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

BOARD OF ALDERMEN
WORKSHOP AGENDA
MARCH 15, 2017
5:30 p.m.

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ITEMS FOR DISCUSSION AND CONSIDERATION

1. Purchase New Copier/Printer for 1st Floor Office
2. Update City Municipal Code to conform to Revised Missouri Statute regulating liquor sales
3. Short Term Goals (0 – 3 year projects)
4. Long Term Goals (3 – 10 year projects)
5. Review of Board of Aldermen Meeting Agenda (03-15-17)

STAFF COMMUNICATIONS

1. City Attorney
2. City Engineer
3. Staff
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

EXHIBIT A

RBA FORM (OFFICE USE ONLY)
MEETING DATE: 4/5/17
Regular (x) Work Session (x)
ATTACHMENT: YES (x) NO ( )
Contract (x) Ordinance ( ) Other ( )

Request for Board Action
By: Staff

Ward _____

- **Description:**

Purchase New Copier/Printer for 1st Floor Office

- **Recommendation: Staff – Approve ( ) Disapprove ( )**

- **Summary/Explanation:**

***Three bids to purchase a Copier/Printer for the office within one year if current printer fails beyond being fixed.**

***GFI is our current IT/Printer Maintenance provider. The Ricoh MPC3503 is the best value for purchase, 150 document feeder, has faster printing capabilities (35 page per minute), largest print 11x17, free mobile print capabilities, maintenance agreement includes all parts, labor, toner, training, support, service calls AND preventative maintenance. Lease option would cost $17,040 over a course of 60 months. Comparable to current model.**

***Marco bid was higher on purchase price and monthly maintenance programs. Slower printing capability (25 page per minute), 160 document feeder, largest print 11x17, more costly maintenance agreement with all parts, labor, toner, training, support, service calls AND preventative maintenance. Lease option would cost $22,228 over a course of 60 months.**

***Americom bid was higher on purchase price for off brand machine, largest print 11x17, slower print speed (25 page per minute), 150 document feeder, best value on maintenance agreement with all parts, labor, toner, training, support, service calls AND preventative maintenance. Lease option would cost $15,618 over a course of 60 months.**

***Lease Option vs. Purchase:**

GFI Ricoh MPC3503	**Lease**	**60 month**	**48 month**	**Purchase**
		$284	**$355**	**$7,859**
Add $108/month in maintenance fees, lease and purchase price($1296yr)				**$9155.00 total**

Marco Konica C258-	**Lease**	**60 month**	**48 month**	**Purchase**
		$225.48	**$279.59**	**$12,175.92**
Add $145/month in maintenance fees, lease and purchase($1740yr)				**$13,915.92 total**

Americom Copystar CS2552ci--	Lease 60 month	36 month	Purchase
	$195.30	$286.51	$9,875
Add $65/month in maintenance fees, lease and purchase($780yr)			$10,655 total

- **Budget Impact:**
- **$6774.93 is available from IT Service Budget**
- **$4792 is available from Computer and Software Budget**
- **Total $ Available 11,566.93**
-

RBA requested by: Terri Voss Date: 3-08-17

GFI DIGITAL, INC.

BEYOND COPIES

Pricing Options for Solution

NOTE: LEASE PRICING INCLUDES MONTHLY MAINTENANCE/COST.

60 MONTH LEASE: $284.00/mo 17K

(Includes 2,500 bw and 1,000 color copies/mo)

48 MONTH LEASE: $355.00/mo 17K

(Includes 2,500 bw and 1,000 color copies/mo)

EXCESS COPIES LEASE: $.008
EXCESS COPIES LEASE: $.0575

CASH PURCHASE: $7859.00/mo

MAINTENANCE FOR CASH PURCHASE: $118.00/mo

(Includes 2,500 bw and 1,000 color copies/mo)

under 2300 Just over 900

EXCESS COPIES CASH: $.01
EXCESS COPIES CASH: $.08

BOTH PROGRAMS INCLUDE: All Parts, All Labor, Drum, Toner, Preventative Maintenance Calls, Intervening Service Calls, IT Setup and Support, Delivery, Installation, On-going training, and Recycling of old equipment if desired.

R.Coh

FREE MOBILE DEVICE PRINTING!!!

UNLIMITED ACCESS TO GFI IT HELP DESK (REMOTELY FIX ISSUES)!!!

FREE PREAPID SHIPPING BOXES FOR TONER RECYCLING!!!

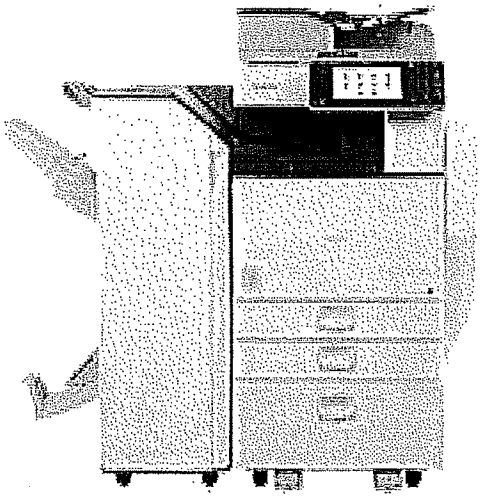
GFI DIGITAL, INC.

BEYOND COPIES

PROPOSED MONTHLY SOLUTION#1

(1)New Ricoh MPC 3503

- 35 Page Per Minute B W and Color
- 2x550 drawer (up to 11x17)
- Cabinet Stand
- 150 doc feeder (SCANS 2 SIDED DOC WITHOUT FLIPPING PAGE UP TO 180 IMAGES PER MINUTE!
- 100 Sheet Bypass Tray
- Super 3g Fax (fax via desktop and in-bound routing capable)
- Booklet Finisher
- Data Security Kit
- Built in Document Server (print commonly used documents on demand)
- Scan to USB, Desktop Folder, FTP, Email, etc
- OCR SCANNING APP (CREATE SEARCHABLE PDF)
- USB Scan / Print
- SD Card Slot
- Free Mobile Device Printing



nvestment Considerations:

Purchase

Equipment	Purchase Price
New Konica Minolta C258	$12,175.92

Maintenance Program

Equipment	Monthly B&W 10,000 Included	Monthly Color 500 Included	Monthly Expense
Konica Minolta C258	$110.00	$35.00	$145.00

Investment Considerations:

60 Month Lease

Equipment	Lease Term	Monthly Lease Payment	Monthly B&W 10,000 Included	Monthly Color 500 Included	Monthly Expense
New Konica Minolta C258	60	$225.48	$110.00	$35.00	$370.48

22K

48 Month Lease

Equipment	Lease Term	Monthly Lease Payment	Monthly B&W 10,000 Included	Monthly Color 500 Included	Monthly Expense
New Konica Minolta C258	48	$279.59	$110.00	$35.00	$424.59

20K

AMERICOM

CELEBRATING 25 Years 1990 EXPERT SERVICE RELATIONSHIPS

Proposed Equipment

City of Dardenne Prairie

Proposed Equipment:	CopyStar CS2552ci
Options Included:	CS 2552ci - 25/25 PPM
	140 Sheet Reversing Automatic Document Processor
	4,000 Sheet Finisher
	Booklet and Tri Folding Unit
	4 Drawers

LEASE OPTIONS		
CopyStar 2552ci		
3 Year 36	5 Year 60	Maintenance Agreement
$286.51	$195.30	$65.00 month
Total Investment		
$351.51	$260.30	
12.6K	15.6K	

Purchase Price: $9,875

- Print speeds up to 25 Pages Per Minute for B/W and 25 Pages Per Minute for Color
- 140 Sheet Automatic Duplex Document Feeder
- 9" Color Touchscreen
- Mobile Print (Print from Phone, iPad, etc. remotely) google Print

AMERICOM

CELEBRATING 25 Years 1990 EXPERT SERVICE RELATIONSHIPS

Maintenance Agreement CS 2552ci

B/W Rate	Color Rate	Lease Payment
0.006	0.05	$195.30

Covered Clicks

# B/W Copies	# Color Copies	Total Cost for Maintenance
2500	1000	
$15	$50	$65
		Total Investment for 60 Mo.
		$260.30

Our Maintenance Information

Customer Service A big part of our success can be attributed to our award-winning customer service. Ask any Americom Imaging Systems customer how they feel about our customer service. We are confident you'll hear very positive reviews. For more than 20 years our highly trained service team has kept our customers' equipment running efficiently, responding quickly when necessary and providing scheduled maintenance year in and year out. We feel customer service is the backbone of our business and its how we've kept customers happy for more than two decades.

Maintenance Details An all-inclusive maintenance agreement is recommended by Americom Imaging Systems. Included in this contract are all parts, labor, toner, trip charges, and supplies. Excluded are staples and paper.

Americom Imaging is Here to Serve:

- ✓ **Automatic Meter Reads**
- ✓ **Automatic Toner Ship**
- ✓ **P/M (Preventative Maintenance) Cleanings Regularly Scheduled**
- ✓ **Toners/Drums/Labor/Parts/Trip Charges/Supplies**
- ✓ **Quarterly Reviews in Person**
- ✓ **Quick Response Time**

BILL NO. 16-_____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING CHAPTER 600 OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE BY DELETING IT IN ITS ENTIRETY AND ENACTING, IN LIEU THEREOF, A NEW CHAPTER 600; AND PROVIDING FOR THE REGULATION AND LICENSING OF INTOXICATING LIQUOR

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

SECTION 1. That Chapter 600 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new Chapter 600, to read as follows:

CHAPTER 600: ALCOHOLIC BEVERAGES

SECTION 600.010 DEFINITIONS.

When used in this Chapter, the following words shall have the following meanings:

~~AMUSEMENT PLACE: Any establishment whose business building contains a square footage of at least six thousand (6,000) square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played or has a dance floor of at least twenty-five hundred (2,500) square feet or any outdoor golf course with a minimum of nine (9) holes, and which has annual gross receipts of at least one hundred thousand dollars ($100,000.00) of which at least fifty thousand dollars ($50,000.00) of such gross receipts is in non-alcoholic sales.~~

CLOSED PLACE: A place where all doors are locked and where no patrons are in the place or about the premises.

FINANCIAL INTEREST: All interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the enterprise, after the payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever.

GOOD MORAL CHARACTER: Honesty, fairness, and respect for the rights of others and for the laws of the State and nation.

1. The following factors shall be considered when making a determination of whether an applicant or licensee under this Chapter has good moral character:

a. The nature and character of the business for which the license is sought;

b. The manner in which the person has conducted his/her/its business; and

c. The manner in which the person has observed or violated the law.

2. If a person has been convicted of a crime of the State of Missouri or the United States of America, or of any crime of any other state or country that would have been a crime under the laws of the State of Missouri, or an offense of this City, the following factors shall also be weighed in determining if a person has good moral character:

a. The type of crime(s) or offense(s) for which a person has been convicted;

b. The circumstances surrounding the crime(s) or offense(s) for which a person has been convicted;

c. The proximity in time of the conviction(s) to the application for a license;

d. The conduct of the person since the date of conviction; and

e. Whether the crime the person is convicted of is reasonably related to the competency of the person to exercise the licensed business.

3. Notwithstanding the foregoing, a conviction cannot be the sole grounds on which a person is determined to lack good moral character. If a person is pardoned from a conviction, the underlying guilt for the crime or offense may still be evidence of such person's good moral character.

INTOXICATING LIQUOR: Alcohol for beverage purposes, including alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (0.5%) by volume. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter.

LIGHT WINES: An intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

MALT LIQUOR: An intoxicating liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight manufactured from pure hops or pure extract of hops, or pure barley malt, or wholesome grains or cereals, and wholesome yeast, and pure water.

MICROBREWERY: Means a business whose primary activity is the brewing and selling of beer, with an annual production of ten thousand (10,000) barrels or less.

ORIGINAL PACKAGE: Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit and consisting of one (1) or more bottles or other containers of intoxicating liquor, where the package and/or container(s) describes the contents thereof as intoxicating liquor. "Original package" shall also be construed and held to refer to any package containing ~~three~~ one (~~3~~1) or more standard bottles, cans or pouches of beer.

PERSON: An individual, association, firm, joint stock company, syndicate, partnership. corporation, receiver, trustee, conservator, or any other officer appointed by any State or Federal court.

RESIDENT CORPORATION: A corporation incorporated under the laws of the State of Missouri, all the officers and directors of which, and all the stockholders, who legally and beneficially own or control sixty percent (60%) or more of the stock in amount and in voting rights, shall be qualified legal voters and taxpaying residents of the city or county in which they reside and who shall have been bona fide residents of the State of Missouri for a period of three (3) years continuously immediately prior to the date of filing of application for a license, provided that a stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall own, legally and beneficially, at least sixty percent (60%) of all the financial interest in the business to be licensed under this law; provided, that no corporation, licensed under the provisions of this Chapter on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new requirements herein, except corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent (5%) by weight, or owned or controlled, directly or indirectly, by nonresident persons, partnerships or corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent (5%) by weight.

~~RESORT: Any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars ($75,000.00) per year with at least fifty thousand dollars ($50.000.00) of such gross receipts from non-alcoholic sales, or means a seasonal resort restaurant with food sales as determined in Subsection (2) of Section 311.095, RSMo. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the~~

~~purpose of meeting the annual gross food receipts requirements of this definition, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.~~

RESTAURANT BAR: Any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises~~ or which has an annual gross income of at least two hundred thousand dollars ($200,000.00) from the sale of prepared meals or food consumed on such premises~~.

WINE MANUFACTURER: Any person, partnership, association of persons, or corporation who has procured a license under Section 600.020(B)(2) or (4) and who manufactures in excess of two hundred (200) gallons of wine per calendar year.

WINERY: Means any establishment at which wine is made.

SECTION 600.015 SALE BY THE DRINK DEFINED.

The sale of any intoxicating liquor except malt liquor, in the original package in any quantity less than fifty (50) milliliters shall be deemed "sale by the drink" and may be made only by a holder of a retail liquor dealer's license and, when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

SECTION 600.020 LICENSE REQUIRED — CLASSES OF LICENSES.

A. No person shall, either by himself/herself or through the use of agents or servants, engage in the manufacture, brewing, distillation, blending, sale, offering for sale or distribution of intoxicating liquor~~s~~ within the City of Dardenne Prairie at wholesale or retail, or solicit orders for the sale of intoxicating liquor within the City, without first having obtained a license authorizing such manufacture, brewing, distillation, blending, sale, offering for sale or distribution in compliance with the terms of this Chapter. A separate license shall be required for each place of business.

B. General Licenses. Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor:

1. Manufacturers of ~~beer~~malt liquor: Manufacture~~rs~~ing and brewing malt liquor~~ of beer~~ containing not ~~more~~ in excess of~~than~~ five percent (5%) of alcohol by weight~~.~~ and selling to duly licensed wholesalers and soliciting orders for the sale of malt liquors containing not in excess of five percent (5%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City~~The license provides for the manufacturer to distribute such beer as a wholesaler, but shall not include the right to sell as a retailer~~.

2. ~~Distillers and m~~Manufacturers of liquor~~s~~ less than 22% alcohol by weight: Manufacturing~~ers or distillers of~~ intoxicating liquor~~s~~ containing alcohol not in excess of ~~five~~ twenty-two percent (~~5~~22%) of alcohol by weight and selling to duly licensed

wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City~~. The license provides for the manufacturer to distribute as a wholesaler, but shall not include the right to sell as a retailer~~.

3. Manufacturers of liquor of all kinds: Manufacturing, distilling or blending intoxicating liquor of all kinds within the City and selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this City.

4. Manufacturing wine or brandy: Manufacturing wine or brandy in quantities not to exceed five hundred thousand (500,000) gallons, not in excess of eighteen percent (18%) of alcohol by weight for wine, or not in excess of thirty-four (34%) percent of alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey, and vegetables produced or grown in the state of Missouri, exclusive of sugar, water and spirits.

~~3~~5. Sale to ~~W~~wholesalers ~~and distributors~~ of ~~beer~~malt liquor: ~~Distributors or~~Selling to duly licensed wholesalers and soliciting orders for the sale of ~~beer~~ malt liquor containing not in excess of five percent (5%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.

~~4~~6. Sale to ~~W~~wholesalers ~~and distributors~~ of liquor—less than 22% alcohol by weight: ~~Distributors or~~Selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor~~s~~ containing not in excess of ~~five~~ twenty-two percent (~~5~~22%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.

7. Sale to wholesalers of liquor of all kinds: Selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this City.

~~5~~8. Microbrewery: Manufacturing beer and malt liquor in quantities not to exceed ~~For a business whose primary activity is the brewing and selling of beer, with an annual production of~~ ten thousand (10,000) barrels per annum~~or less~~.

9. Wholesalers—malt liquor: Selling intoxicating liquor containing not in excess of five percent (5%) of alcohol by weight by a wholesaler to a person duly licensed to sell such malt liquor at retail and selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent (5%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.

10. Wholesalers—less than 22% alcohol by weight: Selling intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.

11. Wholesalers of liquor of all kinds: Selling intoxicating liquor of all kinds by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this City, except that a license authorizing the holder to sell to duly licensed wholesalers and to solicit orders for sale of intoxicating liquor, to, by or through a duly licensed wholesaler, shall not entitle the holder thereof to sell within the City, direct to retailers.

~~6. Liquor by the drink — extension of premise license: This license shall allow for the sale at retail of all intoxicating liquor by the drink for consumption on the premises. Extension of premise shall be for special events to be held in an area adjoining any door that provides ingress and egress in and out of the establishment. This license shall be for a twenty-four (24) hour period and limited to three (3) times per liquor license year.~~

~~7~~12. Package liquor — malt liquor only: Sales of malt liquor at retail in the original package not for consumption on the premises where sold. ~~This license may include Sunday sales~~.

~~8~~13. Package liquor — all kinds: Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, including sales as set forth in Subsections (B)(~~7~~12) ~~and (8)~~ of this Section.

~~9~~14. Liquor by the drink — malt liquor/light wine only: Sales of malt liquor and light wines at retail by the drink for consumption on the premises where sold~~, including sales as set forth in Subsections (B)(7) and (11) of this Section~~.

~~10~~15. Malt liquor by the drink: Sales of malt liquor at retail by the drink for consumption on the premises where sold~~, which license shall also permit the holder thereof to sell non-intoxicating beer as defined in Section 600.010 of this Chapter and set out in Subsection (B)(12) hereof. This license may include Sunday sales~~.

~~11. Liquor by the drink — non-intoxicating beer: Sales of non-intoxicating beer at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsection (B)(2) of this Section.~~

~~12~~16. Liquor by the drink — all kinds: Sales of all kinds of intoxicating liquor~~, of all kinds~~ at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection (B)(~~9~~13) of this Section.

C. Sunday Sales. Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter, who is licensed to sell intoxicating liquor at retail, may apply for ~~the~~ a ~~following~~ licenses to sell intoxicating liquor at retail on Sundays between the hours of 9:00 A.M. and Midnight~~:~~

~~1. Package liquor — all kinds: Sales of liquor of all kinds in the original package at retail not for consumption on the premises where sold.~~

~~2. Liquor by the drink — restaurant bar: Sales of liquor of all kinds by the drink at retail for consumption on the premises of any restaurant bar.~~

~~3. Liquor by the drink — amusement place: Sales of liquor of all kinds by the drink at retail for consumption on the premises of any amusement place.~~.

D. Permits.

1. Temporary permit for sale by drink. Any person who possesses the qualifications, meets the requirements of, and complies with the provisions of Section 600.030(C) below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.

