



TENTATIVE AGENDA  
BOARD OF ALDERMEN WORK SESSION  
ST. PETERS JUSTICE CENTER, 1020 GRAND TETON DRIVE  
ST. PETERS, MO 63376  
DECEMBER 19, 2019 AT 5:00 P.M.

A. Communications from Board Members/Aldermanic Representatives

B. BOA Items for Discussion

Unfinished Business Items: None

New Business Items:

1. [Discussion/ Kimberly Drive Speed & Safety Resolutions](#) – Bateman/Hollingsworth

C. Mayor/City Administrator Item

Unfinished Business Items:

1. [City Code Amendment Recommendations of Chapters 205, 600 and 605](#) – Pratt/Smith

New Business Items:

2. [2020 Water Service Line Repair Program Contract](#) – Benesek
3. [Chapter 365 Parking Code Update](#) – Benesek
4. [Chapter 230 Health and Sanitation Code Update](#) – Benesek
5. [P-24 Country Hill Phase 2 Storm Water Improvements Bid Recommendation](#) – Benesek
6. [Sanitary and Storm Sewer CIPP Lining Bid Recommendation](#) – Malach
7. [2020 Recycling Bag Purchase](#) – Malach
8. [Toro Rotary Mowers Bid Recommendation](#) – Phillips
9. [School Resource Officer Agreement Amendments](#) – Batzel
10. Miscellaneous Updates – Batzel
  - Amendment to Intergovernmental Cooperation Agreement for Dardenne Creek Maintenance
11. Board Meeting Agenda Item Revisions – Batzel
12. Executive Session re: Litigation, Real Estate and Personnel, pursuant to Section 610.021(1)(2)(3)(9)(12)(13)(14) & 610.022 (1-6)

D. Adjournment

AGENDA Posted at City Hall: December 16, 2019  
By: P. Smith, City Clerk

Next Work Session: January 23, 2020

**RBA FORM (OFFICE USE)**

MEETING DATE: 12-19-19

Regular ( ) Work Session (X)

ATTACHMENT: YES ( ) NO (X)

Contract ( ) Ordinance ( ) Other ( )

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**Request for Board Action  
By Alderman**

**Ward** 1 ( ) 2 (X) 3 ( ) 4 ( ) All Wards ( )

**Brief Description:** Discussion/ Kimberly Drive Speed & Safety Resolutions

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**Staff:** Recommended ( ) Not recommended ( ) No Position (X)

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**Summary/Explanation:**

Discussion is desired regarding safety resolutions, to slow down drivers on Kimberly Drive. Traffic reports indicate 4300 cars pass residents' homes weekly, and 1/4 of them are speeding. Neighbors are asking for a solution to this issue.

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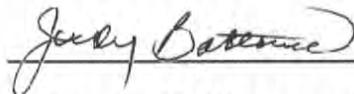
**Budget Impact:** (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

None

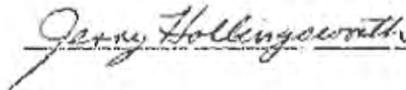
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RBA requested by: Alderman Bateman

CA: Russell W. Batzel



Alderman Hollingsworth





**RBA FORM (OFFICE USE)**

MEETING DATE: 11-14-19

Regular ( ) Work Session (x)

ATTACHMENT: YES (X) NO ( )

Contract ( ) Ordinance ( ) Other ( )

**Request for Board Action  
By Staff**

Ward 1 ( ) 2 ( ) 3 ( ) 4 ( ) All Wards (X)

**Brief Description:** City Code Amendments to Chapters 205, 600 and 605

**Staff:** Recommended (X) Not recommended ( ) No Position ( )

**Summary/Explanation:**

Discuss Code Amendments of Chapters 205, 600 and 605 which reflect staff's review and recommendations of Investigative Background check requirements relating to the following license types: Commercial Animal Establishments, Pawnbroker, Peddler/Solicitor, Liquor Establishments, Amusement Arcade, Tow Truck, Circus Carnival, Itinerant Vendor, and Multi-Vendor Operator.

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

RBA requested by: Cathy Pratt

CA: Russ Batzel

  
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Patty Smith

  
\_\_\_\_\_

BILL NO. 19-\_\_\_\_\_

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

AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE ST. PETERS CITY CODE PROVIDING FOR REQUIREMENTS FOR APPLICATIONS AND QUALIFICATIONS FOR VARIOUS LICENSES AND PERMITS WITHIN THE CITY

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

**SECTION NO. 1** That Section 205.100 of the St. Peters City Code be and is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new Section 205.100, to read as follows:

**Section 205.100 Commercial Animal Establishment.**

- A. Any person(s) conducting any of the following activities shall be defined as a commercial animal establishment and shall be required to obtain a commercial animal establishment business license as set forth on the fee schedule at Section **205.100(E)**.
1. Animal shelter.
  2. Auction.
  3. Grooming shop.
  4. Kennel.
  5. Performing animal exhibition.
  6. Pet shop.
  7. Riding school or stable.
  8. Veterinary hospital.
  9. Zoological park. (There is no fee for government-operated zoological parks.)
- B. Any person, partnership or corporation operating a commercial animal establishment shall keep and maintain the animals, and all structures, pens, runs or yards in which the animals are kept, in such a manner as to prevent a nuisance or health hazard to humans and to avoid injury to these animals. All establishments must be kept so as to avoid noxious odors in the surrounding area. All cages and holding areas must be properly sanitized so as to keep the animals enclosed therein free of disease. Cages may be made of, but not limited to, stainless

steel, fiberglass or plastic. No wooden cages, painted or unpainted, will be allowed. All such caged animals shall be provided with a constant supply of wholesome food and water or, in lieu of this, the proprietor shall prominently and publicly post and shall follow a schedule for adequate care of these animals appropriate for their species, age and general health. All disease infested animals shall be removed and treated to prevent the spread of disease or, euthanized if required. All animals with a disease or a parasite infestation shall not be eligible for sale and shall not be handled by the public until a veterinarian has notified animal control that the animals are free of the disease or parasite. If the owner or keeper fails or refuses to provide for such, the City Health Director or designee may remove such animals for disposition as provided by this Chapter, or close the business if the condition is large scale involving many animals, or is contagious to people or other animals. The owner or harbinger of said animals will reimburse all services/expenses incurred. A review of the business license for possible revocation would be necessary before allowing the business to continue operation in the City of St. Peters.

- C. **The Commercial Animal Establishment business license application shall also be accompanied by a criminal history record information (CHRI) name check for licensing purposes pursuant to 11 CSR 30-4.070(3), as amended, for the applicant, issued not more than 6 months prior to the date of application and substantially similar reports from each state in which the applicant has been a resident at any time within the five (5) years prior to the date of the application.**
- D. **Application for a Commercial Animal Establishment shall be made to the City Clerk and referred to the Chief of Police or his/her designee for a recommendation as to the good moral character of this applicant. For purposes of this Section, the term “good moral character” shall have the same meaning as set forth in Section 605.001 of this Code.**
- E. When an applicant for a license shows that he/she is willing and able to comply with the regulations herein, a license shall be issued upon payment of the applicable fee.
- F. The license term shall be from January first (1st) to December thirty-first (31st). Renewal applications for licenses shall be made thirty (30) days prior to December thirty-first (31st) of each year. Application for a license to establish a new commercial animal establishment under the provisions of this Chapter may be made at any time during the year. Licenses issued during the year shall not be prorated.
- G. Annual license shall be issued upon payment of the applicable fee:
  - 1. Kennel authorized to house less than ten (10) dogs and/or cats: seventy-five dollars (\$75.00).
  - 2. Kennel authorized to house ten (10) but less than fifty (50) dogs or cats: seventy-five dollars (\$75.00).
  - 3. Kennel authorized to house fifty (50) or more dogs or cats: seventy-five dollars (\$75.00).

4. Pet shop: seventy-five dollars (\$75.00).
  5. Riding stable: seventy-five dollars (\$75.00).
  6. Auction: seventy-five dollars (\$75.00).
  7. Zoological park: seventy-five dollars (\$75.00).
  8. Circus: seventy-five dollars (\$75.00).
  9. Performing animal exhibition: seventy-five dollars (\$75.00).
  10. Grooming shop: seventy-five dollars (\$75.00).
  11. A facility authorized to house less than fifty (50) domestic others excluding potbellied pigs [Hancock limitations]: seventy-five dollars (\$75.00).
  12. A facility authorized to house more than fifty (50) domestic others excluding potbellied pigs [Hancock limitations]: seventy-five dollars (\$75.00).
  13. Animal shelter: No Fee.
  14. Veterinary hospital: No Fee.
  15. Government operated zoological park: No Fee.
- H. Every facility regulated by this Chapter shall be considered a separate enterprise and requires an individual license.
- I. Persons operating kennels for the breeding of dogs or cats may elect to license such animals individually.
- J. No fee may be required of any veterinary hospital, animal shelter or government operated zoological park.
- K. Any such person failing to obtain a permit before opening any facility covered in this Section shall be deemed guilty of an ordinance violation and shall be penalized in accordance with the St. Peters City Code.
- L. Any person who has a change in the category under which a license was issued shall be subject to reclassification and appropriate adjustment of the fee shall be made.
- M. General Provisions To Apply. The provisions of Article **I** of Chapter **605** of the City Code shall apply to this Article and any license issued hereunder, including, but not limited to, the provisions which address suspension, revocation, denial, or renewal of licenses and

delinquent or late penalty fees. However, the specific provisions of this Article shall control and take precedence over any provision of Article I of Chapter 605 to the contrary. Any provision of this Article which addresses the same topic as Article I of Chapter 605 but which is not in conflict with the provisions of Article I of Chapter 605 shall be read in conjunction with and as an alternative to the provisions of Article I of Chapter 605.

