Missouri, which is qualified to publish legal matters.

Read and adopted this 10th day of November, 2016.

Presiding Officer and as Mayor
Len Pagano, Mayor

Attest: _____
Patricia E. Smith, City Clerk

TO: CITY OF ST. PETERS, MISSOURI, a Municipal Corporation

I (We) the undersigned state that I (We) are the fee simple owner(s) of a parcel of land described as:

See Attached

together with street and road rights-of-way abutting said property.

and we do hereby request and petition the said City of St. Peters, Missouri, to annex to the City of St. Peters, Missouri, the land above described so that the same is contained within the corporate limits of said City.

I (We) the undersigned do further state and declare that no person, firm or corporation other than the undersigned own any fee simple interest in the above described land.

I (We) the undersigned do further state and declare that this request and petition is voluntarily made and is made and submitted under the provisions of Section 71.014 Revised Statutes of the State of Missouri, or alternatively under the provisions of Section 71.012 Revised Statutes of Missouri as the City of St. Peters, Missouri may select.

Shirley E Service
Owner

4680 Central School Rd
Address

Steve P Schulte
Owner

4680 Central School Rd
Address

STATE OF MISSOURI)
)
COUNTY OF ST. CHARLES)

Shirley E. Service, Steve P. Schulte being first duly
sworn on his/their oath states the matters set forth in the foregoing petition are true and correct.

Subscribed and sworn to before me this *27th* day of *October*, 20 *16*.

Lisa M. Mills
Notary Public



LISA M. MILLS
My Commission Expires
May 14, 2017
St. Charles County
Commission #13406847

My Commission Expires *5-14-17*



ENGINEERING

PLANNING

SURVEYING

LAND DESCRIPTION

13.658 ACRES

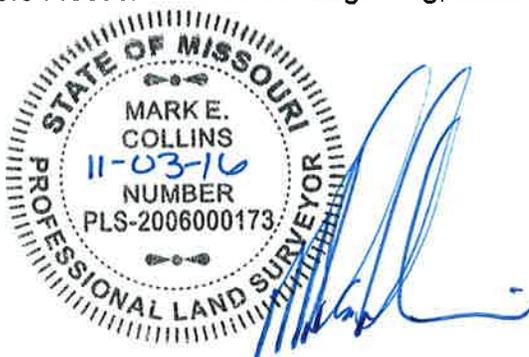
NOVEMBER 3, 2016

BAX PROJECT NO. 16-16882

JLH

A tract of land being part of U.S. Survey 1784, Township 46 North, Range 4 East of the Fifth Principal Meridian, St. Charles County Missouri being more particularly described as follows:

Commencing at the Northeast corner of U.S. Survey 1785, said point also being the Northwest corner of Area A Common Ground of "Triad South Industrial Park", a subdivision according to the plat recorded in Plat Book 36, Page 64 of the St. Charles County Records; thence along the North line of Area A Common Ground, North 79 degrees 32 minutes 43 seconds East 67.30 feet to the Actual Point of Beginning of the tract of land herein described; thence leaving the said North line of Area A Common Ground and along the East line of property conveyed to Bethesda Baptist Church according to the deed recorded in Book 1398 Page 1028 of the said Records, North 10 degrees 23 minutes 59 seconds West 670.71 feet to a point on the South right-of-way line of Central School Road, also known as Old Highway 94, variable width; thence along the said South right-of-way line of Central School Road, the following courses and distances, North 74 degrees 27 minutes 55 seconds East 119.70 feet; along a curve to the right whose chord bears North 87 degrees 58 minutes 08 seconds East 463.50 feet and whose radius point bears South 12 degrees 56 minutes 27 seconds East 1224.50 feet from the last mentioned point, an arc distance of 466.31 feet; and South 81 degrees 07 minutes 17 seconds East 501.24 feet to a point on the West line of property conveyed to Mark J. Hummel according to the deed recorded in Book 1547 Page 676 of the said Records; thence along the said West line of the Hummel property, South 11 degrees 32 minutes 09 seconds West 482.58 feet to a point on the North line of Lot 13 of said "Triad South Industrial Park"; thence along the said North line of Lot 13 and along the North lines of Lots 12, 11, and 10 and the aforementioned Area A Common Ground of said "Triad South Industrial Park", South 79 degrees 32 minutes 43 seconds West 870.64 feet to the Point of Beginning, containing 13.658 acres.



BAX ENGINEERING CO.
221 Point West Blvd.
St. Charles, MO 63301
(636) 928-5552 Fax: (636) 928-1718
www.baxengineering.com

Annexation
Service-Schulte

Central School Road

Mid Rivers Mall Drive

Kisker Road

Highway 364/94

Corporate Limits
(inside city)

Subject Tracts



RESOLUTION NO. _____

**RESOLUTION OF OFFICIAL INTENT OF THE CITY OF
ST. PETERS, MISSOURI, TOWARD THE ISSUANCE OF
INDUSTRIAL REVENUE BONDS TO FINANCE AN
INDUSTRIAL DEVELOPMENT PROJECT AND AUTHORIZING
CERTAIN ACTIONS RELATING THERETO.**

WHEREAS, the City of St. Peters, Missouri (the “City”) is authorized and empowered under the provisions of Article VI, Section 27(b) of the Missouri Constitution, as amended, and Sections 100.010 to 100.200, inclusive, of the Revised Statutes of Missouri, as amended (collectively, the “Act”), to purchase, construct, extend and improve certain projects (as defined in the Act) for the purposes set forth in the Act and to issue industrial development revenue bonds for the purpose of providing funds to pay the costs of such projects and to lease or otherwise dispose of such projects to private persons or corporations for manufacturing, commercial, warehousing and industrial development purposes upon such terms and conditions as the City shall deem advisable; and

