



**AGENDA REVIEW MEETING
CHESTERFIELD CITY COUNCIL
Tuesday, January 03, 2023
5:30 PM**

I. Appointments – Mayor Bob Nation

II. Council Committee Reports

A. Planning and Public Works Committee – Chairperson Dan Hurt, Ward III

1. Proposed Bill No. 3418 - P.Z. 11-2022 Estates at Fire Rock (St. Austin School) – An ordinance amending the Unified Development Code of the City of Chesterfield by changing the boundaries of the “PUD” Planned Unit Development to the “E-1AC” Estate One Acre District for a 35.0-acre tract of land located at 17803, 17815 and 17831 Wild Horse Creek Road (P.Z. 11-2022 Estates at Fire Rock (St. Austin School) 18V130099, 18V140065, & 18V140098). **(First Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval.**

2. Memorandum of Understanding – Monarch-Chesterfield Levee District – Memorandum of Understanding between the City of Chesterfield and the Monarch-Chesterfield Levee District regarding Stormwater Management. *There is no expenditure associated with this request.* **(Voice Vote) Planning & Public Works Committee recommends approval.**

3. Next Meeting – Thursday, January 05, 2023 (5:30pm)

B. Finance and Administration Committee – Chairperson Barbara McGuinness, Ward I

1. Establishment of Alternative Court – Budget Amendment – Recommendation to establish an alternative Court within the City of Chesterfield to “connect defendants struggling with addiction or other afflictions with resources they need to become prosperous members of our community, reduce recidivism and help curb repeat offenses. Approval of the Alternative Court would concurrently authorize the associated budget amendment. **(Roll Call Vote)**

2. Proposed Bill No. 3419 - Fee Increase – An Ordinance of the City of Chesterfield amending section 405.09.020 Public Hearing petitions and applications and 405.09.030 Permit and Inspection Fees. **(First Reading)**

3. Proposed Bill No. 3420 - Permits for Non-Compliant Properties –
An ordinance amending Section 600.085 of the municipal code related to liquor licenses, 605.070 related to business licenses, 605.610 related to licenses for tourist camps, 605.770 related to licenses for pawn brokers, 605.1270 related to licenses for adult entertainment businesses, 610.210 related to alarm system licenses, 605.1040 related to licenses for tobacco sales, 210.680 related to licenses for outdoor events, and 375.040 related to parades, and adopting section 605.250 related to appealing a decision to deny a license by reason of violations of Chapter 215 and/or Chapter 405 of the City’s municipal code. **(First Reading)**

4. Non-Compliant Properties, Zoning Processes – Information Only –
An Ordinance of the City of Chesterfield adopting Section 405.01.120 related to licenses, permits, or other approvals. This proposed bill is a companion to Bill #3420, which would prevent licenses, permits, or other approvals for those properties that are permitting violations of City Code, Chapter 215 related to public nuisances and or Chapter 405 related to zoning. However, this bill relates to those land use processes and will amend the zoning code. As such, this bill must be processed through the Planning Commission before it can be acted on by City Council. No action is required at this time.

5. Proposed Bill No. 3421 - Recreational Marijuana Sales Tax Ballot Proposal – An ordinance imposing a sales tax of 3 percent (3%) on retail sales of adult use marijuana pursuant to the authority granted by and subject to the provision of the Missouri Constitution Article XIV Section 2: Providing that this retail sales tax shall be in addition to any and all other tangible personal property retail sales taxes allowed by law; and providing for submission to the qualified voters of the City for their approval at the general municipal election called to be held in the City on April 4th, 2023. **(First Reading)**

