



**TENTATIVE AGENDA
REGULAR BOARD OF ALDERMEN MEETING
City of St. Peters Justice Center
1020 Grand Teton Drive, St. Peters, MO 63376
May 11, 2023 at 6:30 p.m.**

- A. Call to Order, Mayor Len Pagano
- B. Roll Call
- C. Opening Ceremonies
 - 1. Invocation: Steve Koeneman
 - 2. Pledge of Allegiance
 - 3. Oath of Office: Andrew A. Ramirez, Police Chief
 - 4. Oath of Office: Robert Treadway, Police Captain
 - 5. Oath of Office: Erin J. O'Neal, Police Lieutenant
 - 6. Recognition: Eagle Scout Nicole Kipper, Troop 911, Distinguished Conservation Service Award - Projects at Trailwoods Park, St. Peters City Hall & Rec-Plex (Ward 1)
 - 7. Recognition: Eagle Scout Zachary Avram, Troop 353 – Woodlands Sports Park Project (Ward 2)
 - 8. Random Acts of Kindness: Charlie Kennedy (Ward 1) and James Hasheider (Ward 3)
- D. Approval of Minutes
 - 1. The [Board of Aldermen Work Session meeting of April 27, 2023](#); and the [Regular Board of Aldermen meeting of April 27, 2023](#).
- E. Reports of Officers, Boards and Commissions
 - 1. Mayoral Report of Appointments to Boards and Commissions:
 - a. [Appointments to St. Peters Hotel Community Improvement District](#)
 - 2. City Administrator's Report:
 - 3. Report of Director, Planning, Community and Economic Development: None
 - 4. St. Peters Business Spotlight: None

F. Open Forum

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

G. Public Hearings

H. Unfinished Business Items

I. New Business Items

1. [Bill No. 23-56: Bill](#) amending Chapter 145 of the St. Peters City Code by enacting a new Section 145.033 imposing an additional sales tax at the rate of three percent on all tangible personal property retail sales of adult use marijuana sold within the City of St. Peters, Missouri, pursuant to Article XIV, Section 2.6(5) of the Missouri Constitution.
2. [Bill No. 23-57: Bill](#) authorizing the City Administrator of the City of St. Peters, Missouri to execute a contract with McConnell & Associates, dba McConnell's of St. Louis, to repair the flood damaged tennis courts at Covenant Park in the initial amount of \$233,645.60.
3. [Bill No. 23-58: Bill](#) authorizing the City Administrator of the City of St. Peters, Missouri, to execute a Supplemental Agreement to the Missouri Highways and Transportation Commission Cost Share Agreement to provide reimbursement funding for design, property acquisition, and construction of the Route 370 interchange ramps at Salt River Road Phase 2 (northbound-westbound ramp) Project.
4. [Bill No. 23-59: Bill](#) repealing Ordinance No. 7796 of the City and enacting in lieu thereof an Ordinance authorizing the City Administrator of the City of St. Peters Missouri to execute a contract with Allrise Elevator Company, Inc., providing for the execution of a contract for the Elevator Modernization and Equipment Project (Bid 23-129)
5. [Bill No. 23-60: Bill](#) accepting for maintenance the dedication of certain streets, street lights, street signs, sanitary sewer lines, storm sewer lines, and water distribution lines in and connected to Deer Grove

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

K. Adjournment

Agenda Posted at City Hall: May 8, 2023 at 9:00 a.m.

By: P. Smith, City Clerk

Next Regular Board of Aldermen Meeting: May 25, 2023

Meeting available for viewing at www.sptvnow.net



**CITY OF ST. PETERS
BOARD OF ALDERMEN WORK SESSION MINUTES
APRIL 27, 2023**

The Work Session was called to order at approximately 5:00 p.m. on Thursday, April 27, 2023 at the St. Peters Justice Center located at 1020 Grand Teton Drive.

Patty Smith, City Clerk, called the roll.

The following Elected Officials were present: Mayor Len Pagano

Ward 1 – Alderman Joyce Townsend and Alderman Rocky Reitmeyer

Ward 2 – Alderman Judy Bateman and Dr. Gregg Sartorius

Ward 3 - Alderman Melissa Reimer and Alderman Terri Violet

Ward 4 - Board President Nick Trupiano and Alderman Patrick Barclay

A quorum was established.

The following staff were present: Amy Haddock, Water Environment Services Manager; Elliot Schneider, Environmental & Fleet Services Manager; Traffic; Police Captain Andy Ramirez; Burt Benesek, Transportation Development Services Manager; Dan Emrick, Parks and Recreation Services Manager; Cathy Pratt, Staff Support Services Manager; Bill Malach, City Administrator; and Patty Smith, City Clerk. John Young, City Attorney was also present.

COMMUNICATIONS FROM BOARD MEMBERS/ALDERMANIC REPRESENTATIVES

Committee reports were given during this time.

BOARD OF ALDERMEN ITEMS FOR DISCUSSION

Unfinished Business Items:

Alderman Bateman moved and Alderman Townsend seconded the motion to remove Proposed Slate of Aldermen Boards and Commissions Assignments All in favor, the motion was approved.

**PROPOSED SLATE OF ALDERMEN BOARDS AND COMMISSIONS ASSIGNMENTS
(CONTINUED FROM 04-13-23) – TRUPIANO**

Board President Trupiano briefly discussed the proposed Slate of Board President and Aldermanic Representatives, which Board President Trupiano previously provided to the Board, with six of the eight seats filled. The Board President position and Aldermanic Representative to the Parks, Recreation & Arts Advisory Board, Cultural Arts Focus Group remain vacant; which will be voted on during tonight's Board of Aldermen Regular meeting. **This is business item I-1 on this evening's Board of Aldermen meeting agenda for consideration.**

New Business Items:

Alderman Barclay moved and Alderman Reitmeyer seconded the motion to remove Discussion / Job Duties of Board of Aldermen President from the agenda for discussion. All in favor, the motion was approved.

DISCUSSION / JOB DUTIES OF BOARD OF ALDERMEN PRESIDENT – TRUPIANO/MAYOR

Alderman Trupiano explained his reasons to discuss the responsibilities and procedures for the Board President in the event the Mayor or another Alderman is unable to fulfill their duties. A proposed list of eleven (11) Board President duties was provided. The list was discussed and the following comments were made: move number 7 to the top of the list; because of State Statute, the Aldermanic Representative of the Planning & Zoning Commission cannot have a substitute Alderman attend the meeting in their absence, but another Alderman may attend a Planning meeting to observe, but not vote. A suggestion was made to continue this discussion at a future meeting to include Alderman Elect Kuppler. Mayor Pagano emphasized the importance of the Board President's knowledge of the City and all of the new development. A suggestion was made about the Focus Groups and possibly separating them from the Parks, Recreation and Arts Advisory Board, as they were in the past. The Board inquired with City Attorney Young the proper procedure to move forward with this discussion on the expectations of the Board President. City Attorney Young stated there is no formal vote needed on agreed upon expectations of the Board President; as it is a living document with no formal action needed.

MAYOR/CITY ADMINISTRATOR ITEMS

New Business Items:

Alderman Townsend moved and Alderman Bateman seconded the motion to remove from the agenda for discussion, I-70 & Cave Springs Rd Interchange Cost Share Second Supplemental Agreement. All in favor, the motion was approved.