**SECTION NO. 2.** That subsection (I) of Section 600.270 of the St. Peters City Code be and is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new subsection (I) of Section 600.270, to read as follows:

**Section 600.270 Application For License.**

- I. ~~The Commission, by and through any individual or entity associated with the City of St. Peters, shall require that applicants execute a release for criminal background checks and submit fingerprint impressions to assist in that background check. Any criminal background check conducted on applicants shall include any and all law enforcement agencies or divisions of the federal, State or any municipal governments as the Liquor Commission determines to be necessary and appropriate.~~ Each partner, managing officer, and officer, stock holder or member owning ten percent (10%) or more stock or interest in the applying entity shall submit with the application a complete criminal history record information fingerprint-based search report under 11 CSR 30-4.070, as amended, issued not more than 6 months prior to the date of submission of the application, and by a substantially similar reports from each state in which the applicant has been a resident at any time within the five (5) years prior to the date of the application..

**SECTION NO. 3.** That subsection (I) of Section 600.310 of the St. Peters City Code be and is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new subsection (C) of Section 600.310, to read as follows:

**Section 600.310 Approval, Disapproval and Non-Issuance By Commission and Appeal Provisions.**

- C. *Renewal.* Upon submittal of a renewal license application, **accompanied by the applicants criminal history record information (CHRI) name check for licensing purposes pursuant to 11 CSR 30-4.070(3), as amended, issued not more than 6 months prior to the date of application,** the Commission will review the file for each liquor licensed establishment. Based upon point schedule, the following actions are to be taken:
1. If no points have been assigned, and there being no other violation of the City's liquor licensing ordinances, the renewal license application shall be approved by the Commission;
  2. If application is for an establishment under the Minor category, the renewal license application shall be approved by the Commission with a letter of written warning;
  3. If the application is for an establishment under the Significant category, pending any

previous action taken for probation or suspension, the renewal license application shall be approved by the Commission with the license to be issued:

- a. On a six-month probationary status\*; or
- b. On a continued probationary status\* (if already placed on probation during the current license year); and/or
- c. With an effective date one (1) to seven (7) days after July 1, beginning of license year (i.e., license effective July 2, 3, 4 or 5, etc.), for one (1) to seven (7) days of suspension;

\* An applicant placed on probation will carry over one-half (1/2) of the points accumulated during the previous license year; if no additional points are assigned during the probationary period, the points carried over will terminate at the end of the probationary period.

4. If the application is for an establishment under the Major category, pending any previous action taken for probation, suspension and/or revocation, the renewal license application shall be:

- a. Approved by the Commission with the license to be issued on a probationary basis,\* with mandatory review in six (6) months, and an effective date of one (1) to seven (7) days after July 1, for suspension of one (1) to seven (7) days; or
- b. Denied by the Commission with notification of denial of application to be given to the Board of Aldermen and liquor licensee as provided by the City liquor licensing ordinances.

\* An applicant placed on probation will carry over one-half (1/2) of the points accumulated during the previous license year; if no additional points are assigned during the probationary period, the points carried over will terminate at the end of the probationary period.

**SECTION NO. 4.** That Section 600.620 of the St. Peters City Code be and is hereby amended by deleting it in its entirety, and replacing it, in lieu thereof, with the following:

**~~Section 600.620 Duplicate Licenses.~~**

**~~A. Whenever proof that a license has been lost or destroyed is furnished by a licensee, a duplicate in lieu thereof shall be issued by the City upon payment of the sum of ten dollars (\$10.00) by the said licensee and submission by the latter of an application for a duplicate license in the form provided by the Commissioner wherein true and complete answers must be given to the following:~~**

- ~~1. The date upon which the license was lost or destroyed.~~**
- ~~2. The circumstances under which the license was lost or destroyed.~~**

~~3. — A request that a duplicate license be issued.~~

[RESERVED]

**SECTION NO. 5.** That Section 605.165 of the St. Peters City Code be and is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new Section 605.165, to read as follows:

**Section 605.165 Procedure For Licensing of Peddlers/Solicitors.**

A. *Application For A License And Filing Fee.* Any person desiring to engage in peddling/soliciting in this City shall file, on a form to be supplied by the City Clerk, an application with the City Clerk stating the following and shall pay the appropriate non-refundable filing fee defined within Section **605.160**:

1. Name of the applicant.
2. Permanent home address of the applicant.
3. Name and address of the individuals, firm, corporation, organization, association or group represented, if other than self.
4. Nature of merchandise to be sold or offered for sale, the nature of the services to be furnished, or purpose for peddling/soliciting.
5. Date on which he/she desires to commence peddling/soliciting.
6. Period of time for which a certificate is requested.
7. The make, model, year, color and license number and state of licensing of the applicant's motor vehicle.
8. Place or places of residence of the applicant for the preceding three (3) years.
9. Names of other communities in Missouri in which the applicant has worked as a peddler/solicitor in the past two (2) years.
10. Names of other communities in Missouri in which the individual, firm, corporation, organization, association or group for which applicant is peddling/soliciting has engaged in peddling/soliciting in the past two (2) years.
11. Whether or not the applicant has ever been convicted of a violation of a felony under laws of the State of Missouri, or any other state or federal law of the United States.
12. Said application shall also be accompanied by a letter or other written statement from the individual, firm, corporation, organization, association or group for which the applicant

will be peddling/soliciting certifying that the applicant is authorized to act as a representative of that individual, firm, corporation, organization, association or group.

13. When more than one (1) individual plans to peddle/solicit for the same corporation, organization, association or group, each such individual must fill out an application and each such individual shall pay the filing fee set out in Section **605.160**.

~~14. All statements made by the applicant upon the application or in connection therewith shall be under oath.~~

14. Applicant's State sales and use tax number as required by Chapter 144, RSMo.

~~16. With the application, the applicant shall execute a release for criminal background checks. Any criminal background check conducted on applicants shall include any and all law enforcement agencies or divisions of the federal, State or any municipal governments as the City determines to be necessary and appropriate.~~

~~17. The application shall be sworn and notarized.~~

15. The applicant shall sign and submit a notarized statement that the applicant agrees and declares that the application contains facts and information that he/she believes to be true and correct; and all attachments are true and accurate to the best of applicant's knowledge, information and belief.

16. The application shall also be accompanied by a criminal history record information (CHRI) name check for licensing purposes pursuant to 11 CSR 30-4.070(3), as amended, for the applicant, issued not more than 6 months prior to the date of application and substantially similar reports from each state in which the applicant has been a resident at any time within the five (5) years prior to the date of the application.

B. *Processing Of Application Of Peddler/Solicitor.* ~~The City Clerk shall cause to be kept in his/her office an accurate record of every application received, together with all other information and data pertaining thereto and all licenses or exemptions issued under the provisions of this Article and of the denial of applications. Applications for license shall be numbered in consecutive order as filed; and every license issued, and any renewal thereof, shall be identified with a duplicate number of the application upon which it was issued. Within two (2) working days of receipt of the application by the City Clerk, the original of said application shall be referred to the Chief of Police for investigation.~~ Each application for Peddler/Solicitor shall be referred by the City Clerk to the Chief of Police for a recommendation as to the good moral character of the applicant.