2. Caterer's permits. Any person who possesses the qualifications, meets the requirements of, and complies with the provisions of Section 600.030(D) or Section 600.030(E) below may apply for a special caterer's permit.

~~2~~3. Tasting permit. Any person who possesses the qualifications, meets the requirements of, and complies with the provisions of Section 600.030(I) below may apply for a tasting permit.~~Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (B)(9) and (C) of this Section above may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption~~.

E. Manufacture for Personal Use.

1. Notwithstanding Subsection A of this Section 600.020, no person at least twenty-one (21) years of age shall be required to obtain a license to manufacture intoxicating liquor for personal or family use. The aggregate amount of intoxicating liquor manufactured per household shall not exceed two hundred (200) gallons per calendar year if there are two (2) or more persons over the age of twenty-one (21) years in such household, or one hundred (100) gallons per calendar year if there is only one (1) person over the age of twenty-one (21) years in such household. Any intoxicating liquor manufactured under this Subsection E shall not be sold or offered for sale.

2. Beer brewed under this Subsection E may be removed from the premises where brewed for personal or family use, including use at organized events, exhibitions, or competitions, such as home brewer contests, tastings, or judging. The use may occur off licensed retail premises, on any premises under a temporary retail license issued under Section 600.020(D)(1) or (2).

3. Any beer brewed under this Subsection E used at an organized event where an admission fee is paid for entry, at which the beer is available without a separate charge, shall not be deemed a sale of beer, provided that the person who brewed the beer receives none of the proceeds from the admission fee and all consumption is conducted off licensed retail premises, under the premises of a temporary retail license issued under Section 600.020(D)(1) or (2).

SECTION 600.030 LICENSE REGULATIONS.

A. Package Sales, Limitations.

1. No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars ($1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter or law.

2. Any person who is licensed to sell intoxicating liquor in the original package at retail may sell from thirty-two (32) to one hundred twenty-eight (128) fluid ounces of draft beer to customers in containers filled by any employee of the retailer on the premises for consumption off such premises. Any employee of the licensee shall be at least twenty-one (21) years of age to fill containers with draft beer. No wholesaler, distributor, or manufacturer of intoxicating liquor may furnish dispensing or cooling equipment, or such containers referenced herein to any person who is licensed to sell intoxicating liquor in the original package at retail as provided in Section 600.020(B)(13). Such containers shall comply with the requirements of Section 311.201, RSMo.

B. Retail Sales for Consumption on Premises~~Newly Opened Restaurant Bars Or Amusement Places.~~

1. Any person licensed to sell liquor at retail by the drink for consumption on the premises where sold may use a self-dispensing system, which is monitored and controlled by the licensee and allows patrons of the licensee to self-dispense beer or wine. Before a patron may dispense beer or wine, an employee of the licensee must first authorize an amount of beer or wine, not to exceed thirty-two (32) ounces of beer or sixteen (16) ounces of wine per patron per authorization, to be dispensed by the self-dispensing system.

2. Nothing in this Chapter shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish self-dispensing or cooling equipment or provide services for the maintenance, sanitation, or repair of self-dispensing systems.

~~1. Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent (50%) of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars ($200,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.~~

~~2. Any new amusement place having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars ($100,000.00) of which at least fifty thousand dollars ($50,000.00) of such gross receipts are in non-alcoholic sales for the first (1st) year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.~~

C. Temporary Permit For Sale By Drink — Certain Organizations.

1. The ~~City Clerk~~Board of Aldermen may issue a permit for the sale of all kinds of intoxicating liquor, including intoxicating liquor in the original package, at retail by the drink ~~intoxicating liquor and non-intoxicating beer~~ for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.

2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor ~~and non-intoxicating beer~~ on that day beginning at 11:00 A.M.

3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.

4. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

D. Temporary Permit For Sale By Drink – Caterers.

1. The Board of Aldermen may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the

premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a festival as defined in Chapter 316, RSMo. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight (168) consecutive hours, and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption.

2. Except as provided in Subparagraph 3 of this Subsection D, all provisions of Chapter 311, RSMo., and this Chapter shall extend to the premises in which such function, occasion or event is held and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises. This temporary permit shall allow the sale of intoxicating liquor in the original package.

3. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent (5%) by weight delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two (72) hours of the expiration of the catering permit issued pursuant to this Subsection D.

E. Special Caterer's License.

1. The Board of Aldermen may issue a special license to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a festival as defined in Chapter 316, RSMo. The special license shall be effective for a maximum of fifty (50) days during any year, and shall authorize the service of alcoholic beverages at such function, occasion, or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption.

2. The Board of Aldermen may issue a special license to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a festival as defined in Chapter 316, RSMo. The special license shall be effective for an unlimited number of functions, occasions, or events during the year, and shall authorize the service of alcoholic beverages at such function, occasion, or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption.

3. Caterers issued a special license pursuant to Subparagraphs 1 and 2 of this Subsection E shall report to the City Clerk the location of each function, occasion, or event three (3)

business days in advance. The report of each function, occasion, or event shall include permission from the property owner, description of the premises, and the date or dates the function, occasion, or event will be held.

4. Except as provided in Subparagraph 5 of this Subsection E, all provisions of Chapter 311, RSMo., and this Chapter shall extend to the premises in which such function, occasion, or event is held and shall be in force and enforceable during all the time that the licensee, its agents, servants, employees, or stock are in such premises. Any special license issued under this Subparagraph 5 of this Subsection E shall allow the sale of intoxicating liquor in the original package.

5. Notwithstanding any other law to the contrary, any caterer who possesses a valid state and valid local liquor license may deliver alcoholic beverages, in the course of his or her catering business.

6. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent (5%) by weight delivered and invoiced under the catering license number, but not used, if the wholesaler removes the product within seventy-two (72) hours of the expiration of the catering function, occasion, or event.

~~D~~F. Operating Hours, Days.

1. No person having a license issued pursuant to this Chapter nor any employee of such person shall sell, give away or permit the consumption of any intoxicating liquor ~~or non-intoxicating beer~~ in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday upon or about his/her premises except as otherwise authorized and licensed for Sunday sales. Any person licensed to sell intoxicating liquor ~~or non-intoxicating beer~~ by the drink shall keep a closed place during the aforementioned prohibited times.

2. When January first (1st), March seventeenth (17th), July fourth (4th) or December thirty-first (31st) falls on Sunday and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

~~E~~G. General License Regulations.

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.

2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.

3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the Clerk may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership, the Clerk, upon being requested, shall permit the remaining partner or partners originally licensed to continue to operate for the remainder of the period for which the license fee has been paid without obtaining a new license.

4. In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the Board. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

~~F~~H. Druggists May Sell And Physicians Prescribe Liquor. Any druggist may have in his/her possession intoxicating liquor purchased by him/her from a licensed vendor under a license pursuant to State law, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this State and lawfully inspected, gauged and labeled as provided by State law; such intoxicating liquor to be used in connection with the business of a druggist in compounding medicines or as a solvent or preservant; provided, that nothing in this Chapter shall prevent a regularly licensed druggist, after he/she procures a license therefor, from selling intoxicating liquor in the original package but not to be drunk or the packages opened on the premises where sold; and provided further, that nothing in this Chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his/her professional judgment for any patient at any time or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as above provided.

I. Tastings.

1. Notwithstanding any other provisions of this Chapter to the contrary, any person possessing the qualifications and meeting the requirements of this Chapter and who is licensed to sell intoxicating liquor in the original package at retail may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises. Nothing in this Subparagraph 1 shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

2. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this Subparagraph, a "sales transaction" shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.

3. Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described Section 600.020(D)(1) or (2).

4. Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide or furnish distilled spirits, wine, or malt beverage samples on a licensed retail premises for customer tasting purposes so long as the winery, distiller, manufacturer, wholesaler, or brewer or designated employee has permission from the person holding the retail license. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with Section 600.030(I)(1) or hold a by-the-drink-for-consumption-on-the-premises-where-sold retail license. No money or anything of value shall be given to the retailers for the privilege or opportunity of conducting the on-the-premises product tasting.

a. Distilled spirits, wine, or malt beverage samples may be dispensed by an employee of the retailer, winery, distiller, manufacturer, or brewer or by a sampling service retained by the retailer, winery, distiller, manufacturer, or brewer. All sampling service employees that provide and pour intoxicating liquor samples on a licensed retail premises shall be required to complete a server training program approved by the Division of Alcohol and Tobacco Control.

b. Any distilled spirits, wine, or malt beverage sample provided by the retailer, winery, distiller, manufacturer, wholesaler, or brewer remaining after the tasting shall be returned to the retailer, winery, distiller, manufacturer, wholesaler, or brewer.

J. Microbreweries.

1. Notwithstanding any other provision of this Chapter to the contrary, the holder of a microbrewer's license may apply for, and the City may issue, a license to sell all kinds of intoxicating liquor by the drink at retail for consumption on the premises of the microbrewery or in close proximity to the microbrewery. No holder of a microbrewer's license, or any employee, officer, agent, subsidiary, or affiliate thereof, shall have more than ten (10) licenses to sell intoxicating liquor by the drink at retail for consumption on the premises.

2. The holder of a microbrewer's license may also sell beer and malt liquor produced on the brewery premises to duly licensed wholesalers. However, holders of a microbrewer's license shall not, under any circumstances, directly or indirectly, have any financial interest in any wholesaler's business, and all such sales to wholesalers shall be subject to the restrictions of Sections 311.181 and 311.182, RSMo.

K. Restaurant Bars.

1. Notwithstanding any other provision of law, it shall not be unlawful for the owner, operator, or employees of a restaurant bar to allow patrons to carry out one or more bottles of unfinished wine, nor shall it be unlawful for patrons of such restaurant bar to carry out one or more bottles of unfinished wine under the following conditions:

a. The patron must have ordered a meal;

b. The bottle or bottles of wine must have been at least partially consumed during the meal;

c. The restaurant bar must provide a dated receipt for the unfinished bottle or bottles of wine; and

d. The restaurant bar must securely reseal the bottle or bottles of wine and place them in one or more one-time-use, tamperproof, transparent bags and securely seal the bags.

2. Notwithstanding any other provision of law, no person who transports one or more bottles of unfinished wine which came from a restaurant bar under the circumstances described in Subparagraph 1 of this Subsection K, in a vehicle, shall be considered to have violated any local ordinance regarding open containers in vehicles so long as such person has in his or her possession the dated receipt from the restaurant bar and the bottle or bottles of wine remain in the restaurant bar-furnished, one-time-use, tamperproof, transparent bags with the seals intact.

3. Notwithstanding any other provision of law to the contrary, any restaurant bar without an on-site brewery that serves twenty (20) or more different types of draft beer may sell thirty-two (32) fluid ounces or more of such beer to customers for consumption off the premises of such restaurant bar.

L. Wineries

1. Notwithstanding any other provision of law, it shall be lawful for the owner, operator, or employees of a winery to allow patrons to carry out one or more bottles of unfinished wine and it shall be lawful for patrons of such winery to carry out one or more bottles of unfinished wine under the following conditions:

a. The bottle or bottles of wine must have been at least partially consumed at the winery;

b. The winery must provide a dated receipt for the unfinished bottle or bottles of wine; and

c. The winery must securely reseal the bottle or bottles of wine and place them in one or more one-time-use, tamperproof, transparent bags and securely seal the bags.

2. Notwithstanding any other provision of law, no person who transports one or more bottles of unfinished wine which came from a winery under the circumstances described under Subparagraph 1 of this Subsection L shall be considered to have violated any state law or local ordinance regarding open containers in vehicles so long as such person has in his or her possession the dated receipt from the winery and the bottle or bottles of wine remain in the winery-furnished, one-time-use, tamperproof, transparent bags with the seals intact.

M. Manufacturing of Wine or Brandy.

1. A manufacturer of wine or brandy licensed under Section 600.020(B)(4) may use in any calendar year such wine- and brandy-making material produced or grown outside the state of Missouri in a quantity not exceeding fifteen percent (15%) of the manufacturer's wine entered into fermentation in the prior calendar year.

2. In any year when a natural disaster causes substantial loss to the Missouri crop of grapes, berries, other fruits, fruit products, honey or vegetables from which wines are made, Section 311.190, RSMo., authorizes the Director of the Department of Agriculture to determine the percent of loss and allow a certain additional percent, based on the prior calendar year's production of such products, to be purchased outside the state of Missouri to be used and offered for sale by Missouri wineries.

3. A manufacturer licensed under Section 600.020(B)(4) may purchase and sell bulk or packaged wines or brandies received from other manufacturers licensed under Section 311.190, RSMo., and may also purchase in bulk, bottle and sell to duly licensed wineries, wholesalers and retail dealers on any day except Sunday, and a manufacturer licensed under Section 311.190, RSMo., may offer samples of wine, may sell wine and brandy in its original package directly to consumers at the winery, and may open wine so purchased by customers so that it may be consumed on the winery premises on Monday through Saturday between 6:00 a.m. and midnight and on Sunday between 9:00 a.m. and 10:00 p.m.

SECTION 600.035 SALES OF LIQUOR PROHIBITED NEAR SCHOOLS AND CHURCHES.

~~The Board shall consider the location of the proposed business for which a license is sought with respect to its proximity to a school, a church, or other buildings regularly used as a place of religious worship and shall have authority to refuse to issue a license when in their judgment the issuance thereof would not be in the best interests of the locality in which the applicant applies for a location of such place. In no event shall the Board approve the issuance of a~~No license shall be granted for the sale of intoxicating liquor within one hundred (100) feet of any school, church or other building regularly used as a place of religious worship; except that when a school, church or place of worship shall thereafter be established within one hundred (100) feet of any place of business licensed to sell intoxicating liquor, renewal of the license shall not be denied for this reason. This Subsection shall not apply to a holder of a license issued pursuant to Section 311.090, 311.218, 311.482, RSMo., or to any premises holding a license issued before January 1, 2004, by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor.

SECTION 600.040 SCHEDULE OF LICENSE FEES.

A. A business license and a liquor license is required for each place of business, and the following liquor license fees for the licenses as described in Section 600.020 of this Code shall be paid annually:

1. General licenses.

a. Manufacturers of ~~beer~~malt liquor: $~~200~~375.00.

b. Manufacturers of liquor—less than 22% alcohol by weight: $300.00.

c. ~~Distillers and m~~Manufacturers of liquor~~s~~ of all kinds: $~~200~~675.00.

d. Manufacturers of wine or brandy: $5.00 for each 500 gallons or fraction thereof of wine or brandy produced up to a maximum license fee of $300.00.

~~e~~e. Sale to wholesalers of malt liquor~~Wholesalers and distributors of beer~~: $~~100~~75.00.

f. Sale to wholesalers of liquor—less than 22% alcohol by weight: $150.00.

~~d~~g. Sale to ~~W~~wholesalers ~~and distributors~~ of liquor of all kinds: $~~150~~675.00.

~~e~~h. Microbrewery: A license fee of $5.00 for each one hundred (100) barrels or fraction thereof, up to a maximum license fee of $250.00~~$200.00~~.

i. Wholesalers—malt liquor: $150.00

j. Wholesalers—less than 22% alcohol by weight: $300.00.

k. Wholesalers of liquor of all kinds: $750.00

~~f. Liquor by the drink — extension of premise license: $50.00.~~

~~g~~l. Malt liquor — original package: $75.00.

~~h~~m. Intoxicating liquor (all kinds) — original package: $150.00.

~~i~~n. Malt liquor — by drink: $75.00.

~~j~~o. Malt liquor and light wines — by drink: $75.00.

~~k~~p. Intoxicating liquor (all kinds) — by drink: $450.00.

2. Sunday sales~~. (Additional fees.)~~

~~a. Intoxicating liquor — original package~~: $300.00.

~~b. Restaurant bars: $300.00.~~

~~c. Amusement places: $300.00.~~

~~d. Liquor by the drink — charitable organizations: $300.00.~~

3. Permits.

a. Temporary permit — ~~by the drink for certain organizations~~original package (7 days ~~max.~~maximum): $~~37.50~~10.00 per day.

b. Temporary permit – for sale by drink (7 day maximum): $10.00 per day.

c. Special Caterer's License (50 day maximum): $500.00 per year.

d. Special Caterer's License (unlimited number of functions): $1,000.00 per year.

~~b~~e. Tasting permit: $37.50.

Of the license fee to be paid for any such license, the applicant shall pay as many twelfths (12ths) as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first (1st).

SECTION 600.050 APPLICATION FOR LICENSE AND RENEWAL.

A. Prerequisite To Grant Of License. No license required by this Chapter shall be granted by the Board of Aldermen unless application has been made as required in this Chapter.

B. Requirements of Applicant.

1. No person shall be granted a license under this Chapter unless such person is of good moral character and a qualified legal voter and a taxpaying resident of the City, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying resident of the City; and, except as otherwise provided under Subsection 4 of this Section B, no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his or her business as such dealer any person whose license has been revoked unless five (5) years have passed since the revocation as provided under Subsection 3 of this Section, or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this Section contained shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this City.

2. (1) No person, partnership or corporation shall be qualified for a license under this Chapter if such person, any member of such partnership, or such corporation, or any officer, director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent (10%) or more of the stock of such corporation, or other financial interest therein, or ten percent (10%) or more of the interest in the business for which the person, partnership or corporation is licensed, or any person employed in the business licensed under this law shall have had a license revoked under this law except as otherwise provided under Subsections 3 and 4 of this Section, or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor since the ratification of the twenty-first amendment to the Constitution of the United States, or shall not be a person of good moral character.

(2) No license issued under this Chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor.

(3) No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor containing alcohol in excess of five percent (5%) by weight, except to a resident corporation.

3. Any person whose license or permit issued under this Chapter has been revoked shall be automatically eligible to work as an employee of an establishment holding a license or permit under this chapter five (5) years after the date of the revocation.

4. Any person whose license or permit issued under this Chapter has been revoked shall be eligible to apply and be qualified for a new license or permit five (5) years after the date of the revocation.

B. Form And Contents. All applications for licenses under the provisions of this Chapter shall be made in writing to the City and shall set forth the following information:

1. Designation of the kind of license desired;

2. Description of the premises to which such license is to apply and the location or address thereof;

3. Name, place of residence and mailing address of the person, individual, association, partnership, and names of partners, or corporation and managing officer thereof, for whom a license is sought;

4. Criminal records check along with the dates and places of all revocation of liquor licenses and all convictions of any law applicable to the manufacture or sale of intoxicating liquor, if any;

5. Term of license;

6. Signature of applicant.

C. Filing And Presentation To Board Of Aldermen. Applications for licenses under this Chapter shall be filed with the City Clerk, the date of filing being noted thereon by the City Clerk, and shall be presented to the Board of Aldermen at its first regular or special meeting thereafter.

D. Deposit Of License Fee — Disposition Of Such Deposit. At the time of filing an application for a license under this Chapter, the applicant shall pay the license fee to City Clerk for the license applied for, either in cash, or by bank draft, money order, certified check or cashier's check, made payable to the City of Dardenne Prairie. The Board of Aldermen shall grant no license unless such deposit of the license fee has been made. If the license is not granted, ~~such amount of~~ the license fee shall be refunded in full to the applicant. If the license is granted, such amount deposited with the application shall be turned over to the City Treasurer who will issue a receipt together with the license to the applicant.

E. When Considered By Board Of Aldermen. No application for a license, whether for a new license, or in renewal of any license previously held by the applicant, shall be formally approved or granted by the Board of Aldermen for at least ten (10) days after filing of any such license application.