I-70 & CAVE SPRINGS RD INTERCHANGE COST SHARE SECOND SUPPLEMENTAL AGREEMENT – BENESEK

Mr. Benesek presented a slideshow requesting to execute the second supplement to a cost apportionment agreement executed with the Missouri Department of Transportation to design and construct aesthetic enhancements to the Highway 70 and Cave Springs Interchange. Approval of this ordinance will authorize execution of a second supplement agreement and the City of St. Peters' expenditure of \$115,081.85 for the upgrade of various traffic signals, fencing, truss structures and posts with black powder coating and bridge fencing upgrade. The total cost of this shared project second supplemental agreement with the City of St. Charles is \$230,163.70. Pending the FY2023 Transportation Trust Fund budget adjustment approved at the February Pre-CIP Meeting, the estimated project grand total is \$444,146.35. A proposed Third Supplement for the entrance wall and sign is pending final design and will be presented at a future Board of Aldermen meeting. No comments or questions from the Board of Aldermen. **This is business item I-3 on this evening's Board of Aldermen meeting agenda for consideration.**

Alderman Violet moved and Alderman Sartorius seconded the motion to remove from the agenda for discussion, Route 370 & Salt River Road Ramp 2 Cost Share Supplemental Agreement. All in favor, the motion was approved.

ROUTE 370 & SALT RIVER ROAD RAMP 2 COST SHARE SUPPLEMENTAL AGREEMENT – BENESEK

Mr. Benesek displayed a slideshow explaining the first supplement to the Missouri Highways and Transportation Commission Cost Share Agreement to provide reimbursement funding for design,

property acquisition and construction of the Route 370 at Salt River Road Interchange Ramp 2 (Northbound-Westbound Ramp) project. The total cost of this project is \$14,462,619.00 with the City's 7.5% portion of \$1,086,976.63. Execution of a supplemental agreement with the Missouri Highways and Transportation Commission (MHTC) is required to receive awarded Federal funding. No comments or questions from the Board of Aldermen. Alderman Reitmeyer moved and Alderman Sartorius seconded the motion to place this item on the May 11, 2023 Board of Aldermen meeting agenda for consideration. All in favor, the motion was approved. **This item will be placed on the May 11, 2023 Board of Aldermen meeting agenda for consideration.**

Alderman Townsend moved and Alderman Trupiano seconded the motion to remove Recreational Marijuana Sales Tax Ordinance from the agenda for discussion. All in favor, the motion was approved.

RECREATIONAL MARIJUANA SALES TAX ORDINANCE – PRATT

Ms. Pratt recounted that at the April 4, 2023 General Municipal Election, the voters of the City of St. Peters approved Proposition M to authorize the Board of Aldermen to impose an additional sales tax of three percent (3%) on all retail sales of adult use non-medicinal marijuana sold in the City of St. Peters, pursuant to Article XIV, section 2.6(5) of the Missouri Constitution. An ordinance amending City Code Chapter 145 for taxation will need to be amended to impose this sales tax will be brought to the Board at the May 11, 2023 Board of Aldermen meeting for consideration. Ms. Pratt clarified that the date this tax goes into effect is October 1, 2023. No further comments or questions from the Board of Aldermen. Alderman Townsend moved and Alderman Bateman seconded the motion to place this item on the May 11, 2023 Board of Aldermen meeting agenda for consideration. All in favor, the motion was approved. **This item will be placed on the May 11, 2023 Board of Aldermen meeting agenda for consideration.**

Alderman Reimer moved and Alderman Reitmeyer seconded the motion to remove Covenant Park Tennis Court Flood Repairs from the agenda for discussion. All in favor, the motion was approved.

COVENANT PARK TENNIS COURT FLOOD REPAIRS – EMRICK

Mr. Emrick recounted that both tennis courts at Covenant Park were severely damaged during the July 26, 2022 major flash flood event that brought over 13" of rain to the area. Mr. Emrick displayed images of the extent of the damage to the park; including a wash out, compromised asphalt, complete loss of turf surfacing, destroyed tennis nets, and damaged perimeter fencing. After reviewing several replacement options, staff recommended eliminating the turf surfacing and replace with an acrylic asphalt surface, for one tennis court and four pickle ball courts, which would be more flood tolerable as a hard surface. Staff recommended entering into a contract with McConnell & Associates, dba McConnell's of St. Louis, to repair the two flood damaged tennis courts into one tennis court and four pickleball courts at Covenant Park in the initial amount of \$233,645.60 before pending insurance and FEMA reimbursements. An expected out of pocket cost through the Local Parks and Stormwater Fund is approximately \$15,349 to \$86,756. Questions from the Aldermen were addressed. Alderman Barclay moved and Alderman Trupiano seconded the motion to place this item on the May 11, 2023 Board of Aldermen meeting agenda for consideration. All in favor, the motion was approved. **This item will be placed on the May 11, 2023 Board of Aldermen meeting agenda for consideration.**

Alderman Barclay moved and Alderman Bateman seconded the motion to remove Secretary of State/Records Retention Schedule from the agenda for discussion. All in favor, the motion was approved.

SECRETARY OF STATE/RECORDS RETENTION SCHEDULE – SMITH

City Clerk Smith stated that the Destruction of Records forms provided in this evening's meeting packet necessitate being entered and made a part of the minutes of the Board of Aldermen for April 27, 2023. Alderman Townsend moved and Alderman Reimer seconded the motion to accept the City Clerk's report regarding the Destruction of Record forms that are provided in the Work Session packet and to be entered into the April 27, 2023 minutes of the Board of Aldermen. All in favor, the motion was approved. **No further Board of Aldermen action is required on this item.**

MISCELLANEOUS UPDATES – MALACH

- Prepayment of 2010C Certificates of Participation– Pratt

Ms. Pratt gave an informational update regarding the prepayment of the 2010C Certificate of Participation Bond. The final payment on this bond series is June 2024 but the City had cash in the reserve account to pay them off early. By doing so, this saved the City approximately \$6,000 in interest. The 2010C Certificate of Participation bonds were issued in the original amount of \$1.725 million dollars to refund 2003 Payment-In-Kind (PIK) bonds; which were issued for park improvements and stormwater projects. No comments or questions from the Board of Aldermen.

- Animal Control Code Update – Benesek

Mr. Benesek recounted that at the April 13th Board of Aldermen meeting, Code Enforcement Manager Claire Toledo presented code updates related to animal control as a result of the kenneling agreement with St. Charles County and various code compliance regulations. Mr. Benesek stated this includes clarification language pertaining to the requirement of care of more than three animals in a home from the previous Work Session presentation. City Attorney Young addressed a question from the Board and explained the difference between a service animal identified under the ADA and an emotional support animal that is not a service animal. No further comments or questions from the Board of Aldermen. **This is business item I-8 on this evening's Board of Aldermen meeting agenda for consideration.**

BOARD MEETING AGENDA ITEM REVISIONS – MALACH

None

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

No Executive Session was called.

ADJOURNMENT OF THE WORK SESSION

Alderman Sartorius moved and Alderman Violet seconded the motion to adjourn the Work Session meeting. The motion was approved and the Work Session meeting was adjourned at approximately 5:52 p.m.