~~C. Identification. As a part of the issuance of the license by the City Clerk, a suitable form of identification shall be approved by the City to identify the individual being licensed and the organization, corporation, association or group for which the individual will be peddling/soliciting. An identification card or badge with a~~

~~photograph may be required by the City Clerk to be obtained from the City at cost if no other form of identification is approved. Such identification card shall contain the name of the individual, the name of the organization, corporation, association or group for which the individual will be peddling/soliciting, and substantially the following wording: "This card does not indicate an endorsement by the City of any product or service."~~

- C. *Issuance of License.* Such license shall be issued by the Clerk unless he/she finds one (1) or more of the following:
1. **Intentional misstatements or misleading statements of fact in the application;**
  2. **That the applicant is not of good moral character; or**
  3. **The applicant has failed to pay the required application fee.**

**SECTION NO. 6.** That Section 605.185 of the St. Peters City Code be and is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new Section 605.185, to read as follows:

**Section 605.185 Requirements For Itinerant Vendor License — Term.**

- A. *Application Fee.* Any person(s) desiring to operate as an itinerant vendor in the City shall file, on a form to be supplied by the City Clerk, an application with the City Clerk stating the following and shall pay the appropriate non-refundable filing fee defined within Subsection (I) of this Section:
1. Name of the applicant;
  2. Permanent home address of the applicant;
  3. Name and address of the individuals, firm, corporation, organization and association or group represented, if other than self;
  4. Nature of merchandise to be sold or offered for sale, the nature of services to be furnished, or purpose for conducting business;
  5. Date on which he/she desires to commence conducting business; and date of previous license issued during this calendar year, if any;
  6. Each and every location where such activities shall be conducted;
  7. Period of time for which a license is requested;
  - 8. Whether or not the applicant has ever been convicted of a violation of a felony under the laws of the State of Missouri or any other state or federal law of the United**

**States;**

8. Zoning category where the activity is to be conducted and to be accompanied by written permission of the property owner for use of the property, if other than the applicant;

9. Applicant's State sales and use tax number as required by Chapter 144, RSMo.; and

**10. The applicant shall sign and submit a notarized statement that the applicant agrees and declares that the application contains facts and information that he/she believes to be true and correct; and all attachments are true and accurate to the best of applicant's knowledge, information and belief.**

~~11. With the application, the applicant shall execute a release for criminal background checks; provided, however, this Subsection (A)(11) shall not apply to any applicant seeking to operate inside of an enclosed shopping mall for which a valid business license has been issued by the City and which enclosed shopping mall is located in a "C-4" District. Any criminal background check conducted on applicants shall include any and all law enforcement agencies or divisions of the Federal, State or any municipal governments as the City determines to be necessary and appropriate. For purposes of this Section, the term "enclosed shopping mall" shall mean a large retail complex containing stores and restaurants in a single, enclosed building.~~

~~12. The application shall be sworn and notarized.~~

**11. The applicant also declares that they comply with all applicable Federal, State and County requirements to operate a business in the City of St. Peters, Missouri, including but not limited to registration with the Missouri Secretary of State for a Business Entity and/or Fictitious Name Registration, obtain an Employee Identification Number (EIN), and registration for all applicable Missouri business taxes.**

- B. Vacant lot/parking lot requirements must be met when applicable.
- C. If a structure is to be constructed, a building permit must be obtained and other Building and Fire Department requirements must be met.
- D. An occupancy permit must be obtained prior to issuance of a license.
- E. Upon determination that all requirements have been met, the City Clerk shall issue the license.
- ~~F. The City Clerk shall keep all applications and records of licenses issued on file.~~
- F. Itinerant vendors may not be licensed in residentially zoned areas.
- G. Applicants seeking to operate as an itinerant vendor shall seek and obtain use review and

approval from the Planning and Zoning Commission for each and every proposed location at which the proposed vending activities are to be conducted prior to conducting such activities. The use review and approval at the Planning and Zoning Commission shall not be necessary for:

1. Entities and individuals that possess a validly issued annual business license from the City of St. Peters who seek to conduct vending activities outside of any permanent structure located on the licensed real property for a period of time not to exceed five (5) days and the said vending activities to be conducted are related to the business activities regularly conducted by the licensed entity or individual; or
  2. Charitable entities that have registered with the City of St. Peters by providing a valid not-for-profit letter from the State of Missouri and seek to operate as itinerant vendor for no more than five (5) days.
  3. Entities and individuals seeking to operate inside of an enclosed shopping mall for which a valid business license has been issued by the City and which shopping mall is located in a "C-4" District.
- H. There shall exist two (2) different itinerant vendor licenses issued pursuant to this Section with the first being for a license term not to exceed four (4) consecutive days, the second being for a license for a location within a "C-4" Zoning District. The fee for each license term is listed on the fee schedule at Section **605.013** applicable to itinerant vendors. If two (2) or more such licenses are sought within a calendar year by the same licensee, whether or not applied for via different agents or representatives, then the second and each successive license thereafter shall be for a period of four (4) days and shall be known and described as an additional four-day license, or if for a location within a "C-4" Zoning District, which shall be known and described as a "C-4 license," and shall be charged the fee described on the fee schedule at Section **605.013**.

**SECTION NO. 7.** That Section 605.186 of the St. Peters City Code be and is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new Section 605.186, to read as follows:

**Section 605.186 Requirements For Multi-Vendor Operator License — Term.**

- A. *Application.* Any person(s) desiring to operate as a multi-vendor operator in the City shall file, on a form to be supplied by the City Clerk, an application with the City Clerk stating the following and shall pay the appropriate non-refundable filing fee defined within Section **605.013** of this Chapter:
1. Name of the applicant;
  2. Permanent home address of the applicant;
  3. Name and address of the individuals, firm, corporation, organization and association or

group represented, if other than self;

4. Nature of merchandise to be sold or offered for sale, the nature of services to be furnished, or purpose for conducting business;

5. Date on which he/she desires to commence conducting business and date of previous license issued during this calendar year, if any;

6. Each and every location where such activities shall be conducted;

7. Period of time for which a license is requested;

8. Zoning category where the activity is to be conducted and be accompanied by written permission of the property owner for use of the property, if other than the applicant;

**~~8. Whether or not the applicant has ever been convicted of a violation of a felony under the laws of the State of Missouri or any other state or federal law of the United States;~~**

9. Applicant's State sales and use tax number as required by Chapter 144, RSMo.

**~~11. With the application, the applicant shall execute a release for criminal background checks; provided, however, this Subsection (A)(11) shall not apply to any applicant seeking to operate inside of an enclosed shopping mall for which a valid business license has been issued by the City and which enclosed shopping mall is located in a "C-4" District. Any criminal background check conducted on applicants shall include any and all law enforcement agencies or divisions of the Federal, State or any municipal governments as the City determines to be necessary and appropriate. For purposes of this Section, the term "enclosed shopping mall" shall mean a large retail complex containing stores and restaurants in a single, enclosed building;~~**

**~~12. The application shall be sworn and notarized.~~**

B. *Licensing Fees.*

1. For temporary events conducted one (1) to four (4) days under the licensing of a multi-vendor operator, and for temporary events conducted one (1) to seven (7) days under the licensing of a multi-vendor operator inside of an enclosed shopping mall for which a valid business license has been issued by the City and which enclosed shopping mall is located in a "C-4" District, a vendor may conduct business on the temporary event multi-vendor operator license obtained by the operator, who shall meet all the provisions of this Section for such license. Within ten (10) days after the completion of any temporary event, the multi-vendor operator shall provide a listing of the name, address, State sales tax numbers and type of goods sold for each vendor participating in the event and remit the required fees. The multi-vendor operator of the temporary event shall pay the fee for the event as listed on the fee schedule at Section 605.013. [Ord. No. 6898 §2, 1-25-2018]

2. For annual events under the licensing of a multi-vendor operator, a vendor may conduct business on the multi-vendor operator license who has met all the provisions of this Section for such license. Within ten (10) days of the final day of each month, the multi-vendor operator shall remit the fee for the previous month as listed on the fee schedule at Section **605.013**. The operator shall also provide a list of vendors utilizing stalls/spaces within the facility for that month listing name, address, State sales tax number and type of goods sold for each vendor.

- C. Vacant lot/parking lot requirements must be met when applicable, except as authorized for temporary or annual events by the Planning and Zoning Commission.
- D. If a structure is to be constructed, a building permit must be obtained and other Building and Fire Department requirements must be met.
- E. An occupancy permit must be obtained prior to issuance of a license.
- F. Upon determination that all requirements have been met, the City Clerk shall issue the license.
- ~~G. The City Clerk shall keep all applications and records of licenses issued on file.~~
- G. Multi-vendor operators may not be licensed in residentially zoned areas.
- H. The operator shall advise in writing all vendors utilizing the property of the State of Missouri requirements for proper reporting of sales tax as outlined in the Missouri Tax Special Event Information and to provide evidence thereof to the City upon request.

**SECTION NO. 8.** That Section 605.235 of the St. Peters City Code be and is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new Section 605.235, to read as follows:

**Section 605.235 License — Application — Fees —~~Investigations and Reports By Police Chief and Fire Marshal.~~**

- A. An application for a license for the operation of an amusement center or arcade area in the City shall be obtained from the Commissioner.
- B. Each such application shall be verified and shall contain the name of the proposed operation (if a partnership, the names of all partners, and if a corporation, the names of all officers and stockholders), the proposed location of the amusement center or arcade area, and the number and types of machines to be provided. Such application shall be accompanied by accurately scaled and duly dimensioned plans of the premises showing the proposed location of the mechanical or electronic amusement devices.
- C. Each such application shall be accompanied by an application fee as set forth in the fee

schedule at Section **605.013**; and, in addition, an annual license fee as set forth in the fee schedule at Section **605.013** shall be charged for each mechanical or electronic amusement device situated in amusement centers or arcade areas and such additional fee shall be described as mechanical or electronic amusement device on the fee schedule at Section **605.013**.

D. The plans submitted with such application shall be submitted to the Commissioner, who shall determine whether such proposed operation would comply with the applicable zoning ordinances, and shall be submitted to the appropriate Fire Protection District, who shall determine whether such proposed operation would comply with the provisions of the District's ordinances.

