

DARDENNE



PRAIRIE

**CITY OF DARDENNE PRAIRIE
2032 HANLEY ROAD
DARDENNE PRAIRIE, MO 63368**

**BOARD OF ALDERMEN
WORK SESSION AGENDA
OCTOBER 5, 2022
6:00 p.m.**

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ITEMS FOR DISCUSSION AND CONSIDERATION

1. Food Truck licensing regulations

STAFF COMMUNICATIONS

1. City Attorney
2. City Engineer
3. City Administrator
4. Aldermen
5. Mayor

CLOSED SESSION

Roll call vote to hold closed session pursuant to RSMo 610.021 section _____
Litigation and Privileged Communications (1)
Real Estate (2)
Personnel (3)
Labor (9)
Bid Specs (11)
Audit (17)

RETURN TO REGULAR MEETING AGENDA

ADJOURNMENT

BILL NO. 22- _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE,
MISSOURI, ENACTING A NEW CHAPTER 632, AND
REGULATING MOBILE FOOD VENDORS AND ICE
CREAM TRUCKS**

WHEREAS, pursuant to § 94.270, RSMo., the Board of Aldermen of the City of Dardenne Prairie, Missouri, has the power and authority to regulate, license, levy, and collect a license tax on merchants of all kinds; and

WHEREAS, the Board of Aldermen finds and determines that regulating mobile vending businesses in the City will promote the health, safety, and general welfare of the residents of the City.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF
THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:**

SECTION 1. That the Municipal Code of the City of Dardenne Prairie be and is hereby amended by enacting a new Chapter 632, to read as follows:

CHAPTER 632 MOBILE FOOD VENDORS

SECTION 632.010. DEFINITIONS.

As used in this Chapter, the following words have the meanings indicated:

APPLICANT

Any person who applies for a mobile vendor permit, mobile vending business premises license, or mobile vending business eating and drinking garden license within the City as required by this Chapter.

APPLICATION

An application for either a mobile vendor permit, mobile vending business premises license, or mobile vending business eating and drinking garden license on a form provided by the City Clerk.

CITY CLERK

The City Clerk for the City of Dardenne Prairie, or such other person as may be designated by the City Administrator.

CODE

The Municipal Code of the City of Dardenne Prairie, Missouri, as amended from time to time.

ICE CREAM TRUCK

Any mobile vending vehicle from which ice cream, frozen milk, frozen dairy or ice confection products are sold or offered for sale in a ready-to-eat form and customarily consumed at the point of purchase that does not qualify as a mobile vending business.

ICE CREAM TRUCK LICENSE

An annual license issued by the City Clerk to operate an ice cream truck in the City.

LICENSE YEAR

January 1 through December 31 of a calendar year.

LICENSED PREMISES

Privately owned real estate for which a mobile vending business premises license or mobile vending business eating and drinking garden license has been issued.

MERCHANDISE

Any goods, wares, flowers, horticultural products, services or similar items sold by a mobile vending business.

MOBILE VENDING BUSINESS

A business engaged in the cooking, preparing, assembling, serving, selling, offering for sale, or distributing of food, beverages, or any other type of merchandise to the general public from a mobile vending vehicle or temporary display stand within the City while such mobile vending vehicles or temporary display stand remains parked or in an otherwise stationary position for thirty (30) minutes or more.

MOBILE VENDING BUSINESS EATING AND DRINKING GARDEN

A property on which multiple mobile vending businesses may operate at a single time, as permitted by Chapter 632 of the Code.

MOBILE VENDING BUSINESS EATING AND DRINKING GARDEN LICENSE

An annual license issued by the City Clerk to operate a mobile vending business eating and drinking garden in the City.

MOBILE VENDING BUSINESS PREMISES LICENSE

An annual license issued by the City Clerk to the owner or operator of a licensed premises, excluding mobile vending business eating and drinking gardens, which authorizes the operation of a mobile vending business on the licensed premises. The holder of a mobile vending business premises license may allow multiple mobile vending businesses to operate on the licensed premises.

MOBILE VENDOR PERMIT

A permit issued by the City Clerk to the owner or operator of a mobile vending business to operate in the City.

MOBILE VENDING VEHICLE

Any moveable vehicle, truck, trailer, pushcart, portable structure, or other similar vehicle used by a mobile vending business.

OWNER

When used in connection with motor vehicles, any person who holds legal title to a vehicle or has the legal right to possession thereof; when applied to a structure, building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or part of such structure, building or land.

PERSON

Any individual, co-partnership, firm, association, company, or combination of individuals, of whatever form or character.

TEMPORARY DISPLAY STAND:

A stand, booth, stall, table, tent, wagon, handcart, pack, basket or other similar portable structure, container, display or devise, but not a mobile vending vehicle, used by a mobile vending business to serve, sell, distribute or offer for sale at retail of food, beverages or any other type of merchandise.

SECTION 632.020. MOBILE VENDING PERMITS AND LICENSES.

A. *Mobile Vendor Permit.* No person shall operate a mobile vending business within the City without having first obtained a mobile vendor permit from the City Clerk pursuant to the requirements of this Chapter.

B. *Mobile Vending Business Premises License.* No owner or operator of real estate within the City shall authorize or allow a mobile vending vehicle or temporary display stand to engage in a mobile vending business on such real estate without the owner or operator of such real estate obtaining a mobile vending business premises license from the City Clerk pursuant to the requirements of this Chapter. Notwithstanding the foregoing, this Subsection B shall not apply to mobile vending business eating and drinking gardens.

C. *Mobile Vending Business Eating and Drinking Garden License.* No person shall operate a mobile vending business eating and drinking garden within the City without having first obtained a mobile vending business eating and drinking garden license from the City Clerk pursuant to the requirements of this Chapter.

D. *Ice Cream Truck License.* No person shall operate an ice cream truck within the City without having first obtained an ice cream truck license from the City Clerk pursuant to the requirements of this Chapter.

SECTION 632.030. APPLICATIONS.

A. *Applications And Application Fees.*

1. Applications for a mobile vendor permit, mobile vending business premises license, mobile vending business eating and drinking garden license, or ice cream truck license shall be made in writing on forms prepared and provided by the City and submitted to the City Clerk. An applicant must submit a completed application, along with the application fee, to the City Clerk.
2. Each application shall be accompanied by a nonrefundable application fee in the following amounts:
 - a. Mobile vendor permit—twenty-five dollars (\$25.00);
 - b. Mobile vendor permit for mobile vendor business presenting a current and valid license issued by any other city within St. Charles County or St. Charles County – five dollars (\$5.00);
 - c. Mobile vending business premises license—fifty dollars (\$50.00);
 - d. Mobile vending business eating and drinking garden license—fifty dollars (\$50.00); and
 - e. Ice cream truck license – one hundred dollars (\$100.00).

No application fee shall be pro-rated if the license or permit is obtained during the middle of a license year.

3. Mobile Vendor Permit. A separate mobile vendor permit shall be obtained for each separate and distinct mobile vending vehicle or temporary display stand proposed to be used by an applicant. An application for a mobile vendor permit shall include the following information and shall be submitted no later than fourteen (14) days in advance of the first date in a license year on which the applicant proposes to operate its mobile vending business:
 - a. The full legal name, daytime telephone number, email address, home address, and business address of the person applying for the mobile vendor permit;
 - b. If the applicant is an entity, the application shall state the full name of the entity, the names and addresses of its officers, managers, members, partners or trustees, its principal address, daytime telephone number, and its registered agent and registered address;
 - c. The name(s), address(es), and daytime telephone number(s) of the legal owner(s) of the licensed premises on which the applicant will operate the mobile vending business, along with proof of written permission or consent from the owner(s) for applicant to operate its mobile vending business;
 - d. A description of the type of food, beverages or merchandise proposed to be sold, distributed, or offered for sale by the mobile vending business;
 - e. A description of the mobile vending vehicle or temporary display stand;

- f. If the mobile vending business will operate out of a mobile vending vehicle, then the application shall include:
 - i. The year, make, model, color, vehicle identification number (V.I.N. number), state license plate number and state of licensing, if applicable, and dimensions, which shall not exceed thirty-six (36) feet in length or nine (9) feet in width, of such mobile vending vehicle;
 - ii. Proof of current vehicle insurance for the mobile vending vehicle, if applicable, issued by an insurance company licensed to do business in the State of Missouri; and
 - iii. Proof of current vehicle registration for the mobile vending vehicle, if applicable.
 - g. Copies of all requisite liquor licenses issued to the applicant by the City, St. Charles County, or the State of Missouri;
 - h. A copy of Applicant's State of Missouri retail sales tax license authorizing the sale of goods within the State of Missouri, and a statement from the Missouri Department of Revenue that the applicant owes no tax due under Sections 144.010 to 144.510, RSMo., as amended, or Sections 143.191 to 143.261, RSMo., as amended, dated no more than ninety (90) days before the date of submission of the application;
 - i. If applicable, a copy of any permit or license required by the St. Charles County Department of Public Health; and
 - j. Such other information as the City Clerk may require to ensure compliance with the provisions of this Chapter.
4. Mobile vending business premises license. An application for a mobile vending business premises license shall include the following information and shall be submitted no later than fourteen (14) days in advance of the first date in a license year on which a mobile vending business will operate on the licensed premises:
- a. The full legal name, daytime telephone number, email address, home address, and business address of the person applying for the mobile vending business premises license;
 - b. If the applicant is an entity, the application shall state the full name of the entity, the names and addresses of its officers, managers, members, partners or trustees, its principal address, daytime telephone number, and its registered agent and registered address;

- c. The proposed day(s) of operation and hour(s) of operation. No mobile vending business may have any mobile vending vehicles or temporary display stands on the licensed premises for more than six (6) days in a calendar year;
 - d. A description of the licensed premises, which shall include, but shall not be limited to, the following:
 - i. The address of the property;
 - ii. A depiction of all buildings, structures, green space, parking spaces, ingress and egress onto and off of public roadways, and other natural or man-made features on the property; and
 - iii. The number, size(s), location(s), and a description of the garbage receptacles to be located and utilized by the mobile vending business;
 - e. Copies of all requisite liquor licenses issued to the applicant by the City, St. Charles County, or the State of Missouri;
 - f. If applicable, a copy of any permit or license required by the St. Charles County Department of Public Health; and
 - g. Such other information as the City Clerk may require.
5. Mobile Vending Business Eating and Drinking Garden License. An application for a mobile vending business eating and drinking garden license shall include the following information and shall be submitted no later than fourteen (14) days in advance of the first date in a license year on which a mobile vending business will operate on the licensed premises:
- a. The full legal name, daytime telephone number, email address, home address, and business address of the person applying for the mobile vending business eating and drinking garden license;
 - b. If the applicant is an entity, the application shall state the full name of the entity, the names and addresses of its officers, managers, members, partners or trustees, its principal address, daytime telephone number, and its registered agent and registered address;
 - c. The proposed hour(s) of operation. There is no limitation on the number of days per license year in which mobile vending businesses may operate on the licensed premises;

- d. A description of the licensed premises, which shall include, but shall not be limited to, the following:
 - i. The address of the property;
 - ii. A depiction of all buildings, structures, green space, parking spaces, ingresses and egresses onto and off of public roadways, and other natural or man-made features on the property; and
 - iii. The number, size(s), location(s), and a description of the garbage receptacles to be located and utilized by the mobile vending business;
- e. Copies of all requisite liquor licenses issued to the applicant by the City, St. Charles County, or the State of Missouri;
- f. If applicable, a copy of any permit or license required by the St. Charles County Department of Public Health; and
- g. Such other information as the City Clerk may require.