WHEREAS, Seyer Industries, Inc., a Missouri corporation (“Seyer”), and its wholly-owned subsidiary Patmos Associates, L.L.C., a Missouri limited liability company (“Patmos Associates” and together with Seyer, the “Company”) have requested that the City (1) issue its industrial development revenue bonds in an approximate principal amount of \$3,000,000 (the “Real Property Bonds”) to provide funds to pay certain costs of acquiring, constructing and equipping an expansion (the “Project Improvements”) to the Company’s existing facilities located at 66 Patmos Court in the City (the “Project Site”), to be used for manufacturing purposes, and (2) issue its industrial development revenue bonds in an approximate principal amount of \$19,500,000 (the “Personal Property Bonds” and together with the Real Property Bonds, the “Bonds”) to provide funds to pay the costs of acquiring and installing certain personal property (the “Project Equipment” and together with the Project Site and Project Improvements, the “Project”) to be located at the Project Site to be used for manufacturing purposes; and

WHEREAS, the Real Property Bonds will be payable solely out of payments, revenues and receipts derived from the lease of the Project Site and Project Improvements by the City to Patmos Associates, and the Personal Property Bonds will be payable solely out of payments, revenues and receipts derived from the lease of the Project Equipment by the City to Seyer; and

WHEREAS, the City has determined that it is necessary and desirable to declare the official intent of the City to finance the costs of the Project from the proceeds of the Bonds, subject to certain terms and conditions set forth in this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. PETERS, MISSOURI, AS FOLLOWS:

Section 1. Finding of Public Benefit. The Board of Aldermen hereby finds and determines that the Project will promote the economic well-being and industrial development of the City and the taxing districts encompassing the area of the Project, and that the issuance of the Bonds to pay the cost of the Project will be in furtherance of the public purposes set forth in the Act.

Section 2. Declaration of Intent. The Board of Aldermen hereby declares the intent of the City to issue the Bonds to provide funds to finance the costs of the Project, subject to the conditions set forth in this Resolution.

Section 3. Limited Obligations. The Bonds shall be limited special revenue obligations payable solely out of payments, revenues and receipts derived from the lease of the Project by the City to the Company. The Bonds and the interest thereon shall not be a debt of the City or the State of Missouri, and neither the City nor the State shall be liable thereon, and the Bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

Section 4. Conditions to Issuance of Bonds. This Resolution constitutes a statement of intent of the Board of Aldermen. The issuance of the Bonds and the execution and delivery of any documents related to financing the Project are subject, in the sole discretion of the City, to the following conditions:

- (a) approval by the Board of Aldermen of a plan for industrial development in accordance with Section 100.050 of the Act;
- (b) authorization by ordinance of the Board of Aldermen;
- (c) obtaining any other necessary governmental approvals for the Project;
- (d) agreement by the City, the Company and the purchaser of the Bonds on (1) mutually acceptable terms for the Bonds and for the sale and delivery thereof and (2) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project, the sale of which Bonds is the sole responsibility of the Company; and
- (e) receipt by the City of satisfactory indemnification for all matters relating to the Project.

Section 5. Reimbursement for Project Costs. The Company is hereby authorized to proceed with the purchase and construction of the Project, including the entering of contracts and purchase orders in connection therewith, and to advance such funds as may be necessary to accomplish such purposes. If the Bonds are issued, the Company may be reimbursed solely out of the proceeds thereof for expenditures paid or incurred in connection with the Project.

Section 6. Notice to Taxing Districts. The City Clerk, on behalf of the Board of Aldermen, shall send such notices as are required by the Act in connection with the issuance of the Bonds.

Section 7. Preparation of Documents. The City Attorney and Gilmore & Bell, P.C., as Bond Counsel, and the officers, employees and representatives of the City, are hereby authorized to work with the Purchaser of the Bonds, the Company, their counsel and others, to prepare for submission to and final action by the Board of Aldermen all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder in connection with the financing of the Project.

Section 8. Further Authority. The City hereby authorizes and empowers the officers and representatives of the City to do all such acts and things and to execute, acknowledge and deliver all such documents as may in their discretion be deemed necessary or desirable in order to carry out or comply with the terms and provisions of this Resolution in connection with the structure and sale of the Bonds. All of the acts and undertakings of such officers and representatives which are in conformity with the intent and purposes of this Resolution, whether heretofore or hereafter taken or done shall be and the same are hereby in all respects, ratified, confirmed and approved.

Section 9. Cancellation. If for any reason the Bonds are not issued within one year after the date of adoption of this Resolution, this Resolution shall be deemed canceled, and neither party will thereafter have any rights under this Resolution against the other, except that the Company will reimburse the City for all fees and out-of-pocket expenses incurred by the City, its counsel and Bond Counsel in connection with the Project.

Section 10. No Priority of Issuance. Nothing in this Resolution restricts the City or the State of Missouri or any agency or political subdivision thereof, in determining the order or priority of the issuance of Bonds by the City or to require the City to give the Bonds priority as to issuance or time of issuance over any other bonds previously or subsequently approved by the City.

Section 11. Effective Date. This Resolution shall be in full force and effect from and after the date of its passage.

Read and adopted this 10th day of November, 2016.

(SEAL)

As Presiding Officer and as Mayor
Len Pagano, Mayor

Attest: _____
Patricia E. Smith, City Clerk