~~E. With the application, the applicant shall execute a release for criminal background checks. Any criminal background check conducted on applicants shall include any and all law enforcement agencies or divisions of the federal, State or any municipal governments as the City determines to be necessary and appropriate.~~

~~F. The application shall be sworn and notarized.~~

**SECTION NO. 9.** That Section 605.300 of the St. Peters City Code be and is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new Section 605.300, to read as follows:

**Section 605.300 Employees and Supervisory Personnel.**

A. No person shall be employed in a supervisory position in an amusement center or arcade area who is under the age of twenty-one (21) or who has been convicted of any violation of any Statute or any provision of the City Code or other ordinance involving moral turpitude or any felony.

~~B. Prior to employing any person in a supervisory position, the operator shall submit the name of such person and such other information as may be required to the Police Chief, who shall determine whether such person has been so convicted and shall notify the operator of such amusement center or arcade areas.~~

B. At least one (1) supervisor of at least twenty-one (21) years of age, employed by the operator, shall be on duty at all times the premises are open to the public and shall be present on the premises when said premises is or has an area designated as an amusement center or an arcade area.

**SECTION NO. 10.** That Section 605.575 of the St. Peters City Code be and is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new Section 605.575, to read as follows:

**Section 605.575 Requirements For License.**

- A. The application for said license shall contain the following:
1. Name and address of the applicant; if a natural person, the date and place of birth; and Missouri State operator's license number.
  2. If a corporation, the state under which incorporated; the date of incorporation; the address of the principal office; and the names and addresses of its officers.
  3. If any other type of organization, the name thereof; the location of its office; and the names and addresses of the principal officers, director, trustees, or managing officials or partners.
  4. The place from which the tow truck will operate and the number of said vehicles to be operated.
  5. A description of each tow truck giving also the serial number and motor number.
  - 6. A copy of the applicant's current and valid license issued pursuant to Chapter 608 of the Ordinances of St. Charles County Missouri, as amended.**

~~B. The application shall be sworn and notarized.~~

~~C. With the application, the applicant shall execute a release for criminal background checks. Any criminal background check conducted on applicants shall include any and all law enforcement agencies or divisions of the federal, State or any municipal governments as the City determines to be necessary and appropriate.~~

**SECTION NO. 11.** That Section 605.580 of the St. Peters City Code be and is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new Section 605.580, to read as follows:

Section 605.580 ~~Investigation by Police Chief~~ - Issuance of License.

~~A. Each application for a tow truck license shall be referred by the City Clerk to the Chief of Police, who shall investigate the moral character of the proposed applicant as well as any other persons listed as having an interest in the proposed license, or in the operation of the tow truck. The Chief of Police shall within sixty (60) days file written reports concerning the applicant and any other persons listed as having an interest in the proposed license with the Clerk.~~

- A. Such license shall be issued by the Clerk unless he/she finds one (1) or more of the following:
1. Intentional misstatements or misleading statements of fact in the application.
  - 2. Any parties interested in the proposed operation of a tow truck in the City are not**

~~of good moral character.~~

2. Failure to pay the required application fee.

**SECTION NO. 12.** That subparagraph (1) of subsection A of Section 605.735 of the St. Peters City Code be and is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new subparagraph (1) of subsection A of Section 605.735, to read as follows:

**Section 605.735 Application.**

A. The applicant for a license under this Article shall file an application with the City Clerk for a circus or carnival license and with the Building Department for a building permit.

1. *Application to City Clerk.*

a. The application for the circus or carnival license shall contain the following information and shall be submitted to the City Clerk at least thirty (30) days prior to the opening of any such structure(s).

- (1) The names and addresses of the sponsor(s) and concessionaire(s) who will use the structure(s).
- (2) Written authorization from the property owner [if other than the sponsor(s)].
- (3) The location of the principal place of business of the sponsor(s) and concessionaire(s).
- (4) The length of time the structure(s) is intended to be used for the purpose applied for as a circus or carnival.
- (5) The hours of the day or night during which such structure(s) is intended to be open for business.
- (6) Telephone number where the applicant may be reached during hours of operation and during hours the operation is closed.
- (7) Missouri sales and use tax number (if applicable).
- (8) Any other relevant information the City Clerk may require.
- (9) Acknowledgment that applicable requirements of the Health Ordinance will be complied with.

~~b. With the application, the applicant shall execute a release for criminal background checks. Any criminal background check conducted on applicants shall include any and all law enforcement agencies or divisions of~~

~~the Federal, State or any municipal governments as the City determines to be necessary and appropriate.~~

~~e. The application shall be sworn and notarized.~~

**SECTION NO. 13.** That Subsection (C) of Section 605.820 of the St. Peters City Code be and is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new Subsection (C) of Section 605.82, to read as follows:

**Section 605.820 License Required.**

- C. An application for a new pawnshop license, the transfer of an existing pawnshop license, or the approval of a change in the ownership of a licensed pawnshop shall be under oath and shall state the full name and place of residence of the applicant, the place where the business is to be conducted, and other relevant information required by the City. If the applicant is a partnership, the City may require that the application state the full name and address of each member. If the applicant is a corporation, the application shall state the full name and address of each officer, shareholder and director. The application shall be accompanied by **a criminal history record information (CHRI) name check for licensing purposes pursuant to 11 CSR 30-4.070(3), as amended, for the applicant, issued not more than 6 months prior to the date of application and substantially similar reports from each state in which the applicant has been a resident at any time within the five (5) years prior to the date of the application. an investigation fee as set forth in Section 605.013 depending on whether the applicant is unlicensed at the time of applying for the pawnshop license or the application involves a second (2nd) or additional license to an applicant previously licensed for a separate location or involves substantially identical principals and owners of a licensed pawnshop at a separate location.**

**SECTION NO. 14.** That Article XII of Chapter 605 of the St. Peters City Code be and is hereby amended by enacting a new Section 605.825 to read, as follows:

**Section 605.825 Application — Investigation.**

**Application for a pawnbroker's license shall be made to the City Clerk and referred to the Chief of Police or his/her designee for a recommendation as to the applicant's good moral character.**

**SECTION NO. 15.** That subparagraph (7) of subsection A of Section 605.845 of the St. Peters City Code be and is hereby amended by deleting it in its entirety and enacting, in lieu thereof, a new subparagraph (7) of subsection A of Section 605.845, to read as follows:

**Section 605.845 Regulations For Operation As A Pawnbroker.**

*7. License issued, persons restricted.* No license shall be issued to a person who **is not of good moral character. has been convicted of the offense of receiving stolen goods or of**

~~burglar or robbery.~~

**SECTION NO. 16. Savings.**

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 NO. 17. 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. 18. Effective Date.**

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 \_\_\_\_ day of \_\_\_\_\_, 2019.

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

Attest: \_\_\_\_\_

Patricia E. Smith, City Clerk

**RBA FORM (OFFICE USE)**

MEETING DATE: December 19, 2019

Regular (X) Work Session (X)

ATTACHMENT: YES (X) NO ( )

Contract ( ) Ordinance ( ) Other (X)

**Request for Board Action  
By Staff**

Ward 1 ( ) 2 ( ) 3 ( ) 4 ( )

All Wards (X)

**Brief Description:** Proposed ordinance authorizing the City Administrator to enter into a contract for the 2020 Water Service Line Repair Program.

**Staff:** Recommended (X) Not recommended ( ) No Position ( )

**Summary/Explanation:** Please see the attached recommendation memo dated November 20, 2019.

**Budget Impact:** (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)  
The FY 2020 budget amount for this program is \$180,000. The annual amount collected for repairs is estimated at \$184,790.

RBA requested by: William B. Benesek

CA: Russell W. Batzel





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**INTEROFFICE MEMORANDUM**

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**TO:** RUSS BATZEL, P.E., CITY ADMINISTRATOR  
**FROM:** BURT BENESEK, P.E., MANAGER OF TDS *mm 11/20/19*  
**SUBJECT:** BID RECOMMENDATION – 2020 WATER SERVICE LINE REPAIR PROGRAM  
**DATE:** NOVEMBER 20, 2019  
**CC:** LIANE SARGENT, VANESSA PRINSTER

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**Recommendation:** I recommend renewal of the City’s contract with Flynn Drilling for the 2020 Water Service Line Repair Program. Approval of this recommendation would authorize the award of a contract in the initial amount of \$180,000.00. The project is funded by the Water Service Line Repair Program.

**Background:** In 2012, with authorization by state statutes and approval of the voters in the City of St. Peters, a \$12.00 per household annual assessment (billed by St. Charles County along with the annual real estate taxes) was established to fund the Water Service Line Repair Program.

The City of St. Peters administers the residential Water Service Line Repair Program for our residents. This program assists residents with repairs to their domestic water service line. The program pays 85% of the repair costs up to a maximum of \$3,000 per household (limited to one time per calendar year). Included in the \$3,000, is \$250, for leak detection. To expedite repairs, the City contracts with a licensed plumber to establish base unit costs.

In 2018, the city received three (3) bids for the 2018 Water Service Line Repair Program. Based on their past performance, a contract was initiated with Flynn Drilling which included a renewal option for three (3) additional one-year periods, if the contractor would hold their pricing. Flynn Drilling has agreed to hold their pricing for the 2020 contract year (February 13, 2020 – February 12, 2021). This will be Flynn Drillings second renewal.