Submitted by,

Patricia E. Smith
City Clerk



City of St. Peters - Records Management
RECORDS DESTRUCTION FORM

Department Name: MUNICIPAL COURT		Total # of Boxes:
Department Records Coordinator: DIANE WITTE		
Date: 01/23/23	Office Address: 1020 GRAND TETON, ST. PETERS	Telephone: 636-477-6600 X 3385

Caution: A record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of the retention period. The record must be retained until completion of the action and the resolution of all issues that arise from it, or until the expiration of the retention period, whichever is later. The schedule establishes only a minimum period of retention. Before retaining a record longer than the minimum time required, however, the office should be certain that it has good reason to do so.

Department Records Coordinator: <i>Diane Witte</i>	Date: <i>4/11/23</i>	Date of Records Destruction: 12/31/22
Group Manager: <i>Col Pratt</i>	Date: <i>4-12-23</i>	Destruction Method: Shredding <input type="checkbox"/> Discard <input checked="" type="checkbox"/> Outside Vendor <input type="checkbox"/>
Date of BOA Minutes: <i>4/27/23</i>		

Request for Department Destruction

- I certify that these OFFICIAL RECORD COPIES are past the retention period specified by the Missouri Secretary of State Records Retention Schedule and that all audit and administrative requirements have been satisfied.
- I certify that no HOLD has been placed on these OFFICIAL RECORDS due to any litigation, claim, negotiation, audit, or open records requests and that all administrative requirements have been satisfied.

Required Approval Signature	
City Clerk: <i>[Signature]</i>	Date: <i>4/12/23</i>

Note: Please read the instructions on page 3 concerning Departmental Records Destruction.

User Box #	Retention Schedule Records Item #	Description of Records	Inclusive Year(s)	Retention Period	Medium
N/A	GS012	Correspondence - general emails city-wide all mailboxes.	12-31-20 and older	1 year	E



**CITY OF ST. PETERS
BOARD OF ALDERMEN REGULAR MEETING MINUTES
APRIL 27, 2023**

CALL TO ORDER

Mayor Len Pagano called the Board of Aldermen meeting to order at approximately 6:30 p.m. on April 27, 2023, at the St. Peters Justice Center located at 1020 Grand Teton Drive.

ROLL CALL

City Clerk Patty Smith called the roll.

The following Elected Officials were present: Mayor Len Pagano

Ward 1 - Alderman Joyce Townsend and Alderman John "Rocky" Reitmeyer

Ward 2 - Alderman Judy Bateman and Alderman Dr. Gregg Sartorius

Ward 3 – Alderman Terri Violet and Alderman Melissa Reimer

Ward 4 - Board President Alderman Nick Trupiano and Alderman Patrick Barclay

A quorum was established.

The following staff were present: Bill Malach, City Administrator; Police Captain Ramirez; and City Clerk Patty Smith. John Young, City Attorney was also present.

OPENING CEREMONIES

INVOCATION:

Rabbi Chaim A. Landa delivered the Invocation.

PLEDGE OF ALLEGIANCE:

Mayor led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor requested a moment of silence in honor of Don Aytes who passed away on April 21. Mr. Aytes retired as Ward 4 Alderman in 2019 after serving the City for 30 years.

PROCLAMATION: JEWISH AMERICAN HERITAGE MONTH, RABBI CHAIM A. LANDA

Alderman Trupiano read and presented the Proclamation for Jewish American Heritage Month as May 2023 to Rabbi Chaim A. Landa. Jewish American Heritage Month pays tribute to the generations of Jewish Americans who have helped form the fabric of American history.

GENERAL MUNICIPAL ELECTION APRIL 4, 2023

ACKNOWLEDGEMENT OF CERTIFIED ELECTION RESULTS HELD APRIL 4, 2023

Copies of the certified election results from the St. Charles County Election Authority were provided to the Board of Aldermen. City Clerk Smith read the Certified Election results for April 4, 2023 General Municipal Election for St. Peters Municipal Judge and Aldermen. The City of St. Peters Proposition M for the Recreational Marijuana Sales Tax is declared passed. The City of St. Peters Proposition S for the Local Use Tax is declared failed. Alderman Violet moved and Alderman Sartorius seconded the motion to acknowledge and accept these Certified Election results for the April 4, 2023 General Municipal Election. The motion was approved unanimously.

RECOGNITION OF SERVICE: ALDERMAN TERRI VIOLET

Mayor Pagano and the Board of Aldermen recognized Alderman Terri Violet with several plaques for her years of service with the City of St. Peters as Aldermen and as a member on various committees. She introduced her family in attendance.

RETIREMENT: RICK STRUTTMANN, CHIEF OF POLICE

Mayor Pagano and the Board of Aldermen presented a plaque to Rick Struttman, Chief of Police, on his retirement after 35 years of years of service to the City of St. Peters. Chief introduced his family in attendance.

CEREMONIAL OATH OF OFFICE AND SEATING OF ELECTED OFFICIALS BY: P. SMITH, CITY CLERK

Mayor Pagano invited each of the newly elected officials and their families to come forward. City Clerk Smith administered the Ceremonial Oath of Office individually to Don Kohl as Municipal Judge, Judy Bateman as Alderman Ward 2, Joyce Townsend as Alderman Ward 1, Nick Trupiano as Alderman Ward 4 and David "Dave" Kuppler as Alderman Ward 3. City Clerk Smith congratulated Judge Kohl and each of the Aldermen, presenting each of them with the executed Oath of Office. Mayor Pagano congratulated Judge Kohl and each of the Aldermen and asked each of them to introduce their families. After the Oath of Office, the Aldermen then took their official seats at the dais. The Mayor and the Board of Aldermen were welcomed and congratulated as they took their official seats.

MOTION TO ADJOURN SINE DIE

Alderman Violet moved and Alderman Townsend seconded the motion to adjourn sine die at approximately 7:31 p.m. and reconvene with the new Board of Aldermen. The motion was approved.

CALL TO ORDER OF THE NEW BOARD OF ALDERMAN, MAYOR LEN PAGANO

Mayor Pagano called the Board of Aldermen meeting to order with the New Board of Aldermen at approximately 7:32 p.m.

ROLL CALL OF THE NEW BOARD OF ALDERMAN

Mayor Pagano requested City Clerk Smith to take roll call of the new Board of Aldermen. Present were: Mayor Pagano; Board President Trupiano; Alderman Bateman; Alderman Barclay; Alderman Kuppler; Alderman Reimer; Alderman Reitmeyer; Alderman Townsend; Alderman Trupiano. Also

present were City Administrator Malach; City Attorney Young; Captain Ramirez and City Clerk Smith.

PRESENTATION: CULTURAL ARTS CENTRE ST. CHARLES COUNTY REGIONAL POETRY OUT LOUD COMPETITION - BELLA LUTFIYYA

Alderman Sartorius introduced the winner of the St. Charles County Regional Poetry Out Loud Competition, Bella Lutfiyya who recited three poems, and her father Rob Lutfiyya was introduced. Bella is a Senior at Timberland High School in the Wentzville School District.

PROCLAMATION: ARBOR DAY, DAN EMRICK

Alderman Bateman read and presented Dan Emrick, Parks and Recreation Manager with the Arbor Day Proclamation for Saturday, April 29, 2023. Arbor Day urges all citizens to support efforts to protect our trees and woodlands and to plant trees to promote the wellbeing of future generations. Mr. Emrick briefly spoke on the staff's work to continue to be recognized as a Tree City USA by the National Arbor Day Foundation.