6. Ice Cream Truck License. An application for an ice cream truck license shall include the same information as required for a mobile vendor permit as required in Section 632.030(A)(3) of this Code. An application for an ice cream truck license shall be submitted no later than fourteen (14) days in advance of the first date in a license year on which the applicant proposed to operate its ice cream truck. In addition, no person shall operate, working in or otherwise conduct sales within an ice cream truck without having first applied for and obtained an identification card for a peddler pursuant to Article III of Chapter 605 of this Code. Notwithstanding the provisions of Article III of Chapter 605 of this Code to the contrary, the fee for each identification card required herein shall be fifteen dollars (\$15.00) and, once issued, shall be valid during the license year for which it is issued, or part thereof.

B. *Application Review and Determination.* The City Clerk shall review each completed application in accordance with the following procedures:

- 1. The City Clerk shall review each completed application upon receipt of such application and its corresponding application fee and shall approve, approve with conditions, or deny such application within ten (10) days of receipt thereof.
- 2. An application is deemed to be complete upon the City Clerk determining that:
 - a. The application includes all necessary information required under Subsection (A);

- b. The applicant has submitted all other requisite permits and licenses from the City, County, or State; and
 - c. The applicant has paid the application fee.
- 3. In granting a mobile vendor permit, mobile vending business premises license, mobile vending business eating and drinking garden license, or ice cream truck license the City Clerk may add reasonable conditions beyond the specific restrictions and requirements of this Chapter which are deemed by the City Clerk to be necessary to protect the peace, health, safety, comfort, morals, and general welfare of the City and its inhabitants, including, but necessarily limited to, maintaining the adequate circulation of vehicular and pedestrian traffic, avoiding the accumulation of garbage and litter, providing sufficient parking, and maintaining compliance with other provisions of this Code.
- C. *Issuance.* All approved mobile vendor permits, mobile vending business premises licenses, or mobile vending business eating and drinking garden licenses shall be signed by the City Clerk.
- D. *Denial.* The City Clerk may refuse to grant a mobile vendor permit, mobile vending business premises license, or mobile vending business eating and drinking garden license for any of the following reasons:
 - 1. Applicant has failed to provide all the necessary information required by the application or this Chapter;
 - 2. Purported fraud or misrepresentation contained in the application or supporting information or documentation;
 - 3. Applicant's failure to comply with the provisions of this Chapter or any other applicable City ordinance or law of the United States, St. Charles County, or the State of Missouri; or
 - 4. For any of the reasons provided for in Section 605.040(C) of this Code.
- E. *Liability.* Nothing in this Chapter shall be construed to create or constitute a liability to or a cause of action against the City related to the issuance of any mobile vendor permit, mobile vending business premises license, or mobile vending business eating and drinking garden license.

SECTION 632.040. RULES AND REGULATIONS ESTABLISHED.

- A. It shall be the responsibility of the mobile vending business to ensure that:

1. All food, beverages and other merchandise cooked, prepared, assembled, served, distributed, offered for sale, or sold from its mobile vending vehicle or temporary display stand are in a fresh and sanitary condition;
 2. The sidewalks, streets and other spaces adjacent to its area of operation are clean and free of refuse of any kind;
 3. At the close of the business day, all refuse of any kind accumulating within fifteen (15) feet of the mobile vending business's area of operation is or has been removed or collected and is otherwise properly disposed of; and
 4. All sales taxes for the sales of food, beverages, or merchandise made by the mobile vending business within the City are promptly paid when due.
- B.** It shall be the responsibility of the person or entity holding the mobile vending business premises license or mobile vending business eating and drinking garden license to ensure that:
1. All mobile food vendors operating on the licensed premises have a validly issued mobile vending business permit and other licenses and permits required by the City, County, or State;
 2. All sales taxes for the sales of food, beverages, or merchandise made by any mobile vending business on the licensed premises are promptly paid when due.
- C.** The City or its agents shall be permitted to inspect the licensed premises, the mobile vending vehicle, temporary display stand, and all items for sale by the mobile vending business at any reasonable time to ensure compliance with this Chapter and other provisions of the ordinances of the City.
- D.** Except as set forth in subsection I of this Section, no mobile vending business shall be permitted to operate on property which is not a licensed premises under this Chapter.
- E.** No mobile vending business shall be operated between the hours of 11:00 p.m. and 6:00 a.m. in any commercial zoning district and 9:00 p.m. and 11:00 a.m. in any residential zoning district.
- F.** The conduct and behavior of all mobile vending businesses shall comply in all respects with all noise ordinances of the City.
- G.** A mobile vending business shall provide for a garbage receptacle for refuse of any kind that shall be maintained and emptied regularly and marked as being for refuse.
- H.** No mobile vending business shall:
1. Leave any mobile vending vehicle or temporary display stand unattended.

2. Conduct a mobile vending business in a manner that obstructs access to private property, except with the prior written consent of the property affected thereby.
3. Put refuse from the operation of their mobile vending business in any drain or in the streets or sidewalks.
4. Store, park, or leave any mobile vending vehicle or temporary display stand on any street or sidewalk between 11 p.m. and 6 a.m. of the following day.
5. Leave any location without first picking up, removing, and properly disposing of all refuse remaining from sales made or otherwise resulting from the operation of the mobile vending business.
6. Install, erect, or maintain any signage other than one A-frame sign not to exceed nine (9) square feet in size, which must be located within six (6) feet of the mobile vending vehicle or temporary display stand.
7. Block any part of the right-of-way of a public or private street, sidewalk, ramp, curb cut, or trail in the City.

I. Except for ice cream trucks, no mobile vending business shall operate on a residentially zoned property or on property that is primarily used for residential purposes, except that a mobile vending business may operate within a residentially zoned property or on property that is primarily used for residential purposes if the mobile vending business meets the following conditions:

1. The mobile vending business shall provide prior written notice to the City Clerk, on a form provided by the City Clerk, no later than two business days prior to operating on property within a residentially zoned district or on property that is primarily used for residential purposes indicating the date, hours of operation and location where the mobile vending business will be operating;
2. The mobile vending business shall not store, park, or leave any mobile vending vehicle or temporary display stand on any street or sidewalk between 9:00 p.m. and 11:00 a.m. of the following day;
3. The mobile vending business shall not store, park, or leave any mobile vending vehicle or temporary display stand on any street with a posted speed limit in excess of twenty-five (25) miles per hour or upon any street in violation of Chapter 350 of this Code; and
4. Adequate circulation of vehicular and pedestrian traffic shall be maintained at all times. Should the stacking of vehicles on a street upon which a mobile vending vehicle is located be such that vehicles are blocking street intersection, obstructing access to private property, or result in inadequate circulation of vehicular traffic, the City Clerk or any law enforcement officer of the City is authorized to require a mobile vending business to relocate the mobile vending vehicle to an alternate location on the same street, or, if it is determined by the City Clerk or law

enforcement officer that no alternate location on the same street will adequately correct the traffic issues, to immediately cease operations and vacate the mobile vending vehicle from the street.

J. Every ice cream truck shall be equipped with:

1. Front passenger side-mounted wide-angle convex mirror;
2. Signage visible from the rear of the vehicle, a minimum of one (1) square foot in size, stating either "Caution" or "Watch for Children" with the lettering at least three (3) inches tall;
3. Reverse backup alarm capable of emitting a sound adequate in quantity and volume to give warning that the vehicle is about to back up;
4. Rear visibility for the operator by means of a rear-mounted mirror, obstacle detection sensor, or camera; and
5. Front-mounted obstacle detection system capable of detecting obstacles within three (3) feet of the vehicle's front bumper.

Every ice cream truck shall activate the equipment in Subsection (A)(3) — (A)(5) when engaged in operation as an ice cream truck.

K. The City Administrator shall formulate any additional rules and regulations necessary for the proper administration of this Chapter. Rules and regulations shall be maintained in the office of the City Clerk and shall be available for public inspection during ordinary business hours.

SECTION 632.050. REVOCATION OR SUSPENSION OF A PERMIT OR LICENSE.

A. The City Clerk may suspend for a period of up to ninety (90) days or revoke any mobile vendor permit, mobile vending business premises license, or mobile vending business eating and drinking garden license upon the finding of one (1) or more of the following:

1. Intentional misstatements or misleading statements of fact in the application which are not discovered until after the issuance of the mobile vendor permit, mobile vending business premises license, or mobile vending business eating and drinking garden license, as applicable;
2. Permitting any conduct that would constitute a violation of the requirements of this Chapter 632; or
3. Permitting any conduct that would constitute a violation of any laws of the United States, the State of Missouri, the ordinances of St. Charles County, or the ordinances of the City.

SECTION 632.060. APPEAL OF A DENIED, SUSPENDED OR REVOKED PERMIT OR LICENSE.

Any applicant or mobile vending business aggrieved by the decision of the City Clerk to deny, suspend or revoke any mobile vendor permit, mobile vending business premises license, mobile vending business eating and drinking garden license, or food truck license pursuant to the provisions of this Chapter shall have the right to appeal such action to the City Administrator pursuant to Section 605.080 of the Municipal Code.

SECTION 2. Savings Clause: 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 any manner connected with the subject matter hereof.

SECTION 3. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 4. Effective Date: This Ordinance shall be in full force and take effect from and after its final passage and approval.

[The remainder of this page is intentionally left blank.]

Read two (2) times, passed, and approved this _____ day of _____, 2022.

As Presiding Officer and as Mayor

Attest:

City Clerk

Approved this _____ day of _____, 2022.

Mayor

Attest:

City Clerk

DARDENNE



PRAIRIE

CITY OF DARDENNE PRAIRIE
2032 HANLEY ROAD
DARDENNE PRAIRIE, MO 63368

BOARD OF ALDERMEN
MEETING AGENDA
OCTOBER 5, 2022
7:00 p.m.