The City has had a business relationship with Flynn Drilling in this capacity since 2016. They provide excellent customer service, are extremely responsive, have quality workmanship and complete their work on time. They have met all the conditions of their contract.

**RBA FORM (OFFICE USE)**

MEETING DATE: December 19, 2019

Regular ( ) Work Session ( X )

ATTACHMENT: YES ( X ) NO ( )

Contract ( ) Ordinance ( ) Other ( )

**Request for Board Action  
By Staff**

Ward 1 ( ) 2 ( ) 3 ( ) 4 ( ) All Wards ( X )

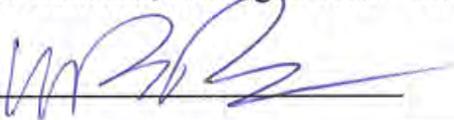
**Brief Description:** An ordinance repealing and replacing St. Peters' City Code, Chapter 365.070 regarding parking, standing or stopping on certain streets.

**Staff:** Recommended ( X ) Not recommended ( ) No Position ( )

**Summary/Explanation:** As approved during the joint Planning and Zoning and Board of Alderman meeting held on May 29, 2019, this proposed ordinance will repeal and replace St. Peters' City Code Chapter 365.070 to prohibit on-street parking of all commercial vehicles and commercial trailers on all public streets, except those public streets located within an industrially zoned district.

**Budget Impact:** (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)  
There is no budget impact anticipated.

RBA requested by: Burt Benesek, Manager/TDS CA: Russell W. Batzel



BILL NO.

I-

ORDINANCE NO.

AN ORDINANCE AMENDING SUBSECTION (A)(2) OF CHAPTER 365 STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS OF SECTION 365.070 – PARKING OF CERTAIN VEHICLES RESTRICTED. OF TITLE III: TRAFFIC CODE OF THE CODE OF THE CITY OF ST. PETERS, MISSOURI, BY DELETING SUBSECTION 365.070(A)(2) IN ITS ENTIRETY, AND ENACTING A NEW SUBSECTION 365.070 (A)(2), IN LIEU THEREOF

WHEREAS, the Board of Aldermen of the City of St. Peters deems it to be in the best interest of the City and its citizenry, and pursuant to its general police powers and in order to promote the health, safety, and general welfare of its citizens, to amend Section 365.070 Subsection (A)(2) of Chapter 365 Stopping, Standing or Parking Restricted or Prohibited on Certain Street of Title V: Building Construction of the Code of the City of St. Peters, Missouri, by deleting Subsection 365.070(A)(2) in its entirety, and enacting a new Subsection 365.070(A)(2), in lieu thereof.

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

SECTION NO. 1. The Board of Aldermen of the City of St. Peters, Missouri, does hereby amend Section 365.070 Subsection (A)(2) of Chapter 365 Stopping, Standing or Parking Restricted or Prohibited on Certain Street of Title V: Building Construction of the Code of the City of St. Peters, Missouri, by deleting Subsection 365.070(A)(2) in its entirety, and enacting a new Subsection 365.070(A)(2), in lieu thereof, to wit:

**Section 365.070 Parking of Certain Vehicles Restricted.**

**A. Parking Requirements.**

2. *Parking requirements for commercial vehicles.* No commercial vehicle or commercial trailer as defined by Section 300.010 shall be parked **on streets or roadways** within a residentially zoned **or commercially zoned** district except those temporarily parked while actively loading/unloading or providing a service or delivery to a residential dwelling **or a commercial business** at which it is parked for a period of time not to exceed twelve (12) hours in the aggregate in any twenty-four (24) hour period, or as permitted within Subsection (A)(4)(c) of this Section and Subsection (B) of this Section "Enclosed Storage". **This parking restriction does not apply to industrially**

No.

zoned districts.

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

SECTION NO. 4. This Ordinance shall be in force and take effect from and after the date of its final passage and approval.

Read two (2) times, passed, and approved this 19<sup>th</sup> day of December, 2019.

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

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

No.

RBA FORM (OFFICE USE)  
MEETING DATE: December 19, 2019  
Regular ( ) Work Session (X)  
ATTACHMENT: YES ( ) NO (X)  
Contract ( ) Ordinance ( ) Other ( )

**Request for Board Action  
By Staff**

Ward 1 ( ) 2 ( ) 3 ( ) 4 ( ) All Wards (X)

**Brief Description:** An ordinance updating St. Peters' City Code, Chapter 230: Health and Sanitation, of Title II: Public Health, Safety and Welfare.

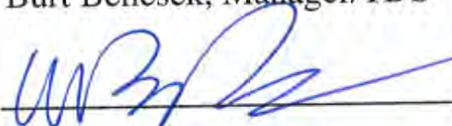
Staff: Recommended (X) Not recommended ( ) No Position ( )

**Summary/Explanation:** The current St. Peters' Health and Sanitation code is in part an adoption of portions of the 2013 Food and Drug Administration (FDA) Food Code. To remain consistent with applicable federal, state and St. Charles County code and practices, adoption of Chapters 1-8 of the current 2017 FDA Food Code, with certain modifications to reflect St. Peters' enforcement practices, is recommended. In addition, this code update will allow the St. Peters Health Department to enforce the City's FOG Program and prohibit the use of vapor products on City property in the same manner as tobacco products. Approval of this recommendation will repeal existing Chapter 230 and adopt a revised version of Chapter 230 that will accomplish the following:

1. Update City Code Chapter 230, Article II, to adopt Chapters 1-8 of the 2017 FDA Food Code, which will replace corresponding 2013 FDA Food Code.
2. Increase food safety re-inspection fees to reflect the current City costs.
3. Update City Code Chapter 230, Article I, to include the prohibition of vapor products in addition to tobacco products.
4. Update City Code Chapter 230, Article II, to permit Health Department enforcement of the City's FOG program.

**Budget Impact:** (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)  
There will be no budget impact due to adoption of the 2017 FDA food code and incorporation of the Health Department FOG program inspections. The proposed increase in re-inspection fees will result in an additional \$1,500 in revenue, which accounts for actual costs incurred by the City.

RBA requested by: Burt Benesek, Manager/TDS CA: Russell W. Batzel

**RBA FORM (OFFICE USE)**

MEETING DATE: December 19, 2019

Regular ( ) Work Session ( X )

ATTACHMENT: YES ( X ) NO ( )

Contract ( ) Ordinance ( ) Other ( X )

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**Request for Board Action  
By Staff**

Ward 1 ( X ) 2 ( ) 3 ( ) 4 ( ) All Wards ( )

**Brief Description:** An ordinance to authorize the City Administrator to enter in to a contract to construct the P-24 Country Hill Phase II Storm Water Improvement Project.

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**Staff:** Recommended ( X ) Not recommended ( ) No Position ( )

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**Summary/Explanation:**

Please refer to the attached recommendation memo dated December 12, 2019.

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

Funds for this project will come from the sale of storm water bonds.

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RBA requested by: Burt Benesek, Manager/TDS CA: Russell W. Batzel

  
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**INTEROFFICE MEMORANDUM**

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**TO:** RUSS BATZEL, CITY ADMINISTRATOR  
**FROM:** BURT BENESEK, MANAGER/TDS  
**SUBJECT:** P-24 COUNTRY HILL ESTATES STORM WATER IMPROVEMENT  
PROJECT – PHASE TWO (BID NO. 20-101) BID RECOMMENDATION  
**DATE:** DECEMBER 12, 2019  
**CC:** LIANE SARGENT, DIRECTOR OF ENGINEERING; DAVID J. BEAR, CIVIL ENGINEER

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**Recommendation:** Based on my review, I recommend the P-24 Country Hill Estates Phase Two Storm Water Improvement Project (Bid No. 20-101), be awarded to the second lowest bidder, Lamke Trenching & Excavating Incorporated of Marthasville, Missouri. Approval of this recommendation will authorize the award of a contract in the initial amount of \$262,567.37. This bid is 2.8% higher than the lowest bid received and 20.8% lower than the average of the bids received.

The P-24 Country Hill Estates Phase Two Storm Water Improvement Project Storm Water Improvement Project is funded by proceeds from the sale of storm water bonds.

**Background:** On November 19, 2019, bids were received and opened for the P-24 Country Hill Estates Phase Two Storm Water Improvement Project (Bid No. 20-101). The project will enclose existing drainage ditches and install a new storm sewer system to address property flooding issues primarily on commercial properties located at 340 and 372 Mid Rivers Mall Drive. The project will required work on commercial parking lots and replacement of an electric line serving a traffic signal at Mid Rivers Mall Drive and Aldi's entrance.

XL Contracting, Inc. submitted the lowest bid, in the amount \$255,322.48. Lamke Trenching & Excavating, Inc. submitted the second lowest bid, in the amount of \$262,567.37. There is a \$7,244.89 (2.8%) difference between the two bids.

Staff reviewed each contractor's bid and contacted multiple references they provided. After reviewing the bids submitted and considering past performance with the City of St. Peters, contractor references and interviews, I recommend awarding the project to second low bidder, Lamke Trenching & Excavating, in the amount of \$262,567.37. The bid submitted by Lamke Trenching & Excavating is 2.8% higher than the lowest bid received and 20.77% lower than the average of the bids received. A summary of the bids received is shown on the next page.