APPROVAL OF MINUTES

BOARD OF ALDERMEN WORK SESSION MEETING OF APRIL 13, 2023 AND REGULAR BOARD OF ALDERMEN MEETING OF APRIL 13, 2023

Alderman Trupiano moved and Alderman Reitmeyer seconded the motion to approve the Board of Aldermen Work Session meeting minutes of April 13, 2023 and the Regular Board of Aldermen meeting of April 13, 2023. All in favor, the motion carried and the minutes were approved as presented.

REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

MAYORAL REPORT OF APPOINTMENTS TO BOARDS AND COMMISSIONS: None

CITY ADMINISTRATOR'S REPORT: None

REPORT OF DIRECTOR OF PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT: None

ST. PETERS BUSINESS SPOTLIGHT: None

OPEN FORUM

CITIZENS PETITIONS AND COMMENTS: None

COMMUNICATIONS FROM THE ELECTED OFFICIALS:

Elected Officials made comments during this time.

ANNOUNCEMENTS: None

PUBLIC HEARINGS

None

UNFINISHED BUSINESS ITEMS

None

NEW BUSINESS ITEMS

SELECTION OF ALDERMANIC REPRESENTATIVES TO CITY BOARDS AND COMMISSIONS AND BOARD PRESIDENT

Alderman Trupiano moved and Alderman Townsend seconded the motion to introduce the Selection of Aldermanic Representatives to City Boards and Commissions and Board President. The motion carried.

Alderman Trupiano reported the results of the selection of Aldermanic Representatives to Boards and Commissions as follows: Alderman Bateman for Aldermanic Representative to the Planning and Zoning Commission; Alderman Reitmeyer for Aldermanic Representative to the Parks, Recreation & Arts Advisory Board, Golf Focus Group; Alderman Townsend for Aldermanic Representative to the Parks, Recreation & Arts Advisory Board, Historical Focus Group; Alderman Trupiano for Aldermanic Representative to the Parks, Recreation & Arts Advisory Board, Sustainability Focus Group; Alderman Sartorius for Aldermanic Representatives to the Veterans Memorial Commission; and Alderman Kuppler for Aldermanic Representative to the Senior Advisory Committee. Aldermanic Representative to the Parks, Recreation & Arts Advisory Board, Cultural Arts Focus Group is currently vacant.

Alderman Trupiano reported that Alderman Reimer and Alderman Barclay were both nominated for the Board of Aldermen President. Mayor confirmed the voting procedure for Board President will be via roll call, with each Alderman stating the name of the person whom they vote for. Alderman Townsend moved and Alderman Bateman seconded the motion for a roll call vote for the selection of Board of Aldermen President. With the motion approved, a roll call vote was taken as follows: Alderman Barclay: Patrick Barclay; Alderman Reimer: Melissa Reimer; Alderman Sartorius: Melissa Reimer; Alderman Reitmeyer: Melissa Reimer; Alderman Trupiano: Patrick Barclay; Alderman Kuppler: Melissa Reimer; Alderman Bateman: Melissa Reimer; Alderman Townsend: Melissa Reimer. Upon being put to a roll call vote, with six (6) votes for Alderman Melissa Reimer and two (2) votes for Alderman Patrick Barclay, Alderman Reimer was selected as Board of Aldermen President.

Alderman Barclay moved, as stated previously by past Board President Nick Trupiano, with the addition of Alderman Barclay's name to the Selection of Aldermanic Representatives to City Boards and Commissions and Board President, as Aldermanic Representative to the Parks, Recreation & Arts Advisory Board, Cultural Arts Focus Group; and Alderman Bateman seconded the motion approve the slate of representatives as read. All in favor, the motion was approved. Appointments will run from April 27, 2023 to April 25, 2024.

MOTION/APPROVED: BILL NO. 23-49: ORDINANCE NO. 7794: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS, MISSOURI TO ENTER INTO AN AGREEMENT WITH EVOQUA WATER TECHNOLOGIES FOR MONTHLY SERVICE AND EQUIPMENT AND PURCHASE OF BIOXIDE CHEMICAL.

Alderman Reitmeyer moved and Alderman Trupiano seconded the motion to introduce the Bill. The motion carried. Alderman Reitmeyer moved and Alderman Trupiano seconded the motion to read Bill No. 23-49 for the first time. The motion carried and Alderman Kuppler read the Bill. Alderman Bateman moved and Alderman Sartorius seconded the motion to read the Bill for the second time. The motion carried and Alderman Bateman read the Bill. Alderman Townsend moved and Alderman Reitmeyer seconded the motion to put the Bill to a final vote. Motion approved and Bill No. 23-49 passed becoming Ordinance No. 7794.

Barclay: Yes Reimer: Yes Sartorius: Yes Reitmeyer: Yes
Trupiano: Yes Kuppler: Yes Bateman: Yes Townsend: Yes
AYES: 8 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0 MAYOR:

MOTION/APPROVED: BILL NO. 23-50: ORDINANCE NO. 7795: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS, MISSOURI, TO ENTER INTO A MUNICIPAL AND COST APPORTIONMENT AGREEMENT SECOND SUPPLEMENTAL AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR CONSTRUCTION OF THE ROUTE I-70 CORRIDOR IMPROVEMENTS FROM CAVE SPRINGS ROAD TO FAIRGROUNDS ROAD (JOB NUMBER J6I3337)

Alderman Barclay moved and Alderman Sartorius seconded the motion to introduce the Bill. The motion carried. Alderman Barclay moved and Alderman Sartorius seconded the motion to read Bill No. 23-50 for the first time. The motion carried and Alderman Townsend read the Bill. Alderman Reitmeyer moved and Alderman Trupiano seconded the motion to read the Bill for the second time. The motion carried and Alderman Trupiano read the Bill. Alderman Barclay moved and Alderman Townsend seconded the motion to put the Bill to a final vote. Motion approved and Bill No. 23-50 passed becoming Ordinance No. 7795.

Barclay: Yes Reimer: Yes Sartorius: Yes Reitmeyer: Yes
Trupiano: Yes Kuppler: Yes Bateman: Yes Townsend: Yes
AYES: 8 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0 MAYOR:

MOTION/APPROVED: BILL NO. 23-51: ORDINANCE NO. 7796: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS, MISSOURI TO EXECUTE A CONTRACT WITH MURPHY COMPANY FOR THE ELEVATOR MODERNIZATION AND EQUIPMENT PROJECT (BID 23-129)

Alderman Reimer moved and Alderman Barclay seconded the motion to introduce the Bill. The motion carried. Alderman Reimer moved and Alderman Barclay seconded the motion to read Bill No. 23-51 for the first time. The motion carried and Alderman Barclay read the Bill. Alderman Reitmeyer moved and Alderman Sartorius seconded the motion to read the Bill for the second time. The motion carried and Alderman Reimer read the Bill. Alderman Townsend moved and Alderman Barclay seconded the motion to put the Bill to a final vote. Motion approved and Bill No. 23-51 passed becoming Ordinance No. 7796.