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

Mayor Gotway
Alderman Costlow
Alderman Johnson
Alderman Reilly
Alderman Sansone
Alderman Ungerboeck
Alderman Wandling

CONSENT AGENDA

1. Expenditures for Approval 10-05-22
2. Construction Deposit Release – Inverness Phase II - \$159,440.27
3. BaratHaven Community Improvement District Budget
4. Bryan Road Community Improvement District Budget

ITEMS REMOVED FROM CONSENT AGENDA

OPEN FORUM

NEW BUSINESS

1. **Bill #22-59**

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, SETTING
THE FILING DATES, TIMES AND PLACE FOR THE GENERAL MUNICIPAL

ELECTION TO BE HELD ON APRIL 4, 2023 IN THE CITY OF DARDENNE PRAIRIE, MISSOURI

2. Bill #22-60

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN INITIAL FUNDING AGREEMENT FOR CONSIDERATION OF THE USE OF PUBLIC INCENTIVES FOR THE DEVELOPMENT OF THE PROPERTY GENERALLY LOCATED AT THE NORTHWEST INTERSECTION OF FEISE ROAD AND BRYAN ROAD

OLD BUSINESS

1. Bill #22-57 (Read one time only 9-21-22)

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING VARIOUS PROVISIONS OF CHAPTER 405 OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI; PROVIDING FOR PREFABRICATED STRUCTURES AND SHIPPING CONTAINER STRUCTURES AS CONDITIONAL USES IN THE C-3, RETAIL COMMERCIAL DISTRICT; AND ENACTING REGULATIONS PERTAINING THERETO.

2. Bill #22-58 (Read one time only 9-21-22)

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING VARIOUS PROVISIONS OF CHAPTER 405 OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI; AND PROVIDING FOR MOBILE VENDING BUSINESS EATING AND DRINKING GARDENS AS A CONDITIONAL USE IN THE C-3, RETAIL COMMERCIAL DISTRICT.

STAFF COMMUNICATIONS

1. City Attorney
2. City Engineer
3. City Administrator
4. Aldermen
5. Mayor

CLOSED SESSION

Roll call vote to hold closed session pursuant to RSMo 610.021 section _____

Litigation and Privileged Communications (1)
Real Estate (2)
Personnel (3)
Labor (9)
Bid Specs (11)
Audit (17)

RETURN TO REGULAR MEETING AGENDA

ADJOURNMENT

**EXPENDITURES FOR APPROVAL
10/5/2022**

1 Advanced Turf Solutions	Grass & Fertilizer	2,380.15
2 Cuivre River Electric	Light on Weldon Spring	35.62
3 Cuivre River Electric	Henke/Feise Rd. Traffic Signals	63.00
4 Cuivre River Electric	Light at Georgetown Park	54.80
5 Cuivre River Electric	Lights at St. Williams Apts.	34.65
6 Cuivre River Electric	Hanley Rd. Traffic Signal	83.00
7 Extreme Electrical	Bryan Road Bridge Light Assessment	350.00
8 First Bank	Credit Card Charges	9,359.51
9 Hamilton Weber	August, 2022 Legal Fees	7,330.18
10 Hoff Heating & Cooling	Unit Repair	1,097.00
11 HR Green Inc	Stump Road - Invoice #13	450.62
12 Insurance: Principal Life	Life: October, 2022	321.08
13 Jennifer Bohn	Reimbursement for PD Supplies	125.00
14 Kim Clark	Conference Mileage Reimbursement	191.87
15 LAGERS	September, 2022	7,183.02
16 Lawrence Hulsey	Reimbursement for Park Supplies	195.40
17 Mark Johnson	Conference Mileage Reimbursement	91.25
18 Payroll	9/30/22 Payroll	27,559.78
19 St. Charles County Health	Mosquito Spraying	245.38
20 The Guru	Tree Removal	5,580.00
21 Thoele	Gas to 8/31/22	783.25
22 Traffic Control	Signage	307.48
23 Wheelhouse Solutions	IT Services - October & November, 2022	2,574.26
		66,396.30
24 Forrest Keeling Nursery	BaratHaven Trees	1,632.90
25 Jennifer Bohn	Reimbursement for Park Supplies	33.40
26 MO Lawyers Media	Judge & PA Ad	102.00
27 MyGov, LLC	Buidling Dept Software to 12/31	2,460.00
28 St. Charles County Health	Mosquito Spraying to 9/26/22	312.02
29 Staples	Office Supplies	181.98
30 Total Lock & Door	Keys	39.00
		71,157.60

Approved by Board of Aldermen 10-5-22

Mayor John Gotway



City Engineer
Phone 636.978.6008
Fax 636.898.0923
Engineer@DardennePrairie.org

City Hall
2032 Hanley Road
Dardenne Prairie, MO 63368
Phone 636.561.1718
Fax 636.625.0077

Deposit Account Summary
971950 Inverness, Phase 2

Release No.: 2
Last Updated: 10/04/202

CONSTRUCTION DEPOSIT*

Item	Engineer's Opinion of Probable Constr. Cost x 1.1	Original Deposit Amount*	Previously Released Amount	Recommended Released This Period	Released To Date	Outstanding Balance	
SITE PREP / GRADING	\$680,368.70	\$118,848.15	\$118,848.15	\$0.00	100%	\$0.00	
STORM SEWERS	\$785,088.70	\$185,396.14	\$158,083.30	\$27,312.84	100%	\$0.00	
PAVEMENT / STREETS	\$1,369,491.75	\$369,348.00	\$202,911.06	\$116,938.33	86%	\$49,498.61	
AMENITIES	\$46,860.00	\$46,860.00	\$0.00	\$15,189.10	32%	\$31,670.90	
SLC00005812	TOTAL	\$2,881,809.15	\$720,452.29	\$479,842.51	\$159,440.27	67%	\$81,169.51

MAINTENANCE DEPOSIT*

Item	Engineer's Opinion of Probable Constr. Cost x 0.1	Original Deposit Amount*	Previously Released Amount	Recommended Released This Period	Released To Date	Outstanding Balance	
Maintenance of all Improvements	\$261,982.65	\$261,982.65	\$0.00	\$0.00	0%	\$261,982.65	
SLC00005813	TOTAL	\$261,982.65	\$261,982.65	\$0.00	\$0.00	0%	\$261,982.65

☒ Recommended for release.

☐ Approved for release by the Board of Aldermen as recommended above.

Prepared by:

Tom Weis, PE, City Engineer

*Irrevocable Standby L/C No.: SLC00005812 deposit = \$720,452.29
*Irrevocable Standby L/C No.: SLC00005813 deposit = \$261,982.65



www.DardennePrairie.org

City Administrator
Phone 636.755.5303
Jlanowles@DardennePrairie.org

City Hall
2032 Hanley Road
Dardenne Prairie, MO 63368
Phone 636.561.1718
Fax 636.625.0077

To Letter of Credit
Form of Reduction Certificate

October 5th, 2022

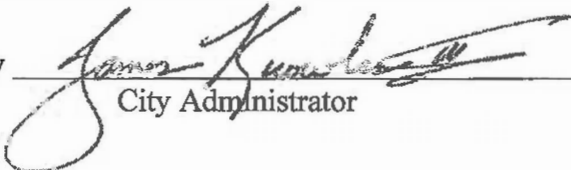
Commerce Bank
811 Main St., 8th Floor
CLS Letters of Credit
Kansas City, MO 64105
Attention: Barb Middaugh

LETTER OF CREDIT NUMBER: SLC00005812
IN ORIGINAL AMOUNT OF: \$ 720,452.25
For Inverness Phase 2 (the "Site")

Gentlemen,

This certificate authorizes reduction in the amount of \$ 159,440.27
_____ of the above Letter of Credit. The remaining maximum available credit for this Letter
of Credit is \$ 81,169.51

CITY OF DARDENNE PRAIRIE, MISSOURI

By 
City Administrator

**BARATHAVEN
COMMUNITY IMPROVEMENT DISTRICT**

PROPOSED BUDGET FOR FISCAL YEAR ENDING DECEMBER 31, 2023

AND

AMENDED BUDGET FOR FISCAL YEAR ENDING DECEMBER 31, 2022

William Laskowsky, Chair/Director

Andrew Burchett, Director

Craig Stankovich, Vice Chair/Secretary/Director

Ed Etzkorn, Treasurer/Director

EJ Sansone, Director

Robert Klahr, Executive Director

Laura Lashley, Assistant Secretary

Development Dynamics, LLC, District Administrator

**BUDGET MESSAGE
BY DISTRICT ADMINISTRATOR**

The City of Dardenne Prairie, Missouri (the "*City*"), and Creek Valley, LLC ("*Creek Valley*"), and Barathaven Development, LLC ("*Barathaven*") and, together with Creek Valley, the "*Developer*", and Barat Academy (the "*Academy*") entered into a First Amended and Restated Annexation Agreement dated as of December 1, 2007 (as modified or amended from time to time, the "*Annexation Agreement*"), to provide for certain transportation-related improvements and other public improvements within the City. Pursuant to the Annexation Agreement, the Developer agreed to create the BaratHaven Transportation Development District (the "*TDD*") for the purpose of financing such transportation-related improvements pursuant to the Missouri Transportation Development District Act, Sections 238.200 to 238.280 of the Revised Statutes of Missouri, as amended, and agreed to create the BaratHaven Community Improvement District (the "*CID*") for the purpose of financing such public improvements pursuant to the Community Improvement District Act, Sections 67.1401 to 67.1571 of the Revised Statutes of Missouri, as amended (the "*CID Act*").

On January 17, 2006, a Petition for the Creation of a Community Improvement District (the "*Petition*") was filed with the Clerk of the City pursuant to the CID Act. On February 15, 2006, the City held a public hearing regarding creation of the CID, at which public hearing notice of the contents of the Petition was given. On February 15, 2006, the City's Board of Alderman adopted Ordinance No. 992 establishing the CID as a political subdivision of the State of Missouri pursuant to the CID Act.

On February 17, 2006, pursuant to the CID Act, the CID adopted Resolution No. 06-004 authorizing the District to impose a property tax ("*CID Property Tax*") at the rate of not less than \$0.8555 and not more than \$1.00 per \$100.00 assessed valuation on all real property within the CID boundaries. On May 2, 2006 the qualified voters of the CID approved the CID Property Tax at a mail-in election held in accordance with Section 67.1551 of the CID Act.

Pursuant to the Annexation Agreement, the Developer has undertaken the construction of the Transportation Project (as defined in the Annexation Agreement) and other public improvements described in the Petition (collectively, the Transportation Project and such other public improvements are defined as the "*Public Improvements*") and has submitted Certificates of Reimbursable Project Costs (as defined in the Annexation Agreement) accompanied by itemized invoices, receipts and other information to allow the CID to confirm that the amounts advanced by the Developer constitute Reimbursable Project Costs, as defined in the Annexation Agreement.

As reimbursement of the Developer for such Reimbursable Project Costs related to the Transportation Project, the TDD has authorized the issuance of its Not to Exceed \$4,215,000 BaratHaven Transportation Development District (Dardenne Prairie, St. Charles County, Missouri) Special Revenue Notes, Series 2006 (the "*TDD Notes*"), which TDD Notes are secured by a Trust Indenture dated as of August 1, 2006, as supplemented by that First Supplemental Trust Indenture dated as of November 1, 2017 (as supplemented, the "*TDD Indenture*"), between the TDD and UMB Bank, N.A., as trustee.