**Country Hill Estates Phase Two  
P-24 Storm Water Improvement Project  
Bid Summary**

<b>Bidder</b>	<b>Total</b>
XL Contracting, Inc.	\$255,322.48
<b>Lamke Trenching &amp; Excavating Inc.</b>	<b>\$262,567.37</b>
Fischer Grading, LLC	\$297,845.00
Pace Construction Company, LLC	\$305,594.00
Gershenson Construction Co. Inc.	\$311,708.40
RV Wagner, Inc.	\$333,281.80
JTL Landscaping, LLC	\$370,671.00
Mick Mehler & Sons, Inc.	\$399,828.00

Staff contacted multiple references provided by XL Contracting as well as agencies that have hired the company. These references (including Metropolitan Sewer District and SMS Health Care indicated concerns regarding the company’s ability to maintain project schedules and provide adequate staff and resources. The comments from these references support staff’s experience with XL Contracting. The P-24 project will include unique utility challenges and require staging on commercial parking lots where it will be essential for the contractor to coordinate work well. Detailed planning, communication and execution of construction operations will be required to minimize disruption to the parking lot and businesses. To provide the best project result, a highly qualified contractor with experience working in restricted work zones and very close to properties is required to complete the project on time and within budget.

Staff contacted multiple references provided by Lamke Trenching & Excavating. These references indicated no concerns with the Lamke’s ability to perform similar projects. All references reported the company has the staff, equipment and expertise to complete their projects as designed and specified. These comments support staff’s current and previous experience working with Lamke. The company is currently constructing the P-21 Sun River Storm Water Improvement project and is demonstrating the expertise required to successfully complete the P-24 project. Lamke also previously performed power and fiber optic communication boring operations along and across Mid Rivers Mall Drive, coordinating well and avoiding conflicts with existing, underground utilities.

Based on my review of bids received and considering past experience and references with XL Contracting and Lamke Trenching and Excavating, I find Lamke Trenching & Excavating to be more qualified in terms of staff, resources, expertise and previous project experience to complete the P-24 Country Hill Estates Phase Two Storm Water Improvement Project as designed and specified. Therefore, I recommend the project be awarded to the lowest, responsive and responsible bidder, Lamke Trenching & Excavating, in the initial amount of \$262,567.37. Lamke’s bid is the second lowest in terms of cost by 2.8% or \$7,244.89.

**RBA FORM (OFFICE USE)**

MEETING DATE: December 19, 2019

Regular ( X ) Work Session ( X )

ATTACHMENT: YES ( X ) NO ( )

Contract ( X ) Ordinance ( ) Other ( )

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**Request for Board Action  
By Staff**

Ward 1 ( ) 2 ( ) 3 ( ) 4 ( ) All Wards ( X )

**Brief Description:** Sanitary and Storm Sewer CIPP Lining

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**Staff:** Recommended ( X ) Not recommended ( ) No Position ( )

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**Summary/Explanation:** Bid recommendation to the lowest qualified bidder, Insituform Technologies, for Cured-In Place Pipe (CIPP) lining 3,939-ft of 8-inch and 68-ft of 24-inch sanitary sewer lines along with lining the first 3-ft of 70-laterals connecting to the public sanitary sewer main, and lining 518-ft of 12-inch storm sewers. Please refer to the attached bid recommendation memorandum for further detail.

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**Budget Impact:** (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.) The public sanitary sewer lining (\$190,403) will be funded from the Water Sewer Operating & Maintenance Fund, the laterals (\$26,360) will be funded from the Sewer Lateral Fund, and the Storm Sewer portion (\$22,972) will be funded from the Local Parks and Storm Water Fund. The total cost is \$239,735 and the estimate was \$291,957.50.

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RBA requested by: Ed N/akoh 11-26-19

CA: Russ B/...

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INTEROFFICE MEMORANDUM

TO: BILL MALACH
FROM: LISA JOHNSON
SUBJECT: BID RECOMMENDATION FY19 CIPP LINING
DATE: NOVEMBER 19, 2019
CC: TIM MYERS

Recommendation: On November 14, 2019, quotes were received for FY19 CIPP Lining project. Three (3) contractors responded and submitted quotes. The bids are summarized below.

Table with 3 columns: Bidder, Location, Specification bid. Rows include Insituform Technologies (Chesterfield MO, \$239,735.00), SAK Construction (Ofallon MO, \$275,468.25), and Visu-Sewer of Missouri (East St. Louis, IL, \$291,543.80).

I recommend that the City award the project to the low bidder, Insituform Technologies, in the amount of \$239,735.00. The original project estimate was \$291,957.50. Fund breakdown will be as follows:

Sewer Lateral Fund \$26,360.00
W/S Fund \$190,403.00
LPSW \$22,972.00

Insituform Technologies has submitted proof of project and project manager experience qualifications as requested and the product meets specifications. Insituform Technologies has also successfully performed sewer projects for several years in the City of St. Peters, as well as, for other municipalities. The City's experience is that Insituform Technologies has provided good customer service, quality workmanship, and completed the work on time.

Handwritten note: OK Bill Malach 11-26-19

**RBA FORM (OFFICE USE)**

MEETING DATE: December 19, 2019

Regular ( ) Work Session ( X )

ATTACHMENT: YES ( X ) NO ( )

Contract ( ) Ordinance ( ) Other ( X )

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**Request for Board Action  
By Staff**

Ward 1 ( ) 2 ( ) 3 ( ) 4 ( ) All Wards ( X )

**Brief Description:** FY 2020 Recycling Bag Purchase

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**Staff:** Recommended ( X ) Not recommended ( ) No Position ( )

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**Summary/Explanation:**

Staff is recommending the purchase of the FY20 Recycling Bags from WasteZero. Recycling Bags were bid in February 2018 and the City only received one bidder, WasteZero. They are willing to hold their 2018 prices.

Before the City started the Blue Cart Program, the City was spending an average of \$157,695 per year on blue bags over the previous 5-yrs.

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

The cost is \$2.92/roll. The City will be ordering a total of 40,000 rolls. Therefore, the total cost is \$116,800. The budget is \$120,000

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RBA requested by: Bill Mahan 11-27-19

CA: 



CITY OF ST. PETERS, MO

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## INTEROFFICE MEMORANDUM

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**TO:** PURCHASING  
**FROM:** CARL CRAIN, DIRECTOR OF ENVIRONMENTAL SERVICES *CC*  
**SUBJECT:** REQUEST TO PURCHASE FY20 RECYCLING BAGS FROM PREVIOUS BID  
**DATE:** NOVEMBER 26, 2019  
**CC:**

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**Request:**

I am requesting to purchase the FY20 recycling bags using the awarded vendor from bid #18-137. They have agreed to hold their pricing. The unit cost is \$2.92 per roll with a total cost of \$116,800.

**Background:**

On February 6, 2018, the City received one bid response for the purchase of recycling bags from Bid #18-137. The only bidder was WasteZero, who has successfully won the bid for the past several years.

WasteZero has agreed to hold the pricing on the recycling bags for our next purchase which will be for the FY20 Blue Bag order. With the change in the program we will only be purchasing the 26ct rolls of bags. 34,000 rolls of recycling bags will be needed for our city and 6,000 rolls will be needed for the City of Cottleville. The rolls will cost \$2.92 each.

This purchase will be under budget by \$3,200.

*OK*  
*Bill Mahler*  
*11-26-19*

**RBA FORM (OFFICE USE)**

MEETING DATE: 12-19-19

Regular (X) Work Session (X)

ATTACHMENT: YES (X) NO ( )

Contract ( ) Ordinance (X) Other ( )

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**Request for Board Action  
By Staff**

**Ward** 1 ( ) 2 ( ) 3 ( ) 4 ( ) All Wards (X)

**Brief Description:**

Bid Recommendation for two (2) Toro Rotary Mowers.

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**Staff:** Recommended (X) Not recommended ( ) No Position ( )

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**Summary/Explanation:**

Two of the Parks Department large area mowers are due to be replaced per the CIP schedule. Staff is recommending the sole bidder from the advertised competitive bid, as they met all specifications and are well within the budgeted amount after the trade-in. See attached memorandum for further details.

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

The mowers were bid at \$80,091.13 each, for a total cost of \$160,182.26. The trade-in of the two mowers being replaced (\$14,500 each) in addition to one older mower (\$6,000) credits \$35,000.00 off the cost. The total purchase price is then \$125,182.26, which is \$14,817.74 below the FY19 budgeted amount of \$140,000.

If approved, these items will be included in a future budget adjustment to carry the funds to FY'20.

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RBA requested by:

*Vicki L. Phelley*

CA:

*[Signature]*

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CITY OF ST. PETERS, MO

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## INTEROFFICE MEMORANDUM

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**TO:** RUSS BATZEL, CITY ADMINISTRATOR  
**FROM:** VICKI L. PHILLIPS, ACTING MANAGER, PARKS & GOLF SERVICES  
**SUBJECT:** RECOMMENDATION FOR PURCHASE OF TWO ROTARY MOWERS  
**DATE:** DECEMBER 9, 2019  
**CC:** BETH FRENCH, DIRECTOR OF FINANCE

**Recommendation:**

I recommend carrying forward funds from the FY19 budget to purchase two (2) Toro 4010D Rotary mowers from MTI Distributing in Berkeley, Missouri.