F. Grant And Issuance — Contents. No license applied for pursuant to this Chapter shall be granted unless and until a majority of the members elected to the Board of Aldermen shall vote in favor thereof. Upon a vote granting the license applied for, the City Clerk shall issue such license, which shall describe the kind of license; the license fee, the premises on which sale is to be made, the name of the license holder, the date of issuance and period of time for which such license is granted.

G. Term — Proration — Dating Of License Prior To Granting Of License And Extension Of License. Each license issued in compliance with this Chapter shall expire on June thirtieth (30th) next succeeding the beginning date of such license. Of the annual license fee to be paid for any such license, the applicant shall pay as many twelfths as there are months, part of a month to be counted as one (1) month, remaining from the date of the license to the next succeeding June thirtieth (30th). No license shall be given a beginning date prior to the date of approval of the application and granting of such license by the Board of Aldermen.

SECTION 600.055 REFUND OF LICENSE FEE PROHIBITED.

In case any license issued under the provisions of this Chapter is revoked, surrendered or forfeited by the licensee, not used or used for only part of the license period, after effective beginning date of such license, no refund of any license fee or part thereof shall be made.

SECTION 600.060 MINORS.

A. Persons Eighteen Years Of Age Or Older May Sell Or Handle Liquor Or Beer, When.

1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.

2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.

3. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages.

4. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to this chapter may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor.

B. Sales To Minor — Exceptions.

1. Any licensee under this Chapter, or his employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of an ordinance violation ~~misdemeanor~~, except that this Section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the capacity as an employee of a licensed establishment.

2. Any owner, occupant or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his or her parent or guardian, is guilty of an ordinance violation ~~Class B misdemeanor~~. ~~Any second (2nd) or subsequent violation of this Subsection is a Class A misdemeanor.~~

3. It shall be a defense to prosecution under this Section if:

a. The defendant is a licensed retailer, club, drinking establishment or caterer or holds a temporary permit, or an employee thereof;

b. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and

c. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) years of age and of the legal age for consumption of intoxicating liquor.

C. Misrepresentation Of Age By Minor To Obtain Liquor — Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.

1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.

2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.

D. Minors In Possession Of Intoxicating Liquor. Any person under the age of twenty-one (21) years, who purchases or attempts to purchase, or has in his/her possession, any intoxicating liquor as defined in Section 600.010, or who is visibly intoxicated as defined in Section 577.001, RSMo., or has a detectable blood alcohol content of more than two-hundredths of one percent (.02%) or more by weight of alcohol in such person's blood is guilty of an ordinance violation ~~misdemeanor~~.

E. For purposes of prosecution under this Section, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was no intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

SECTION 600.070 MISCELLANEOUS OFFENSES.

A. Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler. It shall be unlawful for any licensee authorized to sell intoxicating liquor at retail to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this State. It shall be unlawful for such retail ~~liquor dealer~~licensee to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.

B. Any licensee authorized to sell intoxicating liquor at retail ~~retailer licensed pursuant to this Chapter~~ shall not:

1. Sell intoxicating liquor with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or

2. Repackage intoxicating liquor with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.

C. Mixing Liquor With Drugs Prohibited. No licensee or any other person shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage any drug or form of methyl alcohol or impure form of alcohol.

D. Unlawful To Sell Unlabeled Liquor — Penalty. It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the Liquor Control Law of Missouri, and any such person upon conviction shall have his/her

license(s) revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.

E. Only Those Liquors Authorized By License To Be Kept On Premises.

~~1.~~ It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee.

~~2. Any retailer licensed pursuant to this Chapter shall not:~~

~~a. Sell intoxicating liquor with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or~~

~~b. Repackage intoxicating liquor with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.~~

F. ~~Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor. It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply intoxicating liquor, or permit such to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.~~

~~G.~~ Drinking In Public Places Prohibited.

1. For purposes of this Section, the term "public place" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.

2. No person shall drink or ingest any intoxicating liquor in or on any public place.

3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while in or upon any public place.

4. Except as otherwise provided herein, ~~N~~no person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container.

H. Live Entertainment On Premises Prohibited. No person licensed for the sale of intoxicating liquor by the drink for consumption on the premises shall permit or allow any live entertainment on the premises. The playing and singing of music solely shall not be considered live entertainment under this Section.

SECTION 600.080 ADMINISTRATION OF LAW — LICENSE SUSPENSION.

A. Suspension Or Revocation Of License — When — Manner. The Board may suspend or revoke the license of any person for cause shown. In such cases the City Clerk shall schedule a hearing before the Board not less than ten (10) days prior to the effective date of revocation or suspension, and prior to the hearing the Clerk shall give not less than ten (10) days' written notice specifying grounds for the suspension or revocation thereof to the licensee of the grounds upon which the license is sought to be revoked or suspended and the time, date and place of the hearing. Notice may be accomplished by personal delivery, U.S. mail or by posting on the licensed premises. The hearing shall be conducted in accordance with Section 600.090 of this Chapter.

B. Grounds For Suspension Or Revocation. A license may be suspended or revoked for any of the following reasons:

1. Violating any of the provisions of either this Chapter, Chapters 311 or 312, RSMo., or any ordinance of the City;

2. Failing to obtain or keep a license from the State Supervisor of Alcohol and Tobacco Control;

3. Making a false affidavit in an application for a license under this Chapter;

4. Failing to keep an orderly place or house;

5. Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license;

6. Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri; or

7. Selling, giving, or otherwise supplying intoxicating liquor to:

a. Any person under the age of twenty-one (21) years,

b. Any person during unauthorized hours on the licensed premises,

c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor, or

d. Any person on the licensed premises during a term of suspension as ordered by the Board.

C. Automatic Revocation/Suspension. A license shall be revoked automatically if the licensee's State liquor license is revoked or if the licensee is convicted in any court of any violation of Chapter 311 or Chapter 312, RSMo., or of any felony violation of Chapter 195, RSMo., in the course of business. A license shall be suspended automatically if the licensee's State liquor license is suspended, and the suspension shall be for a term not less than that imposed by the State.

D. Effect Of Suspension. No person whose license shall have been suspended by order of the Board shall sell or give away any intoxicating liquor during the time such suspension is in effect. Any licensee desiring to keep premises open for the sale of food or merchandise during the period of suspension shall display the Board's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

SECTION 600.090 HEARINGS UPON SUSPENSION OR REVOCATION OF LICENSES.

A. Testimony — Evidence. Hearings before the Board shall be in the nature of informal investigations. Testimony of witnesses and other evidence pertinent to the inquiry may be taken in such hearings, and all proceedings in such hearings shall be recorded. Any person residing or conducting a business within two hundred (200) feet of the proposed establishment shall have the right to produce witnesses and testimony.

B. Witnesses — How Summoned. Subpoenas may be issued by the Board for any person whose testimony is desired at any hearing. Such subpoenas may be served and returns thereon made by any agent and in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Courts of this State. The Board also may issue subpoenas duces tecum requiring the production of documents or other items pertaining to the subject of the inquiry.

C. Witnesses To Be Sworn. Before any witness shall testify in any such hearing, he/she shall be sworn by the City Clerk to tell the truth and nothing but the truth.

D. Decision — Suspension Or Revocation. If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 600.080 of this Chapter, the Board shall issue a written order which shall include specific findings of fact setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended, then no such order shall be issued.

E. Appeal. Any applicant or licensee aggrieved by a decision of the Board may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within ten (10) days of the date of the Board's decision. The Board may delay the implementation of its order pending appeal.

SECTION 600.100 WARNING SIGN DISPLAYED — LIQUOR LICENSES.

~~A.~~ Any person who is licensed to sell or serve alcoholic beverages at any establishment shall place on the premises of such establishment a warning sign as described in this Section. Such sign shall be at least eleven (11) inches by fourteen (14) inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects". The licensee shall display such sign in a conspicuous place on the licensed premises.

~~B. Any employee of the Supervisor of Alcohol and Tobacco Control may report a violation of this Section to the Supervisor, and the Supervisor shall issue a warning to the licensee of the violation.~~

SECTION 2. Savings Clause: Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

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

SECTION 4. Effective Date: This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of Dardenne Prairie, Missouri.

Read two (2) times, passed, and approved this _____ day of _____, 2017.

_____
As Presiding Officer and as Mayor

Attest:

_____
City Clerk

Approved this _____ day of _____, 2017.

_____
Mayor

Attest:

City Clerk

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

BOARD OF ALDERMEN
MEETING AGENDA
MARCH 15, 2017
7:00 p.m.

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL
- Mayor Zucker
- Alderman Klingerman
- Alderman Nay
- Alderman Gotway
- Alderman Koch
- Alderman Wandling
- Alderman Santos

OPEN FORUM

CONSENT AGENDA
1. Board of Aldermen Minutes 3-1-17
2. Workshop Summary 3-1-17
3. Expenditures for Approval 3-15-17
4. Byrne & Jones – Trail & Drainage Improvements – Payment #2 - $27,884.88
5. Treasurer's Report – As of January 31, 2017
6. Treasurer's Report – As of February 28, 2017

ITEMS REMOVED FROM CONSENT AGENDA

PUBLIC HEARING

1. A Conditional Use Permit Application for an approximate 6.25 acres of land more or less of the approximate 15.79 acres of land commonly known as 1575 Bryan Road bounded by Feise Road on the south by Bryan Road on the east and by the "West Branch Tributary B" creek on the north and west, and more particularly described in the Conditional Use Permit Application received by the City on January 30, 2017, from Applicant BFA, Inc., Engineer for Contractor Purchaser/Developer Wal-Mart Stores, Inc. and from the Property Owner Cora Bopp Family Limited Partnership.

NEW BUSINESS

1. **Bill # 17-17**
   AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, PROVIDING FOR THE APPROVAL OF A CONDITIONAL USE PERMIT FOR PROPERTY ZONED C-2, P.U.D., GENERAL COMMERCIAL DISTRICT, PLANNED UNIT DEVELOPMENT, AND GENERALLY LOCATED AT THE NORTHWEST OF THE INTERSECTION OF BRYAN ROAD AND FEISE ROAD

2. **Bill # 17-18**
   AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, PROVIDING FOR THE APPROVAL OF THE FINAL PLAN FOR APPROXIMATELY 10.25 ACRES OF THE CORA MARIE'S MARKETPLACE P.U.D. IN THE CITY OF DARDENNE PRAIRIE, MISSOURI

OLD BUSINESS

1. **Bill # 17-12A**
   AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING CHAPTER 600 OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE BY DELETING IT IN ITS ENTIRETY AND ENACTING, IN LIEU THEREOF, A NEW CHAPTER 600; AND PROVIDING FOR THE REGULATION AND LICENSING OF INTOXICATING LIQUOR

STAFF COMMUNICATIONS

1. City Attorney
2. City Engineer
3. Staff
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

BOARD OF ALDERMEN MINUTES **MARCH 1, 2017**

The City of Dardenne Prairie Board of Aldermen meeting was called to order at 7:12 p.m. The meeting was held at Dardenne Prairie City Hall located at 2032 Hanley Road.

The meeting was opened with the Pledge of Allegiance followed by the invocation by Alderman Gotway.

Present at roll call were Mayor Zucker, Aldermen Santos, Wandling, Klingerman, Koch, Gotway and Nay. Also present were City Clerk Kim Clark, City Engineer Luke Kehoe and City Attorney's David Hamilton and John Young. Staff member Jeff Amelong was also in attendance.

OPEN FORUM – No one present to speak.

CONSENT AGENDA

1. Board of Aldermen Minutes 2-15-17
2. Workshop Summary 2-15-17
3. Expenditures for Approval 3-1-17

With no objections, the consent agenda was approved.

NEW BUSINESS

A motion was made by Alderman Gotway, Seconded by Alderman Nay to read Bill #17-11 for the first time by short title only. Motion passed unanimously.

Bill # 17-11
AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE A CONTRACT WITH THE APPARENT LOW BIDDER FOR THE INSTALLATION OF ASPHALT AT BACKSTOPS AT CITY PARK BALL FIELDS

A motion was made by Alderman Santos, Seconded by Alderman Gotway to read Bill #17-11 for the second time by short title only. Motion passed unanimously.

A motion was made by Alderman Gotway, Seconded by Alderman Santos to put Bill #17-11 to final vote. Roll call was as follows:

Alderman Koch – Aye	Alderman Klingerman- Nay
Alderman Santos – Aye	Alderman Gotway - Aye
Alderman Nay – Aye	Alderman Wandling - Aye

Mayor Zucker declared Bill #17-11 passed and designated it to be Ordinance #1844.

A motion was made by Alderman Gotway, Seconded by Alderman Wandling to postpone Bill #17-12. Motion passed unanimously.

Bill # 17-12
AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING CHAPTER 600 OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE BY DELETING IT IN ITS ENTIRETY AND ENACTING, IN LIEU THEREOF, A NEW CHAPTER 600; AND PROVIDING FOR THE REGULATION AND LICENSING OF INTOXICATING LIQUOR

A motion was made by Alderman Gotway, Seconded by Alderman Koch to read Bill #17-13 for the first time by short title only. Motion passed unanimously.

Bill # 17-13
AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE MAYOR AND CITY TREASURER TO EXECUTE AN FY 2018-2021 TRANSPORTATION IMPROVEMENT PROGRAM SURFACE TRANSPORTATION PROGRAM-SUBALLOCATED FUNDS (STP-S) NEW PROJECT APPLICATION WITH EAST-WEST GATEWAY COORDINATING COUNCIL FOR FINANCING OF THE WELDON SPRING ROAD IMPROVEMENTS PROJECT AND AUTHORIZING AN EXPENDITURE FOR THE APPLICATION FEE FOR SAME

A motion was made by Alderman Gotway, Seconded by Alderman Koch to read Bill #17-13 for the second time by short title only. Motion passed.

A motion was made by Alderman Klingerman, Seconded by Alderman Gotway to put Bill #17-13 to final vote. Roll call was as follows:

Alderman Koch – Aye	Alderman Klingerman- Aye
Alderman Santos – Aye	Alderman Gotway - Aye
Alderman Nay – Aye	Alderman Wandling - Nay

Mayor Zucker declared Bill #17-13 passed and designated it to be Ordinance #1845.

A motion was made by Alderman Gotway, Seconded by Alderman Wandling to read Bill #17-14 for the first time by short title only. Motion passed unanimously.

Bill # 17-14
AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE MAYOR AND CITY TREASURER TO EXECUTE AN FY 2018-2021 TRANSPORTATION IMPROVEMENT PROGRAM SURFACE TRANSPORTATION PROGRAM-SUBALLOCATED FUNDS (STP-S) NEW PROJECT APPLICATION WITH EAST-WEST GATEWAY COORDINATING COUNCIL FOR FINANCING OF THE FEISE ROAD PEDESTRIAN FACILITIES IMPROVEMENTS PROJECT AND AUTHORIZING AN EXPENDITURE FOR THE APPLICATION FEE FOR SAME

A motion was made by Alderman Gotway, Seconded by Alderman Koch to read Bill #17-14 for the second time by short title only. Motion passed unanimously.

A motion was made by Alderman Klingerman, Seconded by Alderman Santos to put Bill #17-14 to final vote. Roll call was as follows:

Alderman Koch – Aye	Alderman Klingerman- Aye
Alderman Santos – Aye	Alderman Gotway - Aye
Alderman Nay – Aye	Alderman Wandling - Aye

Mayor Zucker declared Bill #17-14 passed and designated it to be Ordinance #1846.

A motion was made by Alderman Gotway, Seconded by Alderman Santos to read Bill #17-15 for the first time by short title only. Motion passed unanimously.

Bill # 17-15
AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE MAYOR AND CITY TREASURER TO EXECUTE AN FY 2018-2021 TRANSPORTATION IMPROVEMENT PROGRAM SURFACE TRANSPORTATION PROGRAM-SUBALLOCATED FUNDS (STP-S) NEW PROJECT APPLICATION WITH EAST-WEST GATEWAY COORDINATING COUNCIL FOR FINANCING OF THE HIGHWAY N PEDESTRIAN FACILITIES IMPROVEMENTS PROJECT AND AUTHORIZING AN EXPENDITURE FOR THE APPLICATION FEE FOR SAME

A motion was made by Alderman Gotway, Seconded by Alderman Klingerman to read Bill #17-15 for the second time by short title only. Motion passed unanimously.

A motion was made by Alderman Gotway, Seconded by Alderman Klingerman to put Bill #17-15 to final vote. Roll call was as follows:

Alderman Koch – Aye	Alderman Klingerman- Aye
Alderman Santos – Aye	Alderman Gotway - Aye
Alderman Nay – Aye	Alderman Wandling - Aye

Mayor Zucker declared Bill #17-15 passed and designated it to be Ordinance #1847.

A motion was made by Alderman Gotway, Seconded by Alderman Santos to read Bill #17-16 for the first time by short title only. Motion passed unanimously.

Bill # 17-16
AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AUTHORIZING THE MAYOR AND CITY TREASURER TO EXECUTE AN FY 2018-2021 TRANSPORTATION IMPROVEMENT PROGRAM SURFACE TRANSPORTATION PROGRAM-SUBALLOCATED FUNDS (STP-S) NEW PROJECT APPLICATION WITH EAST-WEST GATEWAY COORDINATING COUNCIL FOR FINANCING OF THE HENNING ROAD TRAIL RECONSTRUCTION PROJECT AND AUTHORIZING AN EXPENDITURE FOR THE APPLICATION FEE FOR SAME

A motion was made by Alderman Santos, Seconded by Alderman Wandling to read Bill #17-16 for the second time by short title only. Motion passed unanimously.

A motion was made by Alderman Wandling, Seconded by Alderman Gotway to put Bill #17-16 to final vote. Roll call was as follows:

Alderman Koch – Aye	Alderman Klingerman- Aye
Alderman Santos – Aye	Alderman Gotway - Aye
Alderman Nay – Aye	Alderman Wandling - Aye

Mayor Zucker declared Bill #17-16 passed and designated it to be Ordinance #1848.

STAFF COMMUNICATIONS
Building Inspector Jeff Amelong mentioned ICD has applied for discharging fireworks on June 23rd.
Alderman Wandling mentioned the need to begin earlier in the future for road project applications.
Alderman Klingerman mentioned the EPA Executive Order issued by President Trump and requested the impact to the City.
Mayor Zucker mentioned the Homeowners Associations dinner on March 23rd and requested topics for discussion. He also mentioned the Mayors Ball will be held on April 1st. He has also been contacted by a Boy Scout for an Eagle Scout Project and requested ideas from the Board.

ADJOURNMENT

A motion was made by Alderman Gotway, Seconded by Alderman Wandling to adjourn the meeting at 8:10 p.m. Motion passed unanimously.

Respectfully submitted,

_____

Kim Clark
City Clerk

WORKSHOP SUMMARY **MARCH 1, 2017**

The City of Dardenne Prairie workshop session was called to order at 5:30 p.m.
The meeting was held at Dardenne Prairie City Hall located at 2032 Hanley Road.

The meeting was opened with the Pledge of Allegiance.

The following were in attendance: Mayor Zucker, Aldermen Nay, Klingerman, Koch, Santos, Gotway and Wandling. Also present were City Clerk Kim Clark, City Engineer Luke Kehoe and City Attorney's David Hamilton and John Young. Staff member Alicia Gay was also in attendance.