As reimbursement of the Developer for those Reimbursable Project Costs that are not related to the Transportation Project, the CID has authorized the issuance of its Not to Exceed \$4,215,000 (less the principal amount of the TDD Notes) BaratHaven Community Improvement District (Dardenne Prairie, St. Charles County, Missouri) Taxable Special Revenue Notes, Series 2006 (the "*CID Notes*"), which CID Notes are secured by a Trust Indenture dated as of December 1, 2006, as supplemented by that First Supplemental Trust Indenture dated as of November 1, 2017 (as supplemented, the "*CID Indenture*"), between the CID and UMB Bank, N.A., as trustee.

Pursuant to the Annexation Agreement, the Academy has undertaken the construction of the Additional Transportation Project (as defined in the Annexation Agreement) and other public improvements

on real property owned by the Academy and/or GRG (as defined in the Annexation Agreement) and described in the Petition (collectively, the Additional Transportation Project and such other public improvements are defined as the "*Academy Public Improvements*") and has submitted a Certificate of Reimbursable Project Costs accompanied by itemized invoices, receipts and other information to allow the CID to confirm that the amounts advanced by the Academy constitute Reimbursable Project Costs, as defined in the Annexation Agreement.

As reimbursement of the Academy for such Reimbursable Project Costs related to the Additional Transportation Project, it is anticipated that the TDD may, at the Academy's request, authorize the issuance of its Not to Exceed \$1,592,942 BaratHaven Transportation Development District (Dardenne Prairie, St. Charles County, Missouri) Subordinate Special Revenue Notes (the "*Subordinate TDD Notes*"), which Subordinate TDD Notes will be secured by a Trust Indenture (the "*Subordinate TDD Indenture*"), between the TDD and UMB Bank, N.A., as trustee. To date, the Academy has not requested issuance of the Subordinate TDD Notes.

As reimbursement of the Academy for those Reimbursable Project Costs that are not related to the Additional Transportation Project, the CID has authorized and may, at the Academy's request, issue of its Not to Exceed \$1,592,942 (less the principal amount of the Subordinate TDD Notes) BaratHaven Community Improvement District (Dardenne Prairie, St. Charles County, Missouri) Subordinate Special Revenue Notes (the "*Subordinate CID Notes*"), which Subordinate CID Notes will be secured by a Trust Indenture (the "*Subordinate CID Indenture*"), between the CID and UMB Bank, N.A., as trustee. To date, the Academy has not requested issuance of the Subordinate CID Notes.

On May 8, 2006, the CID adopted Resolution No. 06-007, which authorized the CID to enter into an Agreement for Administrative Services with Development Dynamics, LLC (the "*Administrator*"), to provide various services to the CID in connection with the administration, collection, enforcement and operation of the CID Property Tax (as defined in the Annexation Agreement). Pursuant to the Annexation Agreement, the Administrator shall transfer all CID Revenues (as defined in the Annexation Agreement) on deposit in the CID Trust Fund (as defined in the Annexation Agreement) to provide for the payment of CID Administrative Costs (as defined in the Annexation Agreement), on-going maintenance costs and repayment of the CID Notes and, upon satisfaction in full of the CID Notes, to payment of TDD Administrative Costs (as defined in the Annexation Agreement) and repayment of the TDD Notes and, upon satisfaction in full of the TDD Notes, to payment of CID Administrative Costs and repayment of the Subordinate CID Notes and, upon satisfaction in full of the Subordinate CID Notes, to payment of TDD Administrative Costs and repayment of the Subordinate TDD Notes.

Pursuant to the Annexation Agreement, CID Administrative Costs of the District include overhead expenses of the CID for administration, supervision and inspection incurred in connection with the Public Improvements and paid initially by the Developer subject to reimbursement in accordance with the Annexation Agreement and, upon the first deposit of CID Revenues into the Operating Fund, paid by the District out of the Operating Fund, including without limitation the following: (a) reimbursement (in an amount not to exceed one and one-half percent (1½%) of the CID Revenues collected in the applicable year) of expenses incurred by the City pursuant to Section 67.1461.3 of the CID Act to establish the CID and review the CID's annual budgets and reports; (b) reimbursement of the petitioners for the costs of filing and pursuing the petition to establish the CID and all publication and incidental costs incurred therewith; (c) reimbursement of the Board of Directors for actual expenditures in the performance of authorized duties on the behalf of the CID; and (d) costs related to any authorized indebtedness of the CID, including the issuance and repayment of obligations.

To date, the CID has issued CID Notes in an aggregate principal amount of \$1,641,000. In 2008, the CID also authorized the issuance of Subordinate CID Notes and approved a Certificate of Reimbursable Project Costs in the amount of \$494,000 related to the Academy Public Improvements, but such Subordinate CID Notes have not yet been issued.

During 2021, the CID received CID Property Tax revenues of \$179,805 based on a tax levy of \$0.8349 per \$100 assessed value (2020 Tax Levy), net of collection fees, and interest income of \$2. The CID had total expenditures of \$181,037, consisting of interest payments of \$151,857 on the CID Notes, CID Administrative Costs of \$10,119, trustee fees of \$6,358 and bank fees of \$203. In addition, the District transferred \$12,500 to the trustee for the TDD Notes, of which \$2,500 was deposited to the TDD maintenance fund and \$10,000 to the TDD operating fund for payment of TDD Administrative Costs. The CID hereby pledges its net CID Revenues after payment of CID Administrative Costs, bank fees and trustee fees to repayment of the CID Notes in accordance with the CID Indenture. The CID did not pay any principal of the CID Notes, leaving an outstanding balance of \$2,135,000 as of December 31, 2021.

During 2022, the CID anticipates CID Property Tax revenues of approximately \$185,273 based on a tax levy of \$0.8349 per \$100 assessed value (2021 Tax Levy) and net of collection fees and interest income of approximately \$20. The CID anticipates total expenditures of approximately \$173,787, consisting of interest payments of approximately \$152,557 on the CID Notes, CID Administrative Costs of approximately \$10,010, trustee fees of approximately \$11,000 and bank fees of approximately \$220. In addition, the District anticipates transferring approximately \$12,500 to the trustee for the TDD Notes, of which \$2,500 was deposited to the TDD maintenance fund and \$10,000 to the TDD operating fund for payment of TDD Administrative Costs. The CID hereby pledges its net CID Revenues after payment of CID Administrative Costs, bank fees and trustee fees to repayment of the CID Notes in accordance with the CID Indenture. The CID does not anticipate paying any principal of the CID Notes, leaving an outstanding balance of \$2,135,000 as of December 31, 2022.

During 2023, the CID anticipates CID Property Tax revenues of approximately \$186,831 based on a tax levy of \$0.8349 per \$100 assessed value (2022 Preliminary Tax Levy) and net of collection fees and interest income of approximately \$0. The CID anticipates total expenditures of approximately \$169,884, consisting of interest payments of approximately \$155,690 on the CID Notes, CID Administrative Costs of approximately \$10,000, trustee fees of approximately \$3,974 and bank fees of approximately \$220. In addition, the District anticipates transferring approximately \$12,500 to the trustee for the TDD Notes, of which \$2,500 was deposited to the TDD maintenance fund and \$10,000 to the TDD operating fund for payment of TDD Administrative Costs. The CID hereby pledges its net CID Revenues after payment of CID Administrative Costs, bank fees and trustee fees to repayment of the CID Notes in accordance with the CID Indenture. The CID does not anticipate paying any principal of the CID Notes, leaving an outstanding balance of \$2,135,000 as of December 31, 2023.

BaratHaven Community Improvement District

Proposed Budget – All Funds

January 1 Through December 31, 2023

	Proposed Budget
Ordinary Income/Expense	
Income	
Real Prop Tax Trust Fund Inc.	
CID Property Tax Revenue	186,831.00
Real Prop Tax Trust Fund Inc. - Other	0.00
Total Real Prop Tax Trust Fund Inc.	186,831.00
Trustee UMB Income Accounts	
Total Trustee UMB Income Accounts	0.00
Total Income	186,831.00
Cost of Goods Sold	
Cost of Goods Sold	0.00
Total COGS	0.00
Gross Profit	186,831.00
Expense	
Real Prop Tax Trust Fund Exp	
Banking Fees	
Checks and Deposit Slips	0.00
Service Charge	220.00
Banking Fees - Other	0.00
Total Banking Fees	220.00
Real Prop Tax Trust Fund Exp - Other	0.00
Total Real Prop Tax Trust Fund Exp	220.00
Trustee UMB Expense Accounts	
BH CID Dbt Svc Expense	
Interest Payment	155,690.00
BH CID Dbt Svc Expense - Other	0.00
Total BH CID Dbt Svc Expense	155,690.00
BH CID Muni Rev Exp	
Trustee Fee	3,974.00
BH CID Muni Rev Exp - Other	0.00
Total BH CID Muni Rev Exp	3,974.00
BH CID Operating Exp.	
Administration Expense	4,684.00
Advertising	0.00
Audit	2,700.00
Insurance Expense - Oper Fd	1,857.00
Legal Expense	959.00
Trustee Fee	0.00
BH CID Operating Exp. - Other	0.00
Total BH CID Operating Exp.	10,000.00
Total Trustee UMB Expense Accounts	169,664.00
Total Expense	169,664.00
Net Ordinary Income	16,947.00

BaratHaven Community Improvement District - Continued

Proposed Budget -- All Funds

January 1 Through December 31, 2023

Other Income/Expense	
Other Income	
Other Financing Sources/Uses	
Transfer In	
To Debt Serv From Muni Rev	155,690.00
To Muni Revenue From Prop Tax	186,611.00
To Operating from Muni Revenue	10,000.00
Transfer In - Other	0.00
Total Transfer In	<u>352,301.00</u>
Other Financing Sources/Uses - Other	<u>0.00</u>
Total Other Financing Sources/Uses	<u>352,301.00</u>
Total Other Income	<u>352,301.00</u>
Other Expense	
Transfer Out	
From Muni Rev to DS	155,690.00
From Muni Rev to TDD Maint	2,500.00
From Muni Revenue to Operating	10,000.00
From Muni Revenue to TDD OF	10,000.00
From Prop Tax Trust to Revenue	186,611.00
Transfer Out - Other	0.00
Total Transfer Out	<u>364,801.00</u>
Total Other Expense	<u>364,801.00</u>
Net Other Income	<u>-12,500.00</u>
Net Income	<u>4,447.00</u>
	<u><u>\$ 551</u></u>
Fund Balances - Beginning	
Fund Balances - Ending	<u><u>\$ 4,998</u></u>