**History:**

Late in FY19 the Parks Department solicited bids to replace two large area rotary mowers per the CIP schedule. Only one bid was received. The sole bid was received from MTI Distributing. We have evaluated the bid and recommend the purchase of two (2) Toro 4010D rotary mowers. These large commercial mowers meet all specifications and are offered at a fair and competitive price.

The Parks Department has over 18 years of experience operating, maintaining, and repairing Toro mowers. They have been a reliable and essential workhorse in the mowing fleet. These machines mow an 11' wide path and are often operated 8 hours a day. It is critical for the City to have dependable and productive equipment and the Toro mowers have proven to be just that.

Parks staff mow over 100 acres of turf every day in the growing season. In an effort to increase safety and reduce employee exposure and fatigue, the City made a commitment to convert its large mower fleet to enclosed cabs in 2012. This move significantly increased operator efficiency and productivity. It also protected the machine's instruments and electronics. The Distributor has indicated an enclosed cab is one of the greatest assets for increasing trade-in value when it is time to replace the mower. For these reasons, I recommend purchasing the 4010D mowers with the cab.

**Financial Impact:**

The FY19 Budget included \$140,000.00 for this equipment. The cost of the two Toro 4010D mowers is \$160,182.26. However, the \$35,000.00 trade-in value for the two (2) 2011 Toro mowers and a 2009 Jacobsen mower reduces the cost to a net of \$125,182.26. The trade-in allowance is fair. The bidder offered nearly 30% of the original purchase price for the Toro mowers and 16% of the original purchase price for the 10 year old Jacobsen mower. Considering the age, hours, and commercial use, we feel we could not easily get a higher value elsewhere.

Thank you for your consideration in this matter.

ORDINANCE NO.

AN ORDINANCE DIRECTING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS, MISSOURI, TO ENTER INTO A CONTRACT WITH MTI DISTRIBUTING FOR THE PURCHASE OF TWO TORO ROTARY MOWERS

WHEREAS, the City of St. Peters desires to purchase two rotary mowers for the operation of its Parks and Golf Services Group in order to provide continued, quality service to its residents; and

WHEREAS, bid proposals were received from one (1) bidder on November 14, 2019, for the purchase of two new rotary mowers and the trade-in of two existing Toro mowers and an existing Jacobsen mower; and

WHEREAS, it is recommended that the City enters into a purchase agreement with MTI Distributing, Incorporated, in the amount of \$160,182.26, less a trade in value of \$35,000.00.

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

SECTION NO. 1. The City Administrator of the City of St. Peters, Missouri, be and he is hereby authorized to execute a contract with MTI Distributing in the amount of \$125,182.26 for the purchase of two Toro 4010D Rotary Mowers, with specified options, and the trade-in of two existing Toro Mowers and one existing Jacobson mower.

SECTION NO. 2. That 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. 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 times, passed, and approved this 19th day of December 2019.

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

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

No.

**RBA FORM (OFFICE USE)**

MEETING DATE: December 19, 2019

Regular ( X ) Work Session ( X )

ATTACHMENT: YES ( X ) NO ( )

Contract ( ) Ordinance ( X ) Other ( )

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**Request for Board Action  
By Staff**

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**Ward** 1 ( ) 2 ( ) 3 ( ) 4 ( ) All Wards ( N/A )

**Brief Description:** School Resource Officer Agreements

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**Staff:** Recommended ( X ) Not recommended ( ) No Position ( )

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**Summary/Explanation:**

Discussion regarding a revised intergovernmental cooperation agreement for School Resource Officers with the Fort Zumwalt and Francis Howell School Districts.

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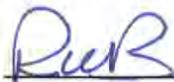
**Budget Impact:** (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

School Resource Officers are budgeted with the City paying 58% of the annual salaries and benefits and the school districts paying 42%.

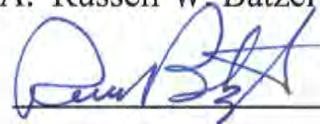
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RBA requested by: Russ Batzel

C.A. Russell W. Batzel



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BILL NO. 19-\_\_\_\_\_

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

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN INTERGOVERNMENTAL COOPERATION AGREEMENT FOR SCHOOL RESOURCE OFFICERS WITH FORT ZUMWALT SCHOOL DISTRICT

WHEREAS, the City has a long-standing commitment to the development of trusting relationships between its police officers serving as school resource officers and the students and staff of schools within the City; and

WHEREAS, a cooperative relationship between these schools and law enforcement is important to ensure the safety of students, faculty, and staff at these schools and to provide them with a safe and secure learning environment, and is necessary to bridge the gap between police officers and youth by increasing positive contact and providing a positive role model in officers daily interaction with students; and

WHEREAS, the City currently has school resource officers assigned to high schools in the City; and

WHEREAS, Missouri Revised Statutes Sections 70.220 through 70.325, as amended, authorize political subdivisions to contract and cooperate with any other municipality or political subdivision for a common service.

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

SECTION NO. 1. Intergovernmental Cooperation Agreement for School Resource Officers.

A. That the terms and provisions of the Intergovernmental Cooperation Agreement for School Resource Officers (the “Intergovernmental Agreement”) attached hereto, marked as **Exhibit “A”**, and incorporated by reference herein, be and they hereby are, in all respects approved, and that the City Administrator is hereby authorized, empowered and directed to further negotiate, execute, acknowledge, deliver and administer on behalf of the City said Intergovernmental Agreement, in substantially the form attached hereto, with the Fort Zumwalt School District.

B. 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 any and all other agreements, documents, instruments and certificates, all as may be necessary or appropriate to consummate said Intergovernmental Agreement, and to perform all of the terms, provisions and conditions of said Intergovernmental Agreement. The execution by the City Administrator of any agreement, document, instrument, check or certificate referred to in this Ordinance and said Intergovernmental Agreement shall be conclusive evidence of the approval

thereof and of all of the terms, provisions and conditions contained therein. Any and all acts which the City Administrator may do or perform in conformance with the powers conferred upon them by this Ordinance are hereby expressly authorized, approved, ratified and confirmed.

**SECTION NO. 2. Savings.**

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 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 from and after the date of its final passage and approval.

Read two times, passed, and approved this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Len Pagano, as Presiding Officer and as Mayor

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

**EXHIBIT A**  
**[see Intergovernmental Cooperation Agreement**  
**For School Resource Officers attached hereto]**

DRAFT

INTERGOVERNMENTAL COOPERATION AGREEMENT  
FOR SCHOOL RESOURCE OFFICERS

This Intergovernmental Cooperation Agreement for School Resource Officers (the “Agreement”), is made and entered as of the 1<sup>st</sup> day of January, 2020, by and between the Fort Zumwalt School District, a school district established under Section 240 RSMo. 2016, as amended, and a political subdivision of the State of Missouri (“District”), and the City of St. Peters, Missouri, a fourth class city and political subdivision of the State of Missouri (“City”).

WITNESSETH:

WHEREAS, the City has a long-standing commitment to the development of trusting relationships between its police officers serving as school resource officers and the students and staff of schools within the City; and

WHEREAS, a cooperative relationship between the District and law enforcement is important to ensure the safety of students, faculty, and staff at schools within the City and to provide them with a safe and secure learning environment, and is necessary to bridge the gap between police officers and youth by increasing positive contact and providing a positive role model in officers daily interaction with students; and

WHEREAS, the Drug Abuse Resistance Education (D.A.R.E.) program is the most comprehensive drug prevention curricula in the world taught in thousands of schools throughout America’s 50 states and its territories, as well as in 50+ other countries reaching more than 1.5 million students annually; and

WHEREAS, D.A.R.E.’s elementary, middle and high school curricula, as well as its enhancement lessons on subjects that include bullying, internet safety, and over-the-counter prescription drug and opiates abuse, have been developed through partnerships with highly respected universities and prevention education experts; and

WHEREAS, the City and the District have signed a certain D.A.R.E. Participation Agreement targeted for exit level elementary 5<sup>th</sup>/6<sup>th</sup> grade students; and

WHEREAS, the City currently has school resource officer(s) and/or D.A.R.E. officers assigned to schools in the District; and

WHEREAS, Missouri Revised Statutes Sections 70.220 through 70.325, as amended, authorize political subdivisions to contract and cooperate with any other municipality or political subdivision for a common service; and

WHEREAS, the District wishes the City to continue to provide such school resource officers and/or D.A.R.E. officers as hereinafter set forth.

NOW, THEREFORE, in consideration of the premises, the mutual agreements and covenants hereinafter contained, the District, for itself, its successors and assigns, and the City, for itself, its successors and assigns, each intending to be legally bound, hereby agree as follows:

I. School Resource Officers.

A. The City will provide a Missouri POST (“Peace Officer Standards and Training Commission”) licensed peace officer serving in its Police Department to serve as a “School Resource Officer” (hereinafter referred to as an “SRO”) and/or a D.A.R.E. officer on the campuses of Fort Zumwalt South and Fort Zumwalt East High Schools, and on the campus of DuBray Middle School.