ITEMS FOR DISCUSSION AND CONSIDERATION

1. Install paving around the backstop areas on field 2 & 3 on the ballpark
2. Public Works – Intergovernmental Agreement with St. Charles County
3. Update City Municipal Code to conform to Revised Missouri Statute regulating liquor sales
4. Short Term Goals (0 – 3 year projects)

Mary Krikstolaitis, David Greer and Thomas Chaney were in attendance to request a culdesac be installed at the end of St. Theresa Lane.

5. Long Term Goals (3 – 10 year projects)
6. Review of Board of Aldermen Meeting Agenda (03-01-17)

STAFF COMMUNICATIONS

Alderman Wandling requested the details and schedule for the repairs to Devon Drive.
Alderman Nay mentioned the crowd at the city hall park on a recent weekend.
Mayor Zucker mentioned the Homeowners Associations dinner on March 23rd and the Mayors Ball on April 1st.

A motion was made by Alderman Wandling, Seconded by Alderman Gotway to hold a closed session pursuant to RSMo 610.021 section (1) Litigation and Privileged Communications, (2) Real Estate and (11) Bid Specs. Motion passed unanimously. Roll call was as follows:

Alderman Koch – Aye	Alderman Klingerman – Aye
Alderman Wandling – Aye	Alderman Nay – Aye
Alderman Santos - Aye	Alderman Gotway – Aye

CLOSED SESSION

ADJOURNMENT

A motion was made by Alderman Santos, Seconded by Alderman Wandling to adjourn the meeting at 7:07 p.m.

Respectfully submitted,

_____

Kim Clark, City Clerk

EXPENDITURES FOR APPROVAL
3/15/2017

1	AFLAC	March, 2017	275.52
2	Ameren	City Hall	1,164.58
3	Ameren	Concession Stand	132.47
4	Ameren	Hanley Traffic Light	10.24
5	Ameren	Hanley Traffic Light 2	43.88
6	Ameren	Ball Park	131.13
7	Ameren	City Hall Park	161.47
8	Buchheit Supply, Inc.	Mulch	754.88
9	Byrne & Jones	Trail & Drainage Improvements: Payment #2	27,884.88
10	C.N.A. Surety	Annual Bond	283.05
11	Charlies Farm & Home	BaratHaven Trail Maintenance	143.50
12	County Land Maintenance	Mulch City Hall	3,000.00
13	Court-Missouri Department of Revenue	Crime Victims: February, 2017	784.30
14	Court-Sheriff Retirement Fund	Retirement Fund: February, 2017	330.00
15	Court-St. Charles County-Dom Violence Fund	Court Fines: February, 2017	220.00
16	Court-Treasurer; State of Missouri	POST Fees: February, 2017	110.00
17	Cuivre River Electric	Light at Weldon Spring	38.24
18	Cuivre River Electric	Georgetown Park	70.88
19	Cuivre River Electric	St. Williams street lights	29.13
20	Cuivre River Electric	Traffic Signal at Feise/Hanley	68.00
21	First Bank	Credit Card Charges	1,296.63
22	GFI Digital	Copies	159.42
23	Graybar	Light Repair in City Hall Park	150.64
24	Kehoe Engineering	Reimbursable Engineering: January, 2017 (85%)	4,718.25
25	Kehoe Engineering	Engineering: January, 2017	6,647.75
26	Kone, Inc.	Elevator Maintenance to 5/31/17	390.63
27	MyGov	March, 2017	720.00
28	Office Essentials	Office Supplies	9.98
29	Parks: American Carnical Mart	Easter Egg Hunt Supplies	275.10
30	Parks: Andrew Brosseau	Soccer Training Registration Refund	67.00
31	Parks: Johnny Mac's	Baseball Supplies	2,067.25
32	Parks: Ruth Pentecost	Senior Event Cancellation Refund	68.00
33	PASS Security	System Monitoring to 6/30/17	81.00
34	Payroll	Payroll: 3-10-17	17,674.13
35	PGAV	Professional Services to 2-25-17	600.00
36	Playgrounds Unlimited	Playground Equipment Repair	250.00
37	PWSD #2	City Hall Fountain to 2-15-17	30.33
38	PWSD #2	City Hall to 2-15-17	47.75
39	R & R Contracting Service Inc.	Porta Potties - City Hall to 3/23/17	184.00
40	St. Louis Post Dispatch	Public Hearing Notice: Walmart	633.04
41	Stratus Building Solutions	City Hall Cleaning: March, 2017	385.00
42	Windstream	Phone Service	627.48
			72,719.53

Approved by Board of Aldermen 3/15/17

Mayor David C. Zucker

KEC
KEHOE ENGINEERING COMPANY, INC.

March 9, 2017

Mayor David Zucker
City of Dardenne Prairie
2032 Hanley Road
Dardenne Prairie, Missouri 63368

Subject: Byrne and Jones Construction Application and Certificate for Payment No. 2
Trail and Drainage Improvements & Asphalt Repair, Replacement and Sealing at the Dardenne Greenway Parks in Dardenne Prairie, Missouri
City of Dardenne Prairie Project No. 970155

Dear Mayor Zucker,

Kehoe Engineering Company, Inc. approves the work completed by Byrne and Jones Construction associated with the attached Application and Certificate for Payment No. 2 for the subject project, received by the City on February 15, 2017, and recommends payment of $27,884.88.

Please feel free to contact me with any questions.

Very Truly Yours,

KEHOE ENGINEERING COMPANY, INC.

Luke R. Kehoe, P.E., CFM, LEED AP
Principal

Attachment

cc: Kim Clark, City Clerk
Board of Aldermen
Jake Phelps, Byrne and Jones Construction

Byrne & Jones
CONSTRUCTION
13940 St. Charles Rock Road
St. Louis, MO 63044
www.ByrneAndJones.com
Telephone (314) 567-7997 Fax (314) 567-1828

RECEIVED
FEB 15 2017
City of
Dardenne Prairie

--INVOICE--

44823

To: City of Dardenne Prairie
2032 Hanley Road
Dardenne Prairie, MO 63368

Invoice Date:	2/10/2017
Job Number:	JP14654
Customer Order No.:	
Terms:	Net Due Upon Receipt
Estimator:	Jacob Phelps
Job Name:	Dardenne Prairie Trails

Description		Amount
Base Contract:	$	149,345.00
Extra Work / Change orders	$	45,720.50
Revised Contract:	$	195,065.50
Work Completed To Date:	$	204,065.50
Retention (5%):	$	10,203.28
Previous Billings:	$	165,977.35
This Billing:	$	**27,884.88**

NOTICE TO OWNER: FAILURE OF THIS CONTRACTOR TO PAY THESE PERSONS SUPPLYING MATERIAL OR SERVICE TO COMPLETE THIS CONTRAACT CAN RESULT IN THE FILING OF A MECHANIC'S LIEN ON THE PROPERTY WHICH IS THE SUBJECT OF THIS CONTRACT PURSUANT TO CHAPTER 429, RSMo. TO AVOID THIS RESULT YOU MAY ASK THIS CONTRACTOR FOR "LIEN WAIVERS" FROM ALL PERSONS SUPPLYING MATERIAL OR SERVICE FOR THE WORK DESCRIBED IN THIS CONTRACT. FAILURE TO SECURE LIEN WAIVERS MAY RESULT IN YOUR PAYING FOR LABOR AND MATERIAL TWICE.

APPLICATION AND CERTIFICATE FOR PAYMENT

To Owner: City of Dardenne Prairie
2032 Hanley Road
Dardenne Prairie, MO 63368

Project: Dardenne Prairie Trails
Dardenne Prairie

Application Number: 2
Period To: 2/28/2017
Project Number: JP14654
PO #:
Contract Date:

From: Byrne & Jones Construction
13940 St. Charles Rock Rd.
St. Louis, MO 63044

Architect:

Contract For: Asphalt Paving

CONTRACTOR'S APPLICATION FOR PAYMENT:

1.	Original Contract Sum: (See contract)	$158,345.00
2.	Net Change by Change Orders (from breakdown below)	$45,720.50
3.	Contract Sum To Date: (Line 1 +/- 2) $45,722.38	$204,065.50
4.	Total Complete/Stored to Date: (from attached form)	$204,065.50
5.	Retainage:	
	5 % of Completed Work:	$10,203.28
	5 % of Stored Material:	$ -
	Total Retainage:	$10,203.28
6.	Total Earned Less Retained: (Line 4 Less line 5)	$193,862.23
7.	Less Previous Payment: (Line 6 from Previous)	$165,977.35
8.	Current Payment Due: (Line 6 Less 7)	$27,884.88
9.	Balance To Finish, Includes Retained (Line 3 less Line 6)	$10,203.28

CHANGE ORDERS

Additions	Deductions
$45,720.50	

CO #1 = +$29,875.00
CO #2 = +$ 5,494.88
CO #3 = +$ 2,550.00
CO #4 = +$ 7,802.50
Total = +$45,722.38

The undersigned contractor certifies that to the best of Contractor's knowledge, information and belief the work covered by this Application for Payment has been completed in accordance with the Contract Documents.

Contractor: Byrne & Jones Construction

By: Jacob Phelps Date: 2/10/2017

State of: Missouri
County of: St. Louis
Subscribed and sworn before me this
10th day of February 2017

Thea Galantowicz
Notary Public - Notary Seal
State of Missouri
St. Louis County
My Commission Expires: April 13, 2020
Commission #16416931

Notary Public: Thea Galantowicz
Commission Expires: 4/13/2020

ENGINEER'S CERTIFICATE FOR PAYMENT
In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and believe the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED: $27,884.88

BY ENGINEER: John R Kehoe 3/9/2017

This certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

**This certificate is not negotiable.
The amount certified is payable
only to "Contractor" named herein.**

SCHEDULE OF VALUES (CONTINUATION SHEET)

Application Number: 2

Application and Certification for Payment, containing Contractor's signed Certification, is attached. In tabulations below, amounts are stated to the nearest dollar. Use Column I on Contracts where variable retainage for line items may apply.

Application Date: 2/10/2017
Period To: 2/28/2017
Project Number: JP14654
PO #:
Contract Date:

#2 A Item	B Description Of Work	C Scheduled Value	D Work Completed Previous	E Work Completed This Period	F Materials Stored	G Total Completed And Stored	Percent Complete	H Balance To Finish	I Retainage
1	Multi Use Trail Repair	$30,500.00	$30,500.00			$30,500.00	100%	$0.00	$1,525.00
2	Crack Sealing	$3,255.00	$3,255.00			$3,255.00	100%	$0.00	$162.75
3	Sealing	$20,590.00	$20,590.00			$20,590.00	100%	$0.00	$1,029.50
4	Trail Relocation	$104,000.00	$85,000.00	$19,000.00		$104,000.00	100%	$0.00	$5,200.00
5	Change Order 1	$29,875.00	$29,875.00			$29,875.00	100%	$0.00	$1,493.75
		$5,494.88			$5,494.88			$274.74	
6	Change Order 2	$5,493.00	$5,493.00	$5,494.88		$5,493.00	100%	$0.00	$274.65
7	Change Order 3	$2,550.00		$2,550.00		$2,550.00	100%	$0.00	$127.50
8	Change Order 4	$7,802.50		$7,802.50		$7,802.50	100%	$0.00	$390.13
		$204,065.50	**$174,713.00**	**$29,352.50**		**$204,065.50**		**$0.00**	**$10,203.28**

Total	$204,067.38	$204,067.38

KEC

KEHOE ENGINEERING COMPANY, INC.

	Application and Certification for Payment	CONTRAC. - Byrne & Jones Construction				Certificate for Payment No. 2 March 09, 2017															
	Dardenne Greenwat at BaratHaven Trail	ENGR. - Kehoe Engineerin Company, Inc.																			
	Dardenne Prairie Project No. 970155																				
				Byrne & Jones Construction		Prior Quan. Comp.		Prior Dollars Comp.		Current Quan. Comp		Current Dollars Comp.		Total Quan. Comp.		Total Contract $ Comp.		otal Contract % Com		Balance to Finish	
#	Bid Item	Unit	Quan.	Unit Price	Contract Amt.	CONTRAC	ENGR. -	CONTRAC. - B	ENGR. - Keh	CONTRAC	ENGR. -	CONTRAC. -	ENGR. - Keh	CONTRAC	ENGR. -	CONTRAC. - B	ENGR. - Keh	CONTRAC	ENGR. -	CONTRAC. -	ENGR. - Kel
Base Bid																					
	Trail Relocation - BaratHaven																				
1	Trail Relocation (Sheet 1)	LS	1	$ 52,690.00	$ 52,690.00	0.0	0.0	$ -	$ -	0.0	0.0	$ -	$ -	0.00	0.00	$ -	$ -	0%	0%	$ -	$ -
	Trail Maintenance - BaratHaven																				
2	Multi-Use Trail Repair (Sheet 2)	LS	1	$ 15,750.00	$ 15,750.00	1.0	1.0	$ 15,750.00	$ 15,750.00	0.0	0.0	$ -	$ -	1.00	1.00	$ 15,750.00	$ 15,750.00	100%	100%	$ -	$ -
3	Multi-Use Trail Crack Sealing (Sheet 2)	LS	1	$ 2,025.00	$ 2,025.00	1.0	1.0	$ 2,025.00	$ 2,025.00	0.0	0.0	$ -	$ -	1.00	1.00	$ 2,025.00	$ 2,025.00	100%	100%	$ -	$ -
4	Multi-Use Trail Sealing (Sheet 2)	LS	1	$ 10,350.00	$ 10,350.00	1.0	1.0	$ 10,350.00	$ 10,350.00	0.0	0.0	$ -	$ -	1.00	1.00	$ 10,350.00	$ 10,350.00	100%	100%	$ -	$ -
	Underdrain Repair - Bluebird Meadow																				
5	Underdrain Repair (Sheet 3)	LS	1	$ -	$ -	0.0	0.0	$ -	$ -	0.0	0.0	$ -	$ -	0.00	0.00	$ -	$ -	0%	0%	$ -	$ -
Bid Alternates																					
A	Trail Relocation - BaratHaven																				
	Trail Relocation (Sheet 1)	LS	-1	$ 52,690.00	$ (52,690.00)	0.0	0.0	$ -	$ -	0.0	0.0	$ -	$ -	0.00	0.00	$ -	$ -	0%	0%	$ -	$ -
B	Trail Relocation - BaratHaven																				
	Trail Relocation (Sheet 1A)	LS	1	$ 104,000.00	$ 104,000.00	0.82	0.82	$ 85,000.00	$ 85,000.00	0.18	0.18	$ 19,000.00	$ 19,000.00	1.00	1.00	$ 104,000.00	$ 104,000.00	100%	100%	$ -	$ -
C	Trail Maintenance - BaratHaven																				
	Multi-Use Trail Repair (Sheet 2A)	LS	1	$ 14,750.00	$ 14,750.00	1.0	1.0	$ 14,750.00	$ 14,750.00	0.0	0.0	$ -	$ -	1.00	1.00	$ 14,750.00	$ 14,750.00	100%	100%	$ -	$ -
	Multi-Use Trail Crack Sealing (Sheet 2A)	LS	1	$ 1,230.00	$ 1,230.00	1.0	1.0	$ 1,230.00	$ 1,230.00	0.0	0.0	$ -	$ -	1.00	1.00	$ 1,230.00	$ 1,230.00	100%	100%	$ -	$ -
	Multi-Use Trail Sealing (Sheet 2A)	LS	1	$ 10,240.00	$ 10,240.00	1.0	1.0	$ 10,240.00	$ 10,240.00	0.0	0.0	$ -	$ -	1.00	1.00	$ 10,240.00	$ 10,240.00	100%	100%	$ -	$ -
Change Orders																					
CO#1	Relocate trail; Construct one (1) cricket pitch; (Sheet 1B)	LS	1.0	$ 29,875.00	$ 29,875.00	1.0	1.0	$ 29,875.00	$ 29,875.00	0.0	0.0	$ -	$ -	1.00	1.00	$ 29,875.00	$ 29,875.00	100%	100%	$ -	$ -
CO#2	Reconfigure trail intersections (Sheet 1C)	LS	1.0	$ 5,494.88	$ 5,494.88	0.999657	1.0	$ 5,493.00	$ 5,494.88	0.0	0.0	$ -	$ -	1.00	1.00	$ 5,493.00	$ 5,494.88	100%	100%	$ -	$ -
CO#3	Remove elec. Panels; Add stumps holes; (Sheets 1D and 2C)	LS	1.0	$ 2,550.00	$ 2,550.00	0.0	0.0	$ -	$ -	1.0	1.0	$ 2,550.00	$ 2,550.00	1.00	1.00	$ 2,550.00	$ 2,550.00	100%	100%	$ -	$ -
CO#4	Unsuitable subgrade Sta. 6+75 to Sta. 9+75	LS	1.0	$ 7,802.50	$ 7,802.50	0.0	0.0	$ -	$ -	1.0	1.0	$ 7,802.50	$ 7,802.50	1.00	1.00	$ 7,802.50	$ 7,802.50	100%	100%	$ -	$ -
		TOTAL CONTRACT AMOUNT			$ 204,067.38			$ 174,713.00	$ 174,714.88			$ 29,352.50	$ 29,352.50			$ 204,065.50	$ 204,067.38	100%	100%	$ -	$ -

CHANGE ORDER

SHEET NO. 1 OF 1

To: City of Dardenne Prairie, Missouri
2032 Hanley Road
Dardenne Prairie, MO 63368

Engineer: Kehoe Engineering Company, Inc.
2920 Sandtrap Drive
Dardenne Prairie, Missouri 63368

Contractor: Byrne & Jones Construction
13940 St. Charles Rock Road
St. Louis, Missouri 63044

Change Order No. 2 07/07/2016
Trail and Drainage Improvements & Asphalt Repair, Replacement and Sealing at the Dardenne Greenway Parks in Dardenne Prairie, Missouri

1. Description and Reason for Change:

Reconfiguration of proposed trail intersection at 10+60.00 and existing trail intersection at 8+37.97 788'R with 30-foot centerline radius pavement per Sheet 1C.