Barclay: Yes Reimer: Yes Sartorius: Yes Reitmeyer: Yes
Trupiano: Yes Kuppler: Yes Bateman: Yes Townsend: Yes
AYES: 8 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0 MAYOR:

MOTION/APPROVED: BILL NO. 23-52: ORDINANCE NO. 7797: AN ORDINANCE AMENDING ORDINANCE 1210, WHICH AMENDED ORDINANCE NO. 698, BY PROVIDING FOR AN INCREASE IN FILING FEES FOR CANDIDATES FOR CITY OF ST. PETERS PUBLIC ELECTED OFFICES. [SPONSOR: MAYOR]

Alderman Reitmeyer moved and Alderman Sartorius seconded the motion to introduce the Bill. The motion carried. Alderman Reitmeyer moved and Alderman Sartorius seconded the motion to read Bill No. 23-52 for the first time. The motion carried and Alderman Sartorius read the Bill. Alderman Reimer moved and Alderman Reitmeyer seconded the motion to read the Bill for the second time. The motion carried and Alderman Reitmeyer read the Bill. Alderman Barclay moved and Alderman Sartorius seconded the motion to put the Bill to a final vote. Motion approved and Bill No. 23-52 passed becoming Ordinance No. 7797.

Barclay: Yes Reimer: Yes Sartorius: Yes Reitmeyer: Yes
Trupiano: Yes Kuppler: Yes Bateman: Yes Townsend: Yes
AYES: 8 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0 MAYOR:

MOTION/APPROVED: BILL NO. 23-53: ORDINANCE NO. 7798: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS, MISSOURI, TO ENTER INTO A PERMANENT DRAINAGE EASEMENT AGREEMENT ALONG WITH A PERMANENT ROADWAY, SANITARY LIFT STATION AND SANITARY SEWER EASEMENT AGREEMENT WITH FIRST BAPTIST CHURCH OF ST. PETERS

Alderman Barclay moved and Alderman Trupiano seconded the motion to introduce the Bill. The motion carried. Alderman Barclay moved and Alderman Trupiano seconded the motion to read Bill No. 23-53 for the first time. The motion carried and Alderman Kuppler read the Bill. Alderman Reimer moved and Alderman Bateman seconded the motion to read the Bill for the second time. The motion carried and Alderman Bateman read the Bill. Alderman Townsend moved and Alderman Trupiano seconded the motion to put the Bill to a final vote. Motion approved and Bill No. 23-53 passed becoming Ordinance No. 7798.

Barclay: Yes Reimer: Yes Sartorius: Yes Reitmeyer: Yes
Trupiano: Yes Kuppler: Yes Bateman: Yes Townsend: Yes
AYES: 8 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0 MAYOR:

MOTION/APPROVED: BILL NO. 23-54: ORDINANCE NO. 7799: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS, MISSOURI TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES FOR THE COLBY DRIVE STORMWATER IMPROVEMENT PROJECT (P-26B)

Alderman Sartorius moved and Alderman Trupiano seconded the motion to introduce the Bill. The motion carried. Alderman Sartorius moved and Alderman Trupiano seconded the motion to read Bill No. 23-54 for the first time. The motion carried and Alderman Townsend read the Bill. Alderman Townsend moved and Alderman Barclay seconded the motion to read the Bill for the second time. The motion carried and Alderman Trupiano read the Bill. Alderman Trupiano moved and Alderman

Barclay seconded the motion to put the Bill to a final vote. Motion approved and Bill No. 23-54 passed becoming Ordinance No. 7799.

Barclay: Yes Reimer: Yes Sartorius: Yes Reitmeyer: Yes
Trupiano: Yes Kuppler: Yes Bateman: Yes Townsend: Yes
AYES: 8 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0 MAYOR:

MOTION/APPROVED: BILL NO. 23-55: ORDINANCE NO. 7800: AN ORDINANCE OF THE CITY OF ST. PETERS, MISSOURI, DELETING CHAPTER 205 OF THE CODE OF THE CITY OF ST. PETERS, MISSOURI, IN ITS ENTIRETY; ENACTING IN LIEU THEREOF, A NEW CHAPTER 205; AND PROVIDING FOR THE REGULATION OF ANIMALS

Alderman Sartorius moved and Alderman Reitmeyer seconded the motion to introduce the Bill. The motion carried. Alderman Sartorius moved and Alderman Reitmeyer seconded the motion to read Bill No. 23-55 for the first time. The motion carried and Alderman Barclay read the Bill. Alderman Bateman moved and Alderman Townsend seconded the motion to read the Bill for the second time. The motion carried and Alderman Reimer read the Bill. Alderman Townsend moved and Alderman Reitmeyer seconded the motion to put the Bill to a final vote. Motion approved and Bill No. 23-55 passed becoming Ordinance No. 7800.

Barclay: Yes Reimer: Yes Sartorius: Yes Reitmeyer: Yes
Trupiano: Yes Kuppler: Yes Bateman: Yes Townsend: Yes
AYES: 8 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0 MAYOR:

MOTION/ADOPTED: RESOLUTION NO. 1647: A RESOLUTION CALLING ON CONGRESS AND THE UNITED STATES DEPARTMENT OF TRANSPORTATION TO UPGRADE REGULATIONS ON THE TRANSPORTATION OF HAZARDOUS MATERIALS TO REQUIRE DISCLOSURE TO THE STATE OF MISSOURI OF HAZARDOUS MATERIALS WHEN SUFFICIENT QUANTITIES ARE TRANSPORTED THAT COULD POTENTIALLY CAUSE ENVIRONMENTAL DAMAGE OR THREAT TO WILDLIFE OR HUMAN LIFE [SPONSORS: MAYOR/REITMEYER]

Alderman Townsend moved and Alderman Trupiano seconded the motion to introduce the Resolution. The motion carried. Alderman Townsend moved and Alderman Trupiano seconded the motion to read the Resolution for the first time. The motion carried and Alderman Reitmeyer read the Resolution. Alderman Reitmeyer moved and Alderman Sartorius seconded the motion to put the Resolution to a final vote. The motion was approved and Resolution No. 1647 was adopted.

Barclay: Yes Reimer: Yes Sartorius: Yes Reitmeyer: Yes
Trupiano: Yes Kuppler: Yes Bateman: Yes Townsend: Yes
AYES: 8 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0 MAYOR:

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

No Executive Session was called at this time.

ADJOURNMENT OF THE REGULAR BOARD OF ALDERMEN MEETING

Alderman Barclay moved and Alderman Townsend seconded the motion to adjourn the Regular Board of Aldermen meeting. The motion carried and the Regular Board of Aldermen meeting was adjourned at approximately 8:33 p.m.

Submitted by,

Patricia E. Smith
City Clerk

DRAFT



CITY OF ST. PETERS, MO

INTEROFFICE MEMORANDUM

TO: BOARD OF ALDERMEN
FROM: MAYOR PAGANO
CC: CATHY PRATT
SUBJECT: RE-APPOINTMENTS TO THE ST. PETERS HOTEL COMMUNITY
IMPROVEMENT DISTRICT
DATE: APRIL 28, 2023

I nominate the following individuals to continue to serve as members of the Board of Directors for the St. Peters Hotel Community Improvement District for the terms set forth herein:

<u>Name</u>	<u>Term</u>
David Robert	4 years (12:01 a.m. on 2/28/23 to 12:00 a.m. on 2/28/27)
James K. Maddox	4 years (12:01 a.m. on 2/28/23 to 12:00 a.m. on 2/28/27)
Jim Pearl	4 years (12:01 a.m. on 2/28/23 to 12:00 a.m. on 2/28/27)

Please see attached letter.