BaratHaven Community Improvement District - Continued

Proposed Budget - All Funds

January 1 Through December 31, 2023

Fund Balance	1/1/2023	Additions	Subtractions	12/31/2023
Property Tax Trust	\$ 77	\$ 186,831	\$ (186,831)	\$ 77
Trustee Debt Service	\$ 45	\$ 155,690	\$ (155,690)	\$ 45
Trustee Operating	\$ -	\$ 10,000	\$ (10,000)	\$ -
Trustee Muni Revenue	\$ 429	\$ 186,611	\$ (182,164)	\$ 4,876
Total	\$ 551	\$ 539,132	\$ (534,685)	\$ 4,998

Debt Outstanding	1/1/2023	Issued	(Retired)	12/31/2023
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Series 2006 Revenue Note R-1 (replaced by R-5, R-6, R-7, R-8)

Series 2006 Revenue Note R-2 (replaced by R-4)

Series 2006 Revenue Note R-4 (replaced R-2 when Vantage sold to new investor, Nov. 2010)

1,313,000

1,313,000

Series 2006 Revenue Note R-5 (replaced portion of R-1 when sold to new investors, March 2012)

148,000

148,000

Series 2006 Revenue Note R-6 (replaced portion of R-1 when sold to new investors, March 2012)

73,000

73,000

Series 2006 Revenue Note R-7 (replaced portion of R-1 when sold to new investors, March 2012)

74,000

74,000

Series 2006 Revenue Note R-8 (replaced portion of R-1 when sold to new investors, March 2012)

33,000

33,000

Certificate of Reimbursable Costs #10, approved via Reso. 08-008, no Note has been issued

494,000

494,000

Total	2,135,000	-	-	2,135,000
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The R-1 Notes were allocated between four investors in March 15, 2012 and became Notes R-5, R-6, R-7 and R-8. The R-2 Note ownership change occurred in Nov. 2010 and became Series 2006 Revenue Note R-4. The Certificate of Reimbursable Costs #10 was approved in the amount of \$1,454,000, allocating \$494,000 to the CID and the remaining \$960,216.01 to the TOD (approved through Resolution 08-008). The total outstanding obligations have been \$2,135,000 since 2008 and have not changed. Accrued interest is calculated and reported annually in the audited financial statements of the CID.

BaratHaven Community Improvement District

Amended Budget – All Funds

January 1 Through December 31, 2022

	Jan - Jun 2022 Actual	Amended Budget	Original Budget
Ordinary Income/Expense			
Income			
Real Prop Tax Trust Fund Inc.			
CID Property Tax Revenue	185,273.25	185,273.25	183,260.00
Real Prop Tax Trust Fund Inc. - Other	0.00	0.00	0.00
Total Real Prop Tax Trust Fund Inc.	<u>185,273.25</u>	<u>185,273.25</u>	<u>183,260.00</u>
Trustee UMB Income Accounts			
BH CID Debt Svc Income			
Interest	0.16	0.00	0.00
BH CID Debt Svc Income - Other	0.00	0.00	0.00
Total BH CID Debt Svc Income	<u>0.16</u>	<u>0.00</u>	<u>0.00</u>
BH CID Muni Rev Income			
Interest	5.03	10.00	0.00
BH CID Muni Rev Income - Other	0.00	0.00	0.00
Total BH CID Muni Rev Income	<u>5.03</u>	<u>10.00</u>	<u>0.00</u>
BH CID Oper Income			
Interest Earned - Oper Fd	2.44	10.00	0.00
BH CID Oper Income - Other	0.00	0.00	0.00
Total BH CID Oper Income	<u>2.44</u>	<u>10.00</u>	<u>0.00</u>
Total Trustee UMB Income Accounts	<u>7.63</u>	<u>20.00</u>	<u>0.00</u>
Total Income	<u>185,280.88</u>	<u>185,293.25</u>	<u>183,260.00</u>
Cost of Goods Sold			
Cost of Goods Sold	0.00	0.00	0.00
Total COGS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Gross Profit	<u>185,280.88</u>	<u>185,293.25</u>	<u>183,260.00</u>
Expense			
Real Prop Tax Trust Fund Exp			
Banking Fees			
Checks and Deposit Slips	0.00	0.00	0.00
Service Charge	181.67	220.00	220.00
Banking Fees - Other	0.00	0.00	0.00
Total Banking Fees	<u>181.67</u>	<u>220.00</u>	<u>220.00</u>
Real Prop Tax Trust Fund Exp - Other	0.00	0.00	0.00
Total Real Prop Tax Trust Fund Exp	<u>181.67</u>	<u>220.00</u>	<u>220.00</u>
Trustee UMB Expense Accounts			
BH CID Dbt Svc Expense			
Debt Service Pmt BH&C	0.00	0.00	0.00
Interest Payment	152,557.31	152,557.31	155,690.00
BH CID Dbt Svc Expense - Other	0.00	0.00	0.00
Total BH CID Dbt Svc Expense	<u>152,557.31</u>	<u>152,557.31</u>	<u>155,690.00</u>
BH CID Muni Rev Exp			
Trustee Fee	10,532.71	11,000.00	3,974.00
BH CID Muni Rev Exp - Other	0.00	0.00	0.00
Total BH CID Muni Rev Exp	<u>10,532.71</u>	<u>11,000.00</u>	<u>3,974.00</u>

BaratHaven Community Improvement District - Continued

Amended Budget – All Funds

January 1 Through December 31, 2022

BH CID Operating Exp.			
Administration Expense	0.00	4,679.64	5,000.00
Advertising	0.00	0.00	0.00
Audit	2,700.00	2,700.00	2,700.00
Insurance Expense - Oper Fd	0.00	1,657.00	1,897.00
Legal Expense	0.00	973.36	1,040.00
Total BH CID Operating Exp.	2,700.00	10,010.00	10,397.00
Total Trustee UMB Expense Accounts	165,790.02	173,587.31	170,061.00
Total Expense	165,971.69	173,787.31	170,281.00
Net Ordinary Income	19,309.19	11,505.94	12,979.00
Other Income/Expense			
Other Income			
Other Financing Sources/Uses			
Transfer In			
To Debt Serv From Muni Rev	152,557.31	152,557.31	156,788.00
To Debt Service From Revenue	0.00	0.00	0.00
To Muni Rev From Rev	0.00	0.00	0.00
To Muni Revenue From Prop Tax	186,476.00	186,476.00	180,712.00
To Operating from Muni Revenue	10,000.00	10,000.00	10,000.00
Total Transfer In	349,033.31	349,033.31	347,500.00
Other Financing Sources/Uses - Other	0.00	0.00	0.00
Total Other Financing Sources/Uses	349,033.31	349,033.31	347,500.00
Total Other Income	349,033.31	349,033.31	347,500.00
Other Expense			
Transfer Out			
From DS to TDD Oper(R5-8 Port)	0.00	0.00	0.00
From Debt Service to Revenue	0.00	0.00	0.00
From Muni Rev to DS	152,557.31	152,557.31	156,788.00
From Muni Rev to Revenue	0.00	0.00	0.00
From Muni Rev to TDD Maint	2,500.00	2,500.00	2,500.00
From Muni Revenue to Operating	10,000.00	10,000.00	10,000.00
From Muni Revenue to TDD OF	10,000.00	10,000.00	10,000.00
From Prop Tax Trust to Revenue	186,476.00	186,476.00	180,712.00
Total Transfer Out	361,533.31	361,533.31	360,000.00
Total Other Expense	361,533.31	361,533.31	360,000.00
Net Other Income	-12,500.00	-12,500.00	-12,500.00
Net Income	6,809.19	-994.06	479.00
Fund Balances - Beginning		\$ 1,545	
Fund Balances - Ending		\$ 551	

BaratHaven Community Improvement District - Continued

Amended Budget – All Funds

January 1 Through December 31, 2022

Fund Balance	1/1/2022	Additions	Subtractions	12/31/2022
Property Tax Trust	\$ 1,499	\$ 185,053	\$ (186,476)	\$ 77
Trustee Debt Service	\$ 45	\$ 152,557	\$ (152,557)	\$ 45
Trustee Operating	\$ -	\$ 10,010	\$ (10,010)	\$ -
Trustee Muni Revenue	\$ -	\$ 186,486	\$ (186,057)	\$ 429
Total	\$ 1,545	\$ 534,107	\$ (535,101)	\$ 551

Debt Outstanding	1/1/2022	Issued	(Retired)	12/31/2022
Series 2006 Revenue Note R-1 (replaced by R-5, R-6, R-7, R-8)	-	-	-	-
Series 2006 Revenue Note R-2 (replaced by R-4)	-	-	-	-
Series 2006 Revenue Note R-4 (replaced R-2 when Vantage sold to new investor, Nov. 2010)	1,313,000	-	-	1,313,000
Series 2006 Revenue Note R-5 (replaced portion of R-1 when sold to new investors, March 2012)	148,000	-	-	148,000
Series 2006 Revenue Note R-6 (replaced portion of R-1 when sold to new investors, March 2012)	73,000	-	-	73,000
Series 2006 Revenue Note R-7 (replaced portion of R-1 when sold to new investors, March 2012)	74,000	-	-	74,000
Series 2006 Revenue Note R-8 (replaced portion of R-1 when sold to new investors, March 2012)	33,000	-	-	33,000
Certificate of Reimbursable Costs #10, approved via Reso. 08-008, no Note has been issued	494,000	-	-	494,000
Total	2,135,000	-	-	2,135,000

The R-1 Notes were allocated between four investors in March 15, 2012 and became Notes R-5, R-6, R-7 and R-8. The R-2 Note ownership change occurred in Nov. 2010 and became Series 2006 Revenue Note R-4. The Certificate of Reimbursable Costs #10 was approved in the amount of \$1,454,000, allocating \$494,000 to the CID and the remaining \$960,216.01 to the TDD (approved through Resolution 08-008). The total outstanding obligations have been \$2,135,000 since 2008 and have not changed. Accrued interest is calculated and reported annually in the audited financial statements of the CID.