2. Estimate of Cost of Work Affected by this Change Order:

Estimate Line No.	Contract Item No.	Item Description	Units	Units Previously Provided for	Units to be Constructed	Units Under, Over Contingency	Contract or Agreed Unit Price	Amount of Overrun	Amount of Underrun
1	N/A	Installation of 10'-Wide Paved Trail	SY	1277.92	1319.94	42.02	88.80	3,731.76	
2	N/A	Existing pavement removal	SY	412.00	487.83	75.83	23.25	1,763.13	
							TOTALS:	5,494.88	0.00

3. Settlement for Cost of the above change to be made on lump sum basis. (Yes)

4. Contract time for this change order will be increased by: 0 work days.

5. Contract time per various delays will be increased by: 0 work days.

1. Contract Amount	$	158,345.00
2. Overrun(Underrun) this Change Order	$	5,494.88
3. Overrun(Underrun) previous Change Orders	$	29,875.00
4. Total Overrun(Underrun) to Date	$	35,369.88
5. Total Contract Amount	$	193,714.88

SUBMITTED RESIDENT ENGINEER 8/8/2016 DATE

APPROVED MAYOR 10/6/2016 DATE

Byrne & Jones Construction
CONTRACTOR

SIGNATURE Jacob Phelps DATE 10-21-16

TREASURER'S REPORT

As of January 31, 2017

Special Revenue Fund	260,724.17
General Fund	3,582,623.45
Parks & Storm Water Fund	100,060.59
Capital Improvement Sales Tax Fund	407,907.08
Municipal Bond Account	960.45
Escrow/Bond Account	42,568.44
Petty Cash	100.00
Cash Drawer	200.00
TOTAL	**4,395,144.18**

COP Series 2016	2,642.43
Bryan Road NID Bond Fund	249,701.51
Bryan Road NID Bond Reserve Fund	121,489.48

Respectfully submitted,

Kim Clark

Kim Clark

City Clerk/Treasurer

TREASURER'S REPORT

As of February 28, 2017

Special Revenue Fund	197,321.37
General Fund	3,501,548.04
Parks & Storm Water Fund	95,818.15
Capital Improvement Sales Tax Fund	456,068.51
Municipal Bond Account	1,737.22
Escrow/Bond Account	34,756.62
Petty Cash	100.00
Cash Drawer	200.00
TOTAL	**4,287,549.91**

COP Series 2016	2,642.43
Bryan Road NID Bond Fund	140,230.40
Bryan Road NID Bond Reserve Fund	121,512.78

Respectfully submitted,

Kim Clark

Kim Clark

City Clerk/Treasurer
City Clerk/Treasurer

BILL NO. 17-17

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, PROVIDING FOR THE APPROVAL OF A CONDITIONAL USE PERMIT FOR PROPERTY ZONED C-2, P.U.D., GENERAL COMMERCIAL DISTRICT, PLANNED UNIT DEVELOPMENT, AND GENERALLY LOCATED AT THE NORTHWEST OF THE INTERSECTION OF BRYAN ROAD AND FEISE ROAD

WHEREAS, a Conditional Use Permit Application was submitted to the Board of Aldermen, a copy of which is attached hereto as **Exhibit A** and incorporated by reference herein (the "Application"), by BFA, Inc. (the "Applicant"), to allow certain uses described herein on certain real property within the City of Dardenne Prairie more particularly described in **Exhibit B**, a copy of which is attached hereto and incorporated by reference herein, (the "Property"), and owned by Cora Bopp Family Limited Partnership, L.P., a Missouri limited partnership (the "Owner"); and

WHEREAS, the property is zoned C-2, P.U.D., General Commercial District, Planned Unit Development and subject to an Area Plan approved pursuant to Ordinance No. 1807; and

WHEREAS, the uses described in Section 2 of this Ordinance are allowed conditional uses under the Municipal Code of the City of Dardenne Prairie, Missouri, §§ 405.180 and 405.190; and

WHEREAS, the Board of Aldermen of the City of Dardenne Prairie, Missouri, referred the Application to the City's Planning and Zoning Commission; and

WHEREAS, said Planning and Zoning Commission of the City considered the Application and recommended that the Board of Aldermen approve the Conditional Use Permit; and

WHEREAS, the Board of Aldermen and the Planning and Zoning Commission held hearings on the proposed conditional uses at which interested persons and residents of the City were given an opportunity to be heard on the proposed conditional uses; and

WHEREAS, the Planning and Zoning Commission and the Board of Aldermen considered the following:

1. The character of the surrounding area;
2. The traffic conditions of the surrounding area;
3. The public utility facilities;
4. The Comprehensive Plan, a copy of which is available in the office of the City Clerk and incorporated by reference herein;
5. The Application;

6. The Municipal Code of the City of Dardenne Prairie, Missouri, a copy of which is available in the office of the City Clerk and incorporated by reference herein (the "City Code");
7. Ordinance No. 1807 of the City of Dardenne Prairie, Missouri, a copy of which is on file in the office of the City Clerk and incorporated by reference herein ("Ordinance No. 1807");
8. The Area Plan approved pursuant to Ordinance No. 1807, a copy of which is on file in the office of the City Clerk and incorporated by reference herein (the "Area Plan");
9. The Memo from the City Engineer to the Planning and Zoning Commission dated March 3, 2017, a copy of which is attached hereto as **Exhibit C** and incorporated by reference herein;
10. The Site Plan submitted with the Application, prepared by BFA, Inc., dated 2/22/17, referencing JOB No. 4024, which plan is on file in the office of the City Clerk and incorporated by reference herein;
11. The Proposed Elevations attached hereto as **Exhibit D** and incorporated by reference herein (the "Proposed Elevations");
12. The recommendation of the Planning and Zoning Commission;
13. Testimony presented at the hearing before the Planning and Zoning Commission on March 8, 2017, recorded audio of which is on file in the office of the City Clerk and incorporated by reference herein; and
14. Testimony presented at the hearing before the Board of Aldermen on March 15, 2017, recorded audio of which is on file in the office of the City Clerk and incorporated by reference herein;

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

SECTION 1. Based upon the evidence presented to it, and subject to the conditions stated herein, the Board of Aldermen of the City of Dardenne Prairie, Missouri, does hereby find and determine that the use of the Property for the purposes described in Section 2 of this Ordinance:

a. Will not adversely affect the character or the traffic conditions of the surrounding area;
b. Will not adversely affect public utility facilities;
c. Complies with the Comprehensive Plan of the City and with other matters pertaining to the general welfare of its residents; and
d. Meets all of the criteria set forth in § 405.475.B of the City Code.

SECTION 2. The Board of Aldermen of the City of Dardenne Prairie, Missouri, does hereby authorize the following uses of the Property, subject to the Applicant's and Owner's compliance with all conditions set forth in Section 3 of this Ordinance:

a. Business office;
b. Chiropractors and optometrists;

c. Bank or financial institutions;
d. Automobile service station;
e. Bakery with sale of bakery products on the premises;
f. Nursery sales office, building or greenhouse;
g. Personal service uses, including barbershop, beauty parlor, photographic or art studio, or dry cleaning;
h. Retail store, including antique, art, book, candy, camera, cigar, clothing, department, drug, groceries, fresh food, seafood, produce, pharmacy drive through and grocery pick-up, dry goods, furniture, gift, glass, hardware, jewelry, leather, liquor, luggage, music, notions, novelty, pastry, pet, pottery, radio, sporting goods, stationery and toy shops. This "retail store" list of included products is by way of example rather than limitation.
i. Health and wellness services; and
j. Accessory uses customarily incident to the uses listed above.

SECTION 3. Conditions of Issuance:

1. Applicant and Owner, having to the best of their knowledge provided the City with all information required by the appropriate sections of the Zoning Ordinance pertaining to C-2, General Commercial Districts, and P.U.D., Planned Unit Development Districts, agree that any information inadvertently omitted will be provided upon request, as soon as it may reasonably be obtained.

2. Applicant and Owner (or their successors in interest) agree that all improvements shall be constructed to meet all applicable federal, state and local codes and shall comply with all of the City's applicable ordinances and construction standards.

3. Applicant and Owner (or their successors in interest) agree that the Property shall be used in compliance with all requirements of the City Code.

4. Applicant and Owner (or their successors in interest) agree that all structures built on the Property shall be constructed in conformance with the Proposed Elevations.

5. The Conditional Use Permit granted by this Ordinance is subject to the Applicant's and Owner's (or their successors in interest) compliance with the conditions reflected on the Site Plan prepared by BFA, Inc., dated 2/22/17, referencing JOB No. 4024, which Site Plan is on file in the office of the City Clerk and incorporated by reference herein.

6. The Conditional Use Permit granted by this Ordinance is subject to the Applicant's and Owner's (or their successors in interest) compliance with Ordinance No. 1807 and the Area Plan approved pursuant thereto.

7. Any violation of a requirement, term, condition or safeguard contained herein shall be considered a violation of Chapter 405 of the Municipal Code, subject to the applicable penalties contained therein and grounds for the Board of Aldermen to take all such actions as may be necessary to terminate and cancel the conditional use permit approved pursuant to this ordinance.

SECTION 4. Effective Date: This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of Dardenne Prairie, Missouri.

SECTION 5. 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 6. 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 _____, 2017.

_____
As Presiding Officer and as Mayor

Attest:

_____
City Clerk

Approved this _____ day of _____, 2017.

_____
Mayor

Attest:

_____
City Clerk

EXHIBIT A

DARDENNE PRAIRIE

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

CONDITIONAL USE PERMIT APPLICATION

CITY OF DARDENNE PRAIRIE, MISSOURI
www.DardennePrairie.org

APPLICANT:

BFA, Inc.
Company Name

Rick Rohlfing, PE
Printed Name, Title

103 Elm Street
Street Address

Washington, MO 63090
City/State/Zip Code

636-231-4325 855-206-6246
Telephone Facsimile

rrohlfing@bfaeng.com
Email Address

STREET ADDRESS OF CONDITIONAL USE: 1575 Bryan Road

OWNER (attach additional):
Cora Bopp Family Limited Partnership
Printed Name

Printed Name
12715 Irene Marie Way
Street Address

Creve Coeur, MO 63141
City/State/Zip Code

Telephone Facsimile

Email Address

Contract Purchaser/Developer:
Wal-Mart Stores, Inc.
Company Name

Printed Name, Title
2001 S.E. 10th Street, SWDC
Street Address

Bentonville, Arkansas 72716-0550
City/State/Zip Code

479-273-4000
Telephone Facsimile

Email Address

LEGAL DESCRIPTION OF PROPERTY (other than address) Refer to Exhibit "A" attached
Refer also to Exhibit "A-1" attached

EXISTING ZONING: C-2 PROPOSED ZONING: C-2 / PUD

PROPOSED USE: Commercial Uses as described by type in Exhibit "B" attached

NO. UNITS: N/A CUP APPLICATION FEE SUBMITTED: $920

SITE PLAN REVIEW FEE SUBMITTED: Paid as part of the PUD Final Plan

CONDITIONAL USE PERMIT APPLICATION

The decision to recommend approval or denial of the proposed conditional use shall be based on the following criteria.

A. The use complies with all applicable provisions of the zoning ordinance.

The proposed uses comply with the applicable density, setbacks and C-2 use categories allowed with an approved conditional use permit.

B. The use at the specified location will contribute to and promote the welfare and convenience of the public.
The proposed use will be located on a commercial corner located in the northwest quadrant of the intersection of Bryan and Feise Roads. It is a signalized intersection which supports the proposed commercial use and existing commercial development in the area. For convenience of the public, the proposed retail will be open for business 24 hours a day.

C. The use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

The proposed use is located on a commercial corner and any residential is buffered by roadway, other commercial development, and a natural drainageway.

D. The use shall not dominate the immediate neighborhood. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:

1. The location, nature and height of buildings, structures, walls and fences on the site; and

2. The nature and extent of proposed landscaping and screening on the site.

The location and size of the conditional use and the nature and intensity of the operation and construction and site design are consistent with the neighboring commercial developments of a CVS store on the northeast corner of the intersection of Bryan and Feise Roads, and the Quik Trip development on the southeast corner of that same intersection.

E. Off-street parking and loading areas shall be provided in accordance with the standards set forth in the zoning ordinance.

The off-street parking and loading areas are designed in compliance with the City's parking regulations.

F. Adequate utility, drainage and other such necessary facilities must be provided.

The site design provides for adequate utilities, and the stormwater detention complies with the City's storm water regulations. The site design also includes vegetated swales for water quality.

G. Adequate access roads or entrance and exit drives must be provided. (Minimum 25' for 2-way and 14' for 1-way traffic.)

The entrance and exit access design has some enhanced features to move traffic efficiently and effectively in, through and out of the site.

H. In consideration of requests for any conditional use permits, the Planning and Zoning Commission / Board of Aldermen shall require such conditions of use as it deems necessary to protect the best interests of the City and the surrounding property and to achieve the objectives of the zoning ordinance.

The site design achieves several key planning objectives. The traffic management has dedicated truck & delivery points, appropriate provision of vehicle stacking in lanes and unconstrained traffic flow. The commercial conditional uses are located in close proximity of similar uses, and appropriately buffered with hard and soft scape from lesser intense uses.

I. A time limitation may be required.

The Applicant is requesting no time limitation for the conditional use permit, acknowledging that the ordinance by which the conditional use permit would be approved will contain information regarding enforcement of the conditional use permit.

Please Note:

- Prior to approval of a Building Permit, a Construction Site Plan must be reviewed and approved by the City Engineer. In addition, the appropriate Fire Protection District will need to review and approve the development.
- Any signage to be placed on the subject property requires a separate Sign Permit or Master Sign Plan.
- Any business occupying the site requires approval of a Business License.
- All plans, architectural drawings, renderings or other materials or visual aids either submitted to the Commission and/or Board of Aldermen or presented at their meeting shall become the property of the City and part of the permanent record of any approval.

[√] CHECKLIST TO COMPLETE THIS APPLICATION

[✓] Two (2) folded copies of a plot survey/sketch/site plan are provided. This plan shall be drawn to scale and prepared on sheet(s) not to exceed twenty-four (24) inches by thirty-six (36) inches and shall show the lot or lots included in the application; show all structures; give appropriate dimensions, utility easements and other information listed on this application.
Additional copies for distribution to Planning and Zoning Commission (P&Z) and Board of Aldermen members will be requested upon review by the City Engineer.

[✓] Electronic and paper copy of legal description of the property are provided. Electronic files may be sent via email to the City Engineer (engineer@dardenneprairie.org).

[✓] Provide a list of the names and mailing addresses of property owners with property within an area determined by lines drawn parallel to and three hundred (300) feet distant from the boundaries of the subject property. Electronic files may be sent via email to the City Engineer (engineer@dardenneprairie.org).

[✓] A good faith effort shall be made by the petitioner to notify by mail all property owners known to the petitioner whose property is within an area determined by lines drawn parallel to and three hundred (300) feet distant from the subject property of the time and place of the public hearings. Such notices shall be postmarked at least fifteen (15) days prior to the date of the hearings.

Date of 1st Public Hearing: March 8, 2017 Postmark Deadline: February 21, 2017

[✓] The applicant is required to appear before the Planning and Zoning Commission and Board of Aldermen.

Before signing this application, make sure all items above are completed

Rick Rohlfing — 1/27/17
Applicant's Signature — Date

Cora A. Bopp — 1-27-17
Owner's Signature — Date
(additional below)

Attorney for Owner - Cora Bopp Family Limited Partnership

NOTE: By affixing signatures to this application form, the Applicant and Owner hereby verify that: they have reviewed the applicable zoning regulations; they are familiar with the specific requirements relative to this application; and they take full responsibility for this application. The above signatures further indicate that the information provided on this form and on any additional data attached hereto is true, complete, and accurate.

Example of Notice of Public Hearings to be Sent to Adjacent Property Owners

Date: _____

Re: Notice of Public Hearings
Dardenne Prairie, Missouri

Dear Property Owner:

Please be advised that the city of Dardenne Prairie, Missouri, will conduct a Public Hearing regarding a Conditional Use Permit application for a tract of land near your property before the Planning and Zoning Commission on Wednesday, [month] [day], [year], at 7:00 p.m., or as soon thereafter as same may be heard, at the city of Dardenne Prairie City Hall located at 2032 Hanley Road in Dardenne Prairie, Missouri, and before the Board of Aldermen on Wednesday, [month] [day], [year], at 7:00 p.m., or as soon thereafter as same may be heard, at the city of Dardenne Prairie City Hall located at 2032 Hanley Road in Dardenne Prairie, Missouri, concerning the following:

Name of Applicant: _____

Name of Owner: _____

Present Zoning Classification: _____

Proposed Zoning Classification: _____

Proposed Use: _____

Property Location: _____

Please be advised that you have the right to be heard at the public hearings. If you have any questions, feel free to contact me at (____) ____ - _____ or the city of Dardenne Prairie at the telephone numbers listed below.

Sincerely,

_____
Petitioner

cc: Kimberlie Clark, Dardenne Prairie City Clerk (636) 561-1718
Luke R. Kehoe, P.E., CFM, Dardenne Prairie City Engineer (636) 978-6008

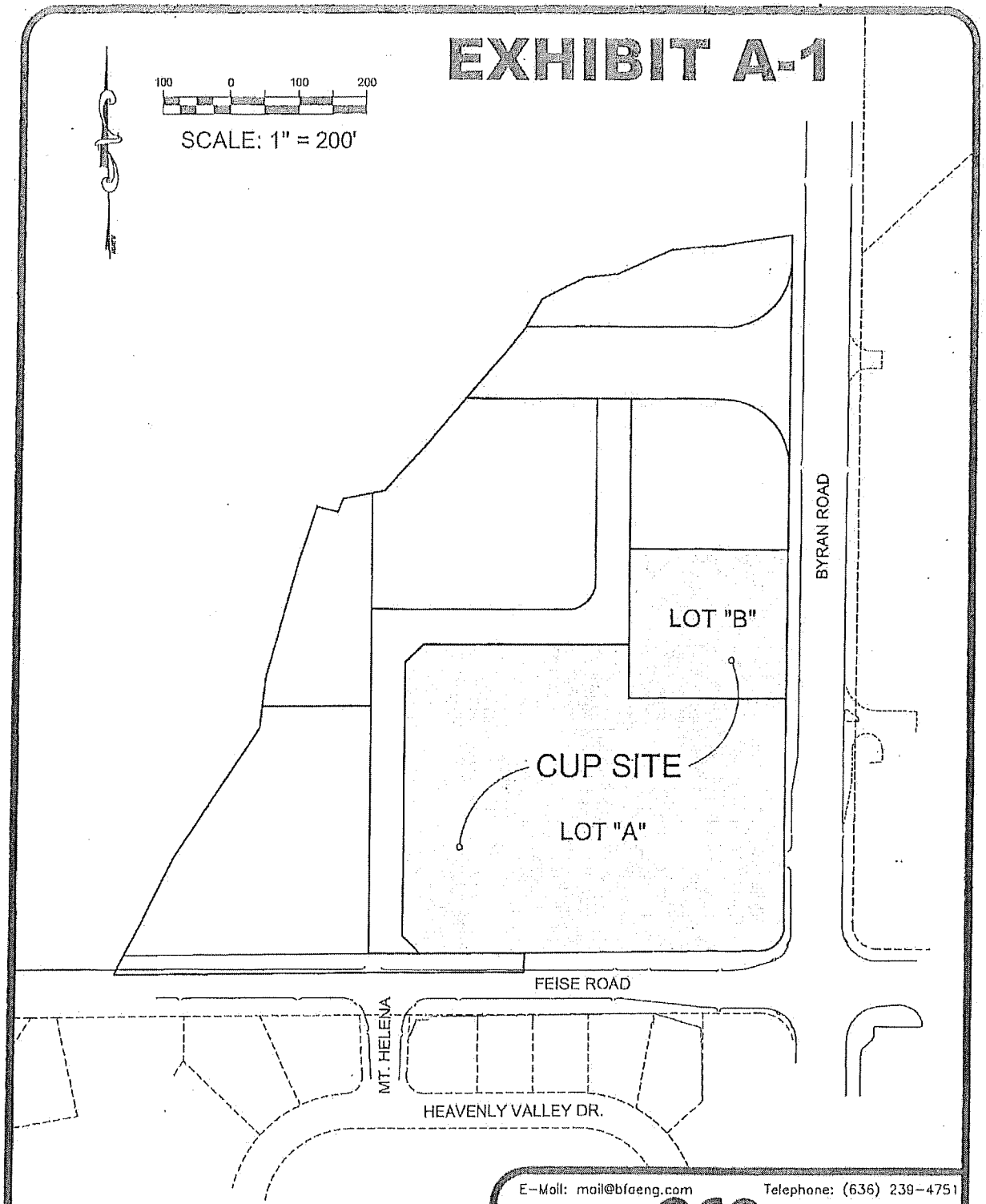
EXHIBIT "A"

DESCRIPTION:

A tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 1, Township 46 North, Range 2 East of the 5th P.M., City of Dardenne Prairie, St. Charles County, Missouri to wit;

Commencing at the intersection of the South line of Bryan Meadows Subdivision recorded in Plat Book 9, Page 19 of the St. Charles County Recorder of Deeds and the west Right of Way line of Bryan Road; thence along said west right of way line S01°-43'-19"W 1397.22 ft. to set iron rod at the point of beginning; continue thence along said west right of way line S01°-43'-19"W 289.79 ft. to a found iron rod, thence S01°-15'-41"W 247.69 ft. to a found iron rod, thence along a curve deflecting to the right having a radius of 35.00 ft., an arc length of 54.75 ft., a chord bearing of S46°-04'-20"W, a chord distance of 49.34 ft. to a found iron rod on the north right of way line of Feise Road; thence leaving said west right of way line along said north right of way line N89°-15'-49"W 339.56 ft. to a found iron rod, thence N88°-56'-36"W 152.78 ft. to a set iron rod; thence leaving said north right of way line N43°-30'-00" 35.91 ft. to a set iron rod; thence N01°-30'-00"E 391.38 ft. to a set iron rod; thence N46°-30'-00"E 35.36 ft. to a set iron rod; thence S88°-30'-00"E 300.98 ft. to a set iron rod; thence N01°-30'-00"E 136.56 ft. to a set iron rod; thence S88°-30'-00"E 226.43 ft. to the point of beginning, containing 6.25 acres, Includes Proposed 0.20 acres of Right-of-Way dedication. Subject to any and all easements, restrictions, conditions, etc. of record. Subject to final survey.