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 145 OF THE ST. PETERS CITY CODE BY ENACTING A NEW SECTION 145.033 IMPOSING AN ADDITIONAL SALES TAX AT THE RATE OF THREE PERCENT ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF ADULT USE MARIJUANA SOLD WITHIN THE CITY OF ST. PETERS, MISSOURI, PURSUANT TO ARTICLE XIV, SECTION 2.6(5) OF THE MISSOURI CONSTITUTION.

WHEREAS, on November 8, 2022, the electors of the State of Missouri approved Amendment 3 to the Missouri Constitution enacting Section 2 of Article XIV of the Missouri Constitution effective December 8, 2022; and

WHEREAS, the newly enacted Article XIV, section 2.6(5) of the Missouri Constitution authorizes the City of St. Peters, Missouri to impose, by ordinance, an additional sales tax in amount not to exceed three percent on all tangible personal property retail sales of adult use marijuana sold in such political subdivision subject to approval by voters of the City of St. Peters, Missouri; and

WHEREAS, on April 4, 2023, and pursuant to Ordinance 7749, the qualified voters of the City approved an additional sales tax of three percent (3%) on all retail sales of adult use non-medicinal marijuana sold in the City of St. Peters, Missouri; and

WHEREAS, the City will deposit revenue from a three percent sales tax on adult use recreational marijuana into its general revenue fund to support City services; and

WHEREAS, pursuant to § 32.087.2, RSMo., "Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax..."; and

WHEREAS, no expiration date was designated for this additional sales tax

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

SECTION NO. 1. That Chapter 145 of the St. Peters City Code be and is hereby amended by enacting a new Section 145.033 which shall read as follows:

SECTION 145.033: RECREATIONAL MARIJUANA SALES TAX

The City of St. Peters, Missouri, hereby imposes an additional sales tax in the amount of three percent (3%) on all retail sales of adult use non-medicinal marijuana sold in

No.

the City of St. Peters, Missouri pursuant to Article XIV, section 2.6(5) of the Missouri Constitution. The tax imposed hereunder shall become effective on October 1, 2023 and shall be in addition to any and all other sales taxes allowed by law. All revenue received by the City from the tax authorized under the provisions of this section shall be deposited into the general revenue fund to support City services.

SECTION NO. 2. Effective Date.

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

SECTION NO. 3. 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.

SECTION NO. 4. Severability.

If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of 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 11th day of May, 2023.

Len Pagano, As Presiding Officer and as Mayor

Attest: _____
Patricia E. Smith, City Clerk

No.

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS, MISSOURI TO EXECUTE A CONTRACT WITH MCCONNELL & ASSOCIATES, DBA MCCONNELL'S OF ST. LOUIS, TO REPAIR THE FLOOD DAMAGED TENNIS COURTS AT COVENANT PARK IN THE INITIAL AMOUNT OF \$233,645.60.

WHEREAS, the City of St. Peters owns and operates Covenant Park to promote the general health, safety, and welfare of the community; and

WHEREAS, the City solicited proposals for repair of the flood damaged Covenant Park Tennis Courts; and

WHEREAS, it is recommended that a contract be awarded to McConnell & Associates, dba McConnell's of St. Louis.

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

SECTION 1. That the City Administrator of the City of St. Peters, Missouri be and he is hereby authorized to execute a contract with McConnell & Associates, dba McConnell's of St. Louis, in the initial amount of Two Hundred Thirty Three Thousand Six Hundred Forty Five Dollars and Sixty Cents (\$233,645.60) for the repair of the flood damaged tennis courts at Covenant Park. Upon approval of the City Administrator, the initial contract amount shall be adjusted as necessary based on the final measured quantities at the unit prices in the contract.

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

SECTION 3. The Project approved by this Ordinance is subject to the requirements of Section 292.675, RSMo, which requires all contractors or subcontractors doing work on the Project to provide, and require its on-site employees to complete, a ten (10) hour course in construction safety and health approved by the Occupational Safety and Health Administration ("OSHA") or a similar program approved by the Missouri Department of Labor and Industrial Relations which is at least as stringent as an approved OSHA program. The training must be complete within sixty (60) days of the date work on the Project commences. On-site employees found on the worksite without documentation of the required training shall have twenty (20) days to produce such documentation. Non-compliance with this ordinance will be investigated and adjudicated by the Department of Labor and Industrial Relations pursuant to RSMo 292.675.

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

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

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

Read two (2) times, passed and approved this 11th day of May, 2023.

Len Pagano, as Presiding Officer and as Mayor

Attest: _____

Patricia E. Smith, City Clerk

No.

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS, MISSOURI, TO EXECUTE A SUPPLEMENTAL AGREEMENT TO A MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION COST SHARE AGREEMENT TO PROVIDE REIMBURSEMENT FUNDING FOR DESIGN, PROPERTY ACQUISITION, AND CONSTRUCTION OF THE ROUTE 370 INTERCHANGE RAMPS AT SALT RIVER ROAD PHASE 2 (NORTHBOUND-WESTBOUND RAMP) PROJECT.

WHEREAS, the Commission and the City previously entered into a Cost Share Agreement (2020-12-60368) dated September 16, 2021 regarding Project Number J6P3603 (hereinafter, "Original Agreement"); and

WHEREAS, the Commission and the City now desire to supplement the Original Agreement as provided in this First Supplemental Agreement to provide for the utilization of federal matching funds by the East-West Gateway Council of Governments.

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

SECTION 1. That the City Administrator of the City of St. Peters, Missouri, be and he is hereby authorized to execute a Missouri Highway and Transportation Commission Cost Share Agreement First Supplemental Agreement with the Missouri Highways and Transportation Commission for design, property acquisition, and construction of the Route 370 Interchange Ramps at Salt River Road Phase 2 (Northbound-Westbound Ramp) Project (Project Number J6P3603).

SECTION 2. That the Missouri Highways and Transportation Commission Cost Share Agreement First Supplemental Agreement, shall be in substantially the form attached hereto, marked as Exhibit A of this First Supplemental Agreement, and made a part hereof.

SECTION 3. Savings Clause.

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

SECTION 4. Severability Clause.

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

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

Read two times, passed and approved this 11th day of May, 2023.

Len Pagano, As Mayor and as Presiding Officer

Attest: _____
Patricia E. Smith, City Clerk

Exhibit A

CCO Form: FS08
Approved: 03/04 (BDG)
Revised: 03/17 (MWH)
Modified: 10/22 (MWH)

Route 370, St. Charles County
Project No. J6P3603
City of St. Peters

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
COST SHARE AGREEMENT
FIRST SUPPLEMENTAL AGREEMENT**

THIS FIRST SUPPLEMENTAL AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of St. Peters (hereinafter, "Entity").

WITNESSETH:

WHEREAS, on September 16, 2021, the Commission and the Entity previously entered into a Cost Share Agreement (2020-12-60368) as to the public improvements for the construction of the Route 370/Salt River Road/Spencer Road interchange in the Entity of the City of St. Peters, (hereinafter, "Original Agreement"); and

WHEREAS, the Commission and the Entity now desire to revise the Original Agreement as provided in this First Supplemental Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) REVISION AND ADDITION: Paragraph (9) FINANCIAL RESPONSIBILITIES including Subparagraphs (9)(A) through (9)(F) of the Original Agreement are hereby removed and replaced with the following Subparagraphs 9(A) through (9)(F).