Barstow Community Improvement District
Statement of Revenues Collected and Expenditures Paid -
All Funds - Budget and Actual - Cash Basis
For the Year Ended December 31, 2021

	Budgeted Amount Original	Budgeted Amount Final	Actual	Variance - Favorable (Unfavorable)
Revenues:				
CID property tax revenues	\$ 180,320	\$ 180,320	\$ 179,805	\$ (515)
Interest income	-	4	2	(2)
Total Revenues	\$ 180,320	\$ 180,324	\$ 179,807	\$ (517)
Expenditures:				
Trustee fees	\$ 2,385	\$ 3,974	\$ 6,398	\$ (2,384)
Bank fees	180	180	203	(23)
Administrative expenses	5,000	5,000	4,029	971
Insurance expense	1,657	1,657	2,555	(898)
Audit fees	2,500	2,500	2,500	-
Interest expense	158,000	158,000	161,857	4,143
Legal and professional fees	1,040	1,040	1,035	5
Transfer to TOD	12,500	12,500	12,500	-
Total Expenditures	\$ 183,262	\$ 182,851	\$ 181,037	\$ 1,814
Other Financing Sources (Uses)				
Transfers in	\$ 158,000	\$ 158,000	\$ 151,857	\$ (4,143)
Transfers out	(158,000)	(158,000)	(151,857)	4,143
Total Other Financing Sources (Uses)	\$ -	\$ -	\$ -	\$ -
Excess (Deficiency) of Revenues and Other Sources Over Expenditures and Other Uses	\$ (2,942)	\$ (2,527)	\$ (1,230)	\$ 1,297
Fund Balances - at beginning of the year		2,775	2,775	
Fund Balances - end of the year		\$ 248	\$ 1,545	

Debt Outstanding	1/1/2021	Issued	(Retired)	12/31/2021
Series 2006 Revenue Note R-1 (replaced by R-5, R-6, R-7, R-8)	-	-	-	-
Series 2006 Revenue Note R-2 (replaced by R-4)	-	-	-	-
Series 2006 Revenue Note R-4 (replaced R-2 when Vantage sold to new investor, Nov. 2010)	1,313,000	-	-	1,313,000
Series 2006 Revenue Note R-5 (replaced portion of R-1 when sold to new investors, March 2012)	148,000	-	-	148,000
Series 2006 Revenue Note R-6 (replaced portion of R-1 when sold to new investors, March 2012)	73,000	-	-	73,000
Series 2006 Revenue Note R-7 (replaced portion of R-1 when sold to new investors, March 2012)	74,000	-	-	74,000
Series 2006 Revenue Note R-8 (replaced portion of R-1 when sold to new investors, March 2012)	33,000	-	-	33,000
Certificate of Reimbursable Costs #10, approved via Reso. 08-008, no Note has been issued	494,000	-	-	494,000
Total	2,135,000	-	-	2,135,000

The R-1 Notes were allocated between four investors in March 15, 2012 and became Notes R-5, R-6, R-7 and R-8. The R-2 Note ownership change occurred in Nov. 2010 and became Series 2006 Revenue Note R-4. The Certificate of Reimbursable Costs #10 was approved in the amount of \$1,454,000, allocating \$494,000 to the CID and the remaining \$960,216.01 to the TOD (approved through Resolution 08-008). The total outstanding obligations have been \$2,135,000 since 2008 and have not changed. Accrued interest is calculated and reported annually in the audited financial statements of the CID.

Bryan Road Community Improvement District

PRELIMINARY BUDGET
YEAR ENDING DECEMBER 31, 2023

ANNUAL BUDGET
YEAR ENDING DECEMBER 31, 2022

BOARD OF DIRECTORS

Chair
Robert Glamer

Treasurer
David Glamer

Secretary
Scott Kolbe

Director
Robyn Schaber

Director
Jerry Scheidegger

Development Dynamics LLC
District Administrators

BUDGET MESSAGE

On November 16, 2005, the City's Board of Alderman adopted Ordinance No. 952 which established the Bryan Road Community Improvement District as a political subdivision pursuant to and in accordance with the Missouri Community Improvement District Act, Sections 67.1401 through 67.1571 of the Revised Statutes of Missouri, as amended (the "CID Act"). The District was established for a term of twenty years from the date of establishment (November 16, 2025).

On January 26, 2006, pursuant to the CID Act, the CID adopted Resolution No. 2006-03 authorizing the District to levy a special assessment on certain real property located in the Bryan Road Community Improvement District. The District adopted Resolution No. 2006-04 that provided for the imposition of a sales and use tax of up to one percent upon approval by qualified voters of the District.

In the year ending December 31, 2021, the District began the year with a fund balance of \$161,515.20. The District received CID special assessment revenue and CID sales tax revenue in the amount of \$100,337.55. The District expenses totaled \$71,705.00, comprised of the storm sewer maintenance, operating expenses, insurance and other miscellaneous expenses. The year end fund balance was \$190,147.75.

During the year ending December 31, 2022, the District began the year with a fund balance of \$190,147.75. The District anticipates receiving CID special assessment revenue and CID sales tax revenue of approximately \$100,600. The District anticipates CID expenses to total approximately \$74,939, comprised of the storm sewer maintenance, operating expenses, insurance and other miscellaneous expenses. The anticipated year end fund balance is expected to be approximately \$215,808.

In the year ending December 31, 2023, the District anticipates beginning the year with a fund balance of approximately \$215,808. The District anticipates receiving CID special assessment revenue and CID sales tax revenue of approximately \$100,600. The District anticipates CID expenses to total approximately \$74,939, comprised of the storm sewer maintenance, operating expenses, insurance and other miscellaneous expenses. The anticipated year end fund balance is expected to be approximately \$241,469.

**Bryan Road CID
Preliminary Budget
January 1 - December 31, 2023**

		<u>Proposed Budget</u> <u>Jan - Dec 2023</u>
Income		
CID Sales Tax		33,500.00
CID Use Tax		1,000.00
CID Special Assessment		65,000.00
Interest Earnings		1,100.00
Total	\$	<u>100,600.00</u>
Expense		
Operational Expenses		
Administration		2,500.00
Insurance Expense		1,439.00
Legal		1,500.00
NID Trustee/admin		4,500.00
Subtotal		<u>9,939.00</u>
Storm Sewer Maintenance		65,000.00
Total	\$	<u>74,939.00</u>
Net Income		<u><u>25,661.00</u></u>
Beginning Balance	\$	215,808.75
Ending Balance	\$	241,469.75

**Bryan Road CID
Annual Budget
Year Ending December 31, 2022**

		<u>Annual Budget</u> <u>Jan - Dec 2022</u>
Income		
CID Sales Tax		33,500.00
CID Use Tax		1,000.00
CID Special Assessment		65,000.00
Interest Earnings		1,100.00
Total	\$	<u>100,600.00</u>
Expense		
Operational Expenses		
Administration		2,500.00
Insurance Expense		1,439.00
Legal		1,500.00
NID Trustee/admin		4,500.00
Subtotal		<u>9,939.00</u>
Storm Sewer Maintenance		65,000.00
Total	\$	<u>74,939.00</u>
Net Income		<u><u>25,661.00</u></u>
Beginning Balance	\$	190,147.75
Ending Balance	\$	215,808.75

**Bryan Road CID
Budget to Actual
Year Ending December 31, 2021**

	Actual 2021	Amended 2021 Budget	Original Budget 2021
Income			
CID Use Tax	4,657.55	6,266.00	750.00
CID Sales Tax	29,989.32	25,000.00	33,500.00
CID Special Assessment	64,369.09	64,369.09	65,000.00
Interest Earnings	1,321.59	1,400.00	1,100.00
Total	\$ 100,337.55	\$ 97,035.09	\$ 100,350.00
Expense			
Operational Expenses			
Administration	5,000.00	2,500.00	2,500.00
Insurance Expense	1,705.00	1,439.00	1,439.00
Legal	0.00	1,500.00	1,500.00
NID Trustee/admin	0.00	4,500.00	4,500.00
Subtotal	6,705.00	9,939.00	9,939.00
Storm Sewer Maintenance	65,000.00	65,000.00	65,000.00
Total	\$ 71,705.00	\$ 74,939.00	\$ 74,939.00
Net Income	28,632.55	22,096.09	25,411.00
Beginning Balance	\$ 161,515.20		
Ending Balance	\$ 190,147.75		

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE,
MISSOURI, SETTING THE FILING DATES, TIMES AND
PLACE FOR THE GENERAL MUNICIPAL ELECTION TO
BE HELD ON APRIL 4, 2023 IN THE CITY OF DARDENNE
PRAIRIE, MISSOURI**

WHEREAS, a general municipal election of the qualified voters of the City of Dardenne Prairie, Missouri (the “City”), is to be held in the City on Tuesday, April 4, 2023 (the “2023 General Municipal Election”); and

WHEREAS, at the 2023 General Municipal Election, the offices to be filled are one (1) Alderman for each of the City’s three (3) wards.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF
THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:**

SECTION 1. Any person desiring to seek election to any elective City office at the 2023 General Municipal Election may do so by filing his or her written declaration of candidacy with the Clerk of the City of Dardenne Prairie, Missouri, at City Hall located at 2032 Hanley Road, Dardenne Prairie, Missouri 63368, during regular office hours, from 8:00 a.m. to 4:30 p.m., during the following period: Tuesday, December 6, 2022, through Tuesday, December 27, 2022. The City Clerk shall receive all candidates, during regular office hours, in the order in which they appear, until filing closes.

SECTION 2. Any person who is not qualified for office as provided by State law or City Ordinances shall not be entitled to have his/her name printed on the ballot. No person shall be elected or appointed and sworn into office who is not qualified for such office as provided by State law or City Ordinances.

SECTION 3. The 2023 General Municipal Election shall of be conducted as described and set forth in the Comprehensive Election Act of 1977, §§ 115.001 to 115.641, RSMo., as amended.

SECTION 4. The City Clerk hereby authorized and directed to cause public notice to be given of the 2023 General Municipal Election in accordance with the requirements of Section 115.127, RSMo. The notice of the opening and closing of filing to be published shall be as set forth in **Exhibit A**, attached hereto and made a part hereof.

SECTION 5. That the City Clerk shall notify the St. Charles County Director of Elections, as the designated election authority, in writing, that the City is calling the 2023 General Municipal Election, specifying the purpose of the election and the date and time of the election, and said written notice shall include a certified copy of the legal notice to be published and a sample ballot.

The Director of Elections shall conduct in the City the 2023 General Municipal Election in accordance with State laws.

SECTION 6. Effective Date: This Ordinance shall be in full force and take effect from and after its final passage and approval.

SECTION 7. 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 8. 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.

Read two (2) times, passed, and approved this _____ day of _____, 2022.

As Presiding Officer and Mayor

Attest: _____
City Clerk

Approved this _____ day of _____, 2022.

Mayor

Attest: _____
City Clerk

Exhibit A

NOTICE OF FILING DATE FOR GENERAL MUNICIPAL ELECTION

Pursuant to § 115.127, RSMo., the City of Dardenne Prairie, Missouri, hereby gives notice that the opening filing date for the general municipal election to be held on the 4th day of April, 2023, shall be on December 6, 2022. The offices to be filled are one (1) Alderman for each of the three (3) wards. Filings shall be received by the City Clerk of the City of Dardenne Prairie, Missouri, during regular office hours, from 8:00 a.m. to 4:30 p.m., at City Hall located at 2032 Hanley Road, Dardenne Prairie, Missouri 63368, commencing at 8:00 a.m. on Tuesday, December 6, 2022. The closing date and time for filing shall be 4:30 p.m. on Tuesday, December 27, 2022.