EXHIBIT A-1



E-Mail: mail@bfaeng.com Telephone: (636) 239-4751
BFA
CONSULTANTS-ENGINEERS-SURVEYORS
www.bfaeng.com
103 ELM STREET WASHINGTON, MISSOURI 63090

DWN. BY	DATE	PROJ. NO.	SHEET
E.J.H.	3/4/16	4024	1 OF 1

EXHIBIT B

PERMITTED CONDITIONAL USES

UNDER THE MUNICIPAL CODE OF DARDENNE PRAIRIE, MISSOURI

Applicant requests approval of the following Conditional Uses available under Section 405.190 (C-2, General Commercial District):

The C-2 Permitted uses of:

Business Office

Chiropractors and optometrists

Bank or Financial Institutions

The C-1 (Local Commerical District) conditional uses of:

Automobile Service Station

Bakery with sale of bakery products on the premises

Nursery sales office, building or greenhouse

Personal Service uses including barbershop, beauty parlor photographic studio, or dry cleaning

Retail store, including antique, art, book, candy, camera, cigar, clothing, department, drug, pharmacy drive through and grocery pick-up, dry goods, furniture, gift, glass, hardware, jewelry, leather liquor, luggage, music notions, novelty, pastry, pet, pottery radio, sporting goods, stationery and toy shops. This "retail store" list of included products is by way of example rather than limitation.

Health and wellness services

Accessory uses customarily incident to the uses listed above

RECORDS OF PROPERTY OWNERS WITHIN 300':
4-0033-7097-00-0054.0000000 BRYNER CHARLES*BRYNER HELEN LIVING TRUST 23 HEAVENLY VALLEY DR, DARDENNE PRAIRIE MO, 63368
4-0033-7097-00-0057.0000000 CLINE AARON 17 HEAVENLY VALLEY DR, DARDENNE PRAIRIE MO, 63368
4-0033-7282-00-000A.0000000 PINNACLE POINT PLAT 2 TRUSTEES PINNACLE POINTE DR 10 HEAVENLY VALLEY DR, DARDENNE PRAIRIE MO, 63368
4-0033-7282-00-0084.0000000 KREITNER JAMES CLARENCE*KREITNER GAIL LYNN 1261 PINNACLE POINTE DR, DARDENNE PRAIRIE MO, 63368
4-0033-7282-00-0085.0000000 SCHABER ROBYN 1265 PINNACLE POINTE DR 1301 FEISE RD, DARDENNE PRAIRIE MO, 63368
4-0033-7282-00-0086.0000000 LISTON MICHELLE E 1269 PINNACLE POINTE DR, DARDENNE PRAIRIE MO, 63368
2-0067-S006-00-0009.5000000 SCHNUCK MARKETS INC BRYAN RD 11420 LACKLAND RD, ST LOUIS MO, 63146-3559
4-0033-7097-00-000B.00 PINNACLE POINTE HOMEOWNERS ASSOCIATION 10 HEAVENLY VALLEY DR, DARDENNE PRAIRIE MO, 63368
4-0033-7097-00-0056.00 BADALAMENTI VINCENT A BADALAMENTI PATRICIA A 19 HEAVENLY VALLEY DR DARDENNE PRAIRIE MO, 63368
4-0033-7097-00-0055.00 BENSON ROBERT R 21 HEAVENLY VALLEY DR, DARDENNE PRAIRIE MO, 63368
4-0033-7097-00-0058.0000000 PROPP BLAKE A 15 HEAVENLY VALLEY DR, DARDENNE PRAIRIE MO, 63368

4-0033-7097-00-0059.0000000 GREEN DAVID 11 HEAVENLY VALLEY DR, OFALLON MO, 63368
4-0033-7097-00-0060.0000000 BEESE SARAH L 9 HEAVENLY VALLEY DR, DARDENNE PRAIRIE MO, 63368
4-0033-7097-00-0053.0000000 KUMPULA HANNAH 27 HEAVENLY VALLEY DR, DARDENNE PRAIRIE MO, 63368
4-0033-7097-00-0070.0000000 SMITH RAYMOND C*SMITH RUTH M 22 HEAVENLY VALLEY DR, DARDENNE PRAIRIE MO, 63368
4-0033-7097-00-0069.0000000 MITCHELL GENEVA ODESSA 18 HEAVENLY VALLEY DR, DARDENNE PRAIRIE MO, 63368
4-0033-7097-00-0068.0000000 PRINCE KELLY*PRINCE STEFANIE R 16 HEAVENLY VALLEY DR, DARDENNE PRAIRIE MO, 63368
4-0033-7097-00-0067.0000000 WINKLER ERIC*WINKLER TIFFANY 4-17 FOREST GLEN CIRCLE, MIDDLETOWN CT, 06457
4-0033-7097-00-0066.0000000 MAUS GERALD T II*MAUS CARRIE E 12 HEAVENLY VALLEY DR, DARDENNE PRAIRIE MO, 63368
4-0033-7097-00-0065.0000000 HUNTER MARK A*HUNTER CHERYL L 10 HEAVENLY VALLEY DR, DARDENNE PRAIRIE MO, 63368
4-0033-7097-00-0064.0000000 SKINNER JERRY L*SKINNER SHERYL J 6 HEAVENLY VALLEY DR, DARDENNE PRAIRIE MO, 63368
4-0033-7097-00-0061.0000000 WILLIAMS DIANE 7 HEAVENLY VALLEY DR, DARDENNE PRAIRIE MO, 63368
4-0033-7097-00-0062.0000000 MCDERMOTT MATTHEW*MCDERMOTT CATHERINE 5 HEAVENLY VALLEY DR, DARDENNE PRAIRIE MO, 63368
4-0033-7282-00-0083.0000000 ROGLES DENNIS*ROGLES DONNA 1257 PINNACLE POINTE DR, DARDENNE PRAIRIE MO, 63368-6750
4-0033-7282-00-0033.0000000

ARNET ROBERT J*ARNET BARBARA K 1268 PINNACLE POINTE DR, OFALLON MO, 63368
2-0067-C270-00-0002.0000000 OLYMPUS OFALLON REALTY LLC 54-18 BROADWAY, WOODSIDE NY, 11377
4-0033-S001-00-0001.2000000 BOPP CORA FAMILY LMTD PTNSHP*BUSCH WARREN G*BUSCH GRACE L*ALDRICH WILLIAM R*ALDRICH IRENE M* 12715 IRENE MARIE WAY, ST LOUIS MO, 63141
4-0033-S001-00-0001.2300000 BOPP CORA FAMILY LMTD PTNSHP*BUSCH WARREN G*BUSCH GRACE L*ALDRICH WILLIAM R*ALDRICH IRENE M* 12715 IRENE MARIE WAY, ST LOUIS MO, 63141
4-0034-9945-00-0001.0000000 SFG LL 2011-1 LLC 3414 PEACHTREE RD NE STE 250, ATLANTA GA, 30326

EXHIBIT B

DESCRIPTION:

A tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 1, Township 46 North, Range 2 East of the 5th P.M., City of Dardenne Prairie, St. Charles County, Missouri to wit;

Commencing at the intersection of the South line of Bryan Meadows Subdivision recorded in Plat Book 9, Page 19 of the St. Charles County Recorder of Deeds and the west Right of Way line of Bryan Road; thence along said west right of way line S01°-43'-19"W 1397.22 ft. to set iron rod at the point of beginning; continue thence along said west right of way line S01°-43'-19"W 289.79 ft. to a found iron rod, thence S01°-15'-41"W 247.69 ft. to a found iron rod, thence along a curve deflecting to the right having a radius of 35.00 ft., an arc length of 54.75 ft., a chord bearing of S46°-04'-20"W, a chord distance of 49.34 ft. to a found iron rod on the north right of way line of Feise Road; thence leaving said west right of way line along said north right of way line N89°-15'-49"W 339.56 ft. to a found iron rod, thence N88°-56'-36"W 152.78 ft. to a set iron rod; thence leaving said north right of way line N43°-30'-00" 35.91 ft. to a set iron rod; thence N01°-30'-00"E 391.38 ft. to a set iron rod; thence N46°-30'-00"E 35.36 ft. to a set iron rod; thence S88°-30'-00"E 300.98 ft. to a set iron rod; thence N01°-30'-00"E 136.56 ft. to a set iron rod; thence S88°-30'-00"E 226.43 ft. to the point of beginning, containing 6.25 acres, Includes Proposed 0.20 acres of Right-of-Way dedication. Subject to any and all easements, restrictions, conditions, etc. of record. Subject to final survey.

EXHIBIT C

MEMO

TO: Dardenne Prairie Planning and Zoning Commission

FROM: Luke R. Kehoe, P.E., CFM, LEED AP
Kehoe Engineering Company, Inc. (KEC)

DATE: March 3, 2017

SUBJECT: Planning and Zoning Commission Meeting Scheduled for March 8, 2017

Items for consideration at this meeting include:

PUBLIC HEARINGS:

1. **A Conditional Use Permit Application for an approximate 6.25 acres of land more or less of the approximate 15.79 acres of land commonly known as 1575 Bryan Road bounded by Feise Road on the south by Bryan Road on the east and by the "West Branch Tributary B" creek on the north and west, and more particularly described in the Conditional Use Permit Application received by the City on January 30, 2017, from Applicant BFA, Inc., Engineer for Contractor Purchaser/Developer Wal-Mart Stores, Inc. and from the Property Owner Cora Bopp Family Limited Partnership.** This Conditional Use Permit Application that was received by the City on January 30, 2017, is similar to the Conditional Use Permit Application that was received by the City on March 7, 2016. The present zoning classification of this land is "C-2" General Commercial, Planned Unit Development. This application has been made to allow the various uses listed in enclosed Exhibit B of the recently submitted Conditional Use Permit Application at this approximate 6.25 acres (proposed Lot A and Lot B of the planned "Cora Marie's Marketplace" Planned Unit Development).

   Upon review of the Conditional Use Permit Application and the P.U.D., Final Plan, the enclosed 1st Review comment letter was sent to the Applicant on February 15, 2017. On February 22, 2017, the City received the enclosed revised P.U.D Final Plan dated 2/22/17 and the enclosed building elevation plans. Upon review, the enclosed 2nd Review comment letter was sent to the Applicant on March 2, 2017.

NEW ITEMS:

1. **A Conditional Use Permit Application for an approximate 6.25 acres of land more or less of the approximate 15.79 acres of land commonly known as 1575 Bryan Road bounded by Feise Road on the south by Bryan Road on the east and by the "West Branch Tributary B" creek on the north and west, and more particularly described in the Conditional Use Permit Application received by the City on January 30, 2017, from Applicant BFA, Inc., Engineer for Contractor Purchaser/Developer Wal-Mart Stores, Inc. and from the Property Owner Cora Bopp Family Limited Partnership.** From Public Hearing Item 1 above.

2. **A P.U.D. Request – Final Plan for an approximate 10.25 acres of land more or less of the approximate 15.79 acres of land commonly known as 1575 Bryan Road bounded by Feise Road on the south by Bryan Road on the east and by the "West Branch Tributary B" creek on the north and west, and more particularly described in the P.U.D. Request – Final Plan received by the City on January 30, 2017, from Applicant BFA, Inc., Engineer for Contractor Purchaser/Developer Wal-Mart Stores, Inc. and from the Property Owner Cora Bopp Family Limited Partnership.** This P.U.D. Request – Final Plan that was received by the City on January 30, 2017, is similar to the P.U.D. Request – Final Plan that was received by the City on March 7, 2016. The present zoning classification of this land is "C-2" General Commercial, Planned Unit Development. This application has been made to allow the development of the first phase of the planned "Cora Marie's Marketplace" Planned Unit Development.

   Upon review of the Conditional Use Permit Application and the P.U.D., Final Plan, the enclosed 1st Review comment letter was sent to the Applicant on February 15, 2017. On February 22, 2017, the City received the enclosed revised P.U.D. Final Plan dated 2/22/17 and the enclosed building elevation plans. Upon review, the enclosed 2nd Review comment letter was sent to the Applicant on March 2, 2017.

EXISTING ITEMS:

1. **None.**

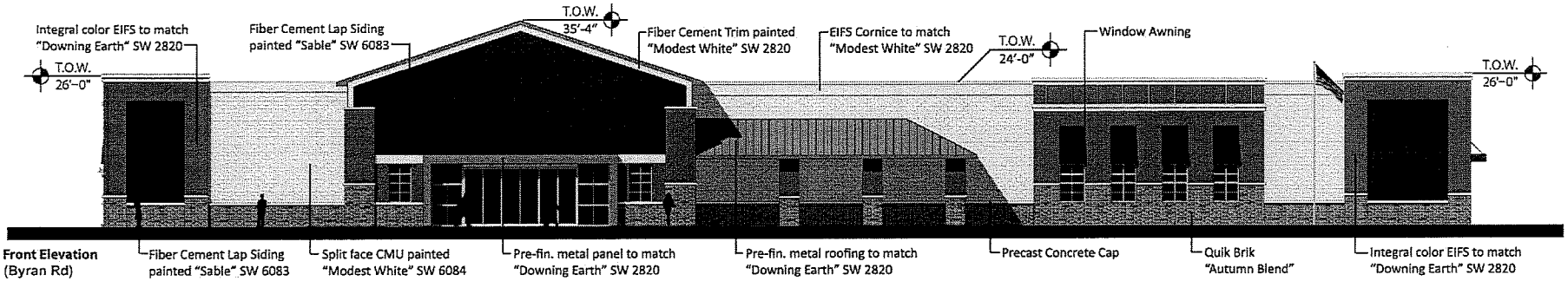
INFORMATION ONLY:

2. **None.**

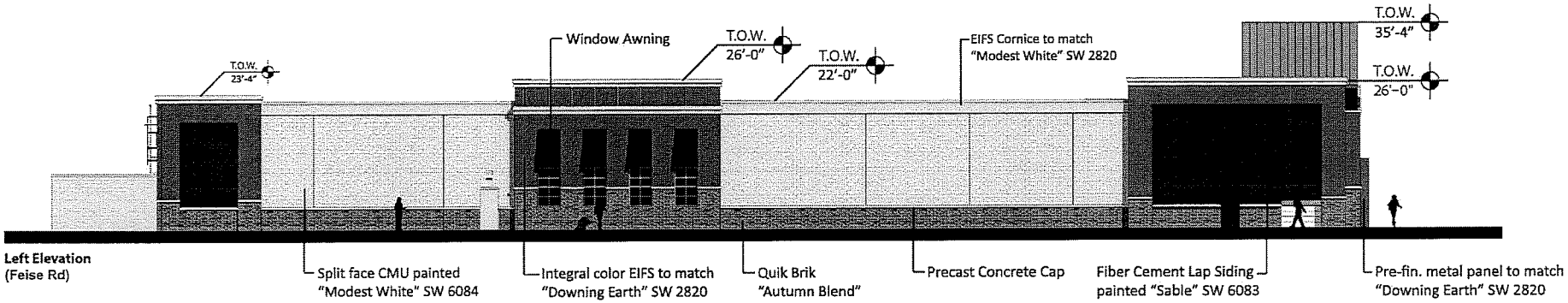
Enclosures

cc: Board of Aldermen
Kim Clark, City Clerk
John Young, City Attorney

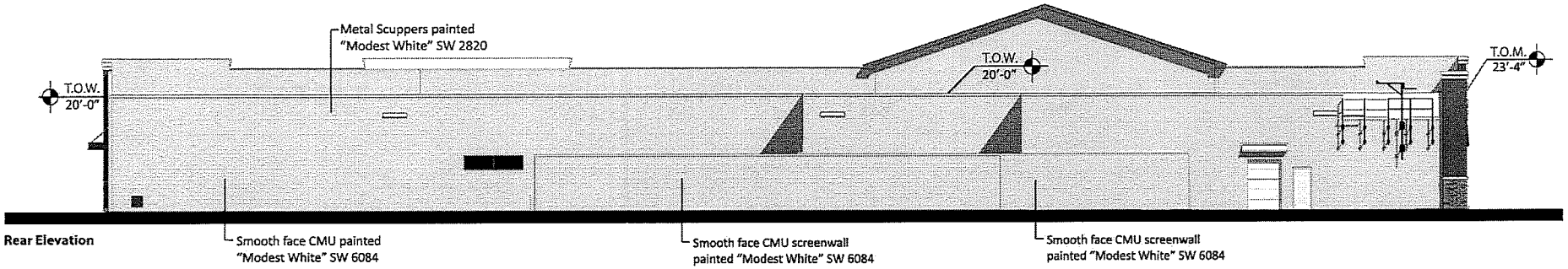
EXHIBIT D



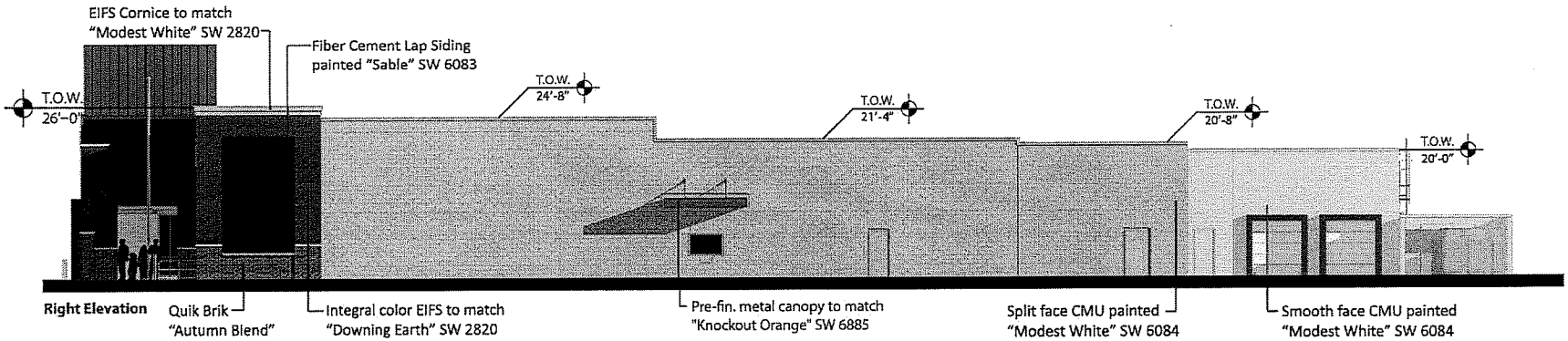
Front Elevation
(Byran Rd)