B. The SRO will be chosen and assigned by the City to work an eight (8) hour day (40 hours per week) while school is in session and to coincide with and to perform his/her duties only during regularly scheduled instructional hours at the school during the school year, but not including after school hours meetings of parents/faculty or other school functions or activities. The SRO, at all times while performing his/her duties under the terms and provisions of this Agreement, shall remain under the operational control and supervision of the City, including the policies of the City and the standing orders of its Police Department, and shall be subject to all the orders of the Community Services Division Commander of the Police Department of the City (the “SRO Supervisor”). In the event a situation exists in the City which requires the services of SROs engaged in duties under this Agreement then, and in such event, the City reserves the right to call such SROs to police duty for the City, and doing so shall not constitute a breach of this Agreement.

Holidays observed by both the school and the City will be taken as time off with pay, per City policy. With the prior approval of the SRO Supervisor, school holidays and breaks not observed by the City may be dealt with in the following manner:

- (i) The SRO may use vacation or accrued comp time; or
- (ii) The SRO may be assigned to a City work detail or patrol shift.

On those instances where a “Snow Day” is declared by the District, the SRO will report to the on-duty watch commander for assignment.

C. The SRO’s duties will include enforcement of the Missouri Criminal Code, the Missouri Juvenile Code, the Ordinances of the City, and acting as a liaison between students, faculty and staff of the school and the City, with the goal of helping to provide a safe and secure learning environment in the school for students, faculty and staff. If the SRO encounters a student needing discipline but not involving the enforcement of any law, the SRO shall only be required to escort the student to the principal’s office. Any student not taken into custody by the SRO is the responsibility of the school. These duties shall not be altered in type, scope or duration or changed at any time by the District or the school without the prior written approval of the City.

D. The City’s Police Department will create and maintain records related to the services provided under this Agreement in the same manner in which it creates and maintains its

own records, but no original police reports or printed copies of these reports shall be stored in the SRO office at the school.

E. The City will provide its SRO with standard law enforcement equipment provided to all of its peace officers, including a vehicle, for use while providing services under this Agreement, and all required uniforms and training. While performing his/her duties hereunder, the SRO shall wear the uniform of the day as authorized by the City's Police Department policies. The District shall provide the SRO with a place to park and a place to perform their work, including an office, desk, chair, file storage, computer, monitor, printer, landline telephone, office supplies, internal school district radios, and essential keys for building access.

F. Except as otherwise set forth herein, at all regularly scheduled times when the school is not in session, the SRO shall return to his/her City duties.

G. The City will also provide, at no cost to the District, a Missouri POST ("Peace Officer Standards and Training Commission") licensed peace officer serving in its Police Department to serve as a D.A.R.E. officer who shall be available to instruct the D.A.R.E. curriculum at various schools within the District, and the City will, barring emergencies, attempt to limit the officer's absence from the D.A.R.E. classrooms on his/her designated day(s) of instruction. The District agrees to provide classroom space and allot at least 45 minutes per lesson each week to the targeted class for delivery of the D.A.R.E. Program. The District shall ensure a teacher is present in the classroom at all times while the D.A.R.E. officer presents his/her instruction. The classroom teacher will assist, if necessary, in the collection of assigned homework and will make bulletin board space available within the classroom.

H. The Missouri United School Insurance Council ("MUSIC") will, on behalf of the District, indemnify, defend, hold harmless and reimburse the City for claims asserted against the City, its elected officials, officers, employees, and SROs, including their heirs, personal representatives, successors or assigns (collectively, "the City") solely to the extent that such claims arise out of an occurrence where the SROs were performing the functions of an SRO, and were not performing police functions, which police functions include, but are not limited to, search, apprehension, and arrest, but do not include the use of a weapon which is included in the functions of an SRO. Under no circumstances, shall MUSIC's obligation to indemnify, defend, hold harmless and reimburse the City for the limited claims identified herein exceed the City's self-insured retention of \$250,000. Except as specifically provided in this paragraph, neither MUSIC nor the District shall have any obligation to indemnify, defend, hold harmless or reimburse the City, its elected officials, officers, employees, and SROs and their heirs, personal representatives, successors or assigns, from and against any other cause of action, claim, demand, loss, fine, damage or other expense (including attorneys' fees) which any of them may incur or sustain as a result of the acts or omissions of the District, or which the City may incur or sustain as a result of performing its obligations under this Agreement.

I. Neither the SROs nor any D.A.R.E. officer shall be considered employees of the District, and no partnership or co-venture shall be created by virtue of this Agreement or the performance by the SROs and/or the D.A.R.E. officers of his/her duties hereunder.

## II. Payment.

A. The District shall reimburse the City for the SROs assigned to schools in the District as a SRO under this Agreement as follows:

1. Fort Zumwalt South High School - Forty two percent (42%) of the SRO's annual salary of \$95,472.00 which equals \$ \$40,098.24.
2. Fort Zumwalt East High School - Forty two percent (42%) of the SRO's annual salary of \$95,472.00 which equals \$ \$40,098.24.
3. DuBray Middle School - Forty two percent (42%) of the SRO's annual salary of \$95,472.00 which equals \$ \$40,098.24.

B. The City shall assume all responsibility for payment to or on behalf of the SRO for all services rendered under this Agreement and for payment of all contributions on behalf of the SRO for Workers' Compensation, Missouri Local Government Employees Retirement System, withholding taxes, and any other applicable federal, state and local tax or charge.

## III. Reimbursement.

All reimbursement sums shall be payable by the District in advance on a semi-annual basis, the first payment due on December 20 of each calendar year, with the second payment due on April 20 of each calendar year.

## IV. Termination.

A. Unless otherwise terminated as provided below, this Agreement shall remain in full force and effect until July 31, 2020, and shall automatically renew each year thereafter unless either party shall give the other prior written notice of its intention to terminate this Agreement as set forth below.

### B. Termination for Cause:

1. The City may terminate this Agreement at any time upon the District's failure to timely pay the City as provided above. If the City terminates this Agreement for failure to timely pay and the District thereafter pays such amount in full within ten (10) days of receipt of such notice of termination, then the notice of termination shall be deemed withdrawn and a POST licensed peace officer shall be re-assigned to act as a SRO at the school.

2. The District may terminate this Agreement at any time for the City's failure to provide a SRO as set forth above. If the District terminates this Agreement for failure to provide a SRO and the City assigns a SRO who physically attends the school within ten (10) days of the City's receipt of the District's notice of termination, then the notice of termination shall be deemed withdrawn.

C. Either party may terminate this Agreement at any time, with or without cause, upon sixty (60) days prior written notice to the other party.

V. Notices.

Except during the continuance of a known interruption of mail delivery service, in which event personal delivery or another means of delivery reasonably calculated to result in verifiable delivery shall be used, all notices, requests, demands and other communications required hereunder shall be deemed to have been duly given if the same shall be in writing and shall be delivered personally or sent by registered or certified mail, postage prepaid, and addressed as set forth below:

IF TO CITY:

City of St. Peters, Missouri  
P.O. Box 9  
One St. Peters Centre Blvd.  
St. Peters, Missouri 63376  
Attn: City Administrator

IF TO DISTRICT:

Fort Zumwalt School District  
555 E Terra Ln,  
O'Fallon, Missouri 63366  
Attn: Dr. Bernard J. DuBray, Superintendent

Any party hereto may change the address to which notices are to be addressed by giving the other party notice, in the manner herein above set forth.

VI. Governing Provisions.

A. The provisions of this Agreement will be governed by the laws of the State of Missouri.

B. If any provisions of this Agreement or any portion of such provisions or the application thereof to any person or circumstance shall be held to be invalid or unenforceable or shall become a violation of a local, state or federal law, then the same as so applied shall no longer be part of this Agreement, but the remainder of the Agreement and the application of the affected provisions to other persons and circumstances shall be not be affected thereby, and this Agreement as so modified shall continue in full force and effect unless the elimination of such provision materially and adversely affects the consideration either party is to receive under this Agreement and/or the ability of either party to perform its obligations hereunder.

C. This Agreement constitutes the entire Agreement between the City and the District, and supersedes all prior agreements, negotiations, discussions and understandings, whether oral or written, between the parties with regard to the subject matter hereof. Any amendments or modifications to this Agreement must be in writing and signed by both parties.

D. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns. There are no third party beneficiaries to this Agreement, and both the City and the District agree that this Agreement is not intended to extend to, or create, any third party beneficiary.

E. 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, or for any other acts arising out of this Agreement, the prevailing party to such action shall be entitled to an award of all 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.

IN WITNESS WHEREFORE, the District and the City have caused this Agreement to be executed as of the date first above written.

CITY:

City of St. Peters, Missouri

DISTRICT:

Fort Zumwalt School District

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

By: \_\_\_\_\_  
President, Board of Education

Attest: \_\_\_\_\_  
Secretary, Board of Education