6. Next Meeting – Monday, January 09, 2023 (4:00pm)

C. Parks, Recreation and Arts Committee – Chairperson Gary Budoor,
Ward IV

1. Next Meeting – Not yet scheduled

D. Public Health and Safety Committee – Chairperson Aaron Wahl, Ward II

1. Next Meeting – Not yet scheduled

III. Report from the City Administrator & Other Items Requiring Action by City Council – Mike Geisel

A. Liquor License Request – The Red Chili (963 Chesterfield Center) formerly Twin Peaks – has requested a new liquor license request for retail sale of all kinds of intoxicating liquor by the drink, to be consumed on premise (includes packages sales not to be consumed on premise where sold), plus Sunday sales. **(Voice Vote)**

IV. Other Legislation

A. Proposed Bill No. 3423 - Boundary Adjustment Plat - TSG Chesterfield Airport Road, Lots C & D – An ordinance providing for the approval of a Boundary Adjustment Plat for Lot C and Lot D of TSG Chesterfield Airport Road to create a 1.106-acre tract of land and a 1.392-acre tract of land, located north of Chesterfield Airport Road, west of Jaguar Land Rover Way, and south of Arnage Road (17U230412, 17U230403). **(First & Second Readings) Department of Planning recommends approval.**

B. Proposed Bill No. 3422 – Use Tax Ballot Proposal – An ordinance providing submission of the proposal to the qualified voters of the City of Chesterfield for their approval at the General election on April 4th, 2023. **(First Reading)**

V. Unfinished Business

VI. New Business

VII. Adjournment

***NOTE:** City Council will consider and act upon the matters listed above and such other matters as may be presented at the meeting and determined to be appropriate for discussion at that time.*

***Notice** is hereby given that the City Council may also hold a closed meeting for the purpose of dealing with matters relating to one or more of the following: legal actions, causes of action, litigation or privileged communications between the City's representatives and its attorneys (RSMo 610.021(1) 1994; lease, purchase or sale of real estate (RSMo 610.021(2) 1994; hiring, firing, disciplining or promoting employees with employee groups (RSMo 610.021(3)1994; Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups (RSMo 610.021(9) 1994; and/or bidding specification (RSMo 610.021(11) 1994.*

PERSONS REQUIRING AN ACCOMMODATION TO ATTEND AND PARTICIPATE IN THE CITY COUNCIL MEETING SHOULD CONTACT CITY CLERK VICKIE MCGOWND AT (636) 537-6716, AT LEAST TWO (2) WORKDAYS PRIOR TO THE MEETING.



**AGENDA
CITY COUNCIL MEETING
Chesterfield City Hall
690 Chesterfield Parkway West
Tuesday, January 03, 2023
7:00 PM**

- I. CALL TO ORDER** – Mayor Bob Nation

- II. PLEDGE OF ALLEGIANCE** – Mayor Bob Nation

- III. MOMENT OF SILENT PRAYER** – Mayor Bob Nation

- IV. ROLL CALL** – City Clerk Vickie McGownd

- V. APPROVAL OF MINUTES** – Mayor Bob Nation
 - A. Special City Council Meeting Minutes** – December 14, 2022
 - B. Executive Session Minutes** – December 14, 2022

- VI. INTRODUCTORY REMARKS** – Mayor Bob Nation
 - A. Thursday, January 05, 2023 – Planning & Public Works (5:30pm)**
 - B. Monday, January 09, 2023 – F&A Committee (4:00pm)**
 - C. Monday, January 16, 2023 – City Hall Closed in Observance of Martin Luther King Day (7:00pm)**
 - D. Tuesday, January 17, 2023 – City Council Meeting (7:00pm)**