(A) The estimated total cost of the project is fourteen million nine hundred ninety-eight thousand six hundred nineteen dollars (\$14,998,619). The Cost Share project cost will include preliminary engineering, preliminary engineering review, right of way acquisition, right of way incidentals, right of way review, utilities, construction, and construction engineering. The details of the estimated costs breakdown are listed below and in "Exhibit B", which is attached and made part hereof.

(B) The Entity shall be responsible for fifty percent (50%) of the total project cost. The current estimate of the Entity's responsibilities is seven million four hundred ninety-nine thousand three hundred ten dollars (\$7,499,310). The Entity will receive credit for the preliminary engineering costs, estimated at nine hundred seventy-five thousand dollars (\$975,000) and right of way costs, estimated at two hundred twenty

thousand dollars (\$220,000) upon receipt of documentation of actual costs incurred and paid from the Entity. As part of the Entity's responsibility for J6P3603, the Entity agrees that the Commission may obligate up to a maximum of one million nine hundred seventy thousand dollars (\$1,970,000) of Surface Transportation Block Grant (STBG) funds allocated by East West Gateway Council of Governments (EWG) available in Federal Fiscal Year (FFY) 2025. The Entity shall be required to cover the twenty percent (20%) match to the STBG funds. If necessary, to match the letting year, the Entity shall request approval from EWG for the acceleration of the STBG funds. The Entity shall remit a check in the amount of four million three hundred thirty-four thousand three hundred ten dollars (\$4,334,310) to cover estimated construction and inspection costs no later than five (5) days prior to the Commission's advertisement of the project for bids. Each of these checks should be made payable to the *Missouri Highway and Transportation Commission – Local Fund*. If the Entity fails to make any of the required deposits, the Commission is under no obligation to continue with the project.

(C) The Commission will pay for fifty percent (50%) of the total project cost, up to a maximum amount not to exceed seven million four hundred ninety-nine thousand three hundred nine dollars (\$7,499,309). Of this amount, the Commission will provide four hundred eighty-seven thousand five hundred dollars (\$487,500) available in State Fiscal Year 2021, two million two hundred ninety-nine thousand one hundred fourteen dollars (\$2,299,114) available in State Fiscal Year 2022, two million five hundred thousand dollars (\$2,500,000) available in State Fiscal Year 2023 and nine hundred eighty-seven thousand six hundred ninety-five dollars (\$987,695) available in State Fiscal Year 2024 from the Commission's Cost Share program, and preliminary engineering review and construction engineering services by the Commission's personnel estimated to total one million two hundred twenty-five thousand dollars (\$1,225,000). The Commission's *Cost Share Program* funds shall not be used off the State Highway System.

(D) The Entity shall be responsible for all cost overruns. Underruns will be based on a pro rata share.

(E) If, at the time of the letting, the lowest responsive bid is higher than the estimated construction and inspection cost amount, the Entity, upon written notification from the Commission shall remit a check in the amount of its share of the difference between the estimated amount and the lowest responsive bid no later than one (1) day prior to the date of the Commission meeting wherein the subject bid will be considered for award or a later date set by the Commission in its sole discretion. In the event the Commission, in its sole discretion, extends the day the Entity payment is due, it shall notify the entity of the new due date in writing, which shall be binding immediately upon the Entity's receipt of the written notice. The check must be made payable to the *Missouri Highway and Transportation Commission - Local Fund*. The Commission, in its sole discretion, reserves the right to take action at the said Commission meeting and either reject all bids if the City fails to make the payment by the due date, or award the contract to the lowest responsive bidder contingent upon receipt of the additional funds from the Entity by the extended due date. If the Commission makes a contingent award of the contract and the Entity fails to make the required deposit(s) by the extended due

date, the contingency of the contract award by the Commission shall be deemed unsatisfied, the award of the contract shall be deemed null and void and the Commission shall be under no obligation to continue with the project.

(F) If the project is let before the Cost Share funds are available the Entity agrees to deposit the required funding and the Commission will reimburse the Entity when Cost Share funds are available in State Fiscal Year 2024 but no earlier than August 1, 2023.

(2) REVISION: Exhibit B attached to the Original Agreement is hereby removed and replaced with the Exhibit B attached hereto.

(3) ORIGINAL AGREEMENT: Except as otherwise modified, amended, or supplemented by this First Supplemental Agreement, the Original Agreement between the parties shall remain in full force and effect and shall extend and apply to this First Supplement Agreement as if fully written in this First Supplemental Agreement.

*Remainder of Page Intentionally Left Blank; Signatures and Execution Appear on
Following Page*

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the Entity on _____ (DATE).

Executed by the Commission on _____ (DATE).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF ST. PETERS

Title _____

By _____
Title City Administrator

ATTEST:

ATTEST:

Secretary to the Commission

By _____
Title _____

Approved as to Form:

Approved as to Form:

Commission Counsel

Title: _____

Ordinance No _____

Exhibit B

Project Name: Route 370

MoDOT Project Number: J6P3603

Description: Route 370/Salt River Road/Spencer Road interchange

Total Eligible Project Cost Estimate: \$14,998,619

Local Entity: City of St. Peters

	Current Estimate	Cost Share Eligible
Preliminary Engineering	\$975,000	\$975,000
Preliminary Engineering Review (MoDOT)	\$25,000	\$25,000
Right of Way Acquisition	\$220,000	\$220,000
Right of Way Incidentals	\$0	\$0
Right of Way Review	\$0	\$0
Utilities	\$0	\$0
Construction	\$12,578,619	\$12,578,619
Construction Engineering	\$1,200,000	\$1,200,000
Construction Engineering Review (MoDOT)	\$0	\$0
Total	\$14,998,619	\$14,998,619

Project Responsibilities:

Preliminary Engineering	Entity
Right of Way Acquisition	Entity
Letting	MoDOT
Construction Engineering	MoDOT

Financial Responsibilities:

District	\$1,225,000	8%
Cost Share Funds	\$6,274,309	42%
Entity	\$5,529,310	37%
STBG funds	\$1,970,000	13%
Total:	\$14,998,619	100%

How are overruns and underruns handled?

The Entity shall be responsible for overruns on the project. Underruns will be based on the pro rata share.

ORDINANCE NO.

AN ORDINANCE REPEALING ORDINANCE NO. 7796 OF THE CITY AND ENACTING IN LIEU THEREOF AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ST. PETERS MISSOURI TO EXECUTE A CONTRACT WITH ALLRISE ELEVATOR COMPANY, INC., PROVIDING FOR THE EXECUTION OF A CONTRACT FOR THE ELEVATOR MODERNIZATION AND EQUIPMENT PROJECT (BID 23-129)

WHEREAS, the City of St. Peters owns and operates a City Hall building and a recreation complex to promote the general health, safety and welfare of the community; and

WHEREAS, the City solicited bids for the design, replacement, and modernization of two (2) elevators, known as the Elevator Modernization and Equipment Replacement project (Bid No. 23-129); and

WHEREAS, three (3) bids were received on April 6, 2023, for the Elevator Modernization and Equipment Replacement project (Bid No. 23-129); and

WHEREAS, it is recommended that a contract be awarded to Allrise Elevator Company, Inc., a Missouri Corporation, for said project.

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

SECTION NO. 1. Repeal of Ordinance No. 7796. Ordinance No. 7796 is hereby repealed in its entirety.