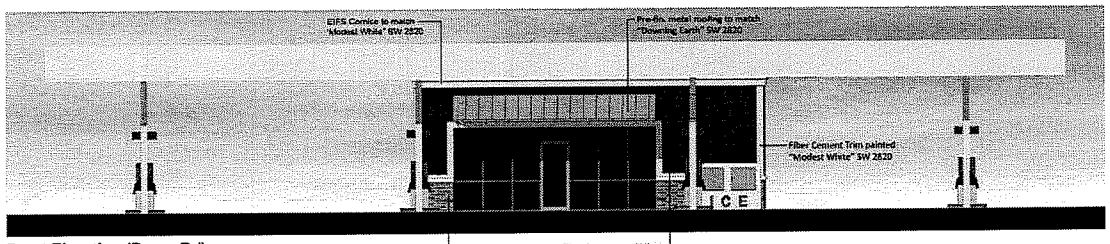
Left Elevation
(Feise Rd)



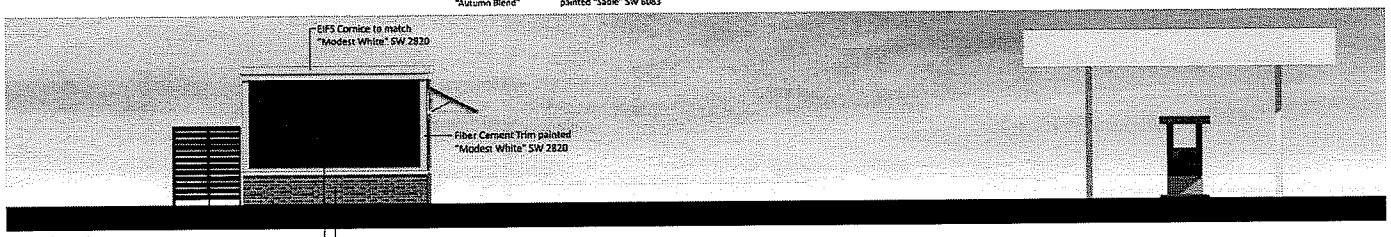
Rear Elevation



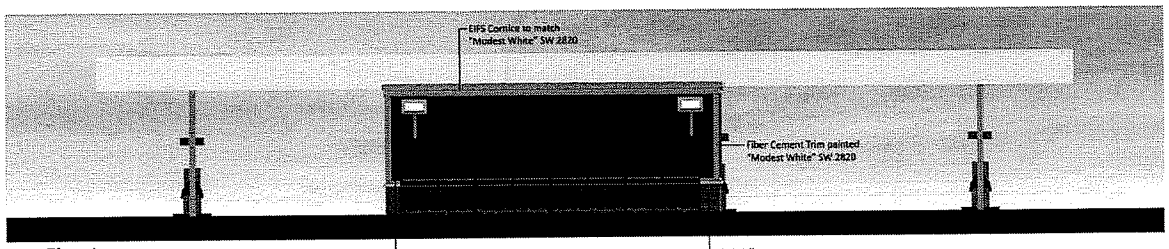
Right Elevation



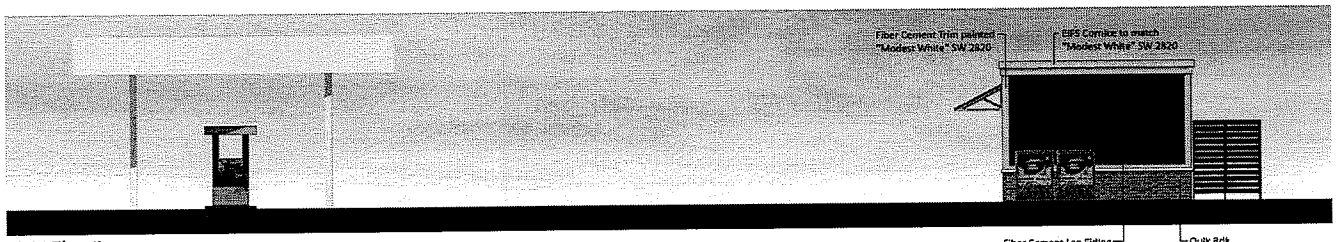
Front Elevation (Byran Rd)



Left Elevation



Rear Elevation



Right Elevation

BILL NO. 17-18

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, PROVIDING FOR THE APPROVAL OF THE FINAL PLAN FOR APPROXIMATELY 10.25 ACRES OF THE CORA MARIE'S MARKETPLACE P.U.D. IN THE CITY OF DARDENNE PRAIRIE, MISSOURI

WHEREAS, BFA, Inc. and the Cora Bopp Family Limited Partnership submitted to the Board of Aldermen of the City of Dardenne Prairie, Missouri, for approval, a Final Plan for approximately 10.25 acres of the Cora Marie's Marketplace P.U.D. approved pursuant to Ordinance No. 1807 of the City of Dardenne Prairie, Missouri; and

WHEREAS, the Board of Aldermen of the City referred the Final Plan to the City's Planning and Zoning Commission; and

WHEREAS, said Planning and Zoning Commission of the City considered the Final Plan and recommended approval to the Board of Aldermen;

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

SECTION 1. Final Plan Approval. That upon review, first before the Planning and Zoning Commission and then the Board of Aldermen of the City of Dardenne Prairie, Missouri, the Board of Aldermen does hereby approve the Final Plan for approximately 10.25 acres of the Cora Marie's Marketplace P.U.D., prepared by BFA, Inc., dated 2/22/17, referencing JOB No. 4024, which Final Plan is on file in the office of the City Clerk and incorporated by reference herein.

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

SECTION 3. Savings: Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in manner connected with the subject matter hereof.

SECTION 4. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer valid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Read two times, passed, and approved this _____ day of _____, 2017.

_____
As Presiding Officer and as Mayor

Attest:

_____
City Clerk

Approved this _____ day of _____, 2017.

_____
Mayor

Attest:

_____
City Clerk

BILL NO. 17-12A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING CHAPTER 600 OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE BY DELETING IT IN ITS ENTIRETY AND ENACTING, IN LIEU THEREOF, A NEW CHAPTER 600; AND PROVIDING FOR THE REGULATION AND LICENSING OF INTOXICATING LIQUOR

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

SECTION 1. That Chapter 600 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new Chapter 600, to read as follows:

CHAPTER 600: ALCOHOLIC BEVERAGES

SECTION 600.010 DEFINITIONS.

When used in this Chapter, the following words shall have the following meanings:

CLOSED PLACE: A place where all doors are locked and where no patrons are in the place or about the premises.

FINANCIAL INTEREST: All interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the enterprise, after the payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever.

GOOD MORAL CHARACTER: Honesty, fairness, and respect for the rights of others and for the laws of the State and nation.

1. The following factors shall be considered when making a determination of whether an applicant or licensee under this Chapter has good moral character:

a. The nature and character of the business for which the license is sought;

b. The manner in which the person has conducted his/her/its business; and

c. The manner in which the person has observed or violated the law.

2. If a person has been convicted of a crime of the State of Missouri or the United States of America, or of any crime of any other state or country that would have been a crime under the laws of the State of Missouri, or an offense of this City, the following factors shall also be weighed in determining if a person has good moral character:

a. The type of crime(s) or offense(s) for which a person has been convicted;

b. The circumstances surrounding the crime(s) or offense(s) for which a person has been convicted;

c. The proximity in time of the conviction(s) to the application for a license;

d. The conduct of the person since the date of conviction; and

e. Whether the crime the person is convicted of is reasonably related to the competency of the person to exercise the licensed business.

3. Notwithstanding the foregoing, a conviction cannot be the sole grounds on which a person is determined to lack good moral character. If a person is pardoned from a conviction, the underlying guilt for the crime or offense may still be evidence of such person's good moral character.

INTOXICATING LIQUOR: Alcohol for beverage purposes, including alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (0.5%) by volume. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter.

LIGHT WINES: An intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

MALT LIQUOR: An intoxicating liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight manufactured from pure hops or pure extract of hops, or pure barley malt, or wholesome grains or cereals, and wholesome yeast, and pure water.

MICROBREWERY: Means a business whose primary activity is the brewing and selling of beer, with an annual production of ten thousand (10,000) barrels or less.

ORIGINAL PACKAGE: Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit and consisting of one (1) or more bottles or other containers of intoxicating liquor, where the package and/or container(s) describes the contents thereof as intoxicating liquor. "Original package" shall also be construed and held to refer to any package containing one (1) or more standard bottles, cans or pouches of beer.

PERSON: An individual, association, firm, joint stock company, syndicate, partnership. corporation, receiver, trustee, conservator, or any other officer appointed by any State or Federal court.

RESIDENT CORPORATION: A corporation incorporated under the laws of the State of Missouri, all the officers and directors of which, and all the stockholders, who legally and beneficially own or control sixty percent (60%) or more of the stock in amount and in voting rights, shall be qualified legal voters and taxpaying residents of the city or county in which they reside and who shall have been bona fide residents of the State of Missouri for a period of three (3) years continuously immediately prior to the date of filing of application for a license, provided that a stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall own, legally and beneficially, at least sixty percent (60%) of all the financial interest in the business to be licensed under this law; provided, that no corporation, licensed under the provisions of this Chapter on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new requirements herein, except corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent (5%) by weight, or owned or controlled, directly or indirectly, by nonresident persons, partnerships or corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent (5%) by weight.

RESTAURANT BAR: Any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises.

WINE MANUFACTURER: Any person, partnership, association of persons, or corporation who has procured a license under Section 600.020(B)(2) or (4) and who manufactures in excess of two hundred (200) gallons of wine per calendar year.

WINERY: Means any establishment at which wine is made.

SECTION 600.015 SALE BY THE DRINK DEFINED.

The sale of any intoxicating liquor except malt liquor, in the original package in any quantity less than fifty (50) milliliters shall be deemed "sale by the drink" and may be made only by a holder of a retail liquor dealer's license and, when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

SECTION 600.020 LICENSE REQUIRED — CLASSES OF LICENSES.

A. No person shall, either by himself/herself or through the use of agents or servants, engage in the manufacture, brewing, distillation, blending, sale, offering for sale or distribution of intoxicating liquor within the City of Dardenne Prairie at wholesale or retail, or solicit orders for the sale of intoxicating liquor within the City, without first having obtained a license authorizing such manufacture, brewing, distillation, blending, sale, offering for sale or distribution in compliance with the terms of this Chapter. A separate license shall be required for each place of business.

B. General Licenses. Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor:

1. Manufacturers of malt liquor: Manufacturing and brewing malt liquor containing not in excess of five percent (5%) of alcohol by weight and selling to duly licensed wholesalers and soliciting orders for the sale of malt liquors containing not in excess of five percent (5%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.

2. Manufacturers of liquor—less than 22% alcohol by weight: Manufacturing intoxicating liquor containing alcohol not in excess of twenty-two percent (22%) of alcohol by weight and selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.

3. Manufacturers of liquor of all kinds: Manufacturing, distilling or blending intoxicating liquor of all kinds within the City and selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this City.

4. Manufacturing wine or brandy: Manufacturing wine or brandy in quantities not to exceed five hundred thousand (500,000) gallons, not in excess of eighteen percent (18%) of alcohol by weight for wine, or not in excess of thirty-four (34%) percent of alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey, and vegetables produced or grown in the state of Missouri, exclusive of sugar, water and spirits.

5. Sale to wholesalers of malt liquor: Selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent (5%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.

6. Sale to wholesalers of liquor—less than 22% alcohol by weight: Selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.

7. Sale to wholesalers of liquor of all kinds: Selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this City.

8. Microbrewery: Manufacturing beer and malt liquor in quantities not to exceed ten thousand (10,000) barrels per annum.

9. Wholesalers—malt liquor: Selling intoxicating liquor containing not in excess of five percent (5%) of alcohol by weight by a wholesaler to a person duly licensed to sell such malt liquor at retail and selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent (5%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.

10. Wholesalers—less than 22% alcohol by weight: Selling intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight, to, by or through a duly licensed wholesaler within this City.

11. Wholesalers of liquor of all kinds: Selling intoxicating liquor of all kinds by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this City, except that a license authorizing the holder to sell to duly licensed wholesalers and to solicit orders for sale of intoxicating liquor, to, by or through a duly licensed wholesaler, shall not entitle the holder thereof to sell within the City, direct to retailers.

12. Package liquor — malt liquor only: Sales of malt liquor at retail in the original package not for consumption on the premises where sold. .

13. Package liquor — all kinds: Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, including sales as set forth in Subsections (B)(12) of this Section.

14. Liquor by the drink — malt liquor/light wine only: Sales of malt liquor and light wines at retail by the drink for consumption on the premises where sold.

15. Malt liquor by the drink: Sales of malt liquor at retail by the drink for consumption on the premises where sold.

16. Liquor by the drink — all kinds: Sales of all kinds of intoxicating liquor, at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection (B)(13) of this Section.

C. Sunday Sales. Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter, who is licensed to sell intoxicating liquor at retail, may apply for a license to sell intoxicating liquor at retail on Sundays between the hours of 9:00 A.M. and Midnight.

D. Permits.

1. Temporary permit for sale by drink. Any person who possesses the qualifications, meets the requirements of, and complies with the provisions of Section 600.030(C) below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.

2. Caterer's permits. Any person who possesses the qualifications, meets the requirements of, and complies with the provisions of Section 600.030(D) or Section 600.030(E) below may apply for a special caterer's permit.
3. Tasting permit. Any person who possesses the qualifications, meets the requirements of, and complies with the provisions of Section 600.030(I) below may apply for a tasting permit..

E. Manufacture for Personal Use.

1. Notwithstanding Subsection A of this Section 600.020, no person at least twenty-one (21) years of age shall be required to obtain a license to manufacture intoxicating liquor for personal or family use. The aggregate amount of intoxicating liquor manufactured per household shall not exceed two hundred (200) gallons per calendar year if there are two (2) or more persons over the age of twenty-one (21) years in such household, or one hundred (100) gallons per calendar year if there is only one (1) person over the age of twenty-one (21) years in such household. Any intoxicating liquor manufactured under this Subsection E shall not be sold or offered for sale.

2. Beer brewed under this Subsection E may be removed from the premises where brewed for personal or family use, including use at organized events, exhibitions, or competitions, such as home brewer contests, tastings, or judging. The use may occur off licensed retail premises, on any premises under a temporary retail license issued under Section 600.020(D)(1) or (2).

3. Any beer brewed under this Subsection E used at an organized event where an admission fee is paid for entry, at which the beer is available without a separate charge, shall not be deemed a sale of beer, provided that the person who brewed the beer receives none of the proceeds from the admission fee and all consumption is conducted off licensed retail premises, under the premises of a temporary retail license issued under Section 600.020(D)(1) or (2).
SECTION 600.030 LICENSE REGULATIONS.

A. Package Sales, Limitations.

1. No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in

his/her store a stock of goods having a value according to invoices of at least one thousand dollars ($1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter or law.

2. Any person who is licensed to sell intoxicating liquor in the original package at retail may sell from thirty-two (32) to one hundred twenty-eight (128) fluid ounces of draft beer to customers in containers filled by any employee of the retailer on the premises for consumption off such premises. Any employee of the licensee shall be at least twenty-one (21) years of age to fill containers with draft beer. No wholesaler, distributor, or manufacturer of intoxicating liquor may furnish dispensing or cooling equipment, or such containers referenced herein to any person who is licensed to sell intoxicating liquor in the original package at retail as provided in Section 600.020(B)(13). Such containers shall comply with the requirements of Section 311.201, RSMo.

B. Retail Sales for Consumption on Premises

1. Any person licensed to sell liquor at retail by the drink for consumption on the premises where sold may use a self-dispensing system, which is monitored and controlled by the licensee and allows patrons of the licensee to self-dispense beer or wine. Before a patron may dispense beer or wine, an employee of the licensee must first authorize an amount of beer or wine, not to exceed thirty-two (32) ounces of beer or sixteen (16) ounces of wine per patron per authorization, to be dispensed by the self-dispensing system.

2. Nothing in this Chapter shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish self-dispensing or cooling equipment or provide services for the maintenance, sanitation, or repair of self-dispensing systems.

C. Temporary Permit For Sale By Drink — Certain Organizations.

1. The Board of Aldermen may issue a permit for the sale of all kinds of intoxicating liquor, including intoxicating liquor in the original package, at retail by the drink for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.

2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 11:00 A.M.

3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.

4. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

D. Temporary Permit For Sale By Drink – Caterers.

1. The Board of Aldermen may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a festival as defined in Chapter 316, RSMo. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight (168) consecutive hours, and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption.

2. Except as provided in Subparagraph 3 of this Subsection D, all provisions of Chapter 311, RSMo., and this Chapter shall extend to the premises in which such function, occasion or event is held and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises. This temporary permit shall allow the sale of intoxicating liquor in the original package.

3. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent (5%) by weight delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two (72) hours of the expiration of the catering permit issued pursuant to this Subsection D.

E. Special Caterer's License.

1. The Board of Aldermen may issue a special license to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a festival as defined in Chapter 316, RSMo. The special license shall be effective for a maximum of fifty (50) days during any year, and shall authorize the service of alcoholic beverages at such function, occasion, or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption.

2. The Board of Aldermen may issue a special license to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the

licensed premises, but not including a festival as defined in Chapter 316, RSMo. The special license shall be effective for an unlimited number of functions, occasions, or events during the year, and shall authorize the service of alcoholic beverages at such function, occasion, or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption.

3. Caterers issued a special license pursuant to Subparagraphs 1 and 2 of this Subsection E shall report to the City Clerk the location of each function, occasion, or event three (3) business days in advance. The report of each function, occasion, or event shall include permission from the property owner, description of the premises, and the date or dates the function, occasion, or event will be held.

4. Except as provided in Subparagraph 5 of this Subsection E, all provisions of Chapter 311, RSMo., and this Chapter shall extend to the premises in which such function, occasion, or event is held and shall be in force and enforceable during all the time that the licensee, its agents, servants, employees, or stock are in such premises. Any special license issued under this Subparagraph 5 of this Subsection E shall allow the sale of intoxicating liquor in the original package.

5. Notwithstanding any other law to the contrary, any caterer who possesses a valid state and valid local liquor license may deliver alcoholic beverages, in the course of his or her catering business.

6. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent (5%) by weight delivered and invoiced under the catering license number, but not used, if the wholesaler removes the product within seventy-two (72) hours of the expiration of the catering function, occasion, or event.

F. Operating Hours, Days.

1. No person having a license issued pursuant to this Chapter nor any employee of such person shall sell, give away or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday upon or about his/her premises except as otherwise authorized and licensed for Sunday sales. Any person licensed to sell intoxicating liquor by the drink shall keep a closed place during the aforementioned prohibited times.

2. When January first (1st), March seventeenth (17th), July fourth (4th) or December thirty-first (31st) falls on Sunday and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from

the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

G. General License Regulations.

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.

2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.

3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the Clerk may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership, the Clerk, upon being requested, shall permit the remaining partner or partners originally licensed to continue to operate for the remainder of the period for which the license fee has been paid without obtaining a new license.