Kimberlie Clark, City Clerk
City of Dardenne Prairie, Missouri

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN INITIAL FUNDING AGREEMENT FOR CONSIDERATION OF THE USE OF PUBLIC INCENTIVES FOR THE DEVELOPMENT OF THE PROPERTY GENERALLY LOCATED AT THE NORTHWEST INTERSECTION OF FEISE ROAD AND BRYAN ROAD

WHEREAS, Mia Rose Investments LLC (the “Developer”) is the owner of real property comprising a total of approximately eighteen and one-half (18.5) acres generally located northwest of the intersection of Feise Road and Bryan Road in the City (the “Property”); and

WHEREAS, the Developer wishes to develop on the Property a mixed-use multi-family and retail facility, together with necessary site improvements and public infrastructure (collectively, the “Development”); and

WHEREAS, To facilitate the Development, the Developer wishes to have the City consider the legality and appropriateness of the use of certain incentives available under Missouri law including, without limitation, creation of a Transportation Development District pursuant to the Missouri Transportation Development District Act, Sections 238.200 to 238.275, RSMo., as amended, or a Community Improvement District pursuant to the Missouri Community Improvement District Act pursuant to Sections 67.1401 to 67.1571, RSMo., as amended (herein jointly and severally referred to as, the “Public Incentive”) for the Property; and

WHEREAS, Subject to the terms of this Agreement, the City desires to have the Developer assist the City in considering the use of the Public Incentive by advancing to the City certain funds to allow the City to pay certain initial costs of the City’s attorneys, engineers and professional consultants which are associated with the review and refinement of the Development as proposed, review associated documentation as prepared by developer’s legal counsel, negotiation and, as applicable, preparation of a definitive development agreement between the Developer and the City, and review of petitions and documentation, legislation and legal requirements for final approval of the Public Incentive (collectively, the “Professional Services”).

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

SECTION 1. Approval of Agreement.

A. That the form, terms, and provisions of the Initial Funding Agreement, attached hereto, marked as Exhibit A, and incorporated by reference herein, by and between the City of Dardenne Prairie, Missouri and Mia Rose Investments LLC (the “Agreement”), be and they hereby are approved and the City Administrator is hereby authorized, empowered and directed to further negotiate, execute, acknowledge, deliver and administer on behalf of the City such Agreement in

substantially the form attached hereto. The City Clerk is hereby authorized and directed to attest to the Agreement and other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of the Agreement and this Ordinance.

B. That the City Administrator is hereby further authorized and directed 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 and appropriate to consummate the above mentioned Agreement, and to perform all of the terms, provisions and conditions of the Agreement. The execution by the City Administrator of any agreement, document, instrument, check or certificate referred to in this Ordinance and the 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 him by this Ordinance are hereby expressly authorized, approved, ratified and confirmed.

SECTION 2. 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 3. Effective Date. This Ordinance shall be in full force and take effect from and after its final passage and approval.

SECTION 4. 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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURE PAGE
FOLLOWS.]

Read two times and passed this ____ day of _____, 2022.

As Presiding Officer and as Mayor

Attest:

City Clerk

Approved this ____ day of _____, 2022.

Mayor

Attest:

City Clerk

EXHIBIT A

INITIAL FUNDING AGREEMENT

THIS INITIAL FUNDING AGREEMENT (this “Agreement”) is made and entered into as of the ____ day of _____, 2021, by and between the CITY OF DARDENNE PRAIRIE, MISSOURI, a city of the fourth class pursuant to the laws of the State of Missouri (the “City”), and Mia Rose Investments LLC, a Missouri limited liability company, having a principal office at 7 Baxter Lane, Chesterfield, Missouri 63017 (the “Developer”).

RECITALS

A. The Developer is the owner of real property comprising a total of approximately eighteen and one-half (18.5) acres generally located northwest of the intersection of Feise Road and Bryan Road in the City (the “Property”).

B. The Developer wishes to develop on the Property a mixed-use multi-family and retail facility, together with necessary site improvements and public infrastructure (collectively, the “Development”).

C. To facilitate the Development, the Developer wishes to have the City consider the legality and appropriateness of the use of certain incentives available under Missouri law including, without limitation, creation of a Transportation Development District pursuant to the Missouri Transportation Development District Act, Sections 238.200 to 238.275, RSMo., as amended, or a Community Improvement District pursuant to the Missouri Community Improvement District Act pursuant to Sections 67.1401 to 67.1571, RSMo., as amended (herein jointly and severally referred to as, the “Public Incentive”) for the Property.

D. Subject to the terms of this Agreement, the City desires to have the Developer assist the City in considering the use of the Public Incentive by advancing to the City certain funds to allow the City to pay certain initial costs of the City’s attorneys, engineers and professional consultants which are associated with the review and refinement of the Development as proposed, review associated documentation as prepared by developer’s legal counsel, negotiation and, as applicable, preparation of a definitive development agreement between the Developer and the City, and review of petitions and documentation, legislation and legal requirements for final approval of the Public Incentive (collectively, the “Professional Services”).

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Advance Funds.** The City hereby acknowledges receipt from the Developer of funds in the amount of Twenty Thousand 00/100 Dollars (\$20,000.00) to be used as preliminary funding in connection with consideration by the City of the legality and appropriateness of the

Developer's use of the Public Incentive in connection with the Development and the Property, all as set forth in the Recitals, (the "Initial Funds"). The City shall allocate and use the Initial Funds as a source of reimbursement of actual costs previously incurred and to be incurred by the City for all legal and professional consulting costs of the City associated with the preparation and the City's consideration of the foregoing and the undertaking of the Professional Services. The Professional Services shall be performed by Hamilton Weber LLC and Gilmore and Bell, P.C. as attorneys for the City, Weis Design Group, Inc, and such other professional consultants as the City may deem necessary from time to time, each at their respective regular hourly rates, (the "Fees") and the City shall pay for such work only in accordance with paragraph 2 below.

2. Disbursement. The City shall hold and disburse the Initial Funds to pay or reimburse the City for payment of the Fees on a monthly basis for any month in which the Fees have been actually incurred by the City. Disbursements shall be made only upon receipt of: (i) invoices for work reasonably and actually performed by the selected attorneys, engineers and professional consultants; (ii) receipts for any and all necessary direct out-of-pocket expenditures incurred by the attorneys, engineers and professional consultants in connection with such work; and (iii) such other supporting documentation as may be reasonably requested by the City (collectively, a "Disbursement Request").

3. Copies of Disbursement Requests. Within ten (10) days after receipt of a written request by the Developer, the City shall forward summaries of such Disbursement Request to the Developer as may be responsive to the Developer's request, as set forth herein. In the event the Developer has questions regarding any such summary Disbursement Request, the Developer shall direct such questions to the City Administrator; *provided, however*, that the City shall not be required to obtain the Developer's approval for payment of any Disbursement Request; and *provided further* that in no event shall the Developer be entitled to obtain copies of actual attorney invoices, it being understood that such invoices remain subject to attorney-client privilege which is not being waived by the City hereunder.

4. **THE DEVELOPER UNDERSTANDS AND ACKNOWLEDGES THAT THIS ARRANGEMENT IS AN ACCOMMODATION TO THE DEVELOPER IN WHICH NEITHER THE CITY NOR HAMILTON WEBER LLC OR GILMORE AND BELL, P.C. ARE PROVIDING LEGAL REPRESENTATION TO THE DEVELOPER AND THAT NO ATTORNEY-CLIENT RELATIONSHIP BETWEEN THE DEVELOPER AND HAMILTON WEBER LLC OR GILMORE AND BELL, P.C. SHALL EXIST BY ANY REASON INCLUDING, BUT NOT LIMITED TO, THE DEVELOPER'S PAYMENT OF THE CITY'S LEGAL COSTS.**

5. Negotiation of Development Agreement. The City further agrees to, in good faith, consider the application of the Public Incentive, and to negotiate in good faith and use reasonable efforts to agree upon a mutually acceptable definitive development agreement *provided, however* that nothing in this Agreement shall be deemed to obligate the City to approve the Public Incentive for the Property, and the parties acknowledge and agree that such decisions and determinations shall remain within the sole discretion of the governing body of the City, pursuant to the applicable enabling legislation respecting the Public Incentive. Notwithstanding anything to the contrary in

the foregoing, in the event the City for any reason fails to approve the Public Incentive for the Property, this Agreement shall be deemed terminated and any unexpended Initial Funds shall be promptly refunded to the Developer.

6. Right of Termination. The City or the Developer shall have the right to terminate this Agreement at anytime in their sole discretion upon giving the other party ten (10) days' written notice; whereupon ten (10) days following the City's receipt of the Developer's notice or within ten (10) days of the date of the City's notice to the Developer, this Agreement shall be deemed terminated. The City shall pay to the Developer within thirty (30) days of the date of termination the then-existing balance of the Initial Funds remaining after the City's payment of any invoices for work performed by any attorney, engineer or professional consultant through the date of termination.

7. Excess Preliminary Funds. In the event the City does not expend all of the Initial Funds as provided herein (or such earlier date to which City and Developer may jointly agree), the City shall immediately return the remainder of the Initial Funds to the Developer. The Initial Funds are assumed adequate to pay all City costs associated with the Professional Services. In the event that the Initial Funds are not adequate to pay all such costs, the City may request, and the Developer shall promptly provide, the necessary additional funds; *provided, however*, the City shall not be obligated to incur any costs in excess of the Initial Funds or to complete the process of considering or approving the Public Incentive either within or at a greater cost than the amount of the Initial Funds.

8. Notices. All notices and correspondence hereunder shall be in writing and shall be delivered by hand delivery, facsimile, or first class mail, postage prepaid, to the parties as set forth below:

If to the Developer:

Mia Rose Investments LLC
7 Baxter Lane
Chesterfield, Missouri 63017
Attn: Tom Kaiman

With a copy to:

Sandberg Phoenix & Von Gontard, P.C.
600 Washington Ave., 15th Floor
St. Louis, Missouri 63101
Attn: Andrew Ruben

If to the City:

City of Dardenne Prairie, Missouri
2032 Hanley Road
Dardenne Prairie, Missouri 63368
Attn: City Administrator

With a copy to:

Hamilton Weber LLC
200 N. Third Street
St. Charles, Missouri 63301
Attn: John A. Young

9. Miscellaneous.

a. Governing Law: Counterparts. This Agreement shall be governed by Missouri law, and may be signed in counterparts.

b. Severability. If any provision of this Agreement shall be unenforceable, the remainder of this Agreement shall be enforced as if such provision were not contained herein.

c. No Waiver. Failure of any party hereto to enforce its rights hereunder at any time shall not be deemed a waiver of any such rights.

d. Successors and Assigns. This Agreement may not be assigned by any party hereto without the prior written consent of all other parties. No assignment, unless specifically provided for in the consent thereto, shall relieve the assigning party of any liability hereunder. This Agreement shall be binding upon the parties hereto and their heirs, successors and permitted assigns.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date first above written.

MIA ROSE INVESTMENTS LLC
the "Developer"

By: _____
Thomas N. Kaiman

CITY OF DARDENNE PRAIRIE, MISSOURI
the "City"

By: _____
James W. Knowles III, City Administrator

Date: _____

ATTEST:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING VARIOUS PROVISIONS OF CHAPTER 405 OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI; PROVIDING FOR PREFABRICATED STRUCTURES AND SHIPPING CONTAINER STRUCTURES AS CONDITIONAL USES IN THE C-3, RETAIL COMMERCIAL DISTRICT; AND ENACTING REGULATIONS PERTAINING THERETO.