SECTION NO. 2. That the City Administrator of the City of St. Peters, Missouri be and he is hereby authorized to execute a contract with Allrise Elevator Company, Inc. in the initial amount of Two Hundred Seventy Thousand Five Hundred Sixty-Eight and Zero Cents (\$270,568.00) dollars for the Elevator Modernization and Equipment Replacement project (Bid No. 23-129). Upon approval of the City Administrator, the initial contract amount shall be adjusted as necessary based on the final measured quantities at the unit prices in the contract.

SECTION NO. 3. Savings Clause – Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION NO. 4. Severability Clause – If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision

No.

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. 5. – This Ordinance shall be in full force and effect as of the date of its final passage and approval.

Read two times, passed and approved this 11th day of May, 2023.

Len Pagano, As Presiding Officer and as Mayor

Attest: _____
Patricia E. Smith, City Clerk

No.

ORDINANCE NO.

AN ORDINANCE ACCEPTING FOR MAINTENANCE THE DEDICATION OF CERTAIN STREETS, STREET LIGHTS, STREET SIGNS, SANITARY SEWER LINES, STORM SEWER LINES, AND WATER DISTRIBUTION LINES IN AND CONNECTED TO DEER GROVE

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

SECTION 1. The City of St. Peters, Missouri does hereby accept for maintenance as public roadways and streets of the City of St. Peters, Missouri, a certain street located in Deer Grove, a residential subdivision filed for record in Plat Book 2022R-060134 in the office of the Recorder of Deeds of St. Charles County, Missouri, and being within the City of St. Peters, Missouri. Said street being known and designated as follows:

Deer Grove Court (40' Wide)

SECTION 2. The City of St. Peters, Missouri, does hereby also accept for maintenance street lights and street signs constructed within either the street rights-of-way or utility easements contained in said Deer Grove plat.

SECTION 3. The City of St. Peters, Missouri, does hereby also accept for maintenance as part of the sanitary sewer, storm sewer, and water distribution systems of the City of St. Peters, Missouri, certain sanitary sewer lines, storm sewer lines, and water lines constructed within either the street rights-of-way or utility easements contained in said plat.

SECTION 4. That the streets, street lights, and street signs constructed within either the street rights-of-way or utility easements of the subdivision identified in Sections 1 and 2 of this Ordinance and the sanitary sewer lines, storm sewer lines, and water lines identified in Section 3 of this Ordinance shall from and after the full execution of an Instrument of Dedication of Improvements, in substantially the form attached hereto and made a part hereof, are hereby dedicated to the City of St. Peters, Missouri, and shall become part of the public streets and roadways, sanitary sewer, storm sewer, and water distribution systems of said city in perpetuity. Deer Grove Development, LLC shall thereafter be relieved from further obligation with respect to the maintenance of said streets and roadways, street lights, street signs, sanitary sewer system, storm sewer systems, and water distribution system, except as may be contained within an executed Escrow Agreement Guaranteeing Improvements on file with the City.

SECTION 5. The Mayor of the City of St. Peters, Missouri, be and is hereby authorized to execute said Instrument of Dedication of Improvements which is by and between Deer Grove

No.

Development, LLC and the City of St. Peters, Missouri, and the Clerk of the City of St. Peters, Missouri is hereby authorized to affix the seal of the City to said Instrument of Dedication of Improvements and directed to cause said document to be recorded in the office of the Recorder of Deeds of St. Charles County, Missouri.

SECTION 6. Savings Clause.

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

SECTION 7. Severability Clause.

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

SECTION 8. This ordinance shall be in full force and take effect from and after the date of its final passage and approval.

Read two times, passed, and approved this 11th day of May 2023.

Len Pagano, as Presiding Officer and as Mayor

Attest: _____
Patricia E. Smith, City Clerk

No.

INSTRUMENT OF DEDICATION OF IMPROVEMENTS

THIS INSTRUMENT is made this 31st day of JANUARY, 2023, by and between Deer Grove Development, LLC, GRANTOR, whose mailing address is 5091 Baumgartner Road, St. Louis, Missouri 63129, and the City of St. Peters, Missouri, a Municipal Corporation, GRANTEE, whose address is #1 St. Peters Centre Boulevard, St. Peters, Missouri 63376.

WHEREAS, Deer Grove Development, LLC, did on the 4th day of November 2022, file a record in the office of the Recorder of Deeds for St. Charles County, Missouri, a certain plat, the same being the plat of Deer Grove, which plat was recorded in Plat Book 2022R-060134; and

WHEREAS, said Deer Grove plat, contains streets and roadways, to-wit:

Deer Grove Court (40' Wide)

WHEREAS, by virtue of said Deer Grove plat and recording thereof in the recitals contained in said Deer Grove plat, Deer Grove Development, LLC intends that the streets and roadways identified on said Deer Grove plat become public streets and roadways; and

WHEREAS, Deer Grove Development, LLC has constructed street lights and street signs and said improvements have been constructed according to the City of St. Peters standards for same, and said improvements have been located in street rights-of-way contained in said Deer Grove plat; and

WHEREAS, Deer Grove Development, LLC has constructed a sanitary sewer system, storm sewer system and water distribution system in and connected with the Deer Grove plat and said systems have been constructed according to the City of St. Peters standards for same, and said systems have been located in either the street rights-of-way or utility easements contained in said plat; and

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

WHEREAS, Deer Grove Development, LLC intends that the sanitary sewer system, storm

sewer system and water distribution system, so constructed become a part of the sanitary sewer, storm sewer and water distribution systems of the City of St. Peters, Missouri.

NOW THEREFORE, Deer Grove Development, LLC does hereby dedicate the said streets, to-wit:

Deer Grove Court (40' Wide)

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

Deer Grove Development, LLC, being the owner of all the street lights and street signs does hereby dedicate all street lights and street signs in the Deer Grove plat to the City of St. Peters, Missouri, and the same shall become a part of the public street and roadway system of said City in perpetuity.

Deer Grove Development, LLC, being the owner of all the sanitary sewer lines, storm sewer lines and water lines located within and connected with the Deer Grove plat, does hereby dedicate all sanitary sewer lines, storm sewer lines and water distribution lines within said plat to the City of St. Peters, Missouri, and the same shall become a part of the sanitary sewer, storm sewer and water distribution systems of said City in perpetuity.

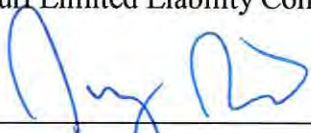
The City of St. Peters, Missouri does hereby accept the aforesaid streets, street lights, street signs, sanitary sewer lines, storm sewer lines, and water lines as a part of the public streets and roadway, sanitary sewer, storm sewer, and water distribution systems of said City in perpetuity.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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

GRANTOR:

DEER GROVE DEVELOPMENT, LLC
a Missouri Limited Liability Company

By: 

Printed Name: JEREMY ROTH

Title: AUTHORIZED AGENT OF ELITE DEVELOPMENT SERVICES II, LLC
SOLE MEMBER OF DEER GROVE DEVELOPMENT, LLC

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

On this 31ST day of JANUARY, 2023, before me personally appeared JEREMY ROTH, of DEER GROVE DEVELOPMENT, LLC, known to me to be the person who executed the within Instrument of Dedication of Improvements in behalf of said limited liability company and acknowledged to me that he/she/they executed the same for the purposes therein stated.

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

SEAL

Notary 

My Commission Expires: 2-17-23