4. In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the Board. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

H. Druggists May Sell And Physicians Prescribe Liquor. Any druggist may have in his/her possession intoxicating liquor purchased by him/her from a licensed vendor under a license pursuant to State law, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this State and lawfully inspected, gauged and labeled as provided by State law; such intoxicating liquor to be used in connection with the business of a druggist in compounding medicines or as a solvent or preservant; provided, that nothing in this Chapter shall prevent a regularly licensed druggist, after he/she procures a license therefor, from selling intoxicating liquor in the original package but not to be drunk or the packages opened on the premises where sold; and provided further, that nothing in this Chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his/her professional judgment for any patient at any time or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as above provided.

I. Tastings.

1. Notwithstanding any other provisions of this Chapter to the contrary, any person possessing the qualifications and meeting the requirements of this Chapter and who is licensed to sell intoxicating liquor in the original package at retail may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises. Nothing in this Subparagraph 1 shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

2. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this Subparagraph, a "sales transaction" shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.

3. Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described Section 600.020(D)(1) or (2).

4. Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide or furnish distilled spirits, wine, or malt beverage samples on a licensed retail premises for customer tasting purposes so long as the winery, distiller, manufacturer, wholesaler, or brewer or designated employee has permission from the person holding the retail license. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with Section 600.030(I)(1) or hold a by-the-drink-for-consumption-on-the-premises-where-sold retail license. No money or anything of value shall be given to the retailers for the privilege or opportunity of conducting the on-the-premises product tasting.

a. Distilled spirits, wine, or malt beverage samples may be dispensed by an employee of the retailer, winery, distiller, manufacturer, or brewer or by a sampling service retained by the retailer, winery, distiller, manufacturer, or brewer. All sampling service employees that provide and pour intoxicating liquor samples on a licensed retail premises shall be required to complete a server training program approved by the Division of Alcohol and Tobacco Control.

b. Any distilled spirits, wine, or malt beverage sample provided by the retailer, winery, distiller, manufacturer, wholesaler, or brewer remaining after the tasting shall be returned to the retailer, winery, distiller, manufacturer, wholesaler, or brewer.

J. Microbreweries.

1. Notwithstanding any other provision of this Chapter to the contrary, the holder of a microbrewer's license may apply for, and the City may issue, a license to sell all kinds of intoxicating liquor by the drink at retail for consumption on the premises of the microbrewery or in close proximity to the microbrewery. No holder of a microbrewer's license, or any employee, officer, agent, subsidiary, or affiliate thereof, shall have more than ten (10) licenses to sell intoxicating liquor by the drink at retail for consumption on the premises.

2. The holder of a microbrewer's license may also sell beer and malt liquor produced on the brewery premises to duly licensed wholesalers. However, holders of a microbrewer's license shall not, under any circumstances, directly or indirectly, have any financial interest in any wholesaler's business, and all such sales to wholesalers shall be subject to the restrictions of Sections 311.181 and 311.182, RSMo.

K. Restaurant Bars.

1. Notwithstanding any other provision of law, it shall not be unlawful for the owner, operator, or employees of a restaurant bar to allow patrons to carry out one or more bottles of unfinished wine, nor shall it be unlawful for patrons of such restaurant bar to carry out one or more bottles of unfinished wine under the following conditions:

a. The patron must have ordered a meal;

b. The bottle or bottles of wine must have been at least partially consumed during the meal;

c. The restaurant bar must provide a dated receipt for the unfinished bottle or bottles of wine; and

d. The restaurant bar must securely reseal the bottle or bottles of wine and place them in one or more one-time-use, tamperproof, transparent bags and securely seal the bags.

2. Notwithstanding any other provision of law, no person who transports one or more bottles of unfinished wine which came from a restaurant bar under the circumstances described in Subparagraph 1 of this Subsection K, in a vehicle, shall be considered to have violated any local ordinance regarding open containers in vehicles so long as such person has in his or her possession the dated receipt from the restaurant bar and the bottle or bottles of wine remain in the restaurant bar-furnished, one-time-use, tamperproof, transparent bags with the seals intact.

3. Notwithstanding any other provision of law to the contrary, any restaurant bar without an on-site brewery that serves twenty (20) or more different types of draft beer may sell thirty-two (32) fluid ounces or more of such beer to customers for consumption off the premises of such restaurant bar.

L. Wineries

1. Notwithstanding any other provision of law, it shall be lawful for the owner, operator, or employees of a winery to allow patrons to carry out one or more bottles of unfinished wine and it shall be lawful for patrons of such winery to carry out one or more bottles of unfinished wine under the following conditions:

a. The bottle or bottles of wine must have been at least partially consumed at the winery;

b. The winery must provide a dated receipt for the unfinished bottle or bottles of wine; and

c. The winery must securely reseal the bottle or bottles of wine and place them in one or more one-time-use, tamperproof, transparent bags and securely seal the bags.

2. Notwithstanding any other provision of law, no person who transports one or more bottles of unfinished wine which came from a winery under the circumstances described under Subparagraph 1 of this Subsection L shall be considered to have violated any state law or local ordinance regarding open containers in vehicles so long as such person has in his or her possession the dated receipt from the winery and the bottle or bottles of wine remain in the winery-furnished, one-time-use, tamperproof, transparent bags with the seals intact.

M. Manufacturing of Wine or Brandy.

1. A manufacturer of wine or brandy licensed under Section 600.020(B)(4) may use in any calendar year such wine- and brandy-making material produced or grown outside the state of Missouri in a quantity not exceeding fifteen percent (15%) of the manufacturer's wine entered into fermentation in the prior calendar year.

2. In any year when a natural disaster causes substantial loss to the Missouri crop of grapes, berries, other fruits, fruit products, honey or vegetables from which wines are made, Section 311.190, RSMo., authorizes the Director of the Department of Agriculture to determine the percent of loss and allow a certain additional percent, based on the prior calendar year's production of such products, to be purchased outside the state of Missouri to be used and offered for sale by Missouri wineries.

3. A manufacturer licensed under Section 600.020(B)(4) may purchase and sell bulk or packaged wines or brandies received from other manufacturers licensed under Section 311.190, RSMo., and may also purchase in bulk, bottle and sell to duly licensed wineries, wholesalers and retail dealers on any day except Sunday, and a manufacturer licensed under Section 311.190, RSMo., may offer samples of wine, may sell wine and brandy in its original package directly to consumers at the winery, and may open wine so purchased by customers so that it may be consumed on the winery premises on Monday through

Saturday between 6:00 a.m. and midnight and on Sunday between 9:00 a.m. and 10:00 p.m.

SECTION 600.035 SALES OF LIQUOR PROHIBITED NEAR SCHOOLS AND CHURCHES.

No license shall be granted for the sale of intoxicating liquor within one hundred (100) feet of any school, church or other building regularly used as a place of religious worship; except that when a school, church or place of worship shall thereafter be established within one hundred (100) feet of any place of business licensed to sell intoxicating liquor, renewal of the license shall not be denied for this reason. This Subsection shall not apply to a holder of a license issued pursuant to Section 311.090, 311.218, 311.482, RSMo., or to any premises holding a license issued before January 1, 2004, by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor.

SECTION 600.040 SCHEDULE OF LICENSE FEES.

A. A business license and a liquor license is required for each place of business, and the following liquor license fees for the licenses as described in Section 600.020 of this Code shall be paid annually:

1. General licenses.

a. Manufacturers of malt liquor: $375.00.

b. Manufacturers of liquor—less than 22% alcohol by weight: $300.00.

c. Manufacturers of liquor of all kinds: $675.00.

d. Manufacturers of wine or brandy: $5.00 for each 500 gallons or fraction thereof of wine or brandy produced up to a maximum license fee of $300.00.

e. Sale to wholesalers of malt liquor: $75.00.

f. Sale to wholesalers of liquor—less than 22% alcohol by weight: $150.00.

g. Sale to wholesalers of liquor of all kinds: $675.00.

h. Microbrewery: A license fee of $5.00 for each one hundred (100) barrels or fraction thereof, up to a maximum license fee of $250.00.

i. Wholesalers—malt liquor: $150.00

j. Wholesalers—less than 22% alcohol by weight: $300.00.

k. Wholesalers of liquor of all kinds: $750.00

l. Malt liquor — original package: $75.00.

m. Intoxicating liquor (all kinds) — original package: $150.00.

n. Malt liquor — by drink: $75.00.

o. Malt liquor and light wines — by drink: $75.00.

p. Intoxicating liquor (all kinds) — by drink: $450.00.

2. Sunday sales: $300.00.

3. Permits.

a. Temporary permit — original package (7 days maximum): $10.00 per day.

b. Temporary permit – for sale by drink (7 day maximum): $10.00 per day.

c. Special Caterer's License (50 day maximum): $500.00 per year.

d. Special Caterer's License (unlimited number of functions): $1,000.00 per year.

e. Tasting permit: $37.50.

Of the license fee to be paid for any such license, the applicant shall pay as many twelfths (12ths) as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first (1st).

SECTION 600.050 APPLICATION FOR LICENSE AND RENEWAL.

A. Prerequisite To Grant Of License. No license required by this Chapter shall be granted by the Board of Aldermen unless application has been made as required in this Chapter.

B. Requirements of Applicant.

1. No person shall be granted a license under this Chapter unless such person is of good moral character and a qualified legal voter and a taxpaying resident of the City, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying resident of the City; and, except as otherwise provided under Subsection 4 of this Section B, no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his or her business as such dealer any person whose license has been revoked unless five (5) years have passed since the revocation as provided under Subsection 3 of this Section,

or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this Section contained shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this City.

2. (1) No person, partnership or corporation shall be qualified for a license under this Chapter if such person, any member of such partnership, or such corporation, or any officer, director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent (10%) or more of the stock of such corporation, or other financial interest therein, or ten percent (10%) or more of the interest in the business for which the person, partnership or corporation is licensed, or any person employed in the business licensed under this law shall have had a license revoked under this law except as otherwise provided under Subsections 3 and 4 of this Section, or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor since the ratification of the twenty-first amendment to the Constitution of the United States, or shall not be a person of good moral character.

(2) No license issued under this Chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor.

(3) No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor containing alcohol in excess of five percent (5%) by weight, except to a resident corporation.

3. Any person whose license or permit issued under this Chapter has been revoked shall be automatically eligible to work as an employee of an establishment holding a license or permit under this chapter five (5) years after the date of the revocation.

4. Any person whose license or permit issued under this Chapter has been revoked shall be eligible to apply and be qualified for a new license or permit five (5) years after the date of the revocation.

B. Form And Contents. All applications for licenses under the provisions of this Chapter shall be made in writing to the City and shall set forth the following information:

1. Designation of the kind of license desired;

2. Description of the premises to which such license is to apply and the location or address thereof;

3. Name, place of residence and mailing address of the person, individual, association, partnership, and names of partners, or corporation and managing officer thereof, for whom a license is sought;

4. Criminal records check along with the dates and places of all revocation of liquor licenses and all convictions of any law applicable to the manufacture or sale of intoxicating liquor, if any;

5. Term of license;

6. Signature of applicant.

C. Filing And Presentation To Board Of Aldermen. Applications for licenses under this Chapter shall be filed with the City Clerk, the date of filing being noted thereon by the City Clerk, and shall be presented to the Board of Aldermen at its first regular or special meeting thereafter.

D. Deposit Of License Fee — Disposition Of Such Deposit. At the time of filing an application for a license under this Chapter, the applicant shall pay the license fee to City Clerk for the license applied for, either in cash, or by bank draft, money order, certified check or cashier's check, made payable to the City of Dardenne Prairie. The Board of Aldermen shall grant no license unless such deposit of the license fee has been made. If the license is not granted, the license fee shall be refunded in full to the applicant. If the license is granted, such amount deposited with the application shall be turned over to the City Treasurer who will issue a receipt together with the license to the applicant.

E. When Considered By Board Of Aldermen. No application for a license, whether for a new license, or in renewal of any license previously held by the applicant, shall be formally approved or granted by the Board of Aldermen for at least ten (10) days after filing of any such license application.

F. Grant And Issuance — Contents. No license applied for pursuant to this Chapter shall be granted unless and until a majority of the members elected to the Board of Aldermen shall vote in favor thereof. Upon a vote granting the license applied for, the City Clerk shall issue such license, which shall describe the kind of license; the license fee, the premises on which sale is to be made, the name of the license holder, the date of issuance and period of time for which such license is granted.

G. Term — Proration — Dating Of License Prior To Granting Of License And Extension Of License. Each license issued in compliance with this Chapter shall expire on June thirtieth (30th) next succeeding the beginning date of such license. Of the annual license fee to be paid for any such license, the applicant shall pay as many twelfths as there are months, part of a month to be counted as one (1) month, remaining from the date of the license to the next succeeding June thirtieth (30th). No license shall be given a beginning date prior to the date of approval of the application and granting of such license by the Board of Aldermen.

SECTION 600.055 REFUND OF LICENSE FEE PROHIBITED.

In case any license issued under the provisions of this Chapter is revoked, surrendered or forfeited by the licensee, not used or used for only part of the license period, after effective beginning date of such license, no refund of any license fee or part thereof shall be made.

SECTION 600.060 MINORS.

A. Persons Eighteen Years Of Age Or Older May Sell Or Handle Liquor Or Beer, When.

1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.

2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.

3. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages.

4. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to this chapter may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor.

B. Sales To Minor — Exceptions.

1. Any licensee under this Chapter, or his employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of an ordinance violation, except that this Section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician. No person shall be denied a license or renewal of a license

issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the capacity as an employee of a licensed establishment.

2. Any owner, occupant or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his or her parent or guardian, is guilty of an ordinance violation.

3. It shall be a defense to prosecution under this Section if:

a. The defendant is a licensed retailer, club, drinking establishment or caterer or holds a temporary permit, or an employee thereof;

b. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and

c. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) years of age and of the legal age for consumption of intoxicating liquor.

C. Misrepresentation Of Age By Minor To Obtain Liquor — Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.

1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.

2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.

D. Minors In Possession Of Intoxicating Liquor. Any person under the age of twenty-one (21) years, who purchases or attempts to purchase, or has in his/her possession, any intoxicating liquor as defined in Section 600.010, or who is visibly intoxicated as defined in Section 577.001, RSMo., or has a detectable blood alcohol content of more than two-hundredths of one percent (.02%) or more by weight of alcohol in such person's blood is guilty of an ordinance violation.

E. For purposes of prosecution under this Section, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify

that there is intoxicating liquor in such container. The alleged violator may allege that there was no intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

SECTION 600.070 MISCELLANEOUS OFFENSES.

A. Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler. It shall be unlawful for any licensee authorized to sell intoxicating liquor at retail to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this State. It shall be unlawful for such retail licensee to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.

B. Any licensee authorized to sell intoxicating liquor at retail shall not:

1. Sell intoxicating liquor with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or

2. Repackage intoxicating liquor with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.

C. Mixing Liquor With Drugs Prohibited. No licensee or any other person shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage any drug or form of methyl alcohol or impure form of alcohol.

D. Unlawful To Sell Unlabeled Liquor — Penalty. It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license(s) revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.

E. Only Those Liquors Authorized By License To Be Kept On Premises. It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee.

F. Drinking In Public Places Prohibited.

1. For purposes of this Section, the term "public place" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.

2. No person shall drink or ingest any intoxicating liquor in or on any public place.

3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while in or upon any public place.

4. Except as otherwise provided herein, no person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container.

H. Live Entertainment On Premises Prohibited. No person licensed for the sale of intoxicating liquor by the drink for consumption on the premises shall permit or allow any live entertainment on the premises. The playing and singing of music solely shall not be considered live entertainment under this Section.

SECTION 600.080 ADMINISTRATION OF LAW — LICENSE SUSPENSION.

A. Suspension Or Revocation Of License — When — Manner. The Board may suspend or revoke the license of any person for cause shown. In such cases the City Clerk shall schedule a hearing before the Board not less than ten (10) days prior to the effective date of revocation or suspension, and prior to the hearing the Clerk shall give not less than ten (10) days' written notice specifying grounds for the suspension or revocation thereof to the licensee of the grounds upon which the license is sought to be revoked or suspended and the time, date and place of the hearing. Notice may be accomplished by personal delivery, U.S. mail or by posting on the licensed premises. The hearing shall be conducted in accordance with Section 600.090 of this Chapter.

B. Grounds For Suspension Or Revocation. A license may be suspended or revoked for any of the following reasons:

1. Violating any of the provisions of either this Chapter, Chapters 311 or 312, RSMo., or any ordinance of the City;

2. Failing to obtain or keep a license from the State Supervisor of Alcohol and Tobacco Control;

3. Making a false affidavit in an application for a license under this Chapter;

4. Failing to keep an orderly place or house;

5. Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license;

6. Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri; or

7. Selling, giving, or otherwise supplying intoxicating liquor to:

a. Any person under the age of twenty-one (21) years,

b. Any person during unauthorized hours on the licensed premises,

c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor, or

d. Any person on the licensed premises during a term of suspension as ordered by the Board.

C. Automatic Revocation/Suspension. A license shall be revoked automatically if the licensee's State liquor license is revoked or if the licensee is convicted in any court of any violation of Chapter 311 or Chapter 312, RSMo., or of any felony violation of Chapter 195, RSMo., in the course of business. A license shall be suspended automatically if the licensee's State liquor license is suspended, and the suspension shall be for a term not less than that imposed by the State.

D. Effect Of Suspension. No person whose license shall have been suspended by order of the Board shall sell or give away any intoxicating liquor during the time such suspension is in effect. Any licensee desiring to keep premises open for the sale of food or merchandise during the period of suspension shall display the Board's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

SECTION 600.090 HEARINGS UPON SUSPENSION OR REVOCATION OF LICENSES.

A. Testimony — Evidence. Hearings before the Board shall be in the nature of informal investigations. Testimony of witnesses and other evidence pertinent to the inquiry may be taken in such hearings, and all proceedings in such hearings shall be recorded. Any person residing or conducting a business within two hundred (200) feet of the proposed establishment shall have the right to produce witnesses and testimony.

B. Witnesses — How Summoned. Subpoenas may be issued by the Board for any person whose testimony is desired at any hearing. Such subpoenas may be served and returns thereon made by any agent and in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Courts of this State. The Board also may issue subpoenas duces tecum requiring the production of documents or other items pertaining to the subject of the inquiry.

C. Witnesses To Be Sworn. Before any witness shall testify in any such hearing, he/she shall be sworn by the City Clerk to tell the truth and nothing but the truth.

D. Decision — Suspension Or Revocation. If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 600.080 of this Chapter, the Board shall issue a written order which shall include specific findings of fact setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended, then no such order shall be issued.

E. Appeal. Any applicant or licensee aggrieved by a decision of the Board may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within ten (10) days of the date of the Board's decision. The Board may delay the implementation of its order pending appeal.

SECTION 600.100 WARNING SIGN DISPLAYED — LIQUOR LICENSES.

Any person who is licensed to sell or serve alcoholic beverages at any establishment shall place on the premises of such establishment a warning sign as described in this Section. Such sign shall be at least eleven (11) inches by fourteen (14) inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects". The licensee shall display such sign in a conspicuous place on the licensed premises.

SECTION 2. Savings Clause: Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

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

SECTION 4. Effective Date: This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of Dardenne Prairie, Missouri.

Read two (2) times, passed, and approved this _____ day of _____, 2017.

_____
As Presiding Officer and as Mayor

Attest:

_____
City Clerk

Approved this _____ day of _____, 2017.

_____
Mayor

Attest:

_____
City Clerk