WHEREAS, the Planning and Zoning Commission of the City of Dardenne Prairie, Missouri (the "City"), did consider and recommend against certain amendments to Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, to provide for prefabricated structures and shipping container structures as conditional uses in the C-3, Retail Commercial District; and

WHEREAS, after publishing notice, the Board of Aldermen of the City (the "Board of Aldermen") and the Planning and Zoning Commission of the City did hold duly advertised public hearings on the proposed amendments to the City's zoning regulations; and

WHEREAS, at these public hearings all interested persons and residents were given an opportunity to be heard on the proposed amendments; and

WHEREAS, the Board of Aldermen hereby finds and determines that it is to the benefit of the health, safety and general welfare of the residents of the City to provide for certain amendments to Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, to provide for prefabricated structures and shipping container structures as conditional uses in the C-3, Retail Commercial District;

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

SECTION 1. That Section 405.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by adding thereto the following defined terms:

PREFABRICATED BUILDING

A factory-fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for commercial, educational, or industrial purposes. Prefabricated buildings include shipping container structures, but do not include structures defined as manufactured or mobile homes or constructed with an integral chassis and attached wheels.

SHIPPING CONTAINER

A portable storage container designed and manufactured according to specifications from the International Standards Organization (ISO) as a standard, reusable vessel intended to be loaded on a truck, rail car or ship, used primarily for shipping goods.

SHIPPING CONTAINER STRUCTURE

A structure constructed of one (1) or more shipping containers.

SECTION 2. That Subsection (C) of Section 405.195 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby deleted in its entirety and enacted, in lieu thereof, is a new Subsection (C) of Section 405.195, which shall read as follows:

Section 405.195 "C-3" Retail Commercial District.

C. Conditional Uses.

1. Accessory dwelling units, provided that no more than one (1) accessory dwelling unit shall be permitted per lot.
2. Alcoholic beverages (liquor, beer and wine), retail.
3. Automobile and other motor vehicles, fuel sales (without repair services).
4. Automobile and other motor vehicles, drive-through oil-change facilities.
5. Automobile and other motor vehicles, parts and equipment sales, retail.
6. Automobiles and other passenger vehicles, rental services.
7. Banks, savings and loans, and credit unions with drive-through facilities (does not include check-cashing, payday loans and similar facilities).
8. Banquet hall and party centers.
9. Bars, pubs, nightclubs and taverns.
10. Bowling alleys.
11. Car washes (excluding semi-trailer trucks).
12. Commercial recreation not elsewhere listed, provided all buildings are two hundred (200) feet from a "R" District.
13. Convenience stores (with fuel sales).
14. Drive-through facilities (restaurants, pharmacy, grocery, etc.).
15. Electronic entertainment and communication products, repair.
16. Farmers markets.
17. Farms (roadside stands), retail.
18. Garden centers, greenhouses (commercial) and nurseries, retail only.
19. Gun shops and gunsmiths.
20. Hotels, motels, extended-stay hotels.
21. Health and fitness clubs.
22. Microbreweries within restaurants and do-it-yourself beer- and wine-making stores.
23. Mobile Vending Business Eating and Drinking Garden
24. Outdoor storage or display in connection with, and accessory to, a permitted retail use on the site. Material, product, inventory, goods and/or equipment not displayed

for sale or lease on the site may be permitted in the side and/or rear yard, provided items are screened or enclosed by a masonry wall, sight-proof fence or equivalent landscape hedge not less than six (6) feet in height. Outdoor display of merchandise and goods for lease or sale at retail may be approved without screening subject to any conditions of the conditional use permit.

25. Pet stores.
26. Pool and billiard halls.
27. **Prefabricated buildings.**
28. Secondhand merchandise (including consignment, but not including pawnshops), retail.
29. Sign manufacturing conducted in conjunction with retail sales of signs on the premises. Outdoor storage of any material, product, inventory, goods and/or equipment is prohibited.
30. Wholesale establishment or warehouse in a completely enclosed building.
31. Wireless support structures and wireless facilities.
32. Accessory uses customarily incident to any conditional uses in this Section.
33. Veterinarian.

SECTION 3. That Article V of Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri be and is hereby amended by enacting a new Section 405.437, to read, as follows:

405.437 Prefabricated Structures

- A. Prefabricated structures are only permitted within the “C-3” Retail Commercial District pursuant to a conditional use permit. The use of prefabricated structures is discouraged, and should only be permitted as a conditional use permit upon demonstration by the applicant that such use is compatible and complimentary to adjacent buildings and structures, will not negatively impact the property values of adjacent properties, and is consistent with the comprehensive plan.
- B. No prefabricated structure may be used for residential purposes.
- C. Prefabricated structures may be used for commercial retail purposes from which any goods, wares, flowers, horticultural products, food, drink or similar items may be sold.
- D. Permit Required.
 1. A building permit is required prior to permanent placement of a prefabricated structure ensuring effective anchoring/foundation/placement on a permanent foundation according to the Building Code.
 2. Prefabricated structures shall meet all the zoning requirements of the underlying zoning district, including placement, fencing, and screening, shall have functioning utilities commensurate with their usage and be included in the calculation of overall lot coverage.
 3. Prior to any construction or placing of any prefabricated structure on the building site, the fabricator of such building shall be required to submit to

the Zoning Administrator a certification that the building or dwelling was assembled as per the approved plans and specifications.

4. Shipping Container structures shall be certified by a Missouri licensed professional engineer as structurally sound, shall be fully compliant with Chapter 500, and shall be a permanent structure.

- E. Appearance And Maintenance. Any prefabricated structure must designed to have color, scale and proportions compatible and complimentary to adjacent structures and developments. Any prefabricated structure must be a minimum of 1,280 total square feet, but must not exceed a maximum of 3,200 total square feet. Graffiti, words, murals or logos are not allowed. Shipping container structures shall be painted or treated so as to prevent rust.

SECTION 4. Savings Clause: 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 any manner connected with the subject matter hereof.

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. Effective Date: This Ordinance shall be in full force and take effect from and after its final passage and approval.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURE PAGE FOLLOWS.]

Read two (2) times, passed, and approved this _____ day of _____, 2022.

As Presiding Officer and as Mayor

Attest:

City Clerk

Approved this _____ day of _____, 2022.

Mayor

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING VARIOUS PROVISIONS OF CHAPTER 405 OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI; AND PROVIDING FOR MOBILE VENDING BUSINESS EATING AND DRINKING GARDENS AS A CONDITIONAL USE IN THE C-3, RETAIL COMMERCIAL DISTRICT.

WHEREAS, the Planning and Zoning Commission of the City of Dardenne Prairie, Missouri (the "City"), did consider and recommend certain amendments to certain provisions of Chapter of the Municipal Code of the City of Dardenne Prairie, Missouri, to allow for mobile vending business eating and drinking gardens as a conditional use in the C-3, Retail Commercial District; and

WHEREAS, after publishing notice, the Board of Aldermen of the City (the "Board of Aldermen") and the Planning and Zoning Commission of the City did hold duly advertised public hearings on the proposed amendments to the City's zoning regulations; and

WHEREAS, at these public hearings all interested persons and residents were given an opportunity to be heard on the proposed amendments; and

WHEREAS, the Board of Aldermen hereby finds and determines that it is to the benefit of the health, safety and general welfare of the residents of the City to provide for certain amendments Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, to allow for mobile vending business eating and drinking gardens as a conditional use in the C-3, Retail Commercial District;

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

SECTION 1. That Section 405.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by adding thereto the following defined terms:

MOBILE VENDING BUSINESS EATING AND DRINKING GARDEN

Shall have the same meaning as set forth in Chapter 632 of the City Code.

SECTION 2. That Subsection (C) of Section 405.195 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby deleted in its entirety and enacted, in lieu thereof, is a new Subsection (C) of Section 405.195, which shall read as follows:

Section 405.195 "C-3" Retail Commercial District.

- C. Conditional Uses.
1. Accessory dwelling units, provided that no more than one (1) accessory dwelling unit shall be permitted per lot.
 2. Alcoholic beverages (liquor, beer and wine), retail.
 3. Automobile and other motor vehicles, fuel sales (without repair services).
 4. Automobile and other motor vehicles, drive-through oil-change facilities.
 5. Automobile and other motor vehicles, parts and equipment sales, retail.
 6. Automobiles and other passenger vehicles, rental services.
 7. Banks, savings and loans, and credit unions with drive-through facilities (does not include check-cashing, payday loans and similar facilities).
 8. Banquet hall and party centers.
 9. Bars, pubs, nightclubs and taverns.
 10. Bowling alleys.
 11. Car washes (excluding semi-trailer trucks).
 12. Commercial recreation not elsewhere listed, provided all buildings are two hundred (200) feet from a "R" District.
 13. Convenience stores (with fuel sales).
 14. Drive-through facilities (restaurants, pharmacy, grocery, etc.).
 15. Electronic entertainment and communication products, repair.
 16. Farmers markets.
 17. Farms (roadside stands), retail.
 18. Garden centers, greenhouses (commercial) and nurseries, retail only.
 19. Gun shops and gunsmiths.
 20. Hotels, motels, extended-stay hotels.
 21. Health and fitness clubs.
 22. Microbreweries within restaurants and do-it-yourself beer- and wine-making stores.
 23. **Mobile Vending Business Eating and Drinking Garden**
 24. Outdoor storage or display in connection with, and accessory to, a permitted retail use on the site. Material, product, inventory, goods and/or equipment not displayed for sale or lease on the site may be permitted in the side and/or rear yard, provided items are screened or enclosed by a masonry wall, sight-proof fence or equivalent landscape hedge not less than six (6) feet in height. Outdoor display of merchandise and goods for lease or sale at retail may be approved without screening subject to any conditions of the conditional use permit.
 25. Pet stores.
 26. Pool and billiard halls.
 27. Secondhand merchandise (including consignment, but not including pawnshops), retail.
 28. Sign manufacturing conducted in conjunction with retail sales of signs on the premises. Outdoor storage of any material, product, inventory, goods and/or equipment is prohibited.
 29. Wholesale establishment or warehouse in a completely enclosed building.
 30. Wireless support structures and wireless facilities.
 31. Accessory uses customarily incident to any conditional uses in this Section.

32. Veterinarian.

SECTION 3. Savings Clause: 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 any manner connected with the subject matter hereof.

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. Effective Date: This Ordinance shall be in full force and take effect from and after its final passage and approval.

Read two (2) times, passed, and approved this ____ day of _____, 2022.

As Presiding Officer and as Mayor

Attest:

City Clerk

Approved this ____ day of _____, 2022.

Mayor

Attest: _____

City Clerk