



# CITY OF ST. PETERS BOARD OF ALDERMEN

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

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December 15, 2016 - 7:00 P.M.

- A. Call to Order, Mayor Len Pagano
- B. Roll Call
- C. Opening Ceremonies
  - 1. Invocation
  - 2. Pledge of Allegiance
  - 3. Recognition: Citizen Police Academy Graduation
  - 4. Oath of Office: Police Officer Jason Matthew Lipson
  - 5. Proclamation: Rotary Foundation 100 Year Anniversary
  - 6. Presentations: St. Louis Green Team Business Challenge
- D. Approval of Minutes: The [Board of Aldermen Work Session meeting of November 10, 2016](#), the [Regular Board of Aldermen meeting of November 10, 2016](#), and the [Legislative Work Session meeting of November 30, 2016](#)
- E. Reports of Officers, Boards and Commissions
  - 1. Mayoral Report of Appointments to Boards and Commissions
    - a. [Appointments to Veterans Memorial Commission](#)
  - 2. City Administrator's Report:
  - 3. Report of Director, Planning, Community and Economic Development:
    - a. [Petition 16-19 – PUD Agreement - National Retail Development](#) – Powers
    - b. [Petition 16-20 – PUD Agreement - Payne Family Homes](#) – Powers
  - 4. St. Peters Business Spotlight: None

## F. Open Forum

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

## G. Public Hearings:

1. [Voluntary Annexation – Service and Schulte, 4680 Central School Road](#) - Powers

## H. Unfinished Business Items: None

## I. New Business Items:

1. [Bill No. 16-207: Bill](#) amending Section 110.060 of the St. Peters City Code Relating to Regular Meetings of the Board of Aldermen [Sponsor: Mayor]
2. [Bill No. 16-208: Bill](#) authorizing and directing the City Administrator of the City of St. Peters, Missouri, to execute a Planned Urban Development Agreement with Grand Future Realty, LLC and National Retail Development, LLC for development of American Self Storage
3. [Bill No. 16-209: Bill](#) authorizing and directing the City Administrator of the City of St. Peters, Missouri, to execute a Planned Urban Development Agreement with SPDWY, LLC and Payne Family Homes, LLC for development of the Crossings at Bella Vista
4. [Bill No. 16-210: Bill](#) accepting for maintenance the dedication of a street and roadway easement, street lights, street signs, sidewalks and a certain section of storm sewer system located within a Roadway Maintenance & Utility Easement Plat for St. Peters Commercial Park (Legacy II Ventures, Inc., Mexico Road Centre L.L.C., Quinpac, LLC and Spencer Crossing Partners, L.L.C.)
5. [Bill No. 16-211: Bill](#) authorizing the City Administrator of the City of St. Peters, Missouri to enter into an agreement with Mississippi Lime Company for the purchase of Rotary Hydrated Lime
6. [Bill No. 16-212: Bill](#) ratifying the execution of a Redevelopment Agreement with Mid Rivers Investment Partners, LLC, and, upon its formation, the Shoppes at Mid Rivers Community Improvement District
7. [Bill No. 16-213: Bill](#) authorizing and directing the City Administrator of the City of St. Peters, Missouri, to issue a purchase order for the procurement of Microsoft Office 2016 licenses for City computers from Shi International Corporation
8. [Bill No. 16-214: Bill](#) authorizing the City Administrator of the City of St. Peters, Missouri to negotiate and execute a contract with FGM Architects Incorporated for Professional Design Services for a new clubhouse and banquet facility at St. Peters Golf Course
9. [Bill No. 16-215: Bill](#) authorizing the City Administrator of the City of St. Peters, Missouri, to enter into a Kenneling Agreement with St. Charles County, Missouri
10. [Bill No. 16-216: Bill](#) approving a Record Plat within the City of St. Peters, Missouri, for the purpose of recording in St. Charles County, Missouri (A resubdivision on adjusted Lot 2A of a Boundary Adjustment of Lots 2A and 2B of I-70 Executive Centre)

11. [Bill No. 16-217: Bill](#) authorizing the City Administrator of the City of St. Peters, Missouri, to enter into a contract with Gershenson Construction Company for the Dardenne Creek at St. Peters Golf Course Project
  12. [Resolution](#) concerning Voluntary Annexation, Skaggs, 3908 Line Street
  13. [Resolution](#) authorizing the offering for sale of General Obligation Bonds of the City of St. Peters, Missouri
- 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: December 12, 2016 at 9:00 a.m.  
By: P. Smith, City Clerk

Next Regular Board of Aldermen Meeting: January 12, 2017



CITY OF ST. PETERS BOARD OF ALDERMEN  
WORK SESSION MINUTES  
November 10, 2016

BOARD OF ALDERMEN ITEMS FOR DISCUSSION

The Work Session was called to order at approximately 5:00 p.m. on Thursday, November 10, 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; Board President Reitmeyer; Alderman Shea; Alderman Thomas; Alderman Violet; Russ Batzel, City Administrator; Special Counsel Scott Williams; Rick Struttmann, Police Captain; Cathy Pratt, Staff Support Services Manager; Burt Benesek, Transportation and Development Services Manager; Bill Malach, Water Environment Services Manager; Rick Olteo, Recreation and Cultural Services Manager; Jeff Hutsler, Parks and Golf Services Manager; Dave Kuppler, Health and Environmental Services Manager; Patty Smith, City Clerk.

COMMUNICATIONS FROM BOARD MEMBERS/ALDERMANIC REPRESENTATIVES

Committee reports were given during this time.

BOARD OF ALDERMEN ITEMS FOR DISCUSSION

None

MAYOR/CITY ADMINISTRATOR ITEM

UNFINISHED BUSINESS ITEMS

None

NEW BUSINESS ITEMS

Alderman Hollingsworth moved and Alderman Shea seconded the motion to remove Amendment to City Code Chapter 110 Meeting Time Change from the agenda for discussion. The motion was approved.

AMENDMENT TO CITY CODE CHAPTER 110 MEETING TIME CHANGE – MAYOR

Mayor proposed changing the start time for the Board of Aldermen meetings from 7:00 p.m. to 6:30 p.m. effective January 12, 2017, because of the timeline in which the Board meeting agendas have been occurring lately. He recommended bringing this item back in ordinance form for consideration at the December 15, 2016 Board of Aldermen meeting. Alderman Hollingsworth moved and Alderman Shea seconded the motion to place this item on the December 15, 2016 Board of Aldermen meeting agenda for consideration. The motion was

approved. **This item will be placed on the December 15, 2016 Board of Aldermen meeting agenda for consideration.**

Alderman Barclay moved and Alderman Reitmeyer seconded the motion to remove Calwood Storm Water Project P-27 Bid Recommendation from the agenda for discussion. The motion was approved.

#### CALWOOD STORM WATER PROJECT P-27 BID RECOMMENDATION – BENESEK

Mr. Benesek advised that on November 2, 2016, the City received three (3) bids for the construction of the Calwood Creek Stormwater Retrofit Project (P-27). The project will perform creek stabilization as well as vegetation clearing and maintenance along an existing creek channel bordering Canterbury Park and Summerwinds. Staff is recommending awarding the project to the low bidder, JTL Landscaping, LLC who submitted the low, responsive bid of \$549,014.63, which is below the engineer's opinion of probable cost of \$650,000. JTL Landscaping, LLC and their subcontractor DJM Ecological Services have completed similar projects for the City and have the staff and resources to complete the project as specified. **This is business item I-05 on this evening's Board of Aldermen meeting agenda for consideration.**

Alderman Barclay moved and Alderman Shea seconded the motion to remove Mobile Screening Plant Bid Recommendation from the agenda for discussion. The motion was approved.

#### MOBILE SCREENING PLANT BID RECOMMENDATION – MALACH

Mr. Malach introduced Elliot Schneider, Earth Centre Attendant, who assisted with the selection of the Mobile Screening Plant bid. Mr. Malach discussed the step by step evaluation and explained the extensive process of eliminating the three (3) low bidders based on equipment service and product specifications; which is included in the work session packet. Staff recommended awarding the bid to Modern Tech Equipment of St. Louis for a 2017 Backers 3-MAL at a cost of \$542,427. Mr. Malach added that Hanson's Tree Service did an evaluation and also purchased and recommended the Backers. He advised that the purchase order needs to be issued by December 1<sup>st</sup> or the cost will increase due to the Tier IV emissions requirements. Questions from the Aldermen were addressed. **This is business item I-07 on this evening's Board of Aldermen meeting agenda for consideration.**

Alderman Thomas stepped out of meeting in progress at 5:15 p.m. and returned at approximately 5:18 p.m.

Alderman Hollingsworth moved and Alderman Reitmeyer 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 November 10, 2016. Alderman Hollingsworth moved and Alderman Shea 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 November 10, 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

Dave Kuppler gave an update on the kennel services agreement, which was discussed at the previous Work Session meeting of October 27, 2016. He advised that the agreement language is in the process of being reviewed and should be ready for consideration at the December 15, 2016 Board of Aldermen meeting, before it expires at the end of December.

#### BOARD MEETING AGENDA ITEM REVISIONS – BATZEL

Mr. Batzel advised of a correction to a scrivener's error on Business Item I-05 where JTL was transposed in one of the paragraphs within the bill, which was handed out this evening.

#### 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 Bateman 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 5:28 p.m. Roll Call was taken as follows: Alderman Hollingsworth: yes; Alderman Reitmeyer: yes; 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 Hollingsworth 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 6:10 p.m. with roll call shown as follows: Alderman Hollingsworth, yes; Alderman Bateman, yes; Alderman Reitmeyer, yes; Alderman Thomas, yes; Alderman Barclay, yes; Alderman Violet, yes; Alderman Shea, yes; Alderman Aytes, yes.

Submitted by,

Patricia E. Smith  
City Clerk



CITY OF ST. PETERS CITY HALL  
BOARD OF ALDERMEN MINUTES  
NOVEMBER 10, 2016

## CALL TO ORDER

Mayor Pagano called the Board of Aldermen meeting to order at approximately 7:00 p.m. on November 10, 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; Scott Williams, Special Counsel; Rick Struttman, Police Captain; Patty Smith, City Clerk. The Invocation was delivered by Pastor Steve Koeneman. The Pledge of Allegiance was led by Boy Scout Troop 957 from Calvary Church Mid Rivers.

## 2016 BLUE BAG RECYCLING CONTEST DRAWING

Mr. Dave Kuppler, Health and Environmental Services Manager, spoke on the benefits of recycling and reported that the City has recycled sixteen million seven thousand pounds of recyclables this year with 319 thousand blue bags collected. Boy Scout Troop 957 drew the pledge cards and Mr. Kuppler announced the resident winners from each ward. There were 922 participants who pledged to recycle this year. The winners will each receive a \$100 gift card.

## PROCLAMATION: SMALL BUSINESS SATURDAY – NOVEMBER 26, 2016

Alderman Hollingsworth read the proclamation for Small Business Saturday which supports local small businesses on November 26, 2016 and throughout the year.

## PROCLAMATION: NATIONAL APPRENTICESHIP APPRECIATION AND AWARENESS WEEK

Alderman Barclay read the proclamation for National Apprenticeship Appreciation and Awareness Week which recognizes the role apprentices play in offering employers an opportunity to develop a skilled workforce to help grow their business and career seekers the chance to earn a salary while learning the skills necessary to succeed.

## RECOGNITION: ASCE "SERVICE TO PEOPLE" AWARD – TOM RATZKI

Mr. Ratzki with the American Society of Civil Engineers presented City Administrator Russ Batzel with the Service to People Award for his years of service and dedication in contributing to the City's progress; including the composting facility, innovated street and road system, storm water improvement projects, and the parks systems connecting with the greenway system. Mr. Batzel spoke about his career history and thanked the St. Louis Chapter for the recognition.

The approval of the minutes was unintentionally placed out of order from the agenda this evening and can be found after the Report of Director, Planning Community and Economic Development.

## REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

## MAYORAL REPORT OF APPOINTMENTS TO BOARDS AND COMMISSIONS

### APPOINTMENTS TO THE VETERANS MEMORIAL COMMISSION

None

### CITY ADMINISTRATOR'S REPORT

None

### REPORT OF DIRECTOR OF PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT

#### PETITION 15-18 – AMENDING SPECIAL USE PERMIT, MCCLAY HEALTH AND REHAB, LLC AND MCCLAY ADULT DAY CARE LLC, 3801 MCCLAY ROAD

Julie Powers displayed an aerial photo and advised that Petition 15-18 was originally approved last December, although applicant is now requesting to amend the Special Use Permit for the McClay Health and Rehab and McClay Adult Day Care to extend the time frame for completion due to a delay in obtaining a Certificate of Needs by the State Department; which has now been obtained. Ms. Powers introduced Gregory Gettman who was sworn in by City Clerk Smith and briefly spoke about the site and was available for questions. This is Business Item I-01 on this evening's agenda. Mayor Pagano opened the Hearing at approximately 7:20 p.m. and asked anyone wishing to speak on this Special Use Permit to please come forward. Seeing no one present to comment, Mayor Pagano closed the Hearing at approximately 7:22 p.m.

#### PETITION 16-18 – SPECIAL USE PERMIT, HOMETOWN EQUITY MORTGAGE, 151 NORTH I-70 SERVICE ROAD

Julie Powers stated this is a Special Use Permit, Petition 16-18, request by Hometown Equity Mortgage in the C-3 General Commercial District. This permit is to allow the storage of recreational vehicles and boats on a 1.9 +/- acre parcel. The property is located on the north side of Interstate 70, east of Parkwest Drive (151 North I-70 Service Road). Both staff and the Planning and Zoning Commission recommended approval of this Special Use Permit to the Board of Aldermen. Applicant Christina Bollinger was sworn in by City Clerk Smith and spoke about the plans to stripe the lot to accommodate for outdoor storage of vehicles. This is business items I-02 on tonight's Board of Aldermen meeting agenda. Mayor Pagano opened the Hearing at approximately 7:22 p.m. and asked anyone wishing to speak on this Special Use Permit to please come forward. Seeing no one present to comment, Mayor Pagano closed the Hearing at approximately 7:23 p.m.

#### APPROVAL OF MINUTES: WORK SESSION MEETING OF OCTOBER 27, 2016 AND THE REGULAR BOARD OF ALDERMEN MEETING OF OCTOBER 27, 2016

Alderman Hollingsworth moved and Alderman Reitmeyer seconded the motion to approve the Board of Aldermen Work Session meeting minutes of October 27, 2016, and the Regular Board of Aldermen meeting minutes of October 27, 2016. The motion carried and the minutes were approved.

#### ST. PETERS BUSINESS SPOTLIGHT

## BOONE CENTER, INC

Martha Harding, CFO; Katie Jones, Program Director; and Don Rothermich, Director of Development of Boone Center gave a slideshow presentation on the history, mission, and vision. Boone Center provides training and employment opportunities to individuals with disabilities. The location at 200 Trade Center employs 225 people completing contract packaging. Information packets were given to the City Clerk for distribution to the Board of Aldermen.

## OPEN FORUM

## CITIZENS PETITIONS AND COMMENTS

Mr. Ken Krawczak, resident of 41 N. Joyce Ellen Way, completed and submitted a Public Comment Card and left prior to the Public Comment period on the agenda, but submitted written comments as part of the record.

## COMMUNICATIONS FROM THE ELECTED OFFICIALS

Elected Officials made comments during this time.

Mayor Pagano announced that a Special Use Permit Petition 16-17, was withdrawn by the petitioner and will not be discussed this evening.

## ANNOUNCEMENTS

## PUBLIC HEARINGS

None

## UNFINISHED BUSINESS ITEMS:

None

## NEW BUSINESS ITEMS:

MOTION/APPROVED: BILL NO. 16-200: ORDINANCE NO. 6664: AN 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)

Alderman Reitmeyer moved and Alderman Bateman seconded the motion to introduce the Bill. The motion carried. Alderman Reitmeyer moved and Alderman Bateman seconded the motion to read Bill No. 16-200 for the first time. The motion carried and Alderman Reitmeyer read the Bill. Alderman Hollingsworth moved and Alderman Reitmeyer seconded the motion to read the Bill for the second time. The motion carried and Alderman Hollingsworth read the Bill. Alderman Hollingsworth moved and Alderman Barclay seconded the motion to put the Bill to a final vote. The motion was approved and Bill No. 16-200 was passed becoming Ordinance No. 6664.

Reitmeyer: Yes Thomas: Yes Bateman: Yes Hollingsworth: Yes  
Shea: Yes Violet: Yes Aytes: Yes Barclay: Yes  
AYES: 8 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0 MAYOR:

MOTION/APPROVED: BILL NO. 16-201: ORDINANCE NO. 6665: 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

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. 16-201 for the first time. The motion carried and Alderman Shea read the Bill. Alderman Reitmeyer moved and Alderman Hollingsworth seconded the motion to read the Bill for the second time. The motion carried and Alderman Barclay read the Bill. Alderman Barclay moved and Alderman Violet seconded the motion to put the Bill to a final vote. The motion was approved and Bill No. 16-201 was passed becoming Ordinance No. 6665.

Reitmeyer: Yes Thomas: Yes Bateman: Yes Hollingsworth: Yes  
Shea: Yes Violet: Yes Aytes: Yes Barclay: Yes  
AYES: 8 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0 MAYOR:

MOTION/APPROVED: BILL NO. 16-202: ORDINANCE NO. 6666: 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

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. 16-202 for the first time. The motion carried and Alderman Thomas read the Bill. Alderman Bateman moved and Alderman Shea seconded the motion to read the Bill for the second time. The motion carried and Alderman Bateman read the Bill. Alderman Hollingsworth moved and Alderman Aytes seconded the motion to put the Bill to a final vote. The motion was approved and Bill No. 16-202 was passed becoming Ordinance No. 6666.

Reitmeyer: Yes Thomas: Yes Bateman: Yes Hollingsworth: Yes  
Shea: Yes Violet: Yes Aytes: Yes Barclay: Yes  
AYES: 8 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0 MAYOR:

MOTION/APPROVED: BILL NO. 16-203: ORDINANCE NO. 6667: 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)

Alderman Hollingsworth moved and Alderman Reitmeyer seconded the motion to introduce the Bill. The motion carried. Alderman Hollingsworth moved and Alderman Reitmeyer seconded the motion to read Bill No. 16-203 for the first time. The motion carried and Alderman Violet read the

Bill. Alderman Bateman moved and Alderman Aytes seconded the motion to read the Bill for the second time. The motion carried and Alderman Aytes read the Bill. Alderman Reitmeyer moved and Alderman Aytes seconded the motion to put the Bill to a final vote. The motion was approved and Bill No. 16-203 was passed becoming Ordinance No. 6667.

Reitmeyer: Yes Thomas: Yes Bateman: Yes Hollingsworth: Yes  
Shea: Yes Violet: Yes Aytes: Yes Barclay: Yes  
AYES: 8 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0 MAYOR:

MOTION/APPROVED: BILL NO. 16-204: ORDINANCE NO. 6668: 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)

Alderman Bateman moved and Alderman Barclay seconded the motion to introduce the Bill. The motion carried. Alderman Bateman moved and Alderman Barclay seconded the motion to read Bill No. 16-204 for the first time. The motion carried and Alderman Reitmeyer read the Bill. Alderman Hollingsworth moved and Alderman Barclay seconded the motion to read the Bill for the second time. The motion carried and Alderman Hollingsworth read the Bill. Alderman Reitmeyer moved and Alderman Hollingsworth seconded the motion to put the Bill to a final vote. The motion was approved and Bill No. 16-204 was passed becoming Ordinance No. 6668.

Reitmeyer: Yes Thomas: Yes Bateman: Yes Hollingsworth: Yes  
Shea: Yes Violet: Yes Aytes: Yes Barclay: Yes  
AYES: 8 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0 MAYOR:

MOTION/APPROVED: BILL NO. 16-205: ORDINANCE NO. 6669: 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

Alderman Hollingsworth moved and Alderman Reitmeyer seconded the motion to introduce the Bill. The motion carried. Alderman Hollingsworth moved and Alderman Reitmeyer seconded the motion to read Bill No. 16-205 for the first time. The motion carried and Alderman Shea read the Bill. Alderman Hollingsworth moved and Alderman Violet seconded the motion to read the Bill for the second time. The motion carried and Alderman Barclay 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. 16-205 was passed becoming Ordinance No. 6669.

Reitmeyer: Yes Thomas: Yes Bateman: Yes Hollingsworth: Yes  
Shea: Yes Violet: Yes Aytes: Yes Barclay: Yes  
AYES: 8 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0 MAYOR:

MOTION/APPROVED: BILL NO. 16-206: ORDINANCE NO. 6670: 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

Alderman Barclay moved and Alderman Violet seconded the motion to introduce the Bill. The motion carried. Alderman Barclay moved and Alderman Violet seconded the motion to read Bill No. 16-206 for the first time. The motion carried and Alderman Thomas 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 Bateman read the Bill. Alderman Hollingsworth moved and Alderman Aytes seconded the motion to put the Bill to a final vote. The motion was approved and Bill No. 16-206 was passed becoming Ordinance No. 6670.

Reitmeyer: Yes Thomas: Yes Bateman: Yes Hollingsworth: Yes  
Shea: Yes Violet: Yes Aytes: Yes Barclay: Yes  
AYES: 8 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0 MAYOR:

MOTION/ADOPTED: RESOLUTION NO. 1538: A RESOLUTION CONCERNING VOLUNTARY ANNEXATION SERVICE AND SCHULTE, 4680 CENTRAL SCHOOL ROAD

Alderman Barclay moved and Alderman Aytes seconded the motion to introduce the Resolution. The motion carried. Alderman Barclay moved and Alderman Aytes seconded the motion to read the Resolution for the first time. The motion carried and Alderman Violet read the Resolution. Alderman Aytes moved and Alderman Hollingsworth seconded the motion to put the Resolution to a final vote. The motion was approved and Resolution No. 1538 was adopted.

Reitmeyer: Yes Thomas: Yes Bateman: Yes Hollingsworth: Yes  
Shea: Yes Violet: Yes Aytes: Yes Barclay: Yes  
AYES: 8 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0 MAYOR:

MOTION/ADOPTED: RESOLUTION NO. 1539: A 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

Alderman Hollingsworth moved and Alderman Bateman seconded the motion to introduce the Resolution. The motion carried. Alderman Hollingsworth moved and Alderman Bateman seconded the motion to read the Resolution for the first time. The motion carried and Alderman Aytes and Alderman Thomas read the Resolution. Alderman Hollingsworth moved and Alderman Aytes seconded the motion to put the Resolution to a final vote. The motion was approved and Resolution No. 1539 was adopted.

Reitmeyer: Yes Thomas: Yes Bateman: Yes Hollingsworth: Yes  
Shea: Yes Violet: Yes Aytes: Yes Barclay: Yes  
AYES: 8 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0 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 Violet moved and Alderman Bateman 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 8:26 p.m.

Respectfully submitted,

Patricia E. Smith  
City Clerk

DRAFT



CITY OF ST. PETERS BOARD OF ALDERMEN  
LEGISLATIVE WORK SESSION MINUTES  
NOVEMBER 30, 2016

The Legislative Work Session was called to order at approximately 5:00 p.m. on Wednesday, November 30, 2016 at the St. Peters Justice Center located at 1020 Grand Teton Drive. The following were present: Mayor Pagano; President of the Board of Aldermen, Alderman Reitmeyer; Alderman Hollingsworth; Alderman Bateman; Alderman Thomas; Alderman Violet; Alderman Shea; Alderman Barclay. Also present were Russ Batzel, City Administrator; Cathy Pratt, Manager Staff Support Services; Randy Weber, Special Counsel; Patty Smith, City Clerk; and Nikki Strong with Strong Consulting Group LLC. Alderman Aytes arrived at the meeting in progress at approximately 5:15 p.m.

NEW LEGISLATIVE SESSION UPDATE – NIKKI STRONG

Ms. Nikki Strong with Strong Consulting Group LLC provided a legislative overview and update on the November 8, 2016 election results and the current legislative landscape. She spoke of her meeting in October with Eric Greitens (current Governor-Elect) and his priority being the passing of Right to Work legislation; and the unknowns of the future Administration. Ms. Strong advised she will continue to monitor things at the Capitol in Jefferson City, and will provide future updates. Mayor Pagano inquired about whether or not the Right to Work measure would occur as a ballot proposal; however, Ms. Strong firmly indicated that this would not be an option. Ms. Strong recommended to the Mayor and Board of Aldermen an informal meet and greet with the newly elected State Senator Bill Eigel of District 23, and State Representative Phil Christofanelli of District 105; and to meet with other state elected officials throughout the year. Ms. Strong will coordinate the scheduling of this with City Administrator Batzel.

DISCUSSION/AFFECTING 4<sup>TH</sup> CLASS CITIES – MAYOR PAGANO

Mayor Pagano expressed his concerns about possible future legislation being drafted that would affect certain benefits of elected officials of Fourth Class City's, in light of recent City of Wentzville discussions. After a brief discussion, Ms. Strong agreed to only keep watch for any legislation regarding this topic and will update the Mayor and Board of Aldermen should anything be filed related to this topic.

LENGTH OF FILING TIME FOR MUNICIPAL ELECTIONS – MAYOR PAGANO

Mayor Pagano discussed the goal to draft legislation to shorten the length of the candidacy filing period requirement for municipal elections of non-partisan government; to have filing begin the first Tuesday in December and end the third Tuesday in December prior to the April General Municipal Election. He recalled his previous presentation at the 2015 Legislative Work Session and would now like to move forward with this item. Mayor

reported that at the recent St. Charles County Municipal League meeting, most of the elected officials were receptive of this proposed change. Draft language was handed out for discussion. It was agreed that this year would be much better timing to propose this change, although Ms. Strong emphasized the importance of being prepared to explain the necessity of this change and what the concerns are with the current legislation. It was noted that this change would increase the length of the campaign period. The conclusion was to communicate to the Legislators the intentions of the proposed legislation with brief talking points on the benefits; and provide a list of supporters to include the St. Charles County Municipal League members and perhaps the City Clerks group.

#### ALLOCATE PORTION OF THE SPECIAL INSURANCE FUND FOR SENIOR PROGRAMS – HOLLINGSWORTH

Alderman Hollingsworth discussed a Special Insurance Tax of 2 percent levied in Missouri, where 1 percent goes toward education and the other one percent goes into the General Fund. He stated that the Mid East Area Agency on Aging would like to see 20 percent of the 1 percent which goes into the General Fund, be re-allocated toward Senior Services, where an estimated \$41ML could be collected the first year. Alderman Hollingsworth emphasized that this would be a re-allocated tax and not a new tax. If the Board of Aldermen agrees, he would like to see legislation to re-allocate these funds to benefit the seniors. Ms. Strong will discuss this on Monday in her meeting with the Chief of Staff to the Budget Chairman for some feedback regarding this idea.

#### NON-AGENDA ITEM DISCUSSION

Alderman Barclay discussed two (2) non-agenda items, with one concerning proposed legislation to remove individual's dates of birth from voter registration records to protect citizens identity; and the other regarding the abandoned homes issue, which have been ongoing concerns previously discussed during former Board and Legislative Work Sessions.

Alderman Barclay recounted previous City resolutions adopted, urging the General Assembly to support prohibiting dissemination of a person's date of birth to the public; and Alderman Thomas added, to protect certain personal information contained in the state's birth records from disclosure. It was agreed to provide copies of these adopted Resolutions to Ms. Strong and Special Counsel Weber for preparation of language to introduce to the Missouri Legislature.

As a result of the abandoned homes discussion, it was mentioned that information from the recent National League of Cities conference was provided to City Administrator Batzel regarding a service group who assists municipalities free of charge in locating owners of abandoned homes. It was agreed that Mr. Batzel will move forward with contacting this group for further information.

Also, Alderman Barclay mentioned he is planning on submitting the Stillborn Baby Tax Exemption resolution to the Federal Government.

## GOLF AND BANQUET CENTER CONSULTANT PRESENTATION – HUTSLER

Mr. Dan Emrick, Superintendent of Golf Course Operations recounted the process and gave an update on where the Consultant selection stands for the St. Peters Golf and Banquet Center project's request for proposal. A slideshow presentation given by Josh Mandell and Brennan Hartin of FGM Architects Inc. and Jim Wolterman, Landscape Consultant of SWT Design followed. Questions from the Aldermen concerning the conceptual plan were addressed. Mr. Batzel advised that this item will be placed on the December 15, 2016 Work Session and Regular Board of Aldermen meeting for consideration; and he gave an update of the timeline for this project.

## MICROSOFT OFFICE LICENSE PRESENTATION – PRATT

Cathy Pratt, Manager Staff Support Services, gave a brief update regarding the Microsoft System License upgrade from Office 2007 to 2016; and explained that an upgrade will not be needed until 2025. This is a FY'17 budgeted capital purchase with \$127500 budgeted; six (6) bids were received. Staff will be recommending the low bidder in the amount of \$111860, to include new software for all city computers, which equates to 340 Licenses. Questions from the Aldermen regarding possible interface issues were acknowledged by Ms. Pratt, which will be addressed. This item will be presented at the December 15, 2016 Work Session and Regular Board of Aldermen meeting for consideration.

## MISCELLANEOUS

Mr. Batzel reminded the Board that the Pre-CIP planning meeting is scheduled for January 10, 2017 and that the full budget schedule will be sent out within the week.

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

The meeting adjourned at approximately 6:25 p.m.

Respectfully submitted,

Patricia E. Smith  
City Clerk



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**INTEROFFICE MEMORANDUM**

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**TO:** BOARD OF ALDERMEN *Jim Pagano*  
**FROM:** MAYOR PAGANO  
**SUBJECT:** APPOINTMENTS TO THE VETERANS MEMORIAL COMMISSION  
**DATE:** NOVEMBER 30, 2016

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I am nominating the following individuals for re-appointments as members of the Veterans Memorial Commission as follows:

John Gonzales, 34 Countrywood Drive, St. Peters, MO 63376, (Ward 1)  
David Kampmann, 144 Universal Drive, St. Peters, MO 63376, (Ward 4)  
Walter Sitzwohl, Jr., 26 Oakshire Court, St. Peters, MO 63376, (Ward 4)  
Michael Sanchez, 400 Sorano Way, St. Peters, MO 63376 (Ward 4)  
Don Shaikewitz, 52 Soenker Circle, St. Peters, MO 63376, (Ward 3)  
Francine King, 1005 Treeshade Drive, St. Peters, MO 63376, (Ward 2)

I am nominating the following individual for re-appointment as an alternate member of the Veterans Memorial Commission as follows:

Bob Zahner, 23 Oakshire Court, St. Peters, MO 63376, (Ward 4),

for the terms effective January 1, 2017 and expiring December 31, 2019

I am nominating the following individual for appointment from an alternate member to a member of the Veterans Memorial Commission as follows:

Brittany Smith, 24 Appletree Drive, St. Peters, MO 63376 (Ward 3), for the term effective immediately and expiring December 31, 2019.