- VII. COMMUNICATIONS AND PETITIONS** – Mayor Bob Nation

- VIII. APPOINTMENTS** – Mayor Bob Nation

- IX. COUNCIL COMMITTEE REPORTS**

A. Planning and Public Works Committee – Chairperson Dan Hurt, Ward III

- 1. Proposed Bill No. 3418 - P.Z. 11-2022 Estates at Fire Rock (St. Austin School)** – An ordinance amending the Unified Development Code of the City of Chesterfield by changing the boundaries of the “PUD” Planned Unit Development to the “E-1AC” Estate One Acre District for a 35.0-acre tract of land located at 17803, 17815 and 17831 Wild Horse Creek Road (P.Z. 11-2022 Estates at Fire Rock (St. Austin School) 18V130099, 18V140065, & 18V140098). **(First Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval.**
- 2. Memorandum of Understanding – Monarch-Chesterfield Levee District** – Memorandum of Understanding between the City of Chesterfield and the Monarch-Chesterfield Levee District regarding Stormwater Management. *There is no expenditure associated with this request.* **(Voice Vote) Planning & Public Works Committee recommends approval.**
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- 1. Establishment of Alternative Court – Budget Amendment** – Recommendation to establish an alternative Court within the City of Chesterfield to “connect defendants struggling with addiction or other afflictions with resources they need to become prosperous members of our community, reduce recidivism and help curb repeat offenses. Approval of the Alternative Court would concurrently authorize the associated budget amendment. **(Roll Call Vote)**
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violations of Chapter 215 and/or Chapter 405 of the City's municipal code. **(First Reading)**

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C. Parks, Recreation and Arts Committee – Chairperson Gary Budoor, Ward IV

1. Next Meeting – Not yet scheduled

D. Public Health and Safety Committee – Chairperson Aaron Wahl, Ward II

1. Next Meeting – Not yet scheduled

X. REPORT FROM THE CITY ADMINISTRATOR – Mike Geisel

A. Liquor License Request – The Red Chili (963 Chesterfield Center) formerly Twin Peaks – has requested a new liquor license request for retail sale of all kinds of intoxicating liquor by the drink, to be consumed on premise (includes packages sales not to be consumed on premise where sold), plus Sunday sales. **(Voice Vote)**

XI. OTHER LEGISLATION

- A. Proposed Bill No. 3423 - Boundary Adjustment Plat - TSG Chesterfield Airport Road, Lots C & D** – An ordinance providing for the approval of a Boundary Adjustment Plat for Lot C and Lot D of TSG Chesterfield Airport Road to create a 1.106-acre tract of land and a 1.392-acre tract of land, located north of Chesterfield Airport Road, west of Jaguar Land Rover Way, and south of Arnage Road (17U230412, 17U230403). **(First & Second Readings) Department of Planning recommends approval.**
- B. Proposed Bill No. 3422 – Use Tax Ballot Proposal** – An ordinance providing submission of the proposal to the qualified voters of the City of Chesterfield for their approval at the General election on April 4th, 2023. **(First Reading)**

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. ADJOURNMENT

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AGENDA REVIEW – TUESDAY, JANUARY 03, 2023 – 5:30 PM

An AGENDA REVIEW meeting has been scheduled to start at **5:30 PM, on Tuesday, January 03, 2023.**

Please note that an executive session has been scheduled immediately following the work session Tuesday evening, providing for privileged communications with the City's legal counsel. A separate informational packet related to the closed session will be distributed prior to the meeting.

Please let me know, ASAP, if you will be unable to attend these meetings.



RECORD OF PROCEEDING

SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 690 CHESTERFIELD PARKWAY WEST

DECEMBER 14, 2022

The meeting was called to order at 7 p.m.

Mayor Bob Nation led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

A roll call was taken with the following results:

PRESENT

ABSENT

Mayor Bob Nation
Councilmember Mary Monachella
Councilmember Barbara McGuinness
Councilmember Aaron Wahl
Councilmember Mary Ann Mastorakos
Councilmember Dan Hurt
Councilmember Michael Moore
Councilmember Merrell Hansen
Councilmember Gary Budoor

APPROVAL OF MINUTES

The minutes of the December 5, 2022 Executive Session were submitted for approval. Councilmember Moore made a motion, seconded by Councilmember Hansen, to approve the December 5, 2022 Executive Session minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The minutes of the December 5, 2022 City Council meeting were submitted for approval. Councilmember Moore made a motion, seconded