Ms. Smith will be filling the vacancy of Don Abernathy, who resigned.

If you have any questions or comments regarding these appointments, please contact me.

## APPLICATIONS

(Applications on file with the City Clerk's Office)

## NOTICE OF PUBLIC HEARING

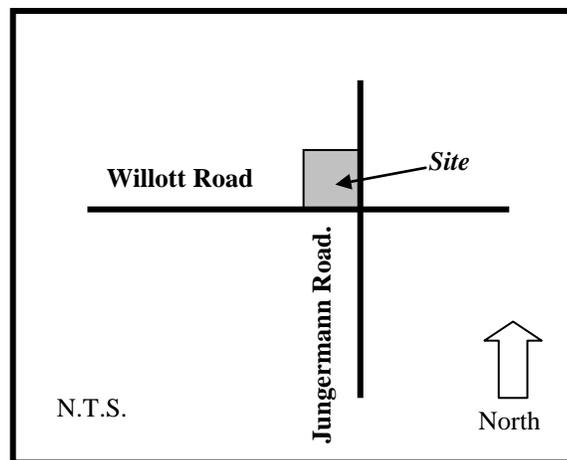
The Planning and Zoning Commission of the City of St. Peters will hold a public hearing at 6:30 p.m. on Wednesday, December 7, 2016 at the St. Peters Justice Center. The St. Peters Justice Center is located at the intersection of Suemandy Road and Grand Teton Drive (1020 Grand Teton Drive). The Planning and Zoning Commission may recommend and the Board of Aldermen may enact by ordinance the proposed special use permit described below.

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, 636-477-6600 or 636-278-2244.

### Rezoning Petition 16-19

National Retail Development LLC is requesting a change of zoning from C-2 Community Commercial District to I-1 Planned Urban Development (PUD) for a 5.58 +/- acre parcel. The proposed uses include indoor self storage units, vehicle storage and commercial uses including retail uses. The subject site is on the west side of Jungermann Road, north of Willott Road (850 Jungermann Road).

### LOCATION MAP



### LEGAL DESCRIPTION

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

## NOTICE OF PUBLIC HEARING

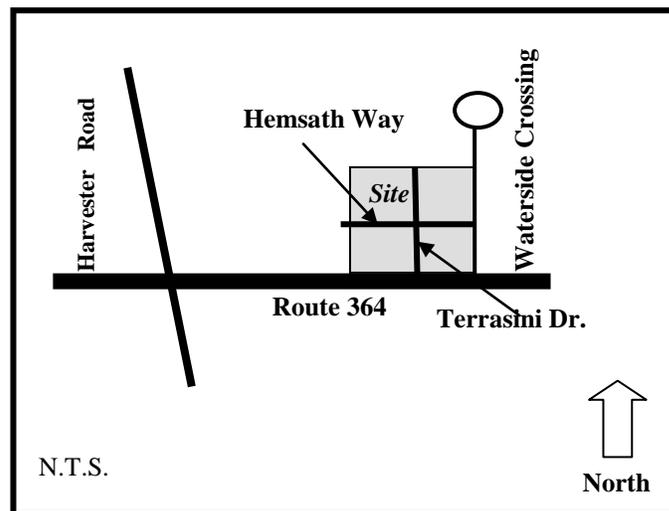
The Planning and Zoning Commission of the City of St. Peters will hold a public hearing at 6:30 p.m. on Wednesday, December 7, 2016 at the St. Peters Justice Center. The St. Peters Justice Center is located at the intersection of Suemandy Road and Grand Teton Drive (1020 Grand Teton Drive). The Planning and Zoning Commission may recommend and the Board of Aldermen may enact by ordinance the proposed zoning district described below.

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 - 20

Payne Family Homes LLC requests an amended Planned Urban Development (PUD) for a 16.8 +/- acre parcel. The proposed use is single family homes. The subject site is located on the north side of Route 364, east of Harvester Road.

### LOCATION MAP



### LEGAL DESCRIPTION

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

## NOTICE OF PUBLIC HEARING

The Board of Alderman of the City of St. Peters, Missouri will hold an official public hearing at 7:00 p.m. on Thursday, Dec. 15 2016, concerning the proposed annexation into the City of St. Peters, for the real estate as described below, which is presently located in St. Charles County. The hearing will be held at the City of St. Peters Justice Center, 1020 Grand Teton Drive.

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

At this public hearing any interested person, corporation, or political subdivision may present evidence regarding the proposed annexation. Furthermore, any objections to the proposed annexation should be filed in writing with the Board of Aldermen of the City of St. Peters not later than fourteen (14) days after the date of said public hearing.

Owner	Description	Approximate Acreage
Service/Schulte	4680 Central School Road (south side of Central School Road, west of Kisker Road	13.658 +/-

A detailed legal description of this property is available at St. Peters City Hall, One St. Peters Centre Boulevard.

Done by order of the Board of Aldermen.

*Patricia E. Smith*

Patricia E. Smith, City Clerk

Annexation  
Service-Schulte

Central School Road

Mid Rivers Mall Drive

Kisker Road

Highway 364/94

Corporate Limits  
(inside city)

Subject Tracts



## ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 110.060 OF THE ST. PETERS CITY CODE RELATING TO REGULAR MEETINGS OF THE BOARD OF ALDERMEN

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

SECTION NO. 1 Section 110.060 Regular Meetings, of the St. Peters City Code, is hereby repealed in its entirety, and a new Section 110.060 Regular Meetings, is hereby enacted in its place to read as follows:

**SECTION 110.060: REGULAR MEETINGS**

A. *Regular Meetings--Time and Place.* The Board of Aldermen shall hold its regular meetings on: (i) the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Thursdays in the months of January, February, March, April, May, August, September, and October in each calendar year, (ii) on the fourth (4<sup>th</sup>) Thursdays in the months of June and July in each calendar year, and (iii) on the third (3<sup>rd</sup>) Thursdays in the months of November and December in each calendar year. All regular meetings shall be held at the St. Peters Justice Center, located at 1020 Grand Teton Drive, St. Peters, Missouri 63376, and shall start at **6:30 P.M.** local time.

B. *Change In Starting Time Of Meeting.* Nothing in this Section shall prohibit the Board of Aldermen from commencing a meeting after **6:30 P.M.** on the date of a regular meeting if the posted agenda for a regular meeting establishes a later starting time for such regular meeting.

SECTION NO. 2 Savings.

Except as specifically 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 any manner connected with the subject matter hereof.

SECTION NO. 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 invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION NO. 4      Effective Date.

This Ordinance shall be in full force and take effect on the 12th day of January 2017, upon passage by the Board of Aldermen and final approval by the Mayor.

Read two times, passed, and approved this 15th day of December 2016.

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As Presiding Officer and as Mayor  
Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

Approved this 15th day of December 2016.

---

Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

ORDINANCE NO.

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS, MISSOURI, TO EXECUTE A PLANNED URBAN DEVELOPMENT AGREEMENT WITH GRAND FUTURE REALTY, LLC AND NATIONAL RETAIL DEVELOPMENT, LLC FOR DEVELOPMENT OF AMERICAN SELF STORAGE

WHEREAS, Grand Future Realty, LLC, owner, and National Retail Development, LLC, LLC, owner under contract, of a tract of land containing 5.58 +/- acres; and

WHEREAS, the owner under contract is desirous of developing the property for a self storage facility, vehicle storage, and retail uses; and

WHEREAS, the property is currently zoned and designated C-2 Community Commercial District; and

WHEREAS, the property owner is requesting approval of an I-1 Light Industrial Planned Urban Development;

WHEREAS, all parties believe it to be in their mutual best interests to amend the terms and conditions as set forth in the Planned Urban Development Agreement, in substantially the form attached hereto.

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

No.

SECTION 1. That the City Administrator of the City of St. Peters, Missouri be and is hereby authorized to execute on behalf of the City of St. Peters, Missouri, a PUD Agreement with Grand Future Realty, LLC and National Retail Development, LLC for development of a tract of land known as American Self Storage in substantially the form attached hereto and marked as Exhibit A.

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 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 15<sup>th</sup> day of December, 2016.

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As Presiding Officer and as Mayor  
Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

No.

Approved this \_\_\_\_\_ day of December, 2016

\_\_\_\_\_  
Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

DRAFT

No.

Exhibit A

**PLANNED URBAN DEVELOPMENT AGREEMENT  
National Retail Development/American Self Storage**

THIS PUD DEVELOPMENT AGREEMENT (the “Agreement”) is made and entered into as of the \_\_\_\_ day of December, 2016, by and among the CITY OF ST. PETERS, MISSOURI, a Fourth Class City in the County of St. Charles, Missouri, and a municipal corporation organized and existing under the laws of the State of Missouri (hereinafter collectively referred to as “City”) and Grand Future Realty LLC., a Missouri corporation, (hereinafter referred to as “Owner”) and National Retail Development, LLC, an Illinois limited liability company, (hereinafter referred to as “Owner under Contract”) (Owner and Owner Under Contract hereinafter sometimes referred to collectively as “Property Owner”).

WITNESSETH:

WHEREAS, Owner is the fee simple owner of an approximately 5.58 acre tract of land legally described on Exhibit A attached hereto and incorporated herein by this reference (hereinafter referred to as the “Property”); and

WHEREAS, Owner Under Contract is desirous of developing the Property for a self storage facility, vehicle storage, and retail uses; and

WHEREAS, the City and Property Owner desire to enter into an agreement setting forth Owner Under Contract’s intended development of the Property, as contemplated by the City’s Zoning and Subdivision Regulations established by Title IV. Land Use, Chapter 405 of the St. Peters City Code, along with any amendments thereto (the “Zoning Ordinance”); and

WHEREAS, the Property is currently zoned and designated as C-2 Community Commercial District; and

WHEREAS, the Property Owner is requesting approval of a I-1 Planned Urban Development; and

WHEREAS, City and Property Owner desire that a Planned Urban Development, as defined and provided for by the appropriate sections of the Zoning Ordinance be established upon the Property, and that the Property be developed in a manner consistent with the Site Plan

and/or Preliminary Plat attached hereto as Exhibit B and incorporated herein by this reference (the “Development Plan”); and

WHEREAS, City, approving the I-1 Planned Urban Development (PUD) designation for the Property, along with approval of the Development Plan, requires that a contract be entered into for the purpose of providing for completion of the Development Plan so approved and restricting the land uses to those indicated in the Development Plan.

NOW THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Property Owner will proceed with construction of the Planned Urban Development in accordance with the aforementioned Development Plan (or in accordance with a revised Development Plan, if any such be proposed by the Property Owner, or its successors or assigns, and subsequently be approved by the City, all in conformance with the then controlling sections of the Zoning Ordinance).
2. Property Owner will cause to be prepared and submitted to the City for its approval, all necessary plans for the installation of public streets, street lights, storm and sanitary sewers, waterlines, sidewalks, street signs and other appurtenant public structures required, if any.
3. Property Owner will cause to be prepared and submitted to the City for its approval, a final plat, suitable for recording with the County Recorder of Deeds, upon which will be shown all land, if any, to be dedicated for public street purposes, and all easements necessary for the installation or maintenance of public utilities, if any.
4. Property Owner agrees that construction of the public improvements will be commenced on the Property within a period of two (2) years from the date of this Agreement. In the event that such construction is not commenced on the Property within said two (2) year period, then the Development Plan approved by the Board of Aldermen, hereinafter referred to as the “Board”, shall terminate and be deemed null and void unless such time period is extended by the Planning and Zoning Commission, hereinafter referred to as the “Commission”, for due cause shown, and approved by the Board. Upon termination of the Development Plan, the Planning and Zoning Commission shall review any changes in the Zoning District Map approved herein. If the Commission finds said changes to no longer be appropriate, the Commission shall recommend to the Board that the map be revised in accordance with the procedures for changes and amendments.

The Property Owner further agrees that the construction of all public improvements shall be completed within three (3) years from the start of such construction, or five

(5) years from the date hereof, whichever is less, unless such periods are extended by the Commission, for due cause shown, and approved by the Board.

5. The City agrees that Property Owner (or its successors in interest) are entitled to develop the land described in Exhibit A in conformance with the Development Plan, except that as concerns those matters not addressed therein, Property Owner will comply with the Ordinances of the City.
6. Property Owner agrees that it will develop the Property for self-storage and vehicle storage uses only as shown on the Development Plan, and Property Owner and City further agree that if construction of the public improvements for the Property is not completed in accordance with the terms of Section 4 hereof and the aforesaid Development Plan, or such extension thereof as may be granted by the City, then the remaining undeveloped portion of the Property may not be developed nor will any building permits be issued unless and until a new Agreement is approved by the City and Property Owner, or unless the undeveloped portion of the Property is first rezoned.
7. City will issue building permits with respect to the Property in as timely a manner as practicable, or will enumerate in writing the reasons, if any, why such permits cannot be issued, so that Property Owner may efficiently pursue completion of the Development Plan within the time frames set forth herein.
8. Property Owner, having to the best of its knowledge provided City with all information required by the appropriate sections of the Zoning Ordinance pertaining to a Planned Urban Development, agrees that any information inadvertently omitted will be provided upon request, as soon as it may reasonably be obtained.
9. The uses permitted on the Property shall include indoor self-storage units, indoor vehicle storage, and commercial uses including office, restaurant and retail uses.
10. Building setbacks shall comply with the setback requirements in the C-2 Community Commercial District.
11. A landscape plan in compliance with the City's Tree and Landscape Ordinance and as indicated on Exhibit B shall be installed and maintained.
12. Development of the Property shall meet the exterior lighting requirements for non-residential uses as stated in the St. Peters City Code.
13. Building elevations and exterior architectural and building materials shall be as indicated on Exhibit C attached hereto. Any minor modifications to the Design must be approved by the Planning Department. Any substantive changes to the

approved Design, including changes to the building materials being used, shall first be approved by the Planning and Zoning Commission.

14. Management of stormwater shall comply with the St. Peters City Code.
15. City trash service shall serve the Property, including recycling services, until such time as not required by the City of St. Peters.
16. All electric service serving the Property shall be run underground unless otherwise waived by the City Engineer.
17. Shared access and parking for the Veterans Memorial parcel owned by the City of St. Peters shall continue unless modified by agreement of the City and the Property Owner.
18. The City shall accept for dedication in accordance with City ordinances any public streets, streetlights, water, storm and sanitary sewer main lines serving the Property. Following the installation of all such public improvements on the Property by Property Owner, the City shall inspect the same and provided they conform to the plans and specifications approved by the City for the same, the City shall accept the same for dedication. The City and Property Owner shall enter into a standard escrow agreement for these public improvements whereby Property Owner shall deposit with the City a construction deposit, a sum for grading and restoration, and a maintenance deposit, all in compliance with and pursuant to Section 405.460.F of the St. Peters City Code.
19. Property Owner may, with the prior written approval of the City, assign its rights and obligations under this Agreement in connection with any conveyance of its interest in all or part of the Property to any third party who is not a signatory to this Agreement, provided that (i) any such assignee agrees to assume the Property Owner's obligations under this Agreement with respect to the Property, (ii) upon such assignment and assumption, Property Owner shall, as relates to the Property, be released from the terms hereof, and (iii) any assignment of the rights or obligations hereunder shall be in writing and shall be recorded in the records of the Office of the Recorder of Deeds of St. Charles County, Missouri. Anything to the contrary contained herein notwithstanding, this Agreement shall run with the land and shall be binding on and inure to the benefit of the parties hereto, and their successors and assigns.
20. In the event the parties hereto desire to make a non-material change to this Agreement, the City Administrator of the City shall have the power to enter into a written agreement incorporating such change into the Agreement and to bind the City thereby. No amendment or change to this Agreement shall be valid unless the same is in writing, signed by both parties.

21. If any provision of this Agreement shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
22. The City hereby approves the Development Plan attached to this Agreement as Exhibit B, subject to the qualifications contained herein.
23. Property Owner agrees that all public improvements shall be constructed to meet all applicable state and local codes, and shall comply with all of the City's applicable Ordinances and street construction standards.
24. In the event that either party hereto brings an action or proceeding for a declaration of the rights of the parties under this Agreement or for any alleged breach or default thereof, 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.
25. Time is of the essence with respect to this Agreement.
26. This Agreement constitutes the entire undertaking between the parties hereto and supersedes any and all prior agreements, arrangements and understandings, if any, between the parties hereto or the predecessors in interest of either of them with respect to the subject matter hereof.
27. City, Owner and Owner under Contract each represent to the other that they have the full right, power and authority to enter into this Agreement and to fully perform their obligations hereunder. Each person executing this Agreement warrants and represents that each has the authority to execute this Agreement in the capacity stated and to bind the City and Property Owner, respectively, except as otherwise specifically set forth herein.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first above written.

CITY OF ST. PETERS, MISSOURI

SEAL

By: \_\_\_\_\_  
Russell W. Batzel, City Administrator

Attest:

\_\_\_\_\_  
Patricia E. Smith, City Clerk

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me appeared Russell W. Batzel, City Administrator, to me personally known, who, being by me duly sworn, did say that 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 Aldermen; and said City Administrator acknowledged said instrument to be the 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.

\_\_\_\_\_  
Notary Public

My Commission Expires:

OWNER:

GRAND FUTURE REALTY LLC

By: \_\_\_\_\_  
Khalid Ihmoud, Manager

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me personally appeared KHALID IHMOUD, to me personally known, who, being by me duly sworn, did say that he is a Manager of GRAND FUTURE REALTY LLC, a Missouri limited liability company, and that said instrument was signed on behalf of said limited liability company; and said KHALID IHMOUD acknowledged said instrument to be the free act and deed of said limited liability company.

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:

OWNER UNDER CONTRACT:

NATIONAL RETAIL DEVELOPMENT, LLC

By: \_\_\_\_\_  
Nicholas Stratigakes, Manager

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me personally appeared NICHOLAS STRATIGAKES, to me personally known, who, being by me duly sworn, did say that he is a Manager of NATIONAL RETAIL DEVELOPMENT, LLC, an Illinois limited liability company, and that said instrument was signed on behalf of said limited liability company; and said NICHOLAS STRATIGAKES acknowledged said instrument to be the free act and deed of said limited liability company.

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

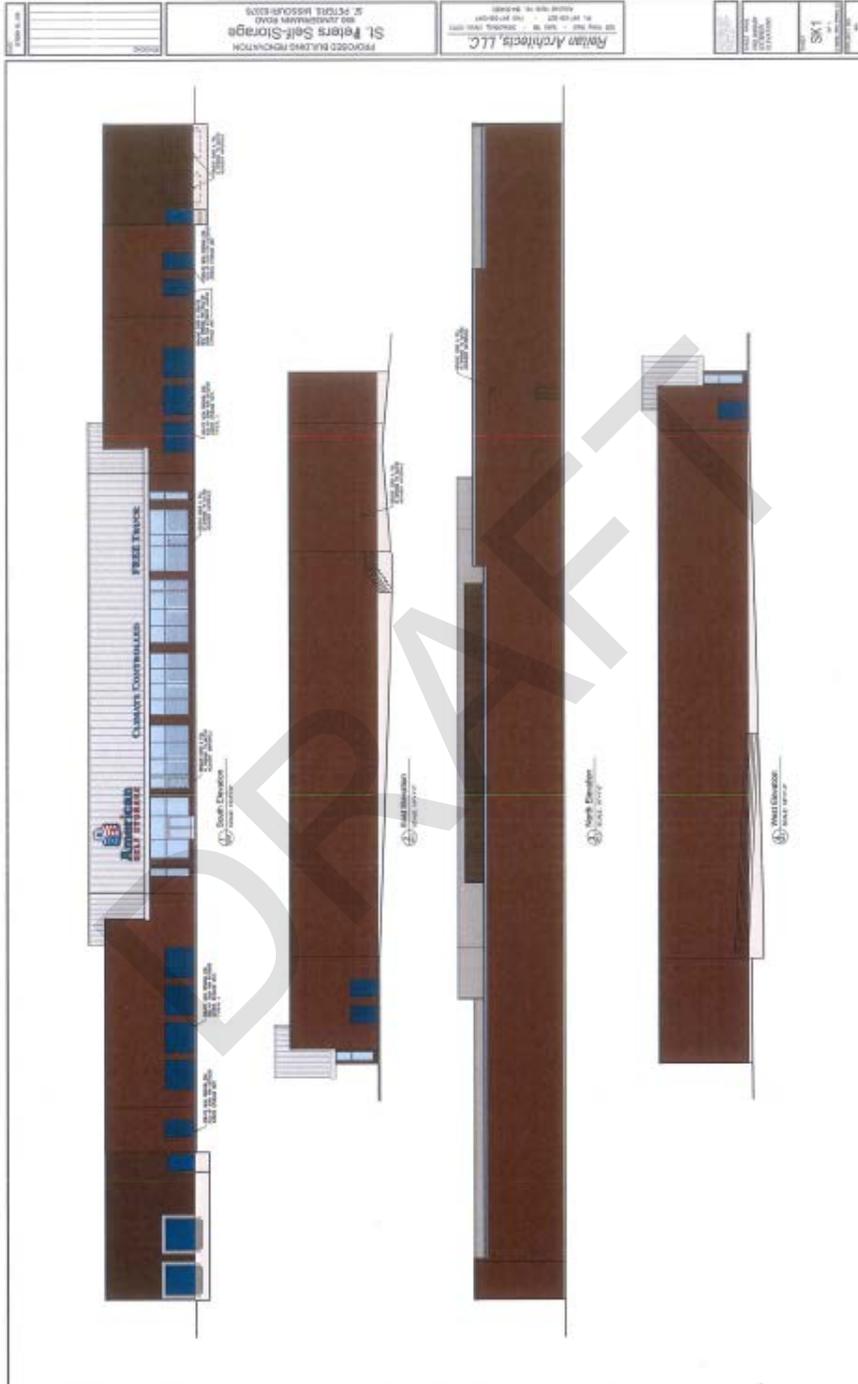
Lot A of Willott Center, according to the plat thereof recorded in Plat Book 24 page 157 of the St. Charles County Records, excepting therefrom that part conveyed to the City of St. Peters by deed recorded in Book 5281 page 2335.

DRAFT



# EXHIBIT C

## BUILDING ELEVATIONS



ORDINANCE NO.

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS, MISSOURI, TO EXECUTE A PLANNED URBAN DEVELOPMENT AGREEMENT WITH SPDWY, LLC AND PAYNE FAMILY HOMES, LLC FOR DEVELOPMENT OF THE CROSSINGS AT BELLA VISTA

WHEREAS, SPDWY, LLC, owner, and Payne Family Homes, LLC, owner under contract, of a tract of land containing 16.8 +/- acres; and

WHEREAS, pursuant to Ordinance No. 4093, the property is currently zoned and designated R-3 Planned Urban Development, subject to a Planned Urban Development Agreement dated February 16, 2005; and

WHEREAS, a portion of the original PUD was never developed pursuant to or consistent with the Original PUD Agreement, and the property owner is requesting approval of an amended Planned Urban Development for a portion of the Original PUD; and

WHEREAS, the owner under contract is desirous of developing the property for single-family residences or commercial uses as originally permitted; and

WHEREAS, all parties believe it to be in their mutual best interests to amend the terms and conditions as set forth in the Planned Urban Development Agreement, in substantially the form attached hereto.

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 is hereby authorized to execute on behalf of the City of St. Peters, Missouri, a PUD Agreement with SPDWY, LLC and Payne Family Homes, LLC for development of a tract of land known as The Crossings at Bella Vista in substantially the form attached hereto and marked as Exhibit A.

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 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 15<sup>th</sup> day of December, 2016.

---

As Presiding Officer and as Mayor  
Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

Approved this \_\_\_\_\_ day of December, 2016

\_\_\_\_\_  
Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

DRAFT

Exhibit A

**PLANNED URBAN DEVELOPMENT AGREEMENT  
The Crossings at Bella Vista**

THIS PUD DEVELOPMENT AGREEMENT (the “Agreement”) is made and entered into as of the \_\_\_\_ day of December, 2016, by and among the CITY OF ST. PETERS, MISSOURI, a Fourth Class City in the County of St. Charles, Missouri, and a municipal corporation organized and existing under the laws of the State of Missouri (hereinafter collectively referred to as “City”) and SPDWY, L.L.C., a Missouri limited liability company, (hereinafter referred to as “Owner”) and Payne Family Homes, LLC, a Missouri limited liability company, (hereinafter referred to as “Owner under Contract”) (Owner and Owner Under Contract hereinafter sometimes referred to collectively as “Property Owner”).

WITNESSETH:

WHEREAS, Owner is the fee simple owner of an approximately 16.8 acre tract of land legally described on Exhibit A attached hereto and incorporated herein by this reference (hereinafter referred to as the “Property”); and

WHEREAS, Owner Under Contract is desirous of developing the Property for single-family residences or commercial uses as originally permitted; and

WHEREAS, the City and Property Owner desire to enter into an agreement setting forth Owner Under Contract’s intended development of the Property, as contemplated by the City’s Zoning and Subdivision Regulations established by Title IV. Land Use, Chapter 405 of the St. Peters City Code, along with any amendments thereto (the “Zoning Ordinance”); and

WHEREAS, pursuant to Ordinance No. 4093 of the City, the Property is currently zoned and designated as an R-3 Planned Urban Development (PUD) District (the “Original PUD”), and subject to a Planned Urban Development Agreement dated February 16, 2005 (the “Original PUD Agreement”); and

WHEREAS, a portion of the Original PUD was never developed pursuant to or consistent with the Original PUD Agreement, and the Property Owner is requesting approval of an amended Planned Urban Development for a portion of the Original PUD; and

WHEREAS, City and Property Owner desire that a Planned Urban Development, as defined and provided for by the appropriate sections of the Zoning Ordinance, be established upon the Property, and that the Property be developed in a manner consistent with the Site Plan and/or Preliminary Plat attached hereto as Exhibit B and incorporated herein by this reference (the “Development Plan”); and

WHEREAS, City, in approving the R-3(A) Multiple-Family Residential District, Planned Urban Development (PUD) designation for the Property, along with approval of the Development Plan requires that a contract be entered into for the purpose of providing for completion of the Development Plan so approved and restricting the land uses to those indicated in the Development Plan.

NOW THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Property Owner will proceed with construction of the Planned Urban Development in accordance with the aforementioned Development Plan (or in accordance with a revised Development Plan, if any such be proposed by the Property Owner, or its successors or assigns, and subsequently be approved by the City, all in conformance with the then controlling sections of the Zoning Ordinance).
2. Property Owner will cause to be prepared and submitted to the City for its approval, all necessary plans for the installation of public streets, street lights, storm and sanitary sewers, waterlines, sidewalks, street signs and other appurtenant public structures required, if any.
3. Property Owner will cause to be prepared and submitted to the City for its approval, a final plat, suitable for recording with the County Recorder of Deeds, upon which will be shown all land, if any, to be dedicated for public street purposes, and all easements necessary for the installation or maintenance of public utilities, if any.
4. Property Owner agrees that construction of the public improvements will be commenced on the Property within a period of two (2) years from the date of this Agreement. In the event that such construction is not commenced on the Property within said two (2) year period, then the Development Plan approved by the Board of Aldermen, hereinafter referred to as the “Board”, shall terminate and be deemed null and void unless such time period is extended by the Planning and Zoning Commission, hereinafter referred to as the “Commission”, for due cause shown, and approved by the Board. Upon termination of the Development Plan, the Planning and Zoning Commission shall review any changes in the Zoning District Map approved herein. If the Commission finds said changes to no longer be appropriate, the Commission shall recommend to the Board that the map be revised in accordance with the procedures for changes and amendments.

The Property Owner further agrees that the construction of all public improvements shall be completed within three (3) years from the start of such construction, or five (5) years from the date hereof, whichever is less, unless such periods are extended by the Commission, for due cause shown, and approved by the Board.

5. The City agrees that Property Owner (or its successors in interest) are entitled to develop the land described in Exhibit A in conformance with the Development Plan, except that as concerns those matters not addressed therein, Property Owner will comply with the Ordinances of the City.
6. Property Owner agrees that it will develop the Property for single-family residential uses only as shown on the Development Plan, or commercial uses as shown on a future Development Plan to be submitted to the City consistent with the requirements of the Zoning Ordinance, and Property Owner and City further agree that if construction of the public improvements for the Property is not completed in accordance with the terms of Section 4 hereof and the aforesaid Development Plan, or such extension thereof as may be granted by the City, then the remaining undeveloped portion of the Property may not be developed nor will any building permits be issued unless and until a new Agreement is approved by the City and Property Owner, or unless the undeveloped portion of the Property is first rezoned.
7. City will issue building permits with respect to the Property in as timely a manner as practicable, or will enumerate in writing the reasons, if any, why such permits cannot be issued, so that Property Owner may efficiently pursue completion of the Development Plan within the time frames set forth herein.
8. Property Owner, having to the best of its knowledge provided City with all information required by the appropriate sections of the Zoning Ordinance pertaining to a Planned Urban Development, agrees that any information inadvertently omitted will be provided upon request, as soon as it may reasonably be obtained.
9. The uses permitted on the Property shall include single family residences on individual lots.
  - a. Lots shall be a minimum of 5,000 square feet in area. Each unit shall include a two car garage that shall comply with the minimum standards of the R-1 Single Family District.
  - b. Commercial uses as permitted in the C-3 Commercial District shall be permitted on the Property until such time as the first building permit is issued for a single-family residence on the Property.
10. Building setbacks shall be as follows:
  - a. Front yards shall be a minimum of twenty (20) feet.
  - b. Side yards shall be a minimum of five (5) feet.

- c. Rear yards shall be a minimum of fifteen (15) feet although the setback for decks shall be ten (10) feet.
  - d. Accessory structures shall comply with the setback regulations of the R-1 Single Family District.
- 11. All streets accessing and within this Property shall be public streets and shall be built to City standards.
- 12. The Owner Under Contract shall post sign(s) advising all contractors that all construction traffic shall access and exit the site through the connection of Terrasini Drive and North St. Peters Parkway.
- 13. Management of stormwater shall comply with the St. Peters City Code.
- 14. City trash service shall serve the Property, including recycling services, until such time as not required by the City of St. Peters.
- 15. All electric service serving the Property shall be run underground unless otherwise waived by the City Engineer.
- 16. All street lighting shall be installed per the St. Peters City Code.
- 17. Common ground shall be provided as generally shown on the Site Development Plan.
- 18. The City shall accept for dedication in accordance with City ordinances any public streets, streetlights, water, storm and sanitary sewer main lines serving the Property. Following the installation of all such public improvements on the Property by Property Owner, the City shall inspect the same and provided they conform to the plans and specifications approved by the City for the same, the City shall accept the same for dedication. The City and Property Owner shall enter into a standard escrow agreement for these public improvements whereby Property Owner shall deposit with the City a construction deposit, a sum for grading and restoration, and a maintenance deposit, all in compliance with and pursuant to Section 405.460.F of the St. Peters City Code.
- 19. Property Owner may, with the prior written approval of the City, assign its rights and obligations under this Agreement in connection with any conveyance of its interest in all or part of the Property to any third party who is not a signatory to this Agreement, provided that (i) any such assignee agrees to assume the Property Owner's obligations under this Agreement with respect to the Property, (ii) upon such assignment and assumption, Property Owner shall, as relates to the Property, be released from the terms hereof, and (iii) any assignment of the rights or obligations hereunder shall be in writing and shall be recorded in the records of the Office of the

Recorder of Deeds of St. Charles County, Missouri. Anything to the contrary contained herein notwithstanding, this Agreement shall run with the land and shall be binding on and inure to the benefit of the parties hereto, and their successors and assigns.

20. In the event the parties hereto desire to make a non-material change to this Agreement, the City Administrator of the City shall have the power to enter into a written agreement incorporating such change into the Agreement and to bind the City thereby. No amendment or change to this Agreement shall be valid unless the same is in writing, signed by both parties.
21. If any provision of this Agreement shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
22. The City hereby approves the Development Plan attached to this Agreement as Exhibit B, subject to the qualifications contained herein.
23. Property Owner agrees that all public improvements shall be constructed to meet all applicable state and local codes, and shall comply with all of the City's applicable Ordinances and street construction standards.
24. In the event that either party hereto brings an action or proceeding for a declaration of the rights of the parties under this Agreement or for any alleged breach or default thereof, 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.
25. Time is of the essence with respect to this Agreement.
26. This Agreement constitutes the entire undertaking between the parties hereto and supersedes any and all prior agreements, arrangements and understandings, if any, between the parties hereto or the predecessors in interest of either of them with respect to the subject matter hereof.
27. City, Owner and Owner under Contract each represent to the other that they have the full right, power and authority to enter into this Agreement and to fully perform their obligations hereunder. Each person executing this Agreement warrants and represents that each has the authority to execute this Agreement in the capacity stated and to bind the City and Property Owner, respectively, except as otherwise specifically set forth herein.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first above written.

CITY OF ST. PETERS, MISSOURI

SEAL

By: \_\_\_\_\_  
Russell W. Batzel, City Administrator

Attest:

\_\_\_\_\_  
Patricia E. Smith, City Clerk

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

On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me appeared Russell W. Batzel, City Administrator, to me personally known, who, being by me duly sworn, did say that 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 Aldermen; and said City Administrator acknowledged said instrument to be the 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.

\_\_\_\_\_  
Notary Public

My Commission Expires:

OWNER:

SPDWY, L.L.C.

By: \_\_\_\_\_  
David J. Hemsath, Manager

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me personally appeared DAVID J. HEMSATH, to me personally known, who, being by me duly sworn, did say that he is a Manager of SPDWY, L.L.C., a Missouri limited liability company, and that said instrument was signed on behalf of said limited liability company; and said DAVID J. HEMSATH acknowledged said instrument to be the free act and deed of said limited liability company.

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:

OWNER UNDER CONTRACT:

PAYNE FAMILY HOMES, LLC

By: \_\_\_\_\_  
Thomas Cummings, Manager

STATE OF MISSOURI )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me personally appeared THOMAS CUMMINGS, to me personally known, who, being by me duly sworn, did say that he is a Manager of PAYNE FAMILY HOMES, LLC, a Missouri limited liability company, and that said instrument was signed on behalf of said limited liability company; and said THOMAS CUMMINGS acknowledged said instrument to be the free act and deed of said limited liability company.

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

A tract of land being part of Fractional Section 10, Township 46 North , Range 4 East of the Fifth Principal Meridian, St. Charles County, Missouri, being more particularly described as follows:

Beginning at the intersection of the West line of property conveyed to Waterside Crossing Homeowners Association by deed recorded in Book 4161, Page 2317 of the St. Charles County Records, with the North line of Missouri State Route 364, said point being 164.04 perpendicular distant North of Missouri State Road 364 centerline Station 20+383.16 (meters); thence along the said North line, South 78 degrees 39 minutes 47 seconds West 470.28 feet to a point on the East right-of-way line of Terrasini Drive, (65' Wide) as dedicated on the record plat of "Bella Vista Plat One", as recorded in Plat Book 44, Pages 307-310 of the St. Charles County Records; thence along the said East right-of-way line of Terrasini Drive the following courses and distances; along a curve to the right whose chord bears North 56 degrees 19 minutes 53 seconds West 67.89 feet and whose radius point bears North 11 degrees 20 minutes 13 seconds West 48.00 feet from the last mentioned point, an arc distance of 75.41 feet; North 11 degrees 19 minutes 33 seconds West 26.63 feet; along a curve to the right whose chord bears North 05 degrees 48 minutes 15 seconds West 125.39 feet and whose radius point bears North 77 degrees 31 minutes 39 seconds East 539.91 feet from the last mentioned point, an arc distance of 125.67 feet; and North 01 degrees 58 minutes 17 seconds East 249.46 feet to the intersection with the South right-of-way line of Hemsath Way, (50' wide) as dedicated on said "Bella Vista Plat One"; thence along the said South right-of-way line of Hemsath Way the following courses and distances; along a curve to the right whose chord bears North 46 degrees 34 minutes 57 seconds East 35.11 feet and whose radius point bears South 88 degrees 01 minutes 43 seconds East 25.00 feet from the last mentioned point, an arc distance of 38.93 feet; South 88 degrees 48 minutes 22 seconds East 378.70 feet; along a curve to the left whose chord bears North 88 degrees 27 minutes 32 seconds East 59.65 feet and whose radius point bears North 01 degrees 11 minutes 38 seconds East 625.00 feet from the last mentioned point, an arc distance of 59.67 feet; and North 85 degrees 43 minutes 26 seconds East 35.93 feet to a point on the West line of "Waterside Crossing" as recorded in Plat Book 42, Pages 91-92 of the St. Charles County Records; thence along the said West line of "Waterside Crossing", South 04 degrees 16 minutes 34 seconds East 366.90 feet to the POINT OF BEGINNING, containing 4.946 acres according to calculations by Bax Engineering Company Inc., during December, 2009.

and

A tract of land being part of Fractional Section 10, Township 46 North , Range 4 East of the Fifth Principal Meridian, St. Charles County, Missouri, being more particularly described as follows:

Commencing at the intersection of the West line of property conveyed to Waterside Crossing Homeowners Association by deed recorded in Book 4161, Page 2317 of the St. Charles County Records, with the North line of Missouri State Route 364, said point being 164.04 perpendicularly distant North of Missouri State Road 364 centerline Station 20+383.16 (meters); thence along the said North line, South 78 degrees 39 minutes 47 seconds West 636.28 feet to the ACTUAL POINT OF BEGINNING of the tract of land herein described; thence continuing along the said North line of Missouri State Route 364, South 78 degrees 39 minutes 47 seconds West 383.33 feet, said point being 164.04 feet perpendicularly distant North of Missouri State Road 364 centerline Station 20+72.38 (meters); thence South 83 degrees 07 minutes 46 seconds West 56.58 feet, said point being 165.31 feet perpendicularly distant North of Missouri State Road 364 centerline Station 20+54.93 (meters); to the intersection with the East line of property conveyed to Norman F. and Virginia L. Lienmann by deed recorded in Book 725, page 1068 of the St. Charles County records; thence along the East line of the Lienmann property, North 02 degrees 44 minutes 09 seconds East 580.83 feet to the intersection with the South right-of-way line of Queensbrook Boulevard (65' wide), as dedicated on the record plat of "Bella Vista Plat One", as recorded in Plat Book 44, Pages 307-310 of the St. Charles County Records; thence along the said South right-of-way line of Queensbrook Boulevard, South 88 degrees 48 minutes 21 seconds East 411.58 feet and along a curve to the right whose chord bears South 43 degrees 25 minutes 02 seconds East 35.59 feet and whose radius point bears South 01 degrees 11 minutes 39 seconds West 25.00 feet from the last mentioned point, an arc distance of 39.61 feet to the intersection with the West right-of-way line of Terrasini Drive, (65' Wide) as dedicated on the record plat of "Bella Vista Plat One", as recorded in Plat Book 44, Pages 307-310 of the St. Charles County Records; thence along the said East right-of-way line of Terrasini Drive the following courses and distances; South 01 degrees 58 minutes 17 seconds West 240.39 feet; along a curve to the left whose chord bears South 03 degrees 39 minutes 41 seconds East 141.03 feet and whose radius point bears South 87 degrees 05 minutes 07 seconds East 615.73 feet from the last mentioned point, an arc distance of 141.34 feet; South 11 degrees 19 minutes 33 seconds East 26.66 feet; and along a curve to the right whose chord bears South 33 degrees 40 minutes 07 seconds West 67.88 feet and whose radius point bears South 78 degrees 40 minutes 27 seconds West 48.00 feet from the last mentioned point, an arc distance of 75.39 feet to the POINT OF BEGINNING, containing 5.452 acres according to calculations by Bax Engineering Company Inc., during December, 2009.

and

A tract of land being part of Fractional Section 10, Township 46 North , Range 4 East of the Fifth Principal Meridian, St. Charles County, Missouri, being more particularly described as follows:

Commencing at the intersection of the West line of property conveyed to Waterside Crossing Homeowners Association by deed recorded in Book 4161, Page 2317 of the St. Charles County Records, with the North line of Missouri State Route 364, said point being 164.04

perpendicularly distant North of Missouri State Road 364 centerline Station 20+383.16 (meters); thence along the said North line the following courses and distances; South 78 degrees 39 minutes 47 seconds West 1019.61 feet, said point being 164.04 feet perpendicularly distant North of Missouri State Road 364 centerline Station 20+72.38 (meters); thence South 83 degrees 07 minutes 46 seconds West 56.58 feet, said point being 165.31 feet perpendicularly distant North of Missouri State Road 364 centerline Station 20+54.93 (meters); to the intersection with the East line of property conveyed to Norman F. and Virginia L. Lienmann by deed recorded in Book 725, page 1068 of the St. Charles County records; thence along the East line of the Lienmann property, North 02 degrees 44 minutes 09 seconds East 645.86 feet to the ACTUAL POINT OF BEGINNING of the tract of land herein described; thence continuing along the East line of said Lienmann property, North 02 degrees 44 minutes 09 seconds East 312.66 feet to a point on the South line of "Bella Vista Plat Two", as recorded in Plat Book 44, pages 334-335 of the St. Charles County Records; thence along said South line of "Bella Vista Plat Two" and the South line of "Bella Vista Plat One", as recorded in Plat Book 44, Pages 307-310 of the St. Charles County Records, South 88 degrees 01 minutes 44 seconds East 439.34 feet to the intersection of the West Right-of-way line of Terrasini Drive (65' Wide), as dedicated on the record plat of "Bella Vista Plat One", as recorded in Plat Book 44, Pages 307-310 of the St. Charles County Records; thence along the said West right-of-way line of Terrasini Drive the following courses and distances; South 01 degrees 58 minutes 17 seconds West 26.72 feet, South 04 degrees 15 minutes 43 seconds West 188.17 feet and South 02 degrees 03 minutes 46 seconds West 67.35 feet to the intersection with the North Right-of-way line of Queensbrook Boulevard (65' Wide), as dedicated on the record plat of "Bella Vista Plat One", as recorded in Plat Book 44, Pages 307-310 of the St. Charles County Records; thence along the said North right-of-way line of Queensbrook Boulevard the following courses and distances; along a curve to the right whose chord bears South 46 degrees 37 minutes 42 seconds West 35.09 feet and whose radius point bears North 87 degrees 56 minutes 14 seconds West 25.00 feet from the last mentioned point, an arc distance of 38.89 feet; and North 88 degrees 48 minutes 21 seconds West 411.26 feet to the POINT OF BEGINNING, containing 3.102 acres according to calculations by Bax Engineering Company Inc., during December, 2009.

and

A tract of land being part of Fractional Section 10, Township 46 North , Range 4 East of the Fifth Principal Meridian, St. Charles County, Missouri, being more particularly described as follows:

Commencing at the intersection of the West line of property conveyed to Waterside Crossing Homeowners Association by deed recorded in Book 4161, Page 2317 of the St. Charles County Records, with the North line of Missouri State Route 364, said point being 164.04 perpendicularly distant North of Missouri State Road 364 centerline Station 20+383.16 (meters); thence along the said North line the following courses and distances; South 78 degrees 39 minutes 47 seconds West 1019.61 feet, said point being 164.04 feet perpendicularly distant North of Missouri State Road 364 centerline Station 20+72.38 (meters); thence South 83 degrees

07 minutes 46 seconds West 56.58 feet, said point being 165.31 feet perpendicularly distant North of Missouri State Road 364 centerline Station 20+54.93 (meters); to the intersection with the East line of property conveyed to Norman F. and Virginia L. Lienmann by deed recorded in Book 725, page 1068 of the St. Charles County records; thence along the East line of the Lienmann property, North 02 degrees 44 minutes 09 seconds East 958.51 feet to a point on the South line of "Bella Vista Plat Two", as recorded in Plat Book 44, pages 334-335 of the St. Charles County Records; thence along said South line of "Bella Vista Plat Two" and thence continuing along the South line of "Bella Vista Plat One", as recorded in Plat Book 44, Pages 307-310 of the St. Charles County Records, South 88 degrees 01 minutes 44 seconds East 489.34 feet to the ACTUAL POINT OF BEGINNING of the tract of land herein described; thence continuing along the South line of "Bella Vista Plat One", as recorded in Plat Book 44, Pages 307-310 of the St. Charles County Records, South 88 degrees 01 minutes 44 seconds East 467.73 feet to a point on the West line of "Waterside Crossing" as recorded in Plat Book 42, Pages 91-92 of the St. Charles County Records; thence along the said West line of "Waterside Crossing", South 04 degrees 16 minutes 34 seconds East 302.39 feet to the intersection with the North Right-of-way line of Hemsath Way (50' Wide); thence along the said North Right-of-way line of Hemsath Way, the following courses and distances; South 85 degrees 43 minutes 26 seconds West 35.93 feet; along a curve to the right whose chord bears South 88 degrees 27 minutes 32 seconds West 54.87 feet and whose radius point bears North 04 degrees 16 minutes 34 seconds West 575.00 feet from the last mentioned point, an arc distances of 54.89 feet; North 88 degrees 48 minutes 22 seconds West 377.09 feet; and along a curve to the right whose chord bears North 43 degrees 30 minutes 51 seconds West 35.53 feet and whose radius point bears North 01 degrees 11 minutes 38 seconds East 25.00 feet from the last mentioned point, an arc distance of 39.52 feet to the intersection with the East Right-of-way line of Terrasini Drive (65' Wide), as dedicated on the record plat of "Bella Vista Plat One", as recorded in Plat Book 44, Pages 307-310 of the St. Charles County Records; thence along the said East right-of-way line of Terrasini Drive the following courses and distances; North 01 degrees 46 minutes 40 seconds East 73.84 feet; North 00 degrees 19 minutes 09 seconds West 187.66 feet; and North 01 degrees 58 minutes 17 seconds East 26.72 feet to the POINT OF BEGINNING, containing 3.408 acres according to calculations by Bax Engineering Company Inc., during December, 2009.

**EXHIBIT B**  
**DEVELOPMENT PLAN**  
 (as prepared by Bax Engineering)



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ACCEPTING FOR MAINTENANCE THE DEDICATION OF A STREET AND ROADWAY EASEMENT, STREET LIGHTS, STREET SIGNS, SIDEWALKS AND A CERTAIN SECTION OF STORM SEWER SYSTEM LOCATED WITHIN A ROADWAY MAINTENANCE & UTILITY EASEMENT PLAT FOR ST. PETERS COMMERCIAL PARK (LEGACY II VENTURES, INC., MEXICO ROAD CENTRE L.L.C., QUINPAC, LLC, AND SPENCER CROSSING PARTNERS, L.L.C.)

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

SECTION 1. The City of St. Peters, Missouri, does hereby accept for maintenance a street and roadway easement located in A Roadway Maintenance & Utility Easement Plat For St. Peters Commercial Park, a plat filed for record in Plat Book \_\_\_\_, Page \_\_\_\_ in the office of the Recorder of Deeds of St. Charles County, Missouri, and as identified in the Instrument of Dedication of Improvements marked as Exhibit "A", in substantially the form attached hereto and made a part hereof, to wit:

Mexico Court (50' wide); and

SECTION 2. The City of St. Peters, Missouri, does hereby also accept for maintenance as part of the public street and roadway system of the City of St. Peters, Missouri, street lights, street signs, and sidewalks located within a Roadway Maintenance & Utility Easement identified in said Exhibit "A."

SECTION 3. The City of St. Peters, Missouri, does hereby also accept for maintenance as part of the storm sewer system of said City, a certain section of storm sewer located within a Roadway Maintenance & Utility Easement identified in said Exhibit "A", to wit:

34 feet of 24" RCP from and including structure number 7270CI1342 to and including structure number 7270CI1343

SECTION 4. That said street and roadway easement identified in SECTION 1. of this Ordinance, the street lights, street signs and sidewalks identified in SECTION 2. of this Ordinance, and said certain section of storm sewer identified in SECTION 3. of this Ordinance shall, from and after the recording of said Instrument of Dedication of Improvements, become part of the public street and roadway and the storm sewer systems of said City in perpetuity. LEGACY II VENTURES, INC., MEXICO ROAD CENTRE L.L.C., QuinPAC, LLC and

Spencer Crossing Partners, L.L.C. are hereby relieved of maintenance of said street and roadway easement, street lights, street signs, sidewalks, a said certain section of storm sewer line.

SECTION 5. The Mayor of the City of St. Peters, Missouri, be and is hereby authorized to execute said Instrument of Dedication of Improvements which is by and among LEGACY II VENTURES, INC., MEXICO ROAD CENTRE L.L.C., QuinPAC, LLC and Spencer Crossing Partners, L.L.C. and the City of St. Peters, Missouri, and the Clerk of the City of St. Peters, Missouri is hereby authorized to affix the seal of the City to said Instrument of Dedication of Improvements and directed to cause said document to be recorded in the office of the Recorder of Deeds of St. Charles County, Missouri.

SECTION 6. 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 7. 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 8. 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 15<sup>th</sup> day of December, 2016.

---

As Presiding Officer and as Mayor  
Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

Approved this 15<sup>th</sup> day of December, 2016.

\_\_\_\_\_  
Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

DRAFT

Exhibit A

**INSTRUMENT OF DEDICATION OF IMPROVEMENTS**

*This instrument*, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and among, **LEGACY II VENTURES, INC.**, a Missouri corporation, whose mailing address is 2500 S. Old Highway 94, Suite 200, St. Charles, Missouri 63303; **MEXICO ROAD CENTRE L.L.C.**, a Missouri limited liability company, whose mailing address is 530 Salt River Road, St. Peters, Missouri 63376; **QuinPAC, LLC**, a Missouri limited liability corporation, whose mailing address is 115 Mexico Court, Suite D, St. Peters, Missouri 63376; and **Spencer Crossing Partners, L.L.C.**, whose mailing address is 2500 S. Old Highway 94, Suite 200, St. Charles, Missouri 63303, their successors and assigns, hereinafter referred to as GRANTOR, and the CITY OF ST. PETERS, MISSOURI, a Missouri municipal corporation, its grantors and assigns, whose address is #1 St. Peters Centre Blvd., St. Peters, Missouri 63376 hereinafter referred to as GRANTEE.

WHEREAS, GRANTOR did on the \_\_\_\_\_ day of December, 2016, file a record in the office of the Recorder of Deeds for St. Charles County, Missouri, a certain plat, the same being the plat of A Roadway Maintenance & Utility Easement Plat For St. Peters Commercial Park, which plat was recorded in Plat Book \_\_\_\_ Page(s) \_\_\_\_\_; and

WHEREAS, said A Roadway Maintenance & Utility Easement Plat For St. Peters Commercial Park, contains a street and roadway easement, to-wit:

Mexico Court (50' wide)

WHEREAS, by virtue of said A Roadway Maintenance & Utility Easement Plat For St. Peters Commercial Park and recording thereof in the recitals contained on said Plat, GRANTOR intends that the street and roadway easement identified on said Plat become a public street and roadway easement; and

WHEREAS, GRANTOR has constructed street lights, street signs and sidewalks, and said improvements have been constructed according to the City of St. Peters standards for same, and said improvements have been located within the roadway maintenance easement contained in said A Roadway Maintenance & Utility Easement Plat For St. Peters Commercial Park; and

WHEREAS, GRANTOR has constructed a storm sewer system within A Roadway Maintenance & Utility Easement Plat for St. Peters Commercial Park, and said system was constructed according to the City of St. Peters standards for same, and a certain section of said system is located in a roadway maintenance and utility easement in said Plat; and

WHEREAS, GRANTOR intends that the street lights, street signs and sidewalks so constructed become a part of the public streets and roadway system of the City of St. Peters, Missouri; and

WHEREAS, GRANTOR intends that that a certain section of the storm sewer system, to wit:

34 feet of 24" RCP from and including structure number 7270CI1342 to and including structure number 7270CI1343,

become part of the storm sewer system of the City of St. Peters, Missouri; and

NOW THEREFORE, GRANTOR does hereby dedicate the said street and roadway easement, to-wit:

Mexico Court (50' wide)

to become and hereafter to perpetually remain public streets and roadways of the City of St. Peters, Missouri.

GRANTOR, being the owner of all street lights, street signs and sidewalks, does hereby dedicate all street lights, street signs and sidewalks within A Roadway Maintenance & Utility Easement Plat for St. Peters Commercial Park to the City of St. Peters, Missouri, and the same shall become a part of the public street and roadway system of said City in perpetuity.

WHEREAS, GRANTOR, being the owner of the storm sewer located within and connected with A Roadway Maintenance & Utility Easement Plat for St. Peters Commercial Park, does hereby dedicate the following certain storm sewer section contained within the street and roadway easement contained in said Plat, to wit:

34 feet of 24" RCP from and including structure number 7270CI1342 to and including structure number 7270CI1343

To the City of St. Peters, Missouri, and the same shall become part of the storm sewer system of said City in perpetuity.

The City of St. Peters, Missouri does hereby accept the aforesaid streets, street lights, street signs, sidewalks and a certain section of storm sewer, as a part of the public streets and roadway and storm sewer systems of said City in perpetuity.

IN WITNESS WHEREOF, the said GRANTOR and GRANTEE have executed these presents the day and year first above written.

**GRANTOR:**

**LEGACY II VENTURES, INC.**  
a Missouri corporation

By Kelley Barbee  
Kelly Barbee, President  
Kelley

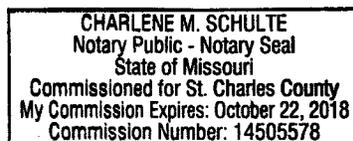
STATE OF MISSOURI )  
COUNTY OF St. Charles )ss.

On this 14 day of November, 2016, before me personally appeared <sup>Kelley</sup>~~KELLY~~ BARBEE, who, being by me duly sworn, did state that he/she is the President of LEGACY II VENTURES, INC., a Missouri corporation, and that said instrument was signed on behalf of said corporation, by authority of its Board of Directors, and said KELLY BARBEE 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 aforesaid, the day and year first above written.

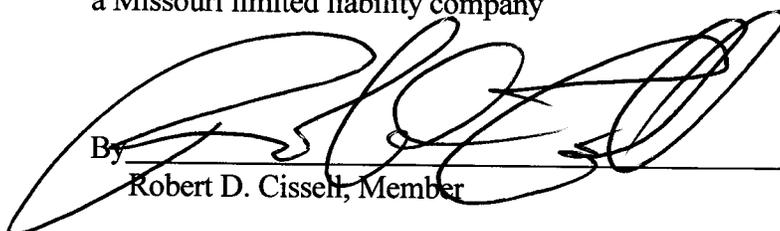
Charlene M. Schulte  
Notary Public

My Commission Expires:



**GRANTOR:**

**MEXICO ROAD CENTRE, L.L.C.**  
a Missouri limited liability company

By   
Robert D. Cissell, Member

STATE OF MISSOURI )  
COUNTY OF St. Charles )ss.

On this 21<sup>st</sup> day of November, 2016, before me personally appeared ROBERT D. CISSELL, of MEXICO ROAD CENTRE, L.L.C., known to me to be the person who executed the within Instrument of Dedication of Improvements in behalf of said limited liability company 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 aforesaid, the day and year first above written.

  
Notary Public

My Commission Expires: 7/1/2017

AMBER M. BRADFORD  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for St. Charles County  
My Commission Expires: July 01, 2017  
Commission Number: 13400466

**GRANTOR:**

**QuinPAC, LLC**

a Missouri limited liability company

By Angela A. Stauder  
Angela A. Stauder, Managing Member

STATE OF MISSOURI )  
 )ss.  
COUNTY OF Missouri )

On this 18<sup>th</sup> day of November, 2016, before me personally appeared ANGELA A. STAUDER, of QuinPAC, LLC, known to me to be the person who executed the within Instrument of Dedication of Improvements in behalf of said limited liability company and acknowledged to me that she 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 aforesaid, the day and year first above written.

Barbara J. Thebeau  
Notary Public

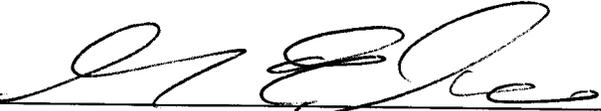
My Commission Expires:



BARBARA J. THEBEAU  
My Commission Expires  
November 8, 2017  
St. Charles County  
Commission #13524878

**GRANTOR:**

**Spencer Crossing Partners, L.L.C.**  
a Missouri limited liability company

By   
Gerald E. Scheidegger, Managing Member

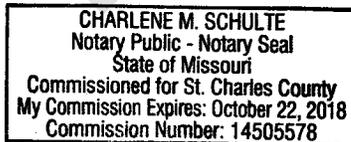
STATE OF MISSOURI )  
COUNTY OF St. Charles )ss.

On this 14 day of November, 2016, before me personally appeared GERALD E. SCHEIDEGGER, of Spencer Crossing Partners, L.L.C., known to me to be the person who executed the within Instrument of Dedication of Improvements in behalf of said limited liability company 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 aforesaid, the day and year first above written.

  
Notary Public

My Commission Expires:



**GRANTEE:**

City of St. Peters  
a Missouri municipal corporation

SEAL

\_\_\_\_\_  
Russell W. Batzel, City Administrator

STATE OF MISSOURI            }  
  )ss.  
COUNTRY OF ST. CHARLES    }

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me appeared, Russell W. Batzel, who being by me duly sworn, did say that he is the City Administrator of the City of St. Peters, Missouri, a Municipal corporation of the State of Missouri, that the seal affixed to the foregoing instrument is the seal of said City, that said instrument was signed and sealed in behalf of said City, by authority of its Board of Aldermen; and, that said City Administrator acknowledged said instrument to be the 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:

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS, MISSOURI TO ENTER INTO AN AGREEMENT WITH MISSISSIPPI LIME COMPANY FOR THE PURCHASE OF ROTARY HYDRATED LIME

WHEREAS, the City of St. Peters uses rotary hydrated lime as the primary component for the softening process of treated water; and

WHEREAS, Mississippi Lime Company is a single source for rotary hydrated lime in bulk quantities in this region; and

WHEREAS, the quantity of lime is undetermined, and based on need; and

WHEREAS, the cost of the projected quantities needed through December 31, 2017, will exceed \$100,000.

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 issue a blanket purchase order with Mississippi Lime Company for the purchase of approximately 1,400 tons of rotary hydrated lime, at \$175.00 per ton, in an initial amount of \$245,000.00.

SECTION 2. The City Administrator be and he is hereby authorized to negotiate, execute and administer said purchase order 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 (2) times, passed and approved this 15<sup>th</sup> day of December, 2016.

\_\_\_\_\_  
As Presiding Officer and as Mayor  
Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

Approved this 15<sup>th</sup> day of December, 2016.

\_\_\_\_\_  
Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE RATIFYING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH MID RIVERS INVESTMENT PARTNERS, LLC, AND, UPON ITS FORMATION, THE SHOPPES AT MID RIVERS COMMUNITY IMPROVEMENT DISTRICT**

**WHEREAS**, on June 23, 2016, the Board of Aldermen adopted Ordinance No. 6548 authorizing the execution of a redevelopment agreement (the “Redevelopment Agreement”) among the City, Mid Rivers Investment Partners, LLC (the “Developer”), and, upon its formation, the Shoppes at Mid Rivers Community Improvement District (the “District”); and

**WHEREAS**, Section 4 of Ordinance No. 6548 required the execution of the Redevelopment Agreement by the Developer within 30 days after passage of the Ordinance; and

**WHEREAS**, the Developer executed the Redevelopment Agreement more than 30 days after passage of Ordinance No. 6548; and

**WHEREAS**, the Board of Aldermen desires to ratify the Developer’s and the City’s prior execution of the Redevelopment Agreement;

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

**SECTION 1.** The Redevelopment Agreement dated as of July 29, 2016, previously executed by the City and the Developer, is hereby ratified and affirmed. Notwithstanding the provisions of Section 4 of Ordinance No. 6548, the City, the Developer and the District shall have all rights and obligations set forth in the Redevelopment Agreement.

**SECTION 2.** The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of the Ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the Board of Aldermen has enacted the valid portions without the void ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

**SECTION 3.** This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Read two times, passed, and approved this 15th day of December, 2016.

\_\_\_\_\_  
As Presiding Officer and as Mayor  
Len Pagano, Mayor

(SEAL)

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

Approved this 15<sup>th</sup> day of December, 2016.

\_\_\_\_\_  
Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

ORDINANCE NO.

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS, MISSOURI, TO ISSUE A PURCHASE ORDER FOR THE PROCUREMENT OF MICROSOFT OFFICE 2016 LICENSES FOR CITY COMPUTERS FROM SHI INTERNATIONAL CORPORATION

WHEREAS, the City of St. Peters IT staff met with three consulting firms in November 2015 to determine options for further securing our network from outside attacks which included the recommendation to upgrade our current version of Microsoft Office 2007 to Office 2016; and

WHEREAS, the City approved \$127,075 in the FY17 Budget for the acquisition of Microsoft Office 2016 software licenses for all city computers; and

WHEREAS, public bids were solicited from over 100 vendors from our bidders list as well as advertising publically for 10 days; and

WHEREAS, Shi International Corporation, Somerset, NJ, was the lowest bidder.

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

**SECTION NO. 1.** That the City Administrator of the City of St. Peters, Missouri, be and he is hereby authorized, empowered and directed to issue a purchase order for Microsoft Office 2016 software licenses for all city computers from Shi International Corporation in the initial amount of \$111,860.00. Upon approval of the City Administrator, the initial contract amount shall be adjusted as necessary based on the final measured quantities purchased at the unit prices bid in the contract.

**SECTION NO. 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 NO.3.** Effective Date.

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

**SECTION NO.4.** 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 NO. 5. 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.

Read two (2) times, passed, and approved this 15<sup>th</sup> day of December, 2016.

\_\_\_\_\_  
As Presiding Officer and as Mayor  
Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

Approved this 15<sup>th</sup> day of December, 2016.

\_\_\_\_\_  
Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

No.

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS, MISSOURI TO NEGOTIATE AND EXECUTE A CONTRACT WITH FGM ARCHITECTS INCORPORATED FOR PROFESSIONAL DESIGN SERVICES FOR A NEW CLUBHOUSE AND BANQUET FACILITY AT ST. PETERS GOLF COURSE

WHEREAS, the City of St. Peters desires to improve and expand its Golf Course facilities; and

WHEREAS, the City of St. Peters finds it's necessary to enter into a contract for professional design services for this project; and

WHEREAS, funds have been appropriated by the Board of Aldermen for the completion of this project; and

WHEREAS, the City has solicited and received design proposals from eight (8) firms for the work, and evaluated the merits of each proposal; and

WHEREAS, it is recommended that the firm of FGM Architects Incorporated perform the required design services.

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 negotiate and execute a professional design services agreement with FGM Architects Incorporated, in an amount not to exceed \$653,785 for the Golf Course Clubhouse and Banquet Center Project.

SECTION 2. The City Administrator be and he is hereby authorized to negotiate, execute and administer said agreement 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 15<sup>th</sup> day of December, 2016.

\_\_\_\_\_  
As Presiding Officer and as Mayor  
Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

Approved this 15<sup>th</sup> day of December, 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 KENNELING AGREEMENT WITH ST. CHARLES COUNTY, MISSOURI

WHEREAS, Section 70.220 R.S.Mo., as amended, provides that any municipality or political subdivision of this state, as herein defined, may contract and cooperate with any other municipality or political subdivision, or with an elective or appointive official thereof, or with a duly authorized agency of the United States, or of this state, or with other states or their municipalities or political subdivisions, or with any private person, firm, association or corporation, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service; provided, that the subject and purposes of any such contract or cooperative action made and entered into by such municipality or political subdivision shall be within the scope of the powers of such municipality or political subdivision; and

WHEREAS, the effective control of animals within the County is essential to the protection of the public’s health and safety; and

WHEREAS, the City wishes to continue to utilize the County’s animal kenneling facility known as the Pet Adoption Center; and

WHEREAS, the City finds that is in the public interest to amend certain Sections of Chapter 205: Animal Regulations; and

WHEREAS, City officials are charged to protect the interest of the Community regarding public safety and enforcement of the Animal Regulations; and

WHEREAS, municipalities contracting for kennel services with St. Charles County may adopt portions of Chapter 205, Ordinances of St. Charles County, Missouri.

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

**SECTION 1. Kenneling Agreement**

- A. That the City Administrator of the City of St. Peters, Missouri is hereby authorized to enter into a Kenneling Agreement with St. Charles County, Missouri, in substantially the form attached hereto, and incorporated by reference herein.
- B. That the terms and provisions of the Kenneling Agreement attached hereto, and incorporated by reference herein, and Exhibits A, B, C and D set forth in the Kenneling Agreement, be and they hereby are, in all aspects approved, and that the City Administrator is hereby authorized, empowered and directed to further negotiate, execute, and acknowledge, deliver and administer on behalf of the City said Kenneling Agreement in substantially the form attached hereto.
- C. That the City Administrator is hereby further authorized and directed for and on behalf of and in the name of the City to agree to do any and all other acts and things and to execute and deliver

No.

any and all other agreements, documents, and programs, including adopting changes to Chapter 205: Animal Regulations in the St. Peters City Code, and the Outline for Feral Cat Program, all as may be necessary or appropriate to consummate the above mentioned Kenneling Agreement, and to perform all of the terms, provisions and conditions of the Kenneling Agreement.

**SECTION 2. Effective Date.** This Ordinance shall be in full force and take effect from and after the date of its final passage and approval.

**SECTION 3. 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 4. 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 Alderman that it would have enacted this Ordinance without the valid or enforceable 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.

Read two times, passed, and approved this 15th day of December, 2016.

---

As Presiding Officer and as Mayor  
Len Pagano, Mayor

Attest:

---

Patricia E. Smith, City Clerk

Approved this 15<sup>th</sup> day of December, 2016.

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Len Pagano, Mayor

Attest:

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Patricia E. Smith, City Clerk

## **AGREEMENT TO PROVIDE KENNEL SERVICES**

This Agreement to Provide Kennel Services (the "Agreement") is made and entered into as of the date of the last signature below, by and between ST. CHARLES COUNTY, MISSOURI (hereinafter "COUNTY") and the CITY OF ST. PETERS, MISSOURI, a municipal corporation (hereinafter "MUNICIPALITY"), upon the following terms and conditions:

### **ARTICLE ONE - KENNEL SERVICES**

A. In consideration of the MUNICIPALITY'S covenants hereinafter expressed, the COUNTY agrees to provide "kennel services" to consist of canine and feline boarding services to the MUNICIPALITY, subject to the provisions of this Agreement.

B. The MUNICIPALITY agrees:

1. To adopt relevant portions of the COUNTY'S Animal Control Ordinance as provided in Article Two of this Agreement.

2. To adopt the COUNTY'S fees for services as set forth in the Ordinances of St. Charles County ("OSCCMo") § 205.240, for the purpose of collection by the County from citizens of MUNICIPALITY using those certain services performed pursuant to the Animal Control Ordinance to be adopted as set forth in subsection 1. above and in Article Two of this Agreement.

3. The COUNTY shall collect and retain one hundred (100%) percent of all fees duly adopted by MUNICIPALITY on behalf of COUNTY pursuant to Article Two, including, but not limited to, kennel boarding fees, adoption fees, disposal fees, drop-off fees, euthanasia fees, spay/neuter fees, surrender fees, quarantine/difficult animal boarding fees, and microchip fees.

4. The Director of COUNTY'S Division of Humane Services shall have sole discretion in any and all decisions related to care and/or disposition of all animals kenneled or boarded pursuant to this Agreement.

5. The MUNICIPALITY shall retain one hundred (100%) percent of all fees or fines it may duly adopt or impose in addition to the COUNTY fee schedule adopted by MUNICIPALITY pursuant to Article Two for kennel or animal boarding related services. COUNTY shall NOT be responsible for the collection of any such additional fees or fines in excesses of the COUNTY'S fees for services performed under the Animal Control Ordinance.

6. The MUNICIPALITY shall adopt a feral cat program as provided for pursuant to OSCCMo § 205.225. Such a program shall be substantially in the form of the "Outline for Feral Cat Program" (attached hereto as Exhibit "C").

7. The MUNICIPALITY shall be allowed access to the COUNTY'S Pet Adoption Center ("Facility"), located at 4850 Mid Rivers Mall Drive, St. Peters, MO 63376, once per quarter, for the purpose of completing a walk through and inspection of the Facility. This walk through and inspection shall be scheduled at a time mutually agreed upon by the COUNTY and the MUNICIPALITY.

8. The COUNTY shall record and report to the MUNICIPALITY on a monthly basis, the date each animal arrived at the Facility from within the MUNICIPALITY, the animal's species,

the animal's sex, the animal's breed (if known), a brief description of the animal's color, the animal's microchip number (if applicable), the MUNICIPALITY'S case number, and the date and disposition of the animal for all animals housed by the COUNTY pursuant to this Agreement. This report shall also include: Total number of canines and felines taken into custody on behalf of the MUNICIPALITY during the reporting month; Total number of canines and felines euthanized on behalf of the MUNICIPALITY during the reporting month; Total number of canines and felines held in COUNTY custody on behalf of the MUNICIPALITY adopted during the reporting month; Total number of canines and felines held in COUNTY custody on behalf of the MUNICIPALITY released to foster care during the reporting month; Total number of canines and felines held in COUNTY custody on behalf of the MUNICIPALITY released to animal rescue organizations during the reporting month; and, Total number of canines and felines held in the custody of the COUNTY, at the Facility, on behalf of the MUNICIPALITY at the time of the report. This report shall be provided to the MUNICIPALITY on or before the tenth day of the following month and may be transmitted electronically.

C. The COUNTY shall provide no further services related to or involving Animal Control and Enforcement other than the kennel and boarding services explicitly provide for herein.

## **ARTICLE TWO - PARTICULAR TERMS AND CONDITIONS**

A. The MUNICIPALITY shall adopt sections of the COUNTY'S Animal Regulations required for the performance of this Agreement. The sections to be adopted are set out as follows: Chapter 205, Ordinances of St. Charles County, Missouri, Article I: In General, Sections 205.010-205.020; Article III Registration and Impoundment, Sections 205.110- 205.147; Article V: Additional Services provided by the Division of Humane Services, Sections 205.220-205.225 and 205.235; and, Article VI: Fees, Penalties and Enforcement: Section 240 (attached hereto as Exhibit "A").

B. The MUNICIPALITY shall adopt the COUNTY'S animal regulations authorizing the COUNTY'S Department of Public Health to collect fees for services under Article VI, Section 205.240, OSCCMo (attached hereto as Exhibit "B").

C. The MUNICIPALITY is expected to adopt any amendments to Chapter 205, Ordinances of St. Charles County, Missouri, Article I: In General, Sections 205.010-205.020; Article III Registration and Impoundment, Sections 205.110-205.147; Article V: Additional Services provided by the Division of Humane Services, Sections 205.220-205.225 and 205.235; and Article VI: Fees, Penalties and Enforcement: Section 240 that the COUNTY may enact in the future. Should the MUNICIPALITY fail or refuse to do so, COUNTY'S only remedy is to terminate this Agreement in accordance with the provisions of Article Five below.

D. The MUNICIPALITY shall adopt any amendments to the COUNTY'S regulations authorizing fees for services under Article VI, Section 205.240, OSCCMo, that the COUNTY may enact in the future, subject to the Constitution and laws of the State of Missouri. Should the MUNICIPALITY fail or refuse to do so, COUNTY'S only remedy is to terminate this Agreement in accordance with the provisions of Article Five below.

E. The MUNICIPALITY shall certify a copy of its action adopting Animal Regulations. OSCCMo, and any amendments to those regulations, to:

1. The St. Charles County Register; and
2. The COUNTY'S Department of Public Health.

F. The MUNICIPALITY may elect to NOT to adopt Sections 205.142: Procedures and Requirements for Declaring Dogs to be Dangerous and for Handling such Dogs, and 205.145 Control and Euthanasia of Dangerous Dogs by notifying the COUNTY, in writing, at the time this Agreement is executed that the MUNICIPALITY has elected not to adopt Section 205.142: Procedures and Requirements for Declaring Dogs to be Dangerous and for Handling such Dogs, and 205.145 Control and Euthanasia of Dangerous Dogs. Such writing shall be attached hereto as Exhibit "D" and is incorporated herein as part of this Agreement.

### **ARTICLE THREE - LIMITATIONS**

A. This Agreement is not assignable and is entered into solely for the benefit of the COUNTY and the MUNICIPALITY as provided herein, and not for the benefit of any third parties.

B. Nothing herein shall require the COUNTY to file any legal action in the enforcement of the regulations described herein.

### **ARTICLE FOUR - INDEMNIFICATION**

The MUNICIPALITY shall, as permitted by law and subject to the limitation on awards as published annually in the Missouri Register pursuant to Section 537.610, RSMo., as amended, indemnify, defend, protect and hold harmless the COUNTY from and against any loss, cost, claim, demand, damage and/or expense arising out of any demand, claim, suit or judgment for damages to property or injury to or death of persons, including the officers, agents and employees of COUNTY, and including payment under any workmen's compensation law, subject to the statutory limits as provided in Chapter 287, RSMo 2000, as amended or under any plan for employee's disability or death benefit, which may arise out of or be caused in whole or in part by the fault, failure, negligence or alleged negligence of the MUNICIPALITY, its agents, servants or employees in performing their obligations under this Agreement.

The COUNTY shall, as permitted by law and subject to the limitation on awards as published annually in the Missouri Register pursuant to Section 537.610, RSMo., as amended, indemnify, defend, protect and hold harmless the MUNICIPALITY from and against any loss, cost, claim, demand, damage and/or expense arising out of any demand, claim, suit or judgment for damages to property or injury to or death of persons, including the officers, agents and employees of MUNICIPALITY, and including payment under any workmen's compensation law, subject to the statutory limits as provided in Chapter 287, RSMo 2000, as amended or under any plan for employee's disability or death benefit, which may arise out of or be caused in whole or in part by the fault, failure, negligence or alleged negligence of the COUNTY, its agents, servants or employees in performing their obligations under this Agreement.

Anything to the contrary contained herein notwithstanding, no provision, term, or condition in this Agreement shall constitute, or be construed as, a waiver of the defenses of sovereign immunity, official immunity, or governmental immunity, by whatever name, as set forth in Section 537.600 RSMo. et. seq., for any monetary amount whatsoever, or of any other defenses, howsoever named, that are, or in the future may become, available to the MUNICIPALITY or COUNTY by statute or common law.

**ARTICLE FIVE - TERMINATION**

The initial term of this Agreement shall commence on January 1, 2017, and shall terminate on December 31, 2017. This Agreement shall automatically be renewed for additional one year terms on January 1 of each year, subject to the right of either party to terminate this Agreement at any time by giving forty-five (45) days prior written notice to the other party of its intention to terminate the Agreement delivered to the address shown each party's signature.

CITY OF ST. PETERS, MISSOURI  
P.O. Box 9  
St. Peters, Missouri 63376

ST. CHARLES COUNTY, MISSOURI  
100 North Third Street, Suite 216  
St. Charles, Missouri 63301

By: \_\_\_\_\_

Len Pagano, Mayor

By: \_\_\_\_\_

Steve Ehlmann, County Executive

ATTEST:

\_\_\_\_\_

City Clerk

\_\_\_\_\_

Date

ATTEST:

\_\_\_\_\_

County Register

\_\_\_\_\_

Date

CITY OF ST PETERS, MISSOURI  
PO Box 9  
St. Peters, Missouri 63376

ST CHARLES COUNTY, MISSOURI  
100 North Third Street, Suite 216  
St Charles, Missouri 63301

\_\_\_\_\_  
Russ Batzel, City Administrator

\_\_\_\_\_  
Steve Ehlmann, County Executive

ATTEST:

\_\_\_\_\_

City Clerk

\_\_\_\_\_

Date

ATTEST:

\_\_\_\_\_

County Register

\_\_\_\_\_

Date

## Exhibit A

### CHAPTER 205

#### ARTICLE I. IN GENERAL

##### SECTION 205.010: DEFINITIONS

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

**ADEQUATE CARE:** Normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health, in a specific species of animal.

**ADEQUATE CONTROL:** Reasonable restraint sufficient to prevent an animal from running at large, or from injuring itself, or from any person, or any other animal, or from damaging any property.

**ADEQUATE SHELTER:** Structurally sound, properly ventilated and weatherproofed housing which is large enough to let the animal housed in it stand up, turn around, and lie down; is equipped with bedding that will not absorb water and/or freeze; and will not exacerbate existing weather conditions by, for example, absorbing heat on hot sunny days.

**ADULT CAT:** Any domestic member of the felis catus family over the age of six (6) months.

**ADULT DOG:** Any domestic member of the canis familiaris family over the age of six (6) months.

**ANIMAL:** Any living vertebrate except human.

**AT LARGE:** Off the premises of the owner, or of anyone having care, custody, or control and not under the adequate control of the owner or of anyone having care custody or control. At Large shall not include any dog or puppy lawfully off-leashes in a designated off-leash animal park.

**BOARDING KENNEL:** A place or establishment other than a pound where animals not owned by the proprietor are sheltered, fed and watered for a fee.

**BREEDING KENNEL:** A place or establishment maintaining five (5) or more female cats or dogs as breeding stock.

**COMMUNITY CAT:** A cat that is un-owned, free roaming, stray, lost or an abandoned former pet living in the wild that may or may not be feral or socialized.

**COMPENDIUM:** The current Compendium of Animal Rabies Control issued by the National Association of State Public Health Veterinarians, Inc.

**COMPETENT PERSON:** Any person, regardless of age, who has custody of the animal in question or is capable of controlling and governing the animal in question whose commands the animal is obedient.

**DANGEROUS DOG:** Any dog with the following characteristics:

1. Any dog which has inflicted a severe or fatal injury on a human, whether upon public or private property, provided that the Division has a signed physician's statement documenting the injury and its treatment, and qualifying the injury as a severe or fatal injury.
2. Any dog declared by the Director to be dangerous pursuant to Section 205.142(C) and (D) of this Chapter or lawfully declared dangerous by a city of municipality within the County.

**DEALER:** Any person, group of persons or corporation engaged in selling or donating dogs, cats or other small animals to other dealers, or to kennels, pet shops or research facilities.

**DIRECTOR:** The Director of the Division of Humane Services or any person or agent employed or designated by the Director.

**DOMESTICATED ANIMAL:** Any animal, including but not limited to a cat, dog, kitten or puppy, that has been tamed and kept by humans primarily for labor, food or for human companionship. Domesticated Animal shall not include fish or any of the following caged animals: birds, reptiles, amphibians, other small mammals weighing less than 6 pounds, or Exotic/Dangerous Animals.

**EXOTIC/DANGEROUS ANIMAL:** Any animal not indigenous to the United States and/or not normally kept as a pet including but not limited to non-human primates, alligators, large carnivores, deadly or poisonous animals, wolves, coyotes or any animal bred with a wolf or coyote.

**EXPOSED TO RABIES:** Any animal, whether licensed and vaccinated for rabies or not, which has been bitten by or has been fighting with, or has consorted with an animal known to have rabies or showing symptoms of rabies.

**FERAL CAT:** A domestic cat born in the wild or that has reverted back to a wild state and is not tame or socialized.

**FERAL CAT PROGRAM:** Any program adopted as provided for in Ordinance of St. Charles County Section 205.225 or approved by the Director of the Division of Humane Services.

**GROOMING SHOP OR PARLOR:** Any establishment or place where animals are bathed and/or groomed for a fee.

**HARBOR:** To feed, shelter, or confine an animal.

**IMPOUND:** To apprehend, catch, trap, net or, if necessary, kill any animal by the Division of Humane Services of the County or its agent.

**IMPOUNDING FACILITIES:** Any premises designated by the County for the purpose of caring for animals impounded by the Division of Humane Services of the County or its agent.

**KENNEL:** Any person, group of persons or corporation engaged in buying, selling, breeding, or boarding dogs, cats or other small animals

**KITTEN:** Any domestic member of the felis catus family age of six (6) months or under.

**OWNER:** Any person with custody of an animal who purchased, was gifted or otherwise legally acquired such animal.

**PEN:** A secure enclosure primarily used for dogs with 4 sides, a top, and a lockable gate/door that is large enough to allow animals free movement while inside, protection from the elements and will prevent an animal from escaping or entering.

**PET SHOP:** Any commercial establishment where dogs, cats or other small animals are bought, sold, or exchanged.

**PUPPY:** Any domestic member of the canis familiaris family age of six (6) months or under.

**REGISTRATION-VACCINATION:** The procedure of vaccinating against the rabies virus and issuing a numbered tag and an identically numbered certificate of vaccination. The words "registration" and "vaccination" shall be interchangeable.

**SECURE FENCE:** Any fence or pen kept in good repair, constructed of wood, metal or plastic and built to prevent an animal from going over, under or through; and prevents the animal from putting his head or mouth through any opening.

**SEVERE OR FATAL ATTACK:** Any attack by a dog which causes a severe or fatal injury, or the death to a domestic animal.

**TAG:** Any object, which bears the number of a certificate of vaccination and which has been issued by the authority of the Division of Humane Services of the County.

**VETERINARIAN:** Any individual who is validly and currently licensed to practice veterinary medicine in Missouri as determined by the Missouri veterinary medical board in accordance with the requirements and provisions of Missouri Revised Statute Sections 340.200 to 340.298.

**WILD ANIMAL:** Any indigenous species of animal which is not normally domesticated in the United States and would normally live in the wild, irrespective of its actual state of domesticity, docility or tameness.

## SECTION 205.020: APPLICATION

This Chapter shall apply to the unincorporated area of the County, or to any cities or municipalities having adopted this chapter in whole or in part.

## ARTICLE III. REGISTRATION AND IMPOUNDING

### SECTION 205.110: REGISTRATION/ VACCINATION

- A. Every person who is responsible for any puppy or kitten shall have such puppy or kitten vaccinated by a veterinarian against rabies and registered as provided in this Article when or before the puppy or kitten reaches four (4) months of age, but not before it reaches three (3) months of age.
- B. Every cat, dog kitten and puppy shall be vaccinated by a veterinarian as indicated by the Compendium of Animal Rabies Control. No dog or cat shall be exempted from this Article due to advanced age.
- C. No veterinarian practicing in St. Charles County shall vaccinate a dog or cat without complying with the registration requirements of this Section within thirty (30) days of vaccination.
- D. The Division of Humane Services of the County shall prepare numbered tags and certificates of vaccination for distribution to veterinarians practicing within St. Charles County, and to veterinarians who practice outside the County but who vaccinate animals that are transported into the County.
- E. Each veterinarian practicing in St. Charles County shall order from the Division of Humane Services of the County a sufficient number of numbered tags and certificates of vaccination to assure that he will be able to discharge his duty to register and vaccinate a dog or cat under this Section.
- F. All veterinarians shall pay the Division of Humane Services of the County a fee to be set by the County Council for each numbered tag and certificate of vaccination ordered, payable either upon receipt of the tags and certificates ordered or within thirty (30) days of billing.
- G. Veterinarians may include the fee authorized by Subsection (F) of this Section in the amount charged clients for supplies and services in vaccinating a dog or cat.
- H. After vaccinating any dog or cat, the veterinarian shall complete a certificate of vaccination, assign it the number of a numbered tag, and deliver that tag and a copy of the certificate of vaccination to the vaccinated animal's owner and the St Charles County Division of Humane Services. It shall be the owner's duty to attach the tag to a collar or harness of the vaccinated animal and ensure that the animal wears its collar or harness when outside the owner's residence. Any dog or cat found at large without a tag may be deemed to be a stray animal and not vaccinated under this Section.

I. The Division of Humane Services shall collect its copies of completed certificates of vaccination and maintain cross files of the certificates by name of owner and by certificate number.

SECTION 205.120: ANIMALS IMPOUNDED--WHEN--WHERE KEPT

A. The Director of the Division of Humane Services of the County, or other persons designated by the Director, shall have the power to enter onto any lots or lands to impound the following animals:

1. All dogs outside while in estrus not securely confined in an enclosed pen;
2. All animals which are at large contrary to the requirements of Article II, Section 205.040, or which have been at large and are immediately pursued by an employee of the Division of Humane Services regardless of whether the animal is at large at the time it is apprehended;
3. All animals for which there is no competent person apparently responsible who can provide adequate care;
4. All animals exposed to rabies, whether or not at large, or on a leash, or confined to an owner's premises;
5. Any dog or cat which has not been vaccinated within seventy-two (72) hour period following release from any impounding facility;
6. Any dog or cat not vaccinated against the rabies virus;
7. Any animal that has bitten a person, or animal, or any animal that has lawfully been declared dangerous by the County or a city or municipality within the County;
8. Any animal whose owner has voluntarily and intentionally relinquished control to the Director;
9. Any cat, dog, kitten, or puppy not wearing a registration tag;
10. Any animal in imminent danger of death or in pain or suffering and the issues causing the imminent danger of death or pain and suffering is not being addressed by the owner or custodian of the animal;
11. Any animal that requires adequate care and the owner or anyone having care, custody or control has failed to provide such care after being notified by an animal control officer or law enforcement official;
12. Any animal in a residence or on a property that has been found unfit for

habitation;

13. Any animal in a residence or on the property where the owners or occupants have been evicted by a law enforcement agency;

14. Any animal in a residence or on the property where law enforcement has taken into custody the owner or occupant;

15. Animals tethered not in compliance with any part of Section: 205.034.

B. Any animal impounded pursuant to this Section shall be impounded in the St. Charles County Animal Control Shelter or elsewhere under the supervision of and in a manner satisfactory to the Director.

C. Any impounded animal bearing registration tags or bearing identification of ownership shall be held ten (10) days after the owner has been notified, unless it is claimed sooner by the owner. The Director shall make reasonable efforts within twenty-four (24) hours of impoundment to notify the owner, and, if unsuccessful, shall send the owner written notice by mail within forty-eight (48) hours of impoundment. The written notice shall include the date by which the owner must redeem the impounded animal, and state the fees payable pursuant to Sections 205.150 and 205.240 prior to release. Once written notice is sent, the impounded animal shall be held for ten (10) days from the date of mailing. Any impounded animal unclaimed after ten (10) days shall be placed for adoption or humanely destroyed. But no animal shall be placed for adoption if suspected of rabies, exposed to rabies, or known to have bitten any person.

D. If an impounded animal does not bear registration tags or identification of ownership, and is not diseased or disabled beyond reasonable recovery, that animal shall be held for five (5) consecutive business days. If unclaimed by its owner after five (5) days, that animal may be placed for adoption or humanely destroyed. But no animal shall be placed for adoption if suspected of being rabid, exposed to rabies, or known to have bitten any person or domestic animal.

E. The Director shall have discretion in the decision to treat or euthanize an animal, including but not limited to, feral cats or any diseased, disabled, sick or injured animal pursuant to procedures authorized, in writing, by the Director of Public Health.

#### SECTION 205.130 IMPOUNDING OF ANIMALS SUSPECTED OF OR EXPOSED TO RABIES

A. Any animal which exhibits objective symptoms suggestive of rabies, after written certification to the owner by the impounding officer or veterinarian or such other person designated by the County for enforcement of this Chapter, shall be impounded off the property of the owner. The animal shall be held for clinical observation for ten (10) days at the impounding facilities designated by the County and, if alive at the termination of this period, shall be returned to the owner after payment of the fees payable pursuant to Sections 205.150 and 205.240. As an

alternative procedure, the owner, at his own expense, may designate any veterinary hospital in the County or any boarding kennel licensed by the County wherein such animal is to be impounded and observed for a similar ten (10) day period. If such animal should die during the observation period, regardless of the location, the head shall be removed and submitted to a qualified laboratory for examination.

B. Any animal which has been exposed to rabies shall be immediately destroyed unless the owner, at his expense, chooses one (1) of the following alternative methods:

1. Strict isolation in a kennel or animal hospital for six (6) months.
2. Impounding and vaccination, if the animal is a cat, dog, kitten or puppy not immunized by any vaccine recommended by the Compendium within such vaccine's duration of immunity (as stated in the Compendium under booster recommendations).
3. Restraint by leash at owner's home and re-vaccination, if the animal is a cat, dog, kitten or puppy immunized by a vaccine recommended by the Compendium within such vaccine's duration of immunity (as stated in the Compendium under booster recommendations).

C. All other conditions of this Section and of Section 205.150 of this Article, must be fulfilled prior to the release of any animal suspected of or exposed to rabies and impounded for clinical observation.

#### SECTION 205.140: PROCEDURE FOLLOWING ANIMAL BITE

A. The owner of any cat, dog, kitten, or puppy which bites any person or animal, regardless of the circumstances or irrespective of whether such cat, dog, kitten, or puppy is vaccinated, shall place such cat or dog, kitten, or puppy in the custody of the Director for confinement in a manner satisfactory to the Director and in a manner that will prevent contact with people and other animals not already exposed for a period of not less than two hundred and forty (240) hours following the date of the bite, for the purpose of clinical observation. As set out in Section 205.141, during such confinement, the cat, dog, kitten, or puppy shall be permanently identified a microchip providing a permanent record of the identity of the animal. All expenses shall be borne by the owner of the cat, dog, kitten, or puppy as provided in Section 205.150 of this Article. If for any reason, such cat, dog, kitten, or puppy should die while in confinement, its head shall be removed and submitted to a qualified laboratory. If at the end of the period of observation such cat, dog, kitten, or puppy is alive and healthy, it may be released to its owner unless such cat or dog has been declared a dangerous animal and is subject to the provisions of Section 205.145 or subject to a contracting city's or municipality's ordinance authorizing humane euthanasia. An animal subject to Section 205.145 or subject to a contracting city's or municipality's ordinance authorizing humane euthanasia, shall be released or euthanized in conjunction with the provisions of those sections.

B. The Division of Humane Services is authorized to allow confinement in a manner other than as described in Subsection (A) of this Section when such animal will be controlled and observed in accordance with the owner's signed agreement. Preconditions for quarantine: the

animal does not have a recent history of being at large, the animal is not displaying a sudden change in disposition, and the owner has both the ability and desire to keep the animal in a secure building and separate from other animals. All expenses shall be borne by the owner of the cat, dog, kitten, or puppy as provided in Section 205.150 of this Article. Dogs and/or puppies shall be confined in one of the following manners: (a) complete indoor housing, (b) secure caging or a pen in an enclosure with a locked gate, or (c) yard confinement with secure perimeter fencing and locked gate. Cats and/or kittens shall be confined in one of the following manners: (a) complete indoor housing, or (b) caging in a secure enclosure. The animal's needs for ambient temperature control, water, nutrition, elimination, and space to comfortably stand up and lie down must be adequately provided by the selected confinement method. Should the animal exhibit neurologic signs, die, or disappear during the quarantine period, Humane Services shall be notified immediately.

C. All other conditions of this Section and of Section 205.150 must be fulfilled prior to the release of any animal impounded or confined for clinical observation as the result of biting a person.

D. It shall be the duty of a person bitten by any animal, or of the parent or guardian of a minor bitten by an animal, to report the bite to the Division of Humane Services immediately. Such report shall contain the name and address of the owner of the animal, the date and time of the bite, the place where the person was bitten, and a general description of the animal[-] and all circumstances pertaining to the bite.

E. All other animals subject to rabies shall be quarantined or euthanized and rabies tested in a Laboratory in accordance with the rabies compendium and Public Health Officials recommendations on a case by case basis.

#### SECTION 205.141: ANIMAL IDENTIFICATION

A. Any animal which is apprehended running at large or who has bitten a human being or animal shall be photographed and microchipped by the Director immediately after a bite or running at large incident or if the animal is impounded prior to its release.

B. The cost of such microchip shall be charged to the owner as a fee pursuant to Section 205.240.

C. If the animal is transferred to another owner, the previous owner shall, within ten (10) days of the transfer of ownership, inform the Director in writing of the name, address and telephone number of the new owner(s) of the animal. The previous owners shall notify the new owners in writing of the details of the animal's record, terms and conditions of maintenance, if any, and provide the Director with a copy of the notice and the new owners acknowledgment of receipt.

#### SECTION 205.142: PROCEDURES AND REQUIREMENTS FOR DECLARING DOGS, TO BE DANGEROUS AND FOR HANDLING SUCH DOGS, AFTER BITE INCIDENTS

A. Whenever the Director learns that a dog has bitten a human being or another domestic animal, the Director shall record the incident and determine whether the Division has records of prior incidents in which the dog in question has bitten human beings or domestic animals. The Director may consider information that the dog in question has bitten human beings or domestic animals in other Cities or Counties when that information is received in writing from the individual(s) responsible for animal control in that City or County.

B. If the Director finds no records of such prior incidents, and the Director determines that the bite was a provoked attack in which a human being or domestic animal has been injured and required medical care from a physician or veterinarian or was an unprovoked attack in which a human being or domestic animal was not injured and did not require medical care, the Director shall give the dog's owner an educational packet prepared by the Division stating the Division's procedures in bite cases and the Division's recommendations for animal care and for handling dogs that have bitten. If the Director determines that the bite was an unprovoked attack in which a human being or domestic animal has been injured and required medical care from a physician or veterinarian, the Director may, after considering all mitigating factors, declare the animal a dangerous dog and may utilize the procedures set out in Section 205.145. The Director's determination that the animal is a dangerous dog may be based on information that the dog in question has been declared a dangerous dog in another City or County when that information is received in writing from the individual(s) responsible for animal control in that City or County and when the criteria for determining the animal a dangerous dog in that City or County are substantially similar to the criteria set forth herein.

C. Regardless of whether the attack is provoked or unprovoked, where a bite occurred on the property of the owner of the dog under review, the Director may consider, as a mitigating factor in his/her decision whether to declare a dog to be dangerous, that the victim of the bite is an animal which intruded onto those premises. Where the victim of a bite which occurs on the premises of the owner is a human, the Director may only consider a provoked bite as a mitigating factor in his decision whether to declare a dog to be dangerous.

D. If the Director finds any record of one (1) such prior incident, including any one (1) such prior incident in another City or County, the Director shall:

1. Determine whether to declare the dog in question a dangerous dog after considering any or all of the following factors:
  - a. Whether the dog has killed a domestic animal, livestock or poultry without provocation while off the owner's property;
  - b. Whether the dog's owner owns or harbors the dog primarily or in part for the purpose of dog fighting, or has trained the dog for dog fighting;
  - c. Whether the dog has bitten a human being or domestic animal without provocation and off the premises of the dog's owner regardless of whether medical care was required;

- d. Whether the dog, while on the owner's premises, has bitten without provocation a human being other than the dog's owner, or a member of that owner's family normally residing where the dog is harbored;
  - e. Whether the dog, when unprovoked, has chased or approached a human being off the premises of the dog's owner and in a menacing fashion or apparent attitudes of attack, regardless of whether the human being is injured by the dog;
  - f. Whether the dog has a known propensity, tendency or disposition to make unprovoked attacks, to cause injury, or to otherwise threaten the safety of human beings or domestic animals;
  - g. Whether the dog can be effectively trained or retrained to change its temperament or behavior;
  - h. Whether the owner maintains the dog to promote its aggressive tendencies or responses;
  - i. Any other relevant evidence concerning the maintenance of the dog; and
  - j. Any other relevant evidence regarding the ability of the owner to protect the public safety in the future if the dog is permitted to remain in the County.
2. Impound any dog determined to be a dangerous dog at a designated kennel as provided in Section 205.140(A) of this Chapter; and
  3. Spay or neuter any dog determined to be dangerous while that dog is impounded.

E. If the Director receives a report that a dog, when unprovoked, has chased or approached a human being or domestic animal while at large and off the premises of the dog's owner and confronted that person in a menacing fashion or apparent attitude of attack, regardless of whether the human being or domestic animal is injured by the dog, the Director shall give the dog's owner an educational packet prepared by the Division concerning dangerous dogs. The Director shall record the incident in the Department's records and that incident may be taken into account in determining whether the dog is a dangerous dog should there be any subsequent bite of a human or domestic animal. The Director may consider information that a dog has, when unprovoked, chased or menaced a human being in another City or County, when that information is received in writing from the individual(s) responsible for animal control in that City or County, in determining whether to provide educational information to the dog's owner. The Director may record such information from another City or County into the Department's records and may consider such information in determining whether the dog is a dangerous dog should there be any subsequent bite of a human being or domestic animal.

F. If the Director finds records of two (2) or more prior incidents in which a dog has bitten a human being or a domestic animal, including incidents occurring in another City or County, where that information is received in writing from the individual(s) responsible for animal

control in that City or County, the Director shall:

1. Declare the dog a dangerous dog;
2. Impound the dog at a designated kennel as provided in Section 205.140(A) of this Chapter; and
3. At the end of the dog's impoundment as provided above, cause the dog to be humanely euthanized pursuant to Section 205.145.

G. This Section shall not apply to any city or municipality having contracted with the County and opted out of this section as provided pursuant to their contract for humane enforcement services or kenneling services.

#### SECTION 205.145: CONTROL AND EUTHANASIA OF DANGEROUS DOGS

A. If the Director declares that a dog that has bitten a human being or a domestic animal is dangerous, the Director shall dispose of the dog as follows:

1. If the Director finds that the dog made a severe or fatal attack upon a human being or domestic animal, the Director shall cause the dog to be humanely euthanized as set out in Subsection (C) herein.
2. If the Director finds that the dog had been provoked to make a severe or fatal attack upon a human being or domestic animal, the Director shall either cause the dog to be humanely destroyed or return the dog to its owner subject to the owner's written agreement to control the dog as provided in Section 205.145(B) below. The agreement may include a provision that if the animal attacks again, it shall be humanely euthanized.
3. The Director has discretion to dispose of all other dogs declared to be dangerous either by causing them to be humanely euthanized or returned to its owner subject to the restrictions as provided in Section 205.145(B) below, after giving notice and an opportunity to be heard to the dog's owner as provided in Section 205.145(C) below.

B. Before the Director returns a dangerous dog to its owner, the Director shall secure that owner's written agreement to control the dog as provided herein.

1. Any dangerous dog shall wear at all times a bright collar with the words "Dangerous Dog" embroidered or stamped on the collar so the dog can readily be identified as a dangerous dog.
2. The owner of the dangerous dog shall notify the Division of Humane Services immediately if the dog is loose or missing or has attacked another animal or human being.

3. The owner of the dangerous dog shall notify the Division of Humane Services within twenty-four (24) hours if the dog has died or has been sold or given away to a new owner. The owner transferring custody to a new owner shall comply with the notice provisions of Section 205.141(C). If the dog has been sold or given away, the owner shall provide the Division of Humane Services with the name, address and telephone number of the new owner. The new owner, if the animal is kept within St. Charles County, must comply with the requirements in this Chapter for keeping a dangerous animal.
4. While on its owner's property, a dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the animal from escaping. Such a pen or structure must have a minimum dimension of five (5) feet by ten (10) feet, must have strong, secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than twelve (12) inches. The enclosure must also provide adequate shelter, as defined by this Chapter. The enclosure, when occupied by a dangerous dog, shall not be occupied by any other animal, unless the dangerous dog is a female with young under three (3) months of age, in which case the young may occupy the same enclosure as the mother.
5. No dangerous dog may be kept in any area of the owner's property that would allow the dog to exit easily (i.e. behind screen doors or windows), nor may any dangerous dog be chained without a physical barrier to prevent contact with other animals or people or the escape of the dog.
6. A sign indicating the presence of a dangerous dog shall be present at and large enough to read from any public thoroughfare from which the property is entered and the owner of the dog shall post a notice conspicuously visible to the public at each entrance to the premises and on each side of the dog's enclosure, if any, reading in letters not less than two (2) inches high "DANGEROUS DOG - BEWARE". A sign with a picture of a growling dog shall also be displayed at all places where the notice of dangerous dog is posted. The sign available from the Division of Humane Services shall be deemed to meet this requirement. Any alternate sign shall be approved in advance, in writing, by the Director and a copy of the approved sign shall be maintained in the Division's file on the dog.
7. A dangerous dog may be off the owner's premises only if it is securely muzzled with a humane muzzle and on a strong leash no more than four (4) feet long and under the control of the owner.
8. The owner of a dangerous dog shall present to the Division of Humane Services proof that the owner has procured primary liability insurance or a surety bond to include bodily injury and property damage in the amount of at least three hundred thousand dollars (\$300,000.00). Such insurance or surety bond shall be for an initial period of twelve (12) months and must be continuously renewed without a break in coverage for as long as the dangerous dog lives or is kept in St. Charles County. The insurance or bond shall be payable to any person injured by the dangerous dog. This policy or bond

shall contain a provision requiring the County to be notified by the issuing company at least ten (10) working days prior to any cancellation, termination or expiration of the policy.

9. All owners of dangerous dogs must, within ten (10) days of such declaration, provide the Division of Humane Services with two (2) sets of color photographs of the dangerous dog, one (1) of each side and showing the color and approximate size of the dog. The owners shall, in addition to any information required by Section 205.141, provide the following information: The dog's name or names and the name, address and phone number of the dog's veterinarian.

10. All owners of dangerous dogs must, within ten (10) days of such declaration, have the dog spayed or neutered and must provide evidence of such spaying or neutering from a duly licensed veterinarian.

11. Any dog not controlled as provided in this Subsection 205.145(B) shall be subject to immediate seizure and impoundment for a minimum of ten (10) days or for the time necessary for the owner to comply with this Subsection, whichever is larger.

C. The Director shall give owners of dogs declared to be dangerous notice of the Director's declaration and intended disposition of the dog, as provided herein.

1. Notice of declaration of dangerous dog and of disposition. Immediately upon determining that a dog is dangerous, and at least ten (10) days prior to any humane euthanasia of any such dog, the Division of Humane Services shall notify the dog's owner, if known, if the owner is unknown or unable to be contacted, of the declaration and of any scheduled euthanasia. The notice shall state the owner's right to request a hearing before the Director of the Department of Public Health of any determination made by the Director by submitting a written request for hearing to the Director of the Department of Public Health within five (5) days of receiving the aforesaid notice.

2. Hearing. Upon timely receipt of the written request submitted pursuant to Subsection 205.145(C)(1), above, the Director of the Department of Public Health shall schedule a hearing at which all interested parties may be heard, including the owner, individuals possessing knowledge of the characteristics of the dog in question, and any other individuals who may come into contact with the dog if it is not destroyed. After all parties have been heard, the Director of the Department of Public Health shall make the final determinations as to whether a dog is a dangerous dog and what its disposition shall be under the provisions of this Chapter. The Director of the Department of Public Health's determination and decision is final for all purposes, and there shall be no further administrative relief available.

D. The Director may declare a dog to be dangerous because of its prior acts even after its owner has removed it from unincorporated St. Charles County. Such a dog may not be returned to the County.

E. Should the Director receive from any court of competent jurisdiction a stay of an order of euthanasia on a dog, the dog shall remain impounded in the County animal facility until the court has issued its final order.

F. This Section shall not apply to any city or municipality having contracted with the County and opted out of this section as provided pursuant to their contract for humane enforcement services or kenneling services.

#### SECTION 205.147 DECLARATION OF ANIMALS HABITUALLY AT LARGE

A. The Director may, after reviewing all the circumstances surrounding the apprehension of an animal found running at large for the third (3rd) time or more, off the premises of the owner, custodian, or anyone having care, custody or control of that animal, determine that the animal is abandoned and declare the animal available to the public for adoption.

B. If the animal is so declared, the owner shall be notified by registered mail, return receipt requested or by personal delivery, and unless an appeal is filed by the owner within five (5) business days, the animal shall be made available for adoption.

C. UPON timely receipt of the written request submitted by the owner for a hearing to contest the issue of habitually being at large the Director of the Department of Public Health shall schedule a hearing at which all interested parties may be heard, concerning whether the animal is habitually left at large. After all parties have been heard, the Director of the Department of Public Health shall make the final determinations as to whether an animal is habitually at large. A determination that the animal is habitually at large shall be made in all cases in which the animal is habitually running at large off the property of the owner, custodian, or anyone having care, custody, or control of the animal. The Director of the Department of Public Health's determination and decision is final for all purposes, and there shall be no further administrative relief available.

D. In the case of any animal declared habitually at large where the Director of Department of the Public Health upheld that determination, the animal may be adopted, or, if the animal is sick or not suitable adoption, may be euthanized all allowed by ordinance.

E. This section shall not apply to any dog or cat known to be feral.

ARTICLE V ADDITIONAL SERVICES PROVIDED BY THE DIVISION OF  
HUMANE SERVICES

SECTION 205.220 ADDITIONAL SERVICES PROVIDED

A. In addition to the services required by this Chapter, the Division of Humane Services of St. Charles County is authorized to perform the following services upon request:

1. Taking possession of animals unwanted by their owners and brought by them to the Division;
2. Putting up for adoption unwanted animals brought to the Division by residents of St. Charles County;
3. Euthanizing animals;
4. Disposing of euthanized animals;
5. Impounding, apprehending, catching, trapping, netting, tranquilizing or treating any animal not subject to this Animal Control Ordinance, during or after normal business hours of the Division of Humane Services.

SECTION 205.225: FERAL CAT PROGRAM

Feral Cat Programs shall:

Consist of any program that provides spay/neuter services and education for and related to only feral and community cats. Such programs shall:

1. Provide low-cost or free sterilization for feral and community cats weighing more than two pounds who are at least eight weeks of age;
2. Not provide sterilizations services for pet cats or pet kittens;
3. Ear tip all feral and community cats for which it provides services;
4. Vaccinate all feral and community cat for FVRCP and rabies; and
5. Provide educational materials and trainings on the subject of feral and community cats.

SECTION 205.235 ANIMAL APPREHENDED RUNNING AT LARGE—MANDATORY VACCINATION

Any animal which is apprehended running at large may not be released to the owner-claimant without proof that the animal has been vaccinated against rabies and proof that the animal has received a microchip as required by Section 205.141. Any animal for which such proof is lacking shall be vaccinated for rabies prior to release from impoundment, or, in the alternative, the owner-claimant may present a receipt from a duly licensed Missouri veterinarian showing payment in full for a rabies vaccination.

ARTICLE VI. FEES, PENALTIES AND ENFORCEMENT

SECTION 205.240: FEES

A. The Division of Humane Services of St. Charles County shall charge fees for services required or requested pursuant to this Chapter as follows:

Rabies Vaccination Registration -Altered .....	\$5.00
Rabies Vaccination Registration –Unaltered.....	\$10.00
Rabies Vouchers:	
Altered.....	\$27.00
Unaltered.....	\$30.00
Vaccination.....	\$5.00
Administration Fee.....	\$10.00
Administration Fee Multiples of 5 or more animals.....	\$30.00
Kennel Boarding (Daily Fee).....	\$10.00
Medical Treatment Fee.....	\$25.00
Adoption Fee:	
All Dogs, Cats, & Parrots.....	\$60.00
Pocket Pets.....	\$5.00
Cockatiels/Parakeets/Canaries.....	\$10.00
Rabbits & Ferrets Altered by PAC.....	\$30.00
Rabbits & Ferrets already Altered.....	\$10.00
Lizards/snakes.....	\$20.00
Rescue Adoption.....	\$30.00
Kennel Registration.....	\$50.00
Grooming Fee (Flea or Tick Treatment).....	\$25.00
Relinquished Animals.....	\$20.00
Euthanasia.....	\$45.00
Microchips.....	\$10.00
Trap Deposit:	
Cat.....	\$40.00
Dog.....	\$100.00
Cat Carrier.....	\$5.00
Leash.....	\$1.00
No-Jump Harness.....	\$15.00
Disposal of Euthanized /Dead Animals.....	\$20.00
Transport of privately owned animals.....	\$40.00
Service Fee for wild animal removal.....	\$40.00
Home quarantine monitoring fee.....	\$40.00
Pickup of wild animals:	
During business hours.....	\$40.00
After Hours.....	\$100.00
Portable Coral Set Up Fee.....	\$150.00
Necropsy.....	\$100.00
Diagnostic Testing.....	Actual Costs

B. The St. Charles County Department of Public Health, Division of Humane Services shall charge fees, based upon their actual expenses, not to exceed the fee schedule herein set out, required or requested pursuant to the Animal Control Ordinance by instituting an "Impound Fee" with a fee schedule as follows:

Running At Large Registered/Vaccinated Fees

1 <sup>st</sup> Offense.....	\$20.00
2 <sup>nd</sup> Offense.....	\$35.00
3 <sup>rd</sup> Offense.....	\$50.00
4 <sup>th</sup> Offense and additional offenses (per offense).....	\$100.00

Running At Large Not Registered/Vaccinated Fees

1 <sup>st</sup> Offense.....	\$25.00
2 <sup>nd</sup> Offense.....	\$50.00
3 <sup>rd</sup> Offense and additional offenses (per offense).....	\$100.00

C. In addition to the fees listed in Section 205.240, the Division of Humane Services of St. Charles County shall charge for its expenses in impounding, apprehending, catching, trapping, netting, tranquilizing or treating any animal not subject to this Chapter.

D. The Director of the Division of Humane Services may waive or modify a fee if they determine waiver or modification of such fee to be appropriate.

SECTION 205.250 PENALTIES

Unless otherwise set out in a Section of this Code, a violation of any provision of this Chapter is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the St. Charles County Jail for a term not to exceed one (1) year, or by both fine and imprisonment. A separate offense shall be deemed committed on each day a violation occurs or continues.

SECTION 205.260 ENFORCEMENT

Enforcement of this Chapter shall be the responsibility of the Department of Public Health and all legal shall be the responsibility of the County Counselor.

Exhibit B

ARTICLE VI. FEES, PENALTIES AND ENFORCEMENT

SECTION 205.240: FEES

A. The Division of Humane Services of St. Charles County shall charge fees for services required or requested pursuant to this Chapter as follows:

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Rabies Vaccination Registration – Unaltered.....	\$10.00
Rabies Vouchers:	
Altered.....	\$27.00
Unaltered.....	\$30.00
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All Dogs, Cats, & Parrots.....	\$60.00
Pocket	\$5.00
Cockatiels/Parakeets/Canaries.....	\$10.00
Rabbits & Ferrets Altered by PAC.....	\$30.00
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Rescue	\$30.00
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Grooming Fee (Flea or Tick Treatment).....	\$25.00
Relinquished Animals.....	\$20.00
Euthanasia.....	\$45.00
Microchips.....	\$10.00
Trap Deposit:	
Cat.....	\$40.00
Dog.....	\$100.00
Cat Carrier.....	\$5.00
Leash.....	\$1.00
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Transport of privately owned animals.....	\$40.00
Service Fee for wild animal removal.....	\$40.00
Home quarantine monitoring fee.....	\$40.00
Pickup of wild animals:	
During business hours.....	\$40.00
After Hours.....	\$100.00
Portable Coral Set Up Fee.....	\$150.00

Necropsy.....	\$100.00
Diagnostic Testing.....	Actual Costs

B. The St. Charles County Department of Public Health, Division of Humane Services shall charge fees, based upon their actual expenses, not to exceed the fee schedule herein set out, required or requested pursuant to the Animal Control Ordinance by instituting an “Impound Fee” with a fee schedule as follows:

Running At Large Registered/Vaccinated Fees

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2 <sup>nd</sup> Offense.....	\$35.00
3 <sup>rd</sup> Offense.....	\$50.00
4 <sup>th</sup> Offense and additional offenses (per offense).....	\$100.00

Running At Large Not Registered/Vaccinated Fees

1 <sup>st</sup> Offense.....	\$25.00
2 <sup>nd</sup> Offense.....	\$50.00
3 <sup>rd</sup> Offense and additional offenses (per offense).....	\$100.00

C. In addition to the fees listed in Section 205.240, the Division of Humane Services of St. Charles County shall charge for its expenses in impounding, apprehending, catching, trapping, netting, tranquilizing or treating any animal not subject to this Chapter.

D. The Director of the Division of Humane Services may waive or modify a fee if they determine waiver or modification of such fee to be appropriate.

## Exhibit C

### OUTLINE FOR FERAL CAT PROGRAM

#### PURPOSE:

The purpose of this program is to decrease the number of unwanted kittens being born. For six months out of the year, the shelter is severely overburdened with a high volume of kittens. A large percentage of these kittens are feral and community cats. The shelter has limited space and resources to house and care for all these cats. By reducing the number of unwanted kittens being born, the number of cats and kittens entering the shelter should likewise decrease. This will decrease euthanasia and allow for a more efficient use of valuable resources.

#### FERAL CAT PROGRAM:

A Feral Cat Program consists of all of the following:

- Education - All Animal Control Officers and other city staff responsible for assisting the public with animal related concerns must be able to educate the public about feral cats and the programs available. Staff will need to distribute Feral Cat educational handouts, TNR information, and make referrals. These educational materials are available on the internet at no cost to municipalities. The St. Charles County Division of Humane Services will offer training to Animal Control Officers or any other municipal staff.
- Animal Control Support - Animal Control Officers must contact individuals in the field after receiving a complaint of or becoming aware of a multiple-cat problem area. Animal Control Officers must determine if there is a caregiver or a food source. If a caregiver is located, that caregiver must be educated as to the issues of feral cat overpopulation and provided with solutions to aid in reducing the feral cat population, such as assistance with Trap, Neuter, and Return (“TNR”) or clinic referrals. Animal Control Officers should strive to educate individuals who provide care to feral cats as to the issue overpopulation without criminalizing such behavior.
- Affordable or Free Spay/Neuter Services - Implement a regular, free or low cost spay/neuter, vaccination, and ear tip program in your community. A few ways to implement such a program are set out below:
  - Work with local veterinarians to develop a program in your community where feral cats can be taken to a clinic, spayed/neutered, vaccinated for rabies, and ear tipped at one low-cost.
  - Implement a monthly clinic at a local veterinarian, city, or county facility, subsidized by the municipality, where feral cats will be spayed/neutered, vaccinated for rabies, and ear tipped at one low cost.
  - Partner with St. Charles County to utilize the Operation Sterile Feral Clinic (OSF) and offer subsidies to municipal residents.
- Trap, Neuter, & Return or TNR - Implement a program whereby free-roaming, un-owned cats are humanely trapped, spayed/neutered, vaccinated for rabies, and ear tipped for identification purposes then returned to the locations where they were found. If those locations are deemed unsafe or otherwise inappropriate, feral cats should be relocated to

barn homes if possible. Kittens young enough to be socialized and friendly adult cats are typically placed in adoption programs rather than returned to the outdoors. Cats found suffering with terminal or untreatable illness are euthanized.

DRAFT

Exhibit D

Notification to the County

The MUNICIPALITY has elected NOT to adopt Sections 205.142: Procedures and Requirements for Declaring Dogs to be Dangerous and for Handling such Dogs, and 205.145 Control and Euthanasia of Dangerous Dogs. This statement is notification to the COUNTY, in writing, at the time this Agreement is executed, and shall be attached hereto as Exhibit "D" and is incorporated herein as part of this Agreement.

DRAFT

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 RESUBDIVISION OF ADJUSTED LOT 2A OF A BOUNDARY ADJUSTMENT OF LOTS 2A AND 2B OF I-70 EXECUTIVE CENTRE)

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

A Resubdivision of Adjusted Lot 2A of a Boundary Adjustment of Lots 2A and 2B of I-70 Executive Centre

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 Resubdivision of Adjusted Lot 2A of a Boundary Adjustment of Lots 2A and 2B of I-70 Executive Centre, 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 15<sup>th</sup> day of December, 2016.

\_\_\_\_\_  
As Presiding Officer and as Mayor  
Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 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 GERSHENSON CONSTRUCTION COMPANY FOR THE DARDENNE CREEK AT ST. PETERS GOLF COURSE PROJECT

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 Dardenne Creek at St. Peters Golf Course Project; and

WHEREAS, six (6) bid proposals were received on December 8, 2016, and

WHEREAS, it is recommended that the bid be awarded to Gershenson Construction Company for the Dardenne Creek at St. Peters Golf Course Project.

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 Gershenson Construction Company in the amount of \$773,978.00 for the construction and maintenance of the Dardenne Creek at St. Peters Golf Course Project. 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 15<sup>th</sup> day of December, 2016.

---

As Presiding Officer and as Mayor  
Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

Approved this 15<sup>th</sup> day of December, 2016.

---

Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION CONCERNING VOLUNTARY ANNEXATION  
SKAGGS, 3908 LINE STREET

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 26<sup>TH</sup> day of January, 2017, at 6:30 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 15th day of December, 2016.

\_\_\_\_\_  
As Presiding Officer and as Mayor  
Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk



  
**ALLIANT NATIONAL**  
TITLE INSURANCE COMPANY  
**OWNER'S POLICY**  
**SCHEDULE A**

Name and Address of Title Insurance Company: Alliant National Title Insurance Company, 2101 Ken Pratt Blvd., Suite 102, Longmont, CO 80501

File No.: 11031-15

Policy No.: 1086548

Amount of Insurance: \$33,000.00

Premium: \$46.20

Date of Policy: January 4, 2016 at 10:32 am

Address Reference: 3908 Line Street, St. Peters, MO 63376

1. Name of Insured:

**Scott D. Skaggs and Vickie L. Skaggs, Trustees of the Scott D. Skaggs and Vickie L. Skaggs Trust dated June 24, 2004**

2. The estate or interest in the Land that is insured by this policy is:

**Fee Simple**

3. Title is vested in:

**Scott D. Skaggs and Vickie L. Skaggs, Trustees of the Scott D. Skaggs and Vickie L. Skaggs Trust dated June 24, 2004**

4. The Land referred to in this policy is described as follows:

**A tract of land being part of Lot 5 of the Hi-Point Acres, a subdivision recorded in Plat Book 5, Page 41 of the St. Charles County Records, St. Charles County, Missouri, more particularly described as follows: Commencing at the intersection of the centerline of Line Drive (40' wide) with the centerline of Cherry Street (40' wide); thence along the centerline of Line Street, South 57 degrees 29 minutes 25 seconds West, 378.64 feet to the POINT OF BEGINNING of the tract herein described; thence leaving said centerline North 32 degrees 46 minutes 27 seconds West, 249.97 feet; thence North 31 degrees 32 minutes 08 seconds East, 95.14 feet; thence South 51 degrees 57 minutes 46 seconds East, 134.68 feet; thence South 32 degrees 46 minutes 28 seconds East, 164.62 feet to the aforementioned centerline of Line Street; thence along said centerline South 57 degrees 29 minutes 25 seconds West, 130.00 feet to the POINT OF BEGINNING, containing 0.765 acres.**

Cardinal Title, LLC  
1000 Mid Rivers Mall Dr.  
St. Peters, MO 63376

By: 

Authorized Signatory

Skaggs  
3908 Line Street



**RESOLUTION NO.****A RESOLUTION AUTHORIZING THE OFFERING FOR SALE  
OF GENERAL OBLIGATION BONDS OF THE CITY OF ST.  
PETERS, MISSOURI**

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

**Section 1.** The City of St. Peters, Missouri, is hereby authorized to offer at competitive public sale of approximately \$12,000,000 principal amount of General Obligation Bonds, Series 2017, as described in the Notice of Bond Sale attached hereto as **Exhibit A**.

**Section 2.** The Director of Finance is hereby authorized and directed to receive bids for the purchase of said Bonds at City Hall, One St. Peters Centre Blvd., in St. Peters, Missouri, until 10:00 a.m., Central Time, on January 12, 2017, upon the terms and conditions set forth in said Notice of Bond Sale, and to deliver all bids so received to the Board of Aldermen at its meeting to be held at 6:30 p.m. on said date, at which meeting the Board of Aldermen shall review such bids and shall award the sale of the Bonds or reject all bids.

**Section 3.** The Notice of Bond Sale is hereby approved in substantially the form attached hereto as **Exhibit A**, and the Director of Finance is hereby authorized to execute such Notice of Bond Sale, with such changes and additions thereto as such official shall deem necessary or appropriate, and to use such document in connection with the public sale of the Bonds.

**Section 4.** The Preliminary Official Statement is hereby approved in substantially the form attached hereto as **Exhibit B**, with such changes and additions thereto as the Director of Finance shall deem necessary or appropriate, and the appropriate officers and representatives of the City are hereby authorized to use such document in connection with the public sale of the Bonds.

**Section 5.** The Director of Finance is hereby authorized and directed to give notice of said bond sale by publishing a summary of the Notice of Bond Sale in a newspaper having general circulation in the City and in the electronic version of *The Bond Buyer*, and by mailing copies of the Notice of Bond Sale and Preliminary Official Statement to such banks and investment banking firms and other financial institutions located in the State of Missouri and elsewhere which might be interested in the purchase of said Bonds.

**Section 6.** For the purpose of enabling the purchaser of the Bonds (the "Original Purchaser") to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the appropriate officers of the City are hereby authorized, if requested, to provide the Original Purchaser with a letter or certification to the effect that the City deems the information regarding the City contained in the Preliminary Official Statement to be "final" as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Original Purchaser to comply with the requirement of such Rule.

**Section 7.** The City agrees to provide to the Original Purchaser within seven business days of the date of the sale of Bonds or within sufficient time to accompany any confirmation that requests payment from any customer of the Original Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Original Purchaser to comply with the requirements of

No. \_\_\_\_\_

Rule 15c2-12(b)(4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

**Section 8.** The Director of Finance and other officers and representatives of the City are hereby authorized and directed to take such other action as may be necessary to carry out the public sale of said Bonds.

**Section 9.** This Resolution to be in full force and effect from and after its passage.

**READ AND ADOPTED** by the Board of Aldermen this 15th day of December, 2016.

---

As Presiding Officer and as Mayor  
Len Pagano, Mayor

(SEAL)

ATTEST: \_\_\_\_\_  
Patricia E. Smith, City Clerk

DRAFT

**EXHIBIT A**

**NOTICE OF BOND SALE**

[On file in the office of the City Clerk]

DRAFT

**EXHIBIT B**

**PRELIMINARY OFFICIAL STATEMENT**

[On file in the office of the City Clerk]

DRAFT

**NOTICE OF BOND SALE**  
**\$12,000,000\***  
**CITY OF ST. PETERS, MISSOURI**  
**GENERAL OBLIGATION BONDS, SERIES 2017**

**Bids to be Accepted**

Bids for the purchase of \$12,000,000\* principal amount of General Obligation Bonds, Series 2017 (the “Bonds”), of the City of St. Peters, Missouri (the “City”), will be received by the Director of Finance on behalf of the Board of Aldermen at the St. Peters City Hall, One St. Peters Center Blvd., St. Peters, Missouri 63376 until 10:00 o’clock a.m., Central Time, on Thursday,

**January 12, 2017**

All bids will be publicly opened and read at said time and place and the award of the Bonds will be acted upon at a meeting of the Board of Aldermen to be held at 7:00 o’clock p.m. on said date.

**Terms of Bonds**

The Bonds will consist of fully-registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated as of the date of original issuance and delivery, which is expected to be February 1, 2017 (and should be considered to be the dated date for purposes of the bid), and will mature serially in the amounts and on the dates as set forth below, subject to adjustment as described under the section “Adjustment of Principal”:

<u>Maturity</u> <u>February 1</u>	<u>Principal</u> <u>Amount*</u>	<u>Maturity</u> <u>February 1</u>	<u>Principal</u> <u>Amount*</u>
2018	\$465,000	2028	\$590,000
2019	470,000	2029	610,000
2020	480,000	2030	630,000
2021	490,000	2031	650,000
2022	500,000	2032	670,000
2023	515,000	2033	695,000
2024	525,000	2034	720,000
2025	540,000	2035	745,000
2026	560,000	2036	770,000
2027	575,000	2037	800,000

The Bonds will bear interest from their date at the rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on February 1 and August 1, commencing on August 1, 2017.

**Place of Payment**

Interest on the Bonds will be payable to the holders of record at the close of business on the 15th day (whether or not a Business Day) of the calendar month preceding each Payment Date. So long as DTC or its nominee, Cede & Co., is the Bondowner, such payments will be made by UMB Bank, N.A., Kansas City, Missouri, as paying agent and bond registrar (the “Paying Agent”) directly to such Bondowner. Disbursement of such payments to the DTC Participants is the responsibility of DTC. Distribution of such payments to the Beneficial Owners is the responsibility of the DTC Participants and Indirect Participants, as more fully described in “APPENDIX B - BOOK-ENTRY ONLY SYSTEM” in the Preliminary Official Statement.

\* Subject to Change

## **Authority, Purpose and Security**

The Bonds are authorized pursuant to the Constitution and statutes of the State of Missouri and an ordinance expected to be adopted by the City on January 12, 2017 (the "Bond Ordinance").

The Bonds were authorized on August 2, 2016 by a vote of 7,241 in favor of the proposition to 3,761 against the issuance of bonds for the purpose of acquiring, constructing, renovating, installing, improving and equipping park and recreational facility improvements within the City including a new municipal aquatic park, a new municipal golf course clubhouse with banquet/community center, other park and recreational improvements within the City and related access, site improvements and land acquisition.

The Bonds are general obligations of the City, and the full faith, credit and resources of the City have been irrevocably pledged to the payment of the principal of and interest on the Bonds. The principal of and interest on the Bonds are payable from ad valorem taxes that may be levied without limitation as to rate or amount on all taxable, tangible property within the City.

## **Redemption**

The Bonds maturing on and after February 1, 2026 are subject to redemption and payment prior to maturity, at the option of the City, on February 1, 2025, and thereafter, in whole or in part on any date at the redemption price of 100% of the principal amount thereof, plus accrued interest thereon to the redemption date. When less than all outstanding Bonds are to be redeemed, such Bonds shall be redeemed in such order of maturity as shall be determined by the City, and Bonds of less than a full maturity shall be selected by the Paying Agent in \$5,000 units of principal amount by lot or in such other equitable manner as the Paying Agent may determine.

In the event the City elects to exercise its option to redeem Bonds pursuant to the Bond Ordinance, written notice shall be given by first class mail to the State Auditor of Missouri and to each registered owner of the Bonds to be redeemed at least 30 days but not more than 60 days prior to the redemption date.

## **Submission of Bids**

Bids may be submitted as follows: (i) mailed or delivered in person, (ii) electronically via **PARITY**<sup>®</sup>, or (iii) by facsimile transmission to (636) 926-2047, as further described below:

*Bids Mailed or Delivered in Person.* Bids may be submitted on Bid Forms in sealed envelopes marked "Proposal for the Purchase of Bonds" by mail or delivered in person addressed to Ms. Beth French, Director of Finance, St. Peters City Hall, One St. Peters Center Blvd., St. Peters, Missouri 63376 until 10:00 o'clock a.m., Central Time, on January 12, 2017.

*Bids Submitted Electronically Via PARITY*<sup>®</sup>. Bids may be submitted via **PARITY**<sup>®</sup> in accordance with this Notice of Bond Sale, until 10:00 o'clock a.m. Central Time, on January 12, 2017. To the extent any instructions or directions set forth in **PARITY**<sup>®</sup> conflict with this Notice of Bond Sale, the terms of this Notice of Bond Sale shall control. Further information about the electronic bidding services of **PARITY**<sup>®</sup> may be obtained from Parity at (212) 849-5021. Bidders are encouraged to obtain a Bid Form that may be submitted by facsimile transmission as described below in the event of a malfunction in the electronic bidding process.

*Bids Submitted by Fax.* Bids may be submitted on Bid Forms by facsimile transmission to (636) 926-2047 until 10:00 o'clock a.m. Central Time, on January 12, 2017.

## **Adjustment of Principal**

A bidder may designate as term bonds any consecutive maturities of Bonds currently shown as serial bonds. Any bidder electing to designate term bonds shall specify the current serial bonds by year of maturity which are to comprise a term bond. The final year designated shall be deemed the year of maturity of the term bond. Term bonds shall be subject to mandatory sinking fund redemption by lot in the amounts specified for the serial bonds, at a redemption price of 100% of the principal amount thereof.

The City reserves the right, in its sole discretion on the date of sale, to increase or decrease the principal amount of each maturity of Bonds or, in the case of term bonds, such amounts that are subject to mandatory sinking fund redemption. The aggregate principal amount of the Bonds shall not exceed \$12,000,000.

If any changes are made to the principal amount of any maturity of Bonds or, in the case of term bonds, any mandatory sinking fund redemption lot, the purchase price will be adjusted to result in the same dollar amount of profit per \$1,000 principal amount of bonds based on the Certification of Offering Prices (see "Offering Yields and Certification as to Offering Prices" in this Notice of Bond Sale).

The principal amounts and maturity dates shown on the first page of this Notice of Bond Sale shall be used for purposes of computing the TIC (as hereinafter defined) used for awarding the Bonds.

## **Conditions of Bids**

Proposals will be received on Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 1/100 of 1%. No interest rate shall exceed 4.5% per annum. No supplemental interest payments will be authorized. Bids must be for all of the Bonds at a purchase price of not less than 100.0% nor greater than 106.0% of the principal amount. Each bidder agrees that, if it is awarded the Bonds, it will provide the City a certificate regarding offering prices of the Bonds as described under the caption "Offering Yields and Certification as to Offering Prices" in this Notice of Bond Sale. Bidders are requested (but not required) to specify the total interest cost (expressed in dollars) and to supply an estimate of the true interest cost (expressed as a rate) for the Bonds to the City as specified herein on the basis of their respective bids, which shall be considered as informative only and not binding on either the bidder or the City.

## **Good Faith Deposit**

A Good Faith Deposit ("Deposit") in the amount of \$240,000 is required. If a check is used, the bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America payable to the order of the City of St. Peters to secure the City from any loss resulting from the failure of the bidder to comply with the terms of its bid. In the alternative, a Deposit in the amount of \$240,000 shall be made by the bidder expected to be awarded the Bonds (the "Successful Bidder") by federal wire not later than 2:00 o'clock p.m. Central Time on January 12, 2017, according to wire transfer instructions provided by the City or its Municipal Advisor. In the event the Deposit is not received as provided above, the City may award the Bonds to the bidder submitting the next best bid provided such bidder agrees to such award. If a bid is accepted, the Deposit shall be held by the City until the Successful Bidder shall have complied with all of the terms and conditions of this Notice of Bond Sale, at which time the Deposit shall be deducted from the purchase price. If a bid is accepted but the City shall fail to deliver the Bonds to the Successful Bidder in accordance with the terms and conditions of this Notice of Bond Sale, said Deposit shall be returned to the Successful Bidder. If a bid is accepted but the Successful Bidder defaults in the performance of

any of the terms and conditions of this Notice of Bond Sale, the proceeds of Deposit shall be retained by the City as and for liquidated damages.

### **Award of the Bonds**

If the Bonds are awarded, the award will be to the bidder whose bid will result in the lowest interest cost to the City determined in accordance with the true interest cost (“TIC”) method of calculation by doubling the semiannual interest rate (compounded semiannually) necessary to discount the debt service payments from the payment dates to the date of the Bonds to equal the price bid. In the event that two or more bidders offer bids at the same lowest TIC, the City shall determine by lot which bidder shall be awarded the Bonds. Interest will be computed on a 360-day year basis.

### **Delivery and Payment**

The City will pay for printing the Bonds and will deliver the Bonds to DTC or the Paying Agent as DTC’s agent properly prepared, executed and registered, without cost to the Successful Bidder within 30 days after the date of sale at such security depository, bank or trust company as may be specified by the successful bidder. The Successful Bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the Bonds and customary closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity, and a certificate regarding the completeness and accuracy of the Official Statement. Payment for the Bonds shall be made in Federal Reserve funds, immediately available for use by the City.

### **CUSIP Numbers**

CUSIP identification numbers will be assigned to the Bonds, but neither the failure to assign such number to any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of this Notice of Bond Sale. All expenses in relation to the assignment of CUSIP numbers will be paid by the City.

### **Rating**

Moody’s Investors Service has assigned the Bonds a “\_\_\_” rating. The rating is described in greater detail in the Preliminary Official Statement under the caption “RATING.”

### **Legal Opinion**

The Bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., St. Louis, Missouri, Bond Counsel, whose approving legal opinion will be furnished and paid for by the City, and delivered to the Successful Bidder when the Bonds are delivered. Said opinion will also include the opinion that interest on the Bonds is exempt from income taxation by the State of Missouri and is excludable from gross income of the owners thereof for federal income tax purposes.

The opinion will also state that the Bonds have not been designated as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”).

The opinion of Bond Counsel is described in greater detail in the Preliminary Official Statement under the caption “TAX MATTERS.”

## **Offering Yields and Certification as to Offering Prices**

At or before 11:00 o'clock a.m. Central Time on January 12, 2017, the bidder, expected to be the Successful Bidder, must provide the initial offering yields and price for each Bond maturity to the City's Municipal Advisor at [jhoward@wmfinancialstrategies.com](mailto:jhoward@wmfinancialstrategies.com) and to the Director of Finance at [Bfrench@stpetersmo.net](mailto:Bfrench@stpetersmo.net).

In addition, to provide the City with information necessary for compliance with Section 148 of the Code, the Successful Bidder will be required to complete, execute and deliver to Bond Counsel within 24 hours after the award of the Bonds, a certificate regarding the "issue price" of the Bonds (as defined in Section 148 of the Code), and will require the Successful Bidder to certify that it made a bona fide public offering of the Bonds at the yields and prices provided to the City's Municipal Advisor as described above, and that the Successful Bidder reasonably expected to sell at least 10% of the Bonds of each maturity to the public at such offering yields and prices. The term "public" excludes bond houses, brokers or similar persons, or organization acting in the capacity of underwriters or wholesalers. However, such certificate may indicate that the Successful Bidder will not reoffer the Bonds for sale.

## **Official Statement**

The City has prepared a Preliminary Official Statement dated December 15, 2016, copies of which may be obtained from the undersigned or from the Municipal Advisor. The Preliminary Official Statement has been deemed final by the City as of its date, except for the omission of the information permitted to be omitted under Rule 15c2-12 of the Securities and Exchange Commission. The City agrees to deliver to the Successful Bidder, within seven (7) business days after the award of the Bonds, the final Official Statement in Portable Document Format (PDF) and, upon request, up to 200 printed copies thereof without additional cost. Additional printed copies may be ordered by the Successful Bidder at its expense.

## **Continuing Disclosure Undertaking**

The City will agree in the Continuing Disclosure Undertaking to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission (the "Rule") and as described in greater detail in the Preliminary Official Statement under the caption "CONTINUING DISCLOSURE UNDERTAKING" to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System ("EMMA") (i) on or prior to 180 days after the end of each Fiscal Year commencing with the Fiscal Year ended September 30, 2016, audited financial statements for the preceding fiscal year and certain annual financial information and operating data, (ii) timely notice of the occurrence of certain events with respect to the Bonds, and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date specified in (i) above.

The Underwriter's obligation to purchase the Bonds shall be conditioned upon its receiving, at or prior to the delivery of the Bonds, the Continuing Disclosure Undertaking evidencing that the City has made the continuing disclosure undertaking set forth above for the benefit of the holders of the Bonds.

**Additional Information**

Additional information regarding the Bonds may be obtained from the undersigned at (636) 477-6600 Ext. 1247 or from the City's Municipal Advisor, Ms. Joy A. Howard, WM Financial Strategies, 11710 Administration Drive, Suite 7, St. Louis, Missouri 63146, (314) 423-2122.

Dated December 15, 2016.

CITY OF ST. PETERS, MISSOURI

By /S/ Beth French

Director of Finance

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**PRELIMINARY OFFICIAL STATEMENT DATED \_\_\_\_\_.**

**New Issue**

**Moody's Rating: \_\_\_\_\_**

*In the opinion of Gilmore & Bell, P.C., Bond Counsel, under existing law and assuming continued compliance with certain requirements of the Internal Revenue Code of 1986, as amended (the "Code"), (1) the interest on the Bonds (including any original issue discount properly allocable to an owner thereof) is excludable from gross income for federal income tax purposes, and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations, (2) the interest on the Bonds (including any original issue discount properly allocable to an owner thereof) is exempt from income taxation by the State of Missouri and (3) the Bonds have not been designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code. See "TAX MATTERS" in this Official Statement.*

**\$12,000,000\***

**CITY OF ST. PETERS, MISSOURI  
GENERAL OBLIGATION BONDS, SERIES 2017**

**Dated: Date of Original Issuance**

**Due: February 1, in years shown below**

The Bonds will be issued as fully-registered bonds, without coupons, as herein described, and, when issued, will be registered in the name of Cede & Co., as Bondowner and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the Bonds. Purchases of the Bonds will be made in book-entry only form. The Bonds will be issued in the denomination of \$5,000 or any integral multiple thereof. Purchasers will not receive certificates representing their interest in the Bonds purchased. See "APPENDIX B - BOOK-ENTRY ONLY SYSTEM" herein.

Interest on the Bonds will be payable semiannually on February 1 and August 1, commencing August 1, 2017. So long as DTC or its nominee, Cede & Co., is the Bondowner, such payments will be made by UMB Bank, N.A., Kansas City, Missouri, as paying agent and bond registrar (the "Paying Agent") directly to such Bondowner in whose name each Bond is registered on the fifteenth day of the month next preceding each interest payment date (the "Record Date"). Disbursement of such payments to the DTC Participants is the responsibility of DTC. Distribution of such payments to the Beneficial Owners is the responsibility of the DTC Participants and Indirect Participants, as more fully described herein.

The Bonds are issued pursuant to and in full compliance with the Constitution and statutes of the State of Missouri and an ordinance expected to be adopted by the City on January 12, 2017. The Bonds will constitute valid and legally binding general obligations of the City payable both as to principal and interest from ad valorem taxes to be levied upon all the taxable, tangible property within the territorial limits of the City without limitation as to rate or amount.

**MATURITY SCHEDULE\***

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Yield or Price</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Yield or Price</u>
		%	%			%	%
2018	\$465,000			2028	\$590,000		
2019	470,000			2029	610,000		
2020	480,000			2030	630,000		
2021	490,000			2031	650,000		
2022	500,000			2032	670,000		
2023	515,000			2033	695,000		
2024	525,000			2034	720,000		
2025	540,000			2035	745,000		
2026	560,000			2036	770,000		
2027	575,000			2037	800,000		

The Bonds are offered when, as, and if issued and received by the Underwriter, subject to receipt of an approving opinion of Gilmore & Bell, P.C., St. Louis, Missouri, Bond Counsel. It is expected that the Bonds in definitive form will be available for delivery at The Depository Trust Company in New York, New York on or about February 1, 2017.

**This Official Statement is dated \_\_\_\_\_.**

\* Subject to change as provided in the Notice of Bond Sale. See the caption "Adjustment of Principal."

This Preliminary Official Statement and the information contained herein is subject to completion and amendment. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or the solicitation of any offer to buy, nor shall there be any sale of these securities in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of any such jurisdiction.

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No dealer, broker, salesman, or other person has been authorized by the City, the Municipal Advisor, or the Underwriter to give any information or to make any representations, other than those contained in this Official Statement, and, if given or made, such other information or representations must not be relied upon as having been authorized by the City, the Municipal Advisor, or the Underwriter. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation, or sale.

The information set forth herein has been furnished by the City and from other sources which are believed to be reliable, but it is not guaranteed as to accuracy or completeness by, and is not to be construed as a representation by the Municipal Advisor or the Underwriter. This Official Statement is not to be construed as a contract or agreement between the City or the Underwriter and the purchasers or owner of any of the Bonds. The information and expressions of opinion contained herein are subject to change without notice, and neither the delivery of the Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the City since the date hereof.

This Official Statement is in a form deemed final by the City for purposes of Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended, except for certain information to be omitted pursuant to Rule 15c2-12(B)(1).

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**CITY OF ST. PETERS, MISSOURI**

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**MAYOR**

Len Pagano

**ALDERMEN**

Dave Thomas, Ward 1  
Jerry Hollingsworth, Ward 2  
Michael Shea, Ward 3  
Don Aytes, Ward 4

John Reitmeyer, Ward 1  
Judy Bateman, Ward 2  
Terri Violet, Ward 3  
Patrick Barclay, Ward 4

**CITY ADMINISTRATOR**

Russell W. Batzel

**DIRECTOR OF FINANCE**

Beth French

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**COUNSEL TO THE CITY**

Hamilton Weber LLC  
St. Charles, Missouri

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**BOND COUNSEL**

Gilmore & Bell, P.C.  
St. Louis, Missouri

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**MUNICIPAL ADVISOR**

WM Financial Strategies  
St. Louis, Missouri

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## SUMMARY STATEMENT

This Summary Statement is provided for the convenience of potential investors and is expressly qualified by the entire Official Statement, which should be reviewed in its entirety by potential investors.

- Issuer:** City of St. Peters, Missouri.
- Issue:** The Bonds consist of \$12,000,000\* of General Obligation Bonds, Series 2017.
- Dated Date and Delivery:** The Bonds are dated as of the date of original issuance and delivery, which is expected to be on or about February 1, 2017.
- Interest Due:** Interest on the Bonds will be payable on February 1 and August 1, commencing August 1, 2017.
- Principal Due:** Principal will be due annually on February 1 in the years and in the amounts shown on the cover page of the Official Statement.
- Redemption:** The Bonds maturing on and after February 1, 2026 are subject to redemption and payment prior to maturity at the option of the City on February 1, 2025 and thereafter, in whole or in part on any date, at the redemption price of 100% of the principal amount thereof, plus accrued interest thereon to the redemption date.
- Authorization:** The Bonds are authorized pursuant to the Constitution and statutes of the State of Missouri and an ordinance expected to be adopted by the City on January 12, 2017.
- Security:** The Bonds are general obligations of the City, and the full faith, credit and resources of the City have been irrevocably pledged to the payment of the principal of and interest of the Bonds.
- Rating:** The Bonds are rated “\_\_\_\_\_” by Moody’s Investors Service.
- Purpose:** Proceeds from the Bonds will be used to finance various park and recreational facility improvements in the City as further described under the caption “THE PROJECT.”
- Paying Agent:** UMB Bank, N.A., Kansas City, Missouri.

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**OFFICIAL STATEMENT**  
**Relating to**  
**\$12,000,000\***  
**CITY OF ST. PETERS, MISSOURI**  
**GENERAL OBLIGATION BONDS, SERIES 2017**

**INTRODUCTION**

This Official Statement, including the cover page and the Appendices hereto, is provided by the City of St. Peters, Missouri (the "City") to furnish information in connection with its issuance of \$12,000,000\* principal amount of General Obligation Bonds, Series 2017 (the "Bonds").

The Bonds were authorized on August 2, 2016 by a vote of 7,241 in favor of the proposition to 3,761 against the issuance of bonds for the purpose of acquiring, constructing, renovating, installing, improving and equipping park and recreational facility improvements within the City including a new municipal aquatic park, a new municipal golf course clubhouse with banquet/community center, other park and recreational improvements within the City and related access, site improvements and land acquisition (the "Project"). The Project is described in greater detail under the caption "THE PROJECT."

The Bonds are general obligations of the City, and the full faith, credit and resources of the City have been irrevocably pledged to the payment of the principal of and interest on the Bonds. The principal of and interest on the Bonds are payable from ad valorem taxes which may be levied on all taxable, tangible property within the City, without limitation as to rate or amount.

Brief descriptions of the Bonds, the Project, and the City are included in this Official Statement. Such descriptions and summaries do not purport to be comprehensive or definitive. All references herein to the Bond Ordinance (as defined below) and any other documents are qualified in their entirety by reference to such documents, and references herein to the Bonds are qualified in their entirety by reference to the form thereof included in the Bond Ordinance.

**THE BONDS**

**Authority**

The Bonds are being issued pursuant to and in full compliance with the Constitution and statutes of the State of Missouri, including particularly Article VI, Section 26 of the Missouri Constitution and Chapter 108 of the Missouri Revised Statutes (the "Missouri Revised Statutes") and an ordinance expected to be adopted by the City on January 12, 2017 (the "Bond Ordinance").

**Redemption**

The Bonds maturing on and after February 1, 2025 are subject to redemption and payment prior to maturity at the option of the City on February 1, 2024 and thereafter, in whole or in part on any date, at the redemption price of 100% of the principal amount thereof, plus accrued interest thereon to the redemption date. When less than all outstanding Bonds are to be redeemed, such Bonds shall be redeemed in such order of maturity as shall be determined by the City, and Bonds of less than a full maturity shall be selected by the Paying Agent in \$5,000 units of principal amount by lot or such other equitable manner as the Paying Agent may determine.

In the event the City elects to exercise its option to redeem Bonds pursuant to the Bond Ordinance, written notice shall be given by first class mail to the State Auditor and the registered owners of the Bonds to be redeemed at least 30 days but not more than 60 days prior to the redemption date.

\* Subject to change.

## **Security for the Bonds**

The Bonds are general obligations of the City, and the full faith, credit and resources of the City have been irrevocably pledged to the payment of the principal of and interest of the Bonds. The principal of and interest on the Bonds are payable from ad valorem taxes which may be levied on all taxable tangible property, real and personal, within the City, without limitation as to rate or amount. Said levy shall be in addition to and exclusive of all other taxes authorized to be levied by the City.

## **Description**

The Bonds will be issued as non-certificated fully-registered bonds, and, when issued, will be registered in the name of Cede & Co., as Bondowner and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the Bonds. Purchases of the Bonds will be made in book-entry only form. The Bonds will be issued in the denomination of \$5,000 or any integral multiple thereof. Purchasers will not receive certificates representing their interest in Bonds purchased. See "APPENDIX B - BOOK-ENTRY ONLY SYSTEM" herein.

The Bonds are dated as of the date of original issuance and delivery and will mature on February 1 in each of the years and in the amounts shown on the cover page of this Official Statement. Interest on the Bonds will be payable semiannually on February 1 and August 1, commencing on August 1, 2017.

The principal or redemption price of the Bonds shall be paid at maturity or upon earlier redemption by check or draft to the person in whose name the Bond is registered at the maturity or redemption date thereof upon presentation and surrender of the Bond at the principal corporate trust office of Paying Agent or such other office as the Paying Agent shall designate. The interest payable on the Bonds on any interest payment date shall be paid to the person in whose name the Bond is registered on the registration books maintained by the Paying Agent (the "Bond Register") at the close of business on the Record Date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding the interest payment date. Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or (b) in the case of an interest payment to (i) the Registered Owner of all Bonds or (ii) any Registered Owner of \$500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Registered Owner upon written notice given to the Paying Agent not less than 15 days prior to the Record Date for such interest and signed by such Owner, containing the electronic transfer instructions including the name and address of the bank (which shall be in the continental United States), ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal or redemption price of and interest on the Bonds shall be payable by check or draft in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

So long as DTC or its nominee, Cede & Co., is the Bondowner, such payments will be made by the Paying Agent, directly to such Bondowner. Disbursement of such payments to the DTC Participants is the responsibility of DTC. Distribution of such payments to the Beneficial Owners is the responsibility of the DTC Participants and Indirect Participants, as more fully described in the Official Statement under the caption "APPENDIX B - BOOK-ENTRY ONLY SYSTEM."

## THE CITY

### **Government**

The City is a fourth-class city. The governing body of the City is the Board of Aldermen, which is comprised of eight aldermen and a mayor. Two aldermen are elected from each of the City's four wards to serve four-year terms.

The Mayor, elected at large to serve a four-year term, is the presiding officer of the Board of Aldermen. The Mayor may vote in the event of a tie vote by the Board of Aldermen. Additionally, the Mayor has veto power.

A city administrator is appointed by the Mayor with the advice and consent of the Board of Aldermen. The city administrator is the chief assistant to the Mayor and is responsible for the day-to-day management of the City's business and staff. The city administrator is also responsible for the employment and discharge of City employees under policies established by the Board of Aldermen.

City functions are divided among 7 groups: Staff Support Services, Health and Environmental Services, Municipal Police Services, Transportation and Development Services, Parks and Golf Services, Recreation and Cultural Services, and Water Environment Services. These groups are further divided into departments. The Communications Department publishes a newspaper on City business and events, providing voter registration information, and assisting civic and volunteer organizations. In addition, this department operates a cable television channel which airs public service announcements, weather, City and governmental activities, Board of Aldermen meetings and documentaries.

The City has several advisory boards and committees composed of citizens appointed by the Mayor with the advice and consent of the Board of Aldermen. The advisory boards and committees include, among others, Tax Increment Financing Commission, Personnel Review Board, St. Peters Green Team, Senior Advisory Committee, Veterans Memorial Commission, Outpatient Surgical Treatment Center Medical Review Board, Health and Wellness Advisory Committee, and the Parks, Recreation, and Arts Advisory Board. In addition, the Mayor with the advice and consent of the Board of Aldermen appoints citizens to other boards and commissions which have responsibility for governmental functions relating to zoning and building codes. These boards and commissions are the Planning and Zoning Commission, the Board of Adjustment, and the Board of Appeals.

### **Employees**

The City has approximately 405 full-time and 353 part-time and seasonal employees. None of the City employees are represented by a union.

### **Community Services**

#### *Communications and Media*

Telecommunication services are provided by AT&T, Verizon and Charter Communications. City residents receive all St. Louis television channels and are within listening distance of approximately 60 radio stations. There are two major newspapers circulated in the County: the *St. Peters Journal* and the *St. Louis Post-Dispatch*. Television service is provided by Charter Communications, Inc., AT&T, Dish Network and Direct TV.

The St. Charles City-County Library District (the “Library”) operates its main library in the City. This special service district is governed by a board of trustees and operated with a separate tax levy. In 2012, the main library was replaced with a new two-story 54,700 square foot facility that includes 13 meeting rooms, computer access and a reading room. The Library has over 800,000 books, 60,000 audios, 53,000 videos and DVDs, and 200 on-line electronic resources.

#### *Fire Protection*

Fire protection is provided by fire protection districts that are independent of the City, with each district having its own elected or appointed officials, budgets, and powers of taxation. The majority of the City and surrounding unincorporated areas are served by Central County Fire & Rescue District that was formed through a 1998 consolidation of the St. Peters Fire Protection District and the St. Charles Fire Protection District. A small portion of St. Peters is served by the Cottleville Fire Protection District.

#### *Police Protection*

Municipal Police Services, a department of the City, has 86 full-time officers and 5 full-time rangers and provides police protection throughout the corporate limits of the City. The Municipal Police Services sponsors several community service programs including the D.A.R.E. drug program, Neighborhood Watch, Mall Watch, Business Watch, Bicycle Safety Rodeos, Special Olympics, and other programs designed to reduce crime.

#### *Recreation Activities*

The City owns and operates 21 parks covering approximately 1,284 acres and an 18-hole municipal golf course. Facilities available at City parks include numerous ball fields, tennis courts, 1 outdoor swimming pool, hiking trails, playground equipment and picnicking facilities.

The City owns a 124,000 square foot recreation complex known as the Rec-Plex. The Rec-Plex includes:

- An Olympic-sized natatorium, which is a competition-style swimming and diving pool built to Olympic standards with a separate leisure pool,
- A National Hockey League regulation size indoor ice rink,
- A gymnasium and an elevated running track,
- Rooms for weight training, dance/aerobics, and other leisure activities, and
- A food court with an observatory.

Adjacent to Rec-Plex is Rec-Plex South. Rec-Plex South was constructed in 2006 and houses two ice sheets, a double gymnasium, a multi-purpose room/gymnasium, a concession facility and locker rooms.

In connection with the construction of a levee for the St. Peters Route 370 Redevelopment Area, the City constructed a 140-acre lake within a 300-acre park. The park includes the City’s largest pavilion with seating for 300 people, hiking and biking trails, and facilities for camping, boating and fishing, a dog park and an archery range.

The City also operates a cultural arts center within City Hall that attracts visitors from throughout the St. Louis metropolitan area. In addition to monthly exhibits, the center conducts a variety of visual and performing art classes available to residents throughout the County. The center contains numerous dual purpose classrooms and gallery spaces designed for monthly exhibitions,

special performances, workshops and meetings. The center contains an auditorium that hosts plays and musical performances. The center hosts thematic competition art shows for local artists and ongoing classes in painting, clay, and drawing.

The City has a Senior Center that offers lunch Monday through Friday in a large dining room and also has a fitness center with workout equipment, computer stations, a small library, an activity room and a billiards room.

#### *Solid Waste Collection*

The State of Missouri Solid Waste Management Law requires cities with a population over 500 to develop, adopt and implement a solid waste management plan to ensure that all solid wastes in a community are stored, collected, transported and disposed of properly. The City began solid waste collection in November 1990 and presently serves approximately 19,371 single family residential customers, including approximately 1,389 customers outside the City limits including collections for the City of Cottleville. During the 1999 Fiscal Year, the City began multi-family collection and competes with private haulers for commercial customers.

The City owns a materials recycling facility. City residents are encouraged to participate in recycling by separating regular wastes from items that are recyclable. Recyclables are collected at curbside and are then separated into salable commodities at the recycling facility. The City also collects specific recyclable commodities (such as cardboard) that can be sold directly to various recycling companies.

#### *Medical*

Within the City is the Barnes-Jewish St. Peters Hospital (the "Hospital"). Facilities at the Hospital include, among others, a medical/surgical unit, an emergency department, an intensive care unit, a cardiopulmonary department, a physical medicine department, a radiology department, a full service laboratory, a stress and chemical dependency unit and a cancer center. The Hospital recently completed a phased expansion that increased the number of beds (now 127) and added an 18,000 square foot medical office building to the campus. Currently under construction is a 15,640 square foot expansion to its cancer center. In addition to the Hospital, numerous dentists, chiropractors and doctors provide medical services from offices and clinics located in the City. The health care needs of the elderly are provided by several long-term care facilities located in the City.

Emergency medical transport services are provided by the St. Charles County Ambulance District, based in St. Peters. The District is a tax-supported governmental body.

#### *Education*

Primary and secondary education within the City are provided by three public school districts: Fort Zumwalt, Francis Howell and St. Charles. The districts own and operate 32 elementary schools, 11 middle schools and 10 senior high schools. There are also several private schools serving grades K-12 in easy commuting distance of the City.

Higher education is provided by the St. Charles Community College, located in Cottleville adjacent to the City, and by Lindenwood University, located in the County approximately 7 miles from the City. In addition, numerous institutions of higher education located in the St. Louis metropolitan area are easily accessible to City residents including Saint Louis University, Washington University and the University of Missouri-St. Louis.

## Economic and Demographic Data

### *Transportation*

The City is traversed by Interstate 70 which provides direct access to St. Louis, approximately 20 miles east of the City, and to Kansas City, approximately 220 miles west of the City. Routes 370 and 364 provide direct access to St. Louis County and Interstate 270 from the North and South sides of the City, respectively.

Regularly scheduled air passenger and freight service is available at Lambert-St. Louis International Airport located approximately 12 miles east of the City on Interstate 70. Commercial air service is available at Smartt Field Airport, a public airport operated by the County. Barge service is available on the Mississippi River located approximately 5 miles from St. Peters. The City is served by two railroads: the Norfolk & Southern and the Burlington-Northern, and three common-carrier truck lines.

### *Population*

Since 1980, the City's population has more than tripled. The following table sets forth population statistics for the City:

<u>Year</u>	<u>Population</u>
1970	486
1980	15,700
1990	42,747
2000	51,381
2010	52,575
2015	56,971

*Source: Official Census Counts of the United States Department of Commerce, Bureau of Census except for 2015, which is an unofficial estimate of the Bureau of Census.*

### **Economy**

The City's diversified economy and commercial growth is attributable to its transportation network, central location in the United States, and expanding resources of labor and materials. Residential growth has been considerable as an outgrowth of expanded employment opportunities in the area. At the same time, the City continues to grow as a suburban community.

The City currently has approximately 2,245 business establishments. There are several major shopping corridors in St. Peters and the City serves as a shopping hub to surrounding communities located throughout the County. The City's retail service area encompasses an estimated 30-mile radius with a population of approximately 360,000 in the 10-mile radius immediately surrounding the City.

The largest shopping center in the City, Mid Rivers Mall (the "Mall"), is also the largest shopping center in the County. The Mall opened in 1987. The Mall contains approximately 1,000,000 square feet with approximately 120 stores including the following anchors: J.C. Penney, Sears, and Dillards. Macy's is also an anchor; however, it is possible that the store could be among one of the one-hundred stores that Macy's is planning to close in 2017. The Mall owner is currently planning a \$5,000,000 upgrade to the entrances, parking lot, lighting and landscaping within the next year.

Other major retailers in the City include Costo, Menards, Great Central Lumber, two Walmart Markets, and a Walmart among others.

*Major Employers*

The following table sets forth information regarding the largest employers located within the City, based on the number of full-time or full-time equivalent employees:

<u>Name</u>	<u>Product or Service</u>	<u>Number of Employees</u>
Barnes-Jewish St. Peters Hospital	Health Care	970
Fort Zumwalt School District R-II	Education	709
City of St. Peters	Government	569
Francis Howell School District R-III	Education	308
Dierbergs (2 locations)	Grocery Stores	265
Wal-Mart	Retail Sales	263
Schnucks (2 locations)	Grocery Stores	256
Boone Center Inc.	Packaging Business for Disabled	210
RB Manufacturing	Air Fresheners & Chemicals	200
Alpla Inc.	Plastic Packaging	185
St. Charles County Ambulance District	Ambulance Services	180

Source: City's 2015 Comprehensive Annual Financial Report and other sources believed to be reliable.

*Employment*

According to the United States Bureau of Census, 2010-2014 American Community Survey 5-Year Estimates, the City's civilian labor force was 31,666. The total number of people that were unemployed was 2,014 which was an unemployment rate of 6.4%.

*Building and Construction Data*

The following table sets forth the number of units and value of building permits issued by the City for the fiscal years ended September 30, 2012 through 2016:

<u>Fiscal Year</u>	<u>Residential</u>		<u>Commercial</u>		<u>Total Value<sup>(1)</sup></u>
	<u>Number of Units</u>	<u>Value</u>	<u>Number of Units</u>	<u>Value</u>	
2012	238	\$33,809,533	19	\$23,038,108	\$ 56,847,641
2013	526	70,304,798	11	15,211,039	85,515,837
2014	274	90,142,303	13	17,543,967	107,686,270
2015	176	47,800,120	15	37,933,869	85,733,989
2016	115	30,399,329	12	47,714,602	78,113,931

(1) Excludes tenant finishes and permits for miscellaneous purposes.

Source: City's Transportation and Development Services Records.

## Housing

The following table sets forth statistics relating to housing for the City and, for comparative purposes, the County, St. Louis MSA, and the State of Missouri:

	<u>Median Value of Owner Occupied Housing</u>	<u>% Built in 2000 or Later</u>	<u>Units Built Before 1940</u>
The City	\$168,100	17.3%	1.0%
Other Entities:			
St. Charles County	188,100	28.3	2.7
St. Louis MSA	156,900	13.0	16.7
State of Missouri	136,700	15.2	14.3

Source: U.S. Bureau of Census, 2010-2014 American Community Survey, 5 year estimates.

## Income

The following table sets forth certain income statistics for the City and, for comparative purposes, the County, St. Louis MSA, and the State of Missouri:

	<u>Per Capita Income In 2014 Dollars</u>	<u>Median Family Income In 2014 Dollars</u>	<u>% People Below Poverty Level</u>
The City	\$32,380	\$85,677	3.7%
Other Entities:			
St. Charles County	32,473	85,401	6.1
St. Louis MSA	30,024	70,470	13.2
State of Missouri	26,006	60,414	15.6

Source: U.S. Bureau of Census, 2010-2014 American Community Survey, 5 year estimates.

## THE CITY'S FINANCES

### Accounting and Reporting Practices

Since 1992 (Fiscal Year ending September 30, 1991), the City has been awarded the Government Finance Officers Association's ("GFOA") Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report. In order to be awarded a Certificate of Achievement, a government unit must publish an easily readable and efficiently organized comprehensive annual financial report, the content of which must conform to GFOA's program standards. The report must also satisfy both generally accepted accounting principles and applicable legal requirements.

The accounts of the City are organized on the basis of funds and account groups, in conformance with generally accepted accounting principles applicable to governments. Government-wide financial statements reflect the accrual basis of accounting, governmental funds use the modified accrual basis of accounting and proprietary funds use the accrual basis of accounting.

The City operates on a fiscal year commencing October 1 of each year and ending on September 30 of the following calendar year (the "Fiscal Year").

The Board of Aldermen annually engages an independent certified public accountant for the purpose of performing an audit of the books of account, financial records, and transactions of the City.

### **Investments**

The City has a comprehensive investment policy. The City's investment policy is to minimize credit and market risks while maintaining a competitive yield on its portfolio. The City's practice has been to invest in demand deposits, savings accounts, certificates of deposit, obligations of the United States Treasury and repurchase agreements. Most of the City's investments are in instruments that have a maturity of less than one year to insure that surplus funds are available in the event the Board of Aldermen elects to appropriate such monies. All City deposits and investments are insured by federal depository insurance, collateralized or are secured by an irrevocable standby letter of credit issued by a Federal Home Loan Bank. The City's primary investment risk is "Reinvestment Risk." This is the risk that the City's short-term investments may be reinvested at lower yields upon maturity.

### **Budget Process**

The City Administrator prepares an annual budget for the ensuing fiscal year. The budget is based upon information provided by the various City departments and employees. After a proposed budget is prepared, it is submitted to the Board of Aldermen for review. The Board of Aldermen may revise, alter, increase or decrease the items contained in the proposed budget, provided that total authorized expenditures from any fund do not exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year. The budget is legally enacted by ordinance following public hearings on the proposed budget.

Pursuant to the Missouri Revised Statutes, the annual budget must present a complete financial plan for the ensuing fiscal year, and must include at least the following information:

- (1) A budget message describing the important features of the budget and major changes from the preceding year;
- (2) Estimated revenues to be received from all sources for the budget year, with a comparative statement of actual or estimated revenues for the two years next preceding, itemized by year, fund, and source;
- (3) Proposed expenditures for each department, office, commission, and other classifications for the budget year, together with a comparative statement of actual or estimated expenditures for the two years next preceding, itemized by year, fund, activity and object;
- (4) The amount required for the payment of interest, amortization, and redemption charges on debt; and
- (5) A general budget summary.

The City Administrator is authorized to transfer part, or all, of any unexpended balance among any departments within a given fund. If it is determined that the original budgeted revenues and expenditures need to be increased or decreased, the Board of Aldermen may, by ordinance, make such changes in budgeted revenues and expenditures so long as the total budgeted expenditures do not exceed the amount of budgeted revenues plus beginning unencumbered fund balance. If it appears probable that revenues available will be insufficient to meet the amount appropriated, the Board of Aldermen may, by ordinance, reduce one or more appropriations.

The following table indicates the City's General Fund revenues, expenditures and changes in fund balance for the fiscal years ended September 30, 2013 through 2015:

**SUMMARY OF GENERAL FUND OPERATIONS**  
**(\$ in thousands)<sup>(1)</sup>**

	Fiscal Year Ended September 30		
	2013	2014	2015
<b>REVENUES</b>			
Sales Taxes	\$12,601	\$13,087	\$13,712
Property Taxes	6,974	7,074	7,403
Utility Franchise Tax	4,197	4,390	4,548
Cigarette Taxes	189	182	189
Licenses and Permits	1,242	1,535	1,443
Interest	1	1	5
Intergovernmental	3,434	3,530	3,824
Fines and Forfeitures	2,367	1,802	1,799
Charges for Services	684	691	693
Miscellaneous	467	567	506
Total Revenues	32,156	32,859	34,122
<b>CURRENT EXPENDITURES</b>			
General Government	1,568	2,005	1,846
Administration	3,724	4,124	4,156
Police	11,658	11,964	12,379
Municipal Court	414	443	431
Public Works	1,864	1,918	2,109
Engineering	2,082	2,093	2,182
Maintenance	284	347	387
Health	556	618	654
Parks and Recreation	5,265	4,667	4,893
Communications	855	823	921
Community and Arts	185	185	213
Total	28,455	29,187	30,171
<b>REVENUES OVER CURRENT EXPENDITURES</b>	3,701	3,672	3,951
<b>OTHER FINANCING SOURCES (USES)</b>			
Capital Outlay	(893)	(778)	(695)
Debt Service	(383)	(377)	(376)
Net Transfers <sup>(2)</sup>	200	(768)	(1,070)
Proceeds from Sale of Capital Assets	159	86	65
Proceeds on Issuance of Debt	1,700	—	—
Payment to Escrow Agent	(1,700)	—	—
Total Other Financing Sources (Uses)	(917)	(1,837)	(2,076)
<b>REVENUES OVER EXPENDITURES AND OTHER FINANCING USES</b>	2,784	1,835	1,875
<b>FUND BALANCE</b>			
Beginning of Year	4,723	7,507	9,342
<b>FUND BALANCE</b>			
End of Year	\$ 7,507	\$ 9,342	\$11,217

Footnotes to Prior Page

- (1) Any variance from the City's audited financial statements is due to rounding.
- (2) For the 2013 Fiscal Year, transfers in consisted primarily of \$1,161,761 that was from the Solid Waste Fund for expenses relating to litigation (now settled) relating to a landfill previously owned by the City and transfers out consisted primarily of \$468,000 for the payment of debt service on general obligation bonds, a recurring transfer of the tourism tax to the Recreation Fund which equaled \$153,711 and a one-time transfer of \$458,581 relating to a refunding of certificates of participation for the 2013 Fiscal Year. Fiscal Year 2014 transfers out included \$729,000 for the payment of debt service on general obligation bonds, a recurring transfer of the tourism tax to the Recreation Fund which equaled \$123,374 offset by a transfer in from the Capital Project fund of \$84,713. Fiscal Year 2015 transfers out included \$945,000 to the debt service fund for the payment on general obligation bonds and a \$125,329 for a recurring transfer of the tourism tax to the Recreation Fund.

*Source: Derived from the City's Comprehensive Financial Reports, September 30, 2013, 2014 and 2015.*

### **Unaudited 2016 Results and 2017 Budget**

The City's 2016 Fiscal Year ended on September 30, 2016. Based on the City's unaudited financial results the City expects the General Fund unassigned ending balance to be comparable to the ending balance of \$6,664,641 for the 2015 Fiscal Year (see APPENDIX A, page A-56). In addition, during the 2014 Fiscal Year the City established a "Contingency Reserve" that was initially funded in the amount of \$2,500,000. The City made additional \$500,000 of deposits to the Contingency Reserve in each of the two subsequent Fiscal Years. As a result, the City's reserves, that are legally available for governmental purposes, equal approximately \$9,500,000 based on unaudited results at the end of the 2016 Fiscal Year.

For the 2017 Fiscal Year, based on the budget and year-to-date results the City has estimated that the General Fund unassigned ending balance will be \$5,000,000. The City budgeted a contribution of \$500,000 to the Contingency Reserve, which should result in an ending fund balance in the Contingency Reserve of \$4,000,000.

### **The Hancock Amendment**

On November 4, 1980, Missouri voters approved an amendment to the Missouri Constitution to limit taxation and governmental spending. The amendment (popularly known as the Hancock Amendment) also limits the rate of increase and the total amount of taxes on property which may be imposed in any year without voter approval. If the assessed valuation of property, excluding the value of new construction and improvements, increases by a larger percentage than the increase in the general price level from the previous year, the maximum authorized current levy applied thereto in each political subdivision must be reduced to yield the same gross revenue from existing property, adjusted for changes in the general price level, as could have been collected at the existing authorized levy on the prior assessed value. The tax levy on the assessed valuation of new construction is exempt from this limitation.

The Hancock Amendment does not apply to taxes imposed for the payment of principal and interest on general obligation bonds.

### **Tax Increment Financing**

#### *General*

The City has two Tax Increment Financing (TIF) Areas that were established to provide a funding mechanism to promote and enhance redevelopment of specific areas of the City. Incremental revenues, as described hereinafter, generated within the tax increment financing areas are retained by

the City and used for a variety of activities, including demolition and clearance of property and construction of infrastructure improvements as permitted by Missouri statutes.

Pursuant to the Real Property Tax Increment Allocation Act (the “Act”), cities and counties may implement TIF in order to induce the development of an area which has been lacking growth and development and to eliminate conditions which have caused an area to become a conservation or blighted area as such terms are defined in the Act. TIF provides a source of funds by which a city may pay for redevelopment project costs (as defined by the Act) over a period not longer than twenty-three years from the date in which TIF was adopted.

Pursuant to the Act, a city designates TIF by adopting an ordinance approving a Redevelopment Plan and designating a redevelopment area. The certified total assessed valuation of all real property within the redevelopment area, as determined by the Assessor immediately following passage of the ordinance designating the redevelopment area, is considered the initial equalized assessed valuation. By statute, taxes collected by applying the tax rate of all taxing bodies having the power to tax real property in the redevelopment area upon any increase in the equalized assessed valuation over the initial equalized assessed valuation is deposited in a special allocation fund for the redevelopment area. Such incremental taxes are referred to as “Payments in Lieu of Taxes.”

In addition, fifty percent (50%) of the total additional revenue from taxes which are imposed by a city or other taxing district and which are generated by economic activities in the redevelopment area over the base amount (the amount in the calendar year prior to adoption of the TIF) of such taxes generated by economic activities within the redevelopment area (“EATS”) are deposited in the special allocation fund. Monies in the special allocation fund may be used for payment of redevelopment project costs or for payment of principal and interest on obligations issued to finance such costs. (Payments in Lieu of Taxes together with EATS are referred to collectively herein as “Incremental Revenues.”)

The following is a summary of each TIF area within the City:

*Description of Redevelopment Areas in St. Peters*

St. Peters Route 370 Redevelopment Area. In 1999, the City adopted a Tax Increment Financing Plan (the “Redevelopment Plan”), and pursuant to the Act, designated, by ordinance, a 1,600 acre redevelopment area (the “St. Peters Route 370 Redevelopment Area”). The area was declared a blighted area under the Act having met various criteria. A significant cause for the Area being declared blighted is that the area is in a flood plain. The Redevelopment Plan authorized the City to issue up to \$70,000,000 of securities for which incremental TIF revenues could be used for payment of debt service. In furtherance of the objectives of the Redevelopment Plan, the City obtained voter approval to issue \$35,000,000 of general obligation bonds for the purpose of acquiring land to be protected by, and for the construction of, a levee. During the 2000 Fiscal Year, the City sold \$10,000,000 of general obligation bonds principally to acquire property in the Area and during the 2002 Fiscal Year the City sold bonds principally for engineering costs in connection with designing the levee. In 2004, the City issued general obligation bonds to refund the bonds issued during the 2000 Fiscal Year. During the 2005 Fiscal Year, the City sold \$22,500,000 of general obligation bonds to finance the cost of constructing the levee that were subsequently defeased. During the 2006 Fiscal Year, the City sold the land pursuant to a certain Joint Development Agreement, as amended, (the “Development Agreement”) with Kaplan Development and Investment Co. its successors and assigns, Lakeside 370, LLC (a company affiliated with Duke Realty Corporation and Gundaker Commercial Group) (the “Developer”), for \$49,600,000 in three installments. In addition, under the Development Agreement, as amended, the City agreed to issue up to \$17,500,000 of notes to be acquired by the Developer and used for infrastructure improvements including roads and utilities. The notes are to be repaid solely from annually appropriated City funds described in the Development Agreement and generally consisting of 50% of the City’s incremental property tax and 50% of its incremental sales taxes derived from the St. Peters Route 370 Redevelopment Area. Pursuant to the 7 Development

Agreement the area may include facilities for 5,000,000 square feet for industrial buildings. In addition, the Development Agreement provides for the construction of 3,700,000 square feet for offices and dining/entertainment, retail, hotel/conference, and cultural and recreational facilities.

The Developer’s original projections estimated construction of approximately 5,000,000 square feet of industrial buildings and construction of approximately 4,000,000 square feet of office buildings, flex service buildings, and dining/entertainment, retail, and hotel/conference facilities. Actual development has been slow to materialize as the result of nation-wide economic downturn. In addition, 376 acres of land controlled by Gundaker Commercial was sold at public auction to the St. Peters 370 Levee District, a political subdivision. The St. Peters 370 Levee District recently restructured its debt under Chapter 9 Bankruptcy. Recently completed in the area controlled by Duke Realty Corporation, is a 715,000 square-foot building leased to Reckett & Benckiser for warehousing, custom manufacturing and repackaging operations. Currently under construction, and scheduled to be completed in 2017, is a 70,000 square foot cross-dock logistics terminal for Saia LTL Freight and a 250,000 square foot distribution warehouse for Best Buy.

The initial assessed valuation of the St. Peters Route 370 Redevelopment Area is \$148,190 and the 2016 incremental value was \$1,530,094.

Old Town Levee Redevelopment Area. In 1996, the City adopted a Tax Increment Financing Plan, and pursuant to the Act, designated, by ordinance, a 725 acre redevelopment area (the “Old Town Levee Redevelopment Area”). The initial assessed valuation of the area was \$4,205,440 and the 2016 incremental assessed valuation was \$10,605,704. The City may issue up to \$8,330,000 of bonds to finance various public improvements including the construction of a 500 year levee. It is the intent of the City that any bonds issued for this project would be supported solely by Incremental Revenues and the issuance of bonds is contingent upon the City’s ability to attract private development in the Redevelopment Area. The Old Town Levee Redevelopment Area will terminate in May 2019.

**SOURCES OF REVENUE**

**General Fund Revenue Sources**

The City derives its revenues from a variety of sources. The following list sets forth the primary sources of general fund revenues for the 2015 Fiscal Year:

<u>Revenue Source</u>	<u>Revenues</u>	<u>Percentage of Total Revenues</u>
Sales Tax	\$13,711,848	40.19%
Property Tax	7,402,649	21.69
Utility Franchise Tax	4,548,100	13.33
Cigarette Tax	188,601	0.55
Licenses and Permits	1,443,080	4.23
Interest	5,205	0.02
Intergovernmental	3,824,234	11.21
Fines and Forfeitures	1,799,379	5.27
Charges for Services	693,164	2.03
Other Revenues	506,226	1.48
	<u>\$34,122,486</u>	<u>100.00%</u>

*Source: Audited financial statements of the City.*

The following is a summary of some of the more significant revenue sources of the City:

*Property Taxes*

Property taxes are levied against the following classifications of property: real property; personal property; railroads; and utilities. For the 2015 Fiscal Year, property taxes represented approximately 21.7% of total general fund revenue. For a more detailed description of property taxes, see the caption “TAXATION” in the Official Statement.

*Sales Taxes*

A 1% City sales tax for general revenue was authorized by the State Legislature and was imposed following a favorable vote at an election held in 1974. For the 2015 Fiscal Year, the sales tax for general revenue represented approximately 40.2% of general fund revenues.

The following table sets forth the general sales tax receipts of the City, other than amounts allocated to Tax Increment Financing (see the caption “FINANCIAL MATTERS – Tax Increment Financing” in the Official Statement) for the fiscal years ended September 30, 2011 through 2015:

<u>Year</u>	<u>Revenue</u>
2011	\$11,777,602
2012	12,266,784
2013	12,600,822
2014	13,087,001
2015	13,711,848

*Source: Figures derived from audited financial statement of the City.*

*Utility Franchise*

For the 2015 Fiscal Year, the utility franchise tax accounted for approximately 13.3% of general fund revenue. The utility franchise tax is a charge on gross receipts of electric, gas, and cable companies at the rate of 5%.

*Intergovernmental Revenue*

Intergovernmental revenue includes grants, aid, revenue sharing, and other entitlements from Federal and State government. Annually recurring intergovernmental revenue consists primarily of road and bridge taxes from St. Charles County, Missouri, motor vehicle fuel tax and Missouri motor vehicle sales tax. For the 2015 Fiscal Year, intergovernmental revenue accounted for approximately 11.2% of general fund revenue.

## Other Sales Taxes

### *Transportation Sales Tax*

A .5% sales tax for transportation was authorized in 1982. The transportation sales tax is accounted for in the City's Transportation Trust Fund (a Special Revenue Fund) and is restricted in use to construction, reconstruction, repair, and maintenance of streets, roads and bridges. The following table sets forth the transportation sales tax receipts of the City, other than amounts allocated to Tax Increment Financing (see the caption "FINANCIAL MATTERS – Tax Increment Financing" in the Official Statement) for the fiscal years ended September 30, 2011 through 2015:

<u>Year</u>	<u>Revenue</u>
2011	\$5,888,805
2012	6,133,395
2013	6,300,412
2014	6,543,499
2015	6,855,926

*Source: Figures derived from audited financial statements of the City.*

### *Park and Stormwater Sales Tax*

The Park and Stormwater Sales Tax is a .5% sales tax for parks and stormwater projects. City voters approved a .1% Park and Stormwater Sales Tax in November 2000 and approved an additional .4% Park and Stormwater Sales Tax on August 7, 2012 with collections beginning in January 2013. The tax may be used solely in connection with parks and stormwater projects. The City's intent is to allocate the revenue from the Park and Stormwater Sales Tax first to payment of debt service on the City's Refunding Certificates of Participation, Series 2010C, General Obligation Bonds, Series 2016, General Obligation Bonds, Series 2014, General Obligation Bonds, Series 2012, and General Obligation Bonds, Series 2010B Bonds and then to use any funds remaining for ongoing park and stormwater improvements.

The following table sets forth the Park and Stormwater Sales Tax receipts of the City for the past four fiscal years:

<u>Year</u>	<u>Revenue<sup>(1)</sup></u>
2012	\$1,213,515
2013	4,420,066
2014	6,487,198
2015	6,784,761

(1) The increase from the 2012 Fiscal Year is primarily attributable to the passage of the additional .4% rate.

*Source: Figures derived from audited financial statements of the City.*

## Recreational Facilities Revenue

The City obtains significant revenues from the operation of recreation facilities that are accounted for in the Recreation Fund. Revenues include annual membership fees, daily admissions, swimming pool rental and programming revenue, ice rink rental and programming revenue, gymnasium and fitness programs, and concessions. As a result of the construction of Rec-Plex South, the City's goal was to reach between 3,500 to 4,000 Rec-Plex memberships. Memberships totaled 2,100 when the Rec-Plex South was opened in the fall of 2007 and have increased to approximately 4,332 as of September 30, 2016.

## TAXATION

### Tax Procedures

Not later than September 30 of each year, the Board of Aldermen sets the rate of tax for the City and files the tax rate with the County Registrar's Office by October 1. The County Registrar forwards the tax information to the State Auditor who is responsible for reviewing the rate of tax to insure that it does not exceed constitutional rate limits.

Taxes are levied on all taxable real and personal property owned as of January 1 in each year. Certain properties, such as those used for charitable, education, and religious purposes, are excluded from ad valorem taxes for both real and personal property.

Real property within the City is assessed by the County Assessor. The County Assessor is responsible for preparing the tax rolls each year and for submitting tax rolls to the County Board of Equalization. The Board of Equalization has the authority to question and determine the proper value of property and then adjust and equalize individual properties appearing on the tax rolls. By statute, tax bills are to be mailed in October; however, the volume of assessment complaints required to be reviewed by the County Board of Equalization can affect the date on which bills are actually mailed.

Payment of tax on real and personal property is due by December 31 after which date they become delinquent and accrue a penalty of one percent per month. The County collects fees equal to 1.5% of the taxes collected for this service. After such collections and deductions of commission, taxes are distributed according to the taxing body's pro-rata share.

### Assessed Valuation

Assessment of real property pursuant to the Constitution of Missouri requires such property to be classified in subclasses consisting of agricultural, residential or commercial and permitting different assessment ratios for each subclass and requires uniformity in taxation of real property within each subclass. Pursuant to the Constitution, agricultural property is assessed at 12% of its productivity value, residential property is assessed at 19% of true value, and commercial property is assessed at 32% of true value. Personal property is assessed according to book value. In 1986, the State Legislature passed a bill requiring reassessment of all real properties every two years, beginning in 1987.

The following table indicates the assessed valuation, for the past five tax years (which correspond to calendar years), following review by the Board of Equalization and is the assessed valuation used by the City for calculating its tax levy:

<u>Year</u>	<u>Real Property</u>	<u>Personal Property</u>	<u>Total</u>
2012	\$879,240,513	\$158,825,112	\$1,038,065,625
2013	843,462,435	164,687,681	1,008,150,116
2014	859,325,166	164,926,725	1,024,251,891
2015	908,932,656	171,476,471	1,080,409,127
2016	968,913,338	181,051,430	1,149,964,768

*Source: Office of the County Registrar.*

The following table sets forth the estimated market value of taxable property for the 2016 tax year based on the assessment ratios described hereinbefore:

<u>Subclass</u>	<u>Assessed Valuation</u>	<u>Assessment Ratio</u>	<u>Estimated Market Value</u>
Personal Property	\$ 181,051,430	33.3%	\$ 543,154,290
Residential Property	647,158,474	19.0	3,406,097,232
Commercial Property	321,283,843	32.0	1,004,012,010
Agricultural Property	471,021	12.0	3,925,175
Total Taxable AV	1,149,964,768		4,957,188,707
Incremental Value of TIFs <sup>(1)</sup>	12,135,798	32.0	37,924,369
Total	<u>\$1,162,100,566</u>		<u>\$4,995,113,076</u>

(1) All TIF properties are treated as commercial for purposes of computing market value in the table above.  
*Source: Assessed Valuations were provided by the office of the County Registrar.*

### Tax Rates

The following table sets forth the City's tax rates per \$100 of equalized assessed valuation for the tax years ended December 31, 2012 through 2016:

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
General Government	\$ .6010	\$ .6282	\$ .6282	\$ .6095	\$ .6095
Debt Service Fund	.1690	.1418	.1418	.1605	.1605
Total	<u>\$.7700</u>	<u>\$.7700</u>	<u>\$.7700</u>	<u>\$.7700</u>	<u>\$.7700</u>

*Source: Director of Finance.*

### Tax Levies and Collection

#### St. Peters Tax Levies and Collections (amounts expressed in thousands)

<u>Fiscal Year</u>	<u>Total Taxes Levied</u>	<u>Current Taxes<sup>(1)</sup></u>		<u>Current &amp; Back Taxes</u>	
		<u>Collected</u>	<u>% Collected</u>	<u>Collected</u>	<u>% Collected</u>
2011	\$8,099	\$7,937	98.00%	\$8,092	99.91%
2012	7,955	7,690	96.67	7,945	98.87
2013	7,982	7,822	98.00	7,969	99.84
2014	7,851	7,645	97.38	7,834	98.78
2015	8,003	7,914	98.89	7,914	98.89

(1) Represents amounts collected during a Fiscal Year.  
*Source: City's 2015 Comprehensive Annual Financial Report.*

## Major Taxpayers

The following table sets forth information regarding the top ten taxpayers in the City:

<u>Taxpayer</u>	<u>Business</u>	<u>Assessed Valuation</u>	<u>% of Total Assessed Valuation<sup>(1)</sup></u>
Mid Rivers Mall LLC	Westfield Mall	\$18,017,494	1.67%
Airwick Industries Inc.	Reckitt Benckiser	14,422,006	1.33
Turnberry Apartments LLC	Apartments	5,801,920	0.54
SSM Properties Inc.	Medical	4,030,251	0.37
Walmart Real Estate Business Trust	Retail Stores	3,591,869	0.33
Grewe Limited Partnership	Strip Retail Stores	3,564,395	0.33
Jungs Station Association	Sun River Village Condos	3,512,176	0.33
79 Crossing LLC	Dierbergs Markets	3,164,290	0.29
HCP Senior Housing Properties Trust	Dierbergs Markets	2,997,393	0.28
94 Crossing LLC	Strip Stores/Dierbergs	<u>2,966,210</u>	<u>0.27</u>
Totals		<u>\$62,068,004</u>	<u>5.74%</u>

(1) Based on the 2015 tax year real and personal property tax assessment following review by the Board of Equalization and excluding properties located in tax increment financing districts.

Source: Office of the County Assessor.

## DEBT OF THE CITY

### General

Pursuant to the Missouri Constitution, the vote required to pass a proposition to issue general obligation bonds payable from unlimited ad valorem taxes is four-sevenths (4/7) of the qualified voters voting thereon for elections held at the general municipal election day, primary or general elections. A vote of two-thirds (2/3) of the qualified voters voting on the specific general obligation bond proposition is required at all other elections.

The Missouri Constitution provides that the amount of bonds payable out of tax receipts shall not exceed 10% of the total assessed valuation of the taxable property of a city. The Missouri Constitution permits cities to become indebted for an additional 10% of the value of taxable, tangible property for the purpose of acquiring rights-of-way, constructing, extending, and improving streets and avenues; and constructing, extending and improving a sanitary or storm sewer system.

### Outstanding Debt

The following is a list of the City's outstanding general obligation bonds including the Bonds:

<u>Issue</u>	<u>Issue Date</u>	<u>Amount Outstanding</u>
General Obligation Refunding Bonds, Series 2010	May 1, 2010	\$ 1,595,000
General Obligation Bonds, Series 2010B	November 10, 2010	3,790,000
General Obligation Bonds, Series 2012	November 28, 2012	3,320,000
General Obligation Bonds, Series 2014	September 23, 2014	8,910,000
General Obligation Refunding Bonds, Series 2015	May 6, 2015	7,000,000
General Obligation Refunding Bonds, Series 2016	February 4, 2016	16,170,000
General Obligation Bonds, Series 2016	July 5, 2016	8,000,000
General Obligation Bonds, Series 2017	February 1, 2017*	<u>12,000,000*</u>
		<u>\$60,785,000*</u>

\* Subject to Change

## Legal Debt Limit and Debt Margin

The following table sets forth the City's legal debt limit and debt margin based on the 2015 assessed valuation certified on December 31, 2015 and deemed final for State and local government purposes:

	<u>City Purposes Basic Limit</u>	<u>Special Purpose Additional Limit</u>
2015 Assessed Value <sup>(1)</sup>	<u>\$1,129,784,180</u>	<u>\$1,129,784,180</u>
Debt Limit - 10% of Assessed Value	\$112,978,418	\$112,978,418
Less: General Obligation Bonds	<u>60,785,000*</u>	<u>—</u>
Legal Debt Margin	<u>\$ 52,193,418*</u>	<u>\$112,978,418</u>

(1) Excludes the value of property in TIF areas. Accordingly, the table above reflects a debt margin which is lower than the City's actual legal debt limit.

## Lease Obligations

The following is a list of the City's outstanding lease obligations as of the date of this Official Statement:

<u>Issue</u>	<u>Issue Date</u>	<u>Outstanding</u>
Certificates of Participation (City of St. Peters, Missouri, Lessee), Series 2010A	May 3, 2010	\$ 135,000
Taxable Certificates of Participation (City of St. Peters, Missouri, Lessee), Series 2010B (Build America Bonds – Direct Pay)	May 3, 2010	6,680,000
Refunding Certificates of Participation (City of St. Peters, Missouri, Lessee), Series 2010C	November 10, 2010	1,130,000
Refunding Certificates of Participation (City of St. Peters, Missouri, Lessee), Series 2013	August 15, 2013	<u>15,390,000</u>
		<u>\$23,335,000</u>

The City's lease obligations are secured by annually-appropriated funds and do not constitute an indebtedness for purposes of any Missouri statutory or constitutional debt limit. Such obligations are payable solely from available funds of a governmental body and neither taxes nor a specific source of revenues may be pledged to make payments on such obligations. Any increase in taxes required to generate additional funds with which to make payments on such obligations would be subject to voter approval.

## Direct and Overlapping Debt

The following table sets forth information relating to the City's direct and overlapping general obligation debt including the Bonds as of the date of this Official Statement:

	Outstanding Bonds <sup>(1)</sup>	Percent Applicable to the City <sup>(2)</sup>	City's Direct and Overlapping Debt
City of St. Peters	\$ 60,785,000	100.00%	\$ 60,785,000
St. Charles County Ambulance District	4,695,000	14.40	676,080
St. Charles Community College	25,620,000	14.49	3,712,338
Central County Fire and Rescue	13,375,000	69.23	9,259,513
School District of the City of St. Charles	20,060,000	6.80	1,364,080
Fort Zumwalt R-II School District	147,064,907	25.15	36,986,824
Francis Howell School District	136,284,907	20.02	27,284,238
	<u>\$407,884,814</u>		<u>\$140,068,073</u>

(1) Lease and loan obligations which are subject to annual appropriation for payment and for which a tax levy cannot be imposed without voter approval are excluded from the above table. The table also excludes Neighborhood Improvement District Bonds that are a general obligation of the issuer but are expected to be paid from special assessments. The principal amount of Neighborhood Improvement District Bonds for the County is \$3,455,000.

(2) Estimate based on 2015 assessed real and personal property, except for the school districts which is based on locally assessed real property following review by the Board of Equalization.

Source: Bond amounts were provided by the political subdivisions or public records and assessments were provided by the Office of the County Registrar and by the Office of the County Assessor.

## Debt Service Requirements

### Certificates of Participation

The following table sets forth the debt service on the City's outstanding Certificates of Participation:

Fiscal Year	Principal	Interest	US Treasury Interest Subsidy <sup>(1)</sup>	Total Debt Service
2017 <sup>(2)</sup>	\$1,610,000	\$ 1,042,273	\$ (123,773)	\$2,528,500
2018	1,670,000	978,131	(126,961)	2,521,170
2019	1,370,000	909,871	(120,409)	2,159,462
2020	1,400,000	852,283	(113,321)	2,138,962
2021	1,450,000	792,490	(105,841)	2,136,649
2022	1,500,000	736,200	(97,864)	2,138,336
2023	1,550,000	674,873	(89,376)	2,135,497
2024	1,600,000	608,393	(80,360)	2,128,033
2025	1,500,000	541,555	(70,884)	1,970,671
2026	1,550,000	475,405	(60,922)	1,964,483
2027	1,615,000	401,818	(49,656)	1,967,162
2028	1,675,000	323,020	(37,953)	1,960,067
2029	1,750,000	239,333	(25,813)	1,963,520
2030	1,825,000	150,433	(13,125)	1,962,308
2031	1,270,000	58,420	-	1,328,420
Total	<u>\$23,335,000</u>	<u>\$8,784,498</u>	<u>\$(1,116,258)</u>	<u>\$31,003,240</u>

Footnotes to Prior Page

- (1) Represents a 35% U.S. Treasury Interest Subsidy which at the time of issuance was expected to be received in conjunction with the City's Taxable Certificates of Participation (City of St. Peters, Missouri, Lessee), Series 2010B (Build America Bonds – Direct Pay). Under the automatic budget sequestration provisions of the Budget Control Act of 2011, the City's subsidy will be reduced by 6.9% for the 2017 Fiscal Year. Absent Congressional action, the sequester will continue to October 2024; however, the percentage of the reduction is not known at this time and, consequently, the figures above do not reflect the reduction in subsidy except for the 2017 Fiscal Year.
- (2) Includes payments made in the 2016 calendar year that are included in the City's 2017 Fiscal Year.

As noted hereinbefore, although a specific source of taxes and revenues may not be pledged to make payments on lease obligations, the City intends to pay debt service on its lease obligations from the general fund, Park and Stormwater Sales Tax, the Recreation Fund and the Transportation Sales Tax. The following table sets forth the particular fund or revenue source from which the principal and interest payments set forth in the table above are expected to be paid excluding debt service expected to be paid from a US Treasury Interest Subsidy:

Fiscal Year	General Fund	Park and Stormwater	Recreation Fund	Transportation Fund	Total <sup>(1)</sup>
2017 <sup>(2)</sup>	\$ 380,765	\$ 162,790	\$1,348,873	\$636,075	\$2,528,503
2018	381,983	164,509	1,348,895	625,784	2,521,171
2019	20,720	165,609	1,344,518	628,616	2,159,463
2020	—	166,390	1,347,118	625,454	2,138,962
2021	—	161,770	1,348,318	626,562	2,136,650
2022	—	166,870	1,344,718	626,748	2,138,336
2023	—	166,470	1,343,043	625,984	2,135,497
2024	—	160,813	1,342,980	624,240	2,128,033
2025	—	—	1,344,030	626,641	1,970,671
2026	—	—	1,336,343	628,141	1,964,484
2027	—	—	1,339,943	627,219	1,967,162
2028	—	—	1,334,583	625,484	1,960,067
2029	—	—	1,335,583	627,938	1,963,521
2030	—	—	1,337,933	624,375	1,962,308
2031	—	—	1,328,420	—	1,328,420
Total	<u>\$783,468</u>	<u>\$1,315,221</u>	<u>\$20,125,298</u>	<u>\$8,779,261</u>	<u>\$31,003,248</u>

- (1) Annual totals may vary from the table on the prior page due to rounding.
- (2) Includes payments made in the 2015 calendar year that are included in the City's 2016 Fiscal Year.

*General Obligation Bonds*

The following table sets forth the debt service requirements on the City's general obligation bonds following the issuance of the Bonds:

Calendar Year	Outstanding Bonds		The Bonds*		Total Debt Service*
	Principal	Interest	Principal	Interest	
2017	\$ 1,860,000	\$1,369,527		\$ 177,848	\$ 3,407,375
2018	1,930,000	1,295,165	\$ 465,000	351,045	4,041,210
2019	1,980,000	1,245,795	470,000	341,695	4,037,490
2020	2,035,000	1,192,485	480,000	332,195	4,039,680
2021	2,420,000	1,134,290	490,000	322,495	4,366,785
2022	2,480,000	1,064,839	500,000	312,595	4,357,434
2023	2,550,000	995,283	515,000	301,158	4,361,441
2024	2,630,000	924,589	525,000	288,158	4,367,747
2025	2,695,000	855,273	540,000	273,495	4,363,768
2026	2,770,000	782,026	560,000	256,995	4,369,021
2027	2,845,000	707,070	575,000	239,970	4,367,040
2028	2,920,000	630,089	590,000	222,495	4,362,584
2029	3,010,000	546,149	610,000	204,190	4,370,339
2030	3,095,000	458,689	630,000	184,655	4,368,344
2031	2,730,000	367,671	650,000	163,850	3,911,521
2032	2,810,000	289,506	670,000	141,903	3,911,409
2033	2,645,000	206,695	695,000	118,865	3,665,560
2034	2,725,000	126,965	720,000	94,630	3,666,595
2035	2,155,000	44,531	745,000	69,173	3,013,704
2036	500,000	6,563	770,000	42,468	1,319,031
2037	—	—	800,000	14,400	814,400
Total	<u>\$48,785,000</u>	<u>\$14,243,200</u>	<u>\$12,000,000</u>	<u>\$4,454,278</u>	<u>\$79,482,478</u>

**Debt Ratios and Related Information<sup>(1)</sup>**

Population, 2015 .....	56,971
Assessed Value, 2016 .....	\$1,162,100,566
Estimated Market Value, 2016 .....	\$4,995,113,076
Direct Bonded Debt .....	\$60,785,000
Direct and Overlapping Bonded Debt .....	\$140,068,073
Per Capita 2016 Assessed Valuation .....	\$20,398
Per Capita 2016 Estimated Market Value .....	\$87,678
Per Capita Direct Bonded Debt .....	\$1,067
Per Capita Combined Net Direct and Overlapping Debt .....	\$2,459
Direct Bonded Debt as a Percentage of 2016 Assessed Valuation .....	5.23%
Direct and Overlapping Bonded Debt as a Percentage of 2016 Assessed Valuation .....	12.05%
Direct Bonded Debt as a Percentage of 2016 Estimated Market Value .....	1.22%
Direct and Overlapping Bonded Debt as a Percentage of 2016 Estimated Market Value .....	2.80%

(1) The assessed value and related market value is based on the assessed valuation following review by the Board of Equalization.

\* Subject to change.

## Future General Obligations and Lease Obligations

The City has an additional \$14,535,000 of authorized and unissued general obligation bonds for stormwater improvements. The City is planning to issue the bonds in phases over the next ten years. The City has no plans for additional lease obligations.

### THE PROJECT

#### Description

A portion of the proceeds will be used to construct an aquatic center. The aquatic center is expected to include a lazy river, deck slides, a “zero entry” beach, shade structures, spraygrounds and a changing area. There will also be an eight-lane competition pool for lap swimming. Bids are expected to be received in January 2017 and construction is expected to be completed by spring 2018. In addition, a portion of the proceeds will be used to fund the construction of a clubhouse and a new banquet/community center at St. Peters Golf Course. This new facility will include event and meeting facilities with seating for as many as 350 people, plus new outdoor event space for golf tournaments, weddings and other events. The City is currently reviewing proposals for design of the golf course clubhouse and banquet/community center. Bids are expected to be received in July 2017 with construction expected to be completed by November 2018.

#### Estimated Sources and Uses of Funds\*

The estimated sources and uses of funds are set forth below.

<u>Sources of Funds</u>	
Net Proceeds of the Bonds <sup>(1)</sup>	\$
Interest During Construction <sup>(2)</sup>	
Total	<u>\$</u>
<u>Uses of Funds</u>	
Project Costs	\$
Costs of Issuance	
Total	<u>\$</u>

(1) Represents the principal amount of the Bonds, plus the estimated net original issue premium less the estimated underwriter's discount.

(2) Based on a two-year construction period and an interest rate of .25%.

### LEGAL MATTERS

All matters incident to the authorization and issuance of the Bonds are subject to the approval of Gilmore & Bell, P.C., St. Louis, Missouri, Bond Counsel. The approving opinion of Bond Counsel will be furnished at the time the Bonds are paid for and delivered. Bond Counsel has participated only in the preparation of the cover page of this Official Statement and of those portions of this Official Statement captioned “THE BONDS,” “LEGAL MATTERS,” “CONTINUING DISCLOSURE UNDERTAKING – Description of Undertaking” and “TAX MATTERS.” Bond Counsel accordingly expresses no opinion as to the accuracy or sufficiency of other portions of this Official Statement.

\* Subject to change.

## TAX MATTERS

The following is a summary of the material federal and State of Missouri income tax consequences of holding and disposing of the Bonds. This summary is based upon laws, regulations, rulings and judicial decisions now in effect, all of which are subject to change (possibly on a retroactive basis). This summary does not discuss all aspects of federal income taxation that may be relevant to investors in light of their personal investment circumstances or describe the tax consequences to certain types of owners subject to special treatment under the federal income tax laws (for example, dealers in securities or other persons who do not hold the Bonds as a capital asset, tax-exempt organizations, individual retirement accounts and other tax deferred accounts, and foreign taxpayers), and, except for the income tax laws of the State of Missouri, does not discuss the consequences to an owner under any state, local or foreign tax laws. The summary does not deal with the tax treatment of persons who purchase the Bonds in the secondary market. Prospective investors are advised to consult their own tax advisors regarding federal, state, local and other tax considerations of holding and disposing of the Bonds.

### Opinion of Bond Counsel

In the opinion of Gilmore & Bell, P.C., Bond Counsel, under the law existing as of the issue date of the Bonds:

***Federal and Missouri Tax Exemption.*** The interest on the Bonds (including any original issue discount properly allocable to an owner thereof) is excludable from gross income for federal income tax purposes and is exempt from income taxation by the State of Missouri.

***Alternative Minimum Tax.*** Interest on the Bonds is not an item of tax preference for purposes of computing the federal alternative minimum tax imposed on individuals and corporations and is not taken into account in determining adjusted current earnings for the purpose of computing the alternative minimum tax imposed on certain corporations.

***Bank Qualification.*** The Bonds have not been designated as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Code.

Bond counsel’s opinions are provided as of the date of the original issue of the Bonds, subject to the condition that the City comply with all requirements of the Code that must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be, or continue to be, excludable from gross income for federal income tax purposes. The City has covenanted to comply with all such requirements. Failure to comply with certain of such requirements may cause the inclusion of interest on the Bonds in gross income for federal and Missouri income tax purposes retroactive to the date of issuance of the Bonds. Bond Counsel is expressing no opinion regarding other federal, state or local tax consequences arising with respect to the Bonds but has reviewed the discussion under the heading “TAX MATTERS.”

### Other Tax Consequences

***Original Issue Discount.*** For federal income tax purposes, original issue discount (“OID”) is the excess of the stated redemption price at maturity of a Bond over its issue price. The issue price of a Bond is the first price at which a substantial amount of the Bonds of that maturity have been sold (ignoring sales to bond houses, brokers, or similar persons or organizations acting in the capacity of underwriters, placement agents, or wholesalers). Under Section 1288 of the Code, OID on tax-exempt obligations accrues on a compound basis. The amount of OID that accrues to an owner of a Bond during any accrual period generally equals (1) the issue price of that Bond, plus the amount of OID accrued in all prior accrual periods, multiplied by (2) the yield to maturity on that Bond (determined on the basis of compounding at the close of each accrual period and properly adjusted for the length of the accrual period), minus (3) any interest payable on that Bond during that accrual period. The

amount of OID accrued in a particular accrual period will be considered to be received ratably on each day of the accrual period, will be excludable from gross income for federal income tax purposes, and will increase the owner's tax basis in that Bond. Prospective investors should consult their own tax advisors concerning the calculation and accrual of OID.

**Original Issue Premium.** If a Bond is issued at a price that exceeds the stated redemption price at maturity of the Bond, the excess of the purchase price over the stated redemption price at maturity constitutes "premium" on that Bond. Under Section 171 of the Code, the purchaser of that Bond must amortize the premium over the term of the Bond using constant yield principles, based on the purchaser's yield to maturity. As premium is amortized, the owner's basis in the Bond and the amount of tax-exempt interest received will be reduced by the amount of amortizable premium properly allocable to the owner. This will result in an increase in the gain (or decrease in the loss) to be recognized for Federal income tax purposes on sale or disposition of the Bond prior to its maturity. Even though the owner's basis is reduced, no Federal income tax deduction is allowed. Prospective investors should consult their own tax advisors concerning the calculation and accrual of bond premium.

**Sale, Exchange or Retirement of Bonds.** Upon the sale, exchange or retirement (including redemption) of a Bond, an owner of the Bond generally will recognize gain or loss in an amount equal to the difference between the amount of cash and the fair market value of any property received on the sale, exchange or retirement of the Bond (other than in respect of accrued and unpaid interest) and such owner's adjusted tax basis in the Bond. To the extent a Bond is held as a capital asset, such gain or loss will be capital gain or loss and will be long-term capital gain or loss if the Bond has been held for more than 12 months at the time of sale, exchange or retirement.

**Reporting Requirements.** In general, information reporting requirements will apply to certain payments of principal, interest and premium paid on the Bonds, and to the proceeds paid on the sale of the Bonds, other than certain exempt recipients (such as corporations and foreign entities). A backup withholding tax will apply to such payments if the owner fails to provide a taxpayer identification number or certification of foreign or other exempt status or fails to report in full dividend and interest income. The amount of any backup withholding from a payment to an owner will be allowed as a credit against the owner's federal income tax liability.

**Collateral Federal Income Tax Consequences.** Prospective purchasers of the Bonds should be aware that ownership of the Bonds may result in collateral federal income tax consequences to certain taxpayers, including, without limitation, financial institutions, property and casualty insurance companies, individual recipients of Social Security or Railroad Retirement benefits, certain S corporations with "excess net passive income," foreign corporations subject to the branch profits tax, life insurance companies, and taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry or have paid or incurred certain expenses allocable to the Bonds. Bond Counsel expresses no opinion regarding these tax consequences. Purchasers of Bonds should consult their tax advisors as to the applicability of these tax consequences and other federal income tax consequences of the purchase, ownership and disposition of the Bonds, including the possible application of state, local, foreign and other tax laws.

## RATING

Moody's Investors Service, Inc., 7 World Trade Center, 250 Greenwich, New York, New York 10007 has assigned the Bonds the rating of "\_\_\_\_\_." An explanation of the significance of the rating may be obtained from the rating agency. There is no assurance that such rating will continue for any period of time or that it will not be revised or withdrawn. A revision or withdrawal of a rating may adversely affect the market price of the Bonds.

## MUNICIPAL ADVISOR

WM Financial Strategies, St. Louis, Missouri (the “Municipal Advisor”), is a registered Municipal Advisor with the Securities and Exchange Commission and the Municipal Securities Rulemaking Board. The Municipal Advisor is employed by the City to render certain professional services, including advising the City on a plan of financing and assisting in preparing the Official Statement for the sale of the Bonds. The Municipal Advisor does not guaranty, warrant or represent the accuracy or completeness of the information contained in this Official Statement.

## UNDERWRITING

\_\_\_\_\_ (the “Underwriter”) has agreed to purchase the Bonds from the City at a price equal to \$ \_\_\_\_\_. The price is net of the underwriter’s discount of \$ \_\_\_\_\_ plus a net original issue premium of \$ \_\_\_\_\_. The Bonds may be offered and sold to certain dealers and others at prices lower than the initial public offering price and such initial offering price may be changed from time to time.

## NO LITIGATION CERTIFICATE

Simultaneously with the delivery of and payment for the Bonds, the Mayor acting on behalf of the City, will furnish to the Underwriter a certificate which shall state, among other things, that there is no controversy, suit or other proceeding of any kind pending and served, or to his knowledge, threatened in any court (either State or federal) restraining or enjoining the issuance or delivery of the Bonds or questioning (i) the proceedings under which the Bonds are to be issued, (ii) the validity of the Bonds, (iii) the pledge of the City of the moneys under the Bond Ordinance, or (iv) the legal existence of the City or the title to office of the present officials of the City.

## CONTINUING DISCLOSURE UNDERTAKING

### Description of Undertaking

In accordance with the requirements of Rule 15c2-12 (the “Rule”) promulgated by the Securities and Exchange Commission, the City has agreed to provide the following to the Municipal Securities Rulemaking Board’s Electronic Municipal Market Access System (“EMMA”):

(i) audited financial statements beginning on or prior to 180 days after the end of each Fiscal Year commencing with the Fiscal Year and certain annual financial information and operating data generally consistent with the financial information and operating data contained in this Official Statement under the captions “THE CITY’S FINANCES,” “SOURCES OF REVENUE,” “TAXATION,” and “DEBT OF THE CITY” (excluding “Debt Ratios and Related Information”). Such information shall be made available beginning on or prior to 180 days after the end of each Fiscal Year commencing with the Fiscal Year ended September 30, 2016.

(ii) notice of the occurrence of any of the following events with respect to the Bonds, within 10 business days after the occurrence:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults, if material;
- (3) modifications to rights of bondholders, if material;
- (4) bond calls, if material, and tender offers;
- (5) defeasances;
- (6) rating changes;

- (7) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Forms 570-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax-exempt status of the security;
  - (8) unscheduled draws on debt service reserves reflecting financial difficulties;
  - (9) unscheduled draws on credit enhancements reflecting financial difficulties;
  - (10) substitution of credit or liquidity providers, or their failure to perform;
  - (11) release, substitution or sale of property securing repayment of the Bonds, if material;
  - (12) bankruptcy, insolvency, receivership or similar event of the City;
  - (13) the consummation of a merger, consolidation or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
  - (14) appointment of a successor or additional trustee or the change of name of the bond trustee, if material.
- (iii) notice of a failure (of which the City has knowledge) to provide the required annual financial information on or before the date specified in its written continuing disclosure undertaking.

The City may, from time to time, choose to provide notice of the occurrence of certain other events, in addition to those listed above, if, in the judgment of the City, such other event is material with respect to the Bonds, however, the City does not undertake to commit to provide any such notice of the occurrence of any material event except those indicated herein.

The City reserves the right to modify, from time to time, the specific types of information provided or the format of the presentation of such information, to the extent necessary or appropriate in the judgment of the City; provided that the City agrees that any such modification will be done in a manner consistent with the Rule as the same may be amended from time to time. The City reserves the right to terminate its obligation to provide annual financial information and notices of material events, as set forth above, if and when the City no longer remains an "Obligated Person" with respect to the Bonds within the meaning of the Rule. The City acknowledges that its undertaking pursuant to the Rule described under this heading is intended to be for the benefit of the holders of the Bonds and shall be enforceable by the owners of the Bonds provided that the right to enforce the provisions of this undertaking shall be limited to a right to obtain specific enforcement of the City's obligations hereunder and any failure by the City to comply with the provisions of this undertaking shall not be an event of default with respect to the Bonds.

### **Prior Compliance**

To the best of the City's knowledge and belief it has materially complied with its continuing disclosure requirements for the past five years.

All of the City's bonds that have been outstanding for the past five years were initially rated solely by Moody's. Some of the City's current and previously outstanding bonds were insured by a financial guarantor. Moody's ratings on securities that are guaranteed or "wrapped" by a financial guarantor are generally maintained at a level equal to the higher of the following: the rating of the

guarantor (if rated at the investment grade level); or the published underlying rating. Accordingly, in general, the City's practice has been to discontinue filing event notices relating to a change in rating of the financial guarantor when the rating of the guarantor fell below the City's published underlying rating and the underlying rating became the published rating.

The City has not filed any event notices for ratings that were assigned to any of its outstanding bonds by any rating agency other than Moody's since the City is not a party to such ratings and the City did not disclose any ratings, other than ratings assigned by Moody's, in any primary offering documents.

#### **CERTIFICATION OF OFFICIAL STATEMENT**

Simultaneously with the delivery of the Bonds, the City will furnish to the Underwriter a certificate which will state, among other things, that to the best of the knowledge and belief of the official signing such certificate, this Official Statement (and any amendment or supplement hereto) as of the date of sale and as of the date of delivery of the Bonds does not contain any untrue statement of a material fact and does not omit to state a material fact required to be stated therein or necessary to make the statements herein, in light of the circumstances under which they were made, not misleading in any material respect.

#### **MISCELLANEOUS**

This Official Statement is not to be construed as a contract or agreement between the City and the Underwriter of any of the Bonds. Any statement made in this Official Statement involving matters of opinion is intended merely as an opinion and not as a representation of fact. The information and expressions of opinion contained herein are subject to change without notice, and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the City since the date hereof.

CITY OF ST. PETERS, MISSOURI

BY: \_\_\_\_\_

## APPENDIX A

### CITY OF ST. PETERS, MISSOURI FINANCIAL STATEMENTS

SEPTEMBER 30, 2015

The financial statements presented within this Appendix have been extracted from the City's comprehensive annual financial report for the year ended September 30, 2015. The report includes supplemental information and the auditor's report which are not included herein. The financial statements of the City are prepared in conformance with generally accepted accounting principles. Copies of the Comprehensive Annual Financial Report, in its entirety, and the City's budget for the 2016 Fiscal Year are available from the City at <http://www.stpetersmo.net/finance-and-purchasing.aspx>.

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## APPENDIX B

### BOOK-ENTRY ONLY SYSTEM

*General.* The Bonds are available in book-entry only form. Purchasers of the Bonds will not receive certificates representing their interests in the Bonds. Ownership interests in the Bonds will be available to purchasers only through a book-entry system (the “Book-Entry System”) maintained by DTC.

*The following information concerning DTC and DTC’s book-entry system has been obtained from DTC. The City (referred to in this section as the “Issuer”) takes no responsibility for the accuracy or completeness thereof and neither the Indirect Participants nor the Beneficial Owners should rely on the following information with respect to such matters, but should instead confirm the same with DTC or the Direct Participants, as the case may be. There can be no assurance that DTC will abide by its procedures or that such procedures will not be changed from time to time.*

1. The Depository Trust Company (“DTC”), New York, New York, will act as securities depository for the Bonds. The Bonds will be delivered as fully-registered securities registered in the name of Cede & Co. (DTC’s partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered certificate will be delivered for each maturity of the Bonds, each in the aggregate principal amount of such maturity, and will be deposited with DTC.

2. DTC, the world’s largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a “banking organization” within the meaning of the New York Banking Law, a member of the Federal Reserve System, a “clearing corporation” within the meaning of the New York Uniform Commercial Code, and a “clearing agency” registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC’s participants (“Direct Participants”) deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants’ accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation (“DTCC”). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly (“Indirect Participants”). DTC has a Standard & Poor’s rating of AA+. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at [www.dtcc.com](http://www.dtcc.com).

3. Purchases of Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC’s records. The ownership interest of each actual purchaser of each Bond (“Beneficial Owner”) is in turn to be recorded on the Direct and Indirect Participants’ records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Bonds, except in the event that use of the book-entry system for the Bonds is discontinued.

4. To facilitate subsequent transfers, all Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

5. Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time.

6. Redemption notices shall be sent to DTC. If less than all of the Bonds within a maturity are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

7. Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to Bonds unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the Issuer as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

8. Redemption proceeds, distributions, and dividend payments on the Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the Issuer or the Paying Agent, on the payment date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, the Paying Agent, or the Issuer, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the Issuer or the Paying Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

9. DTC may discontinue providing its services as depository with respect to the Bonds at any time by giving reasonable notice to the Issuer or the Paying Agent. Under such circumstances, in the event that a successor depository is not obtained, certificates are required to be printed and delivered.

10. The Participants holding a majority position in the Bonds may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, bonds will be printed and delivered to DTC.

11. The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the Issuer believes to be reliable, but the Issuer takes no responsibility for the accuracy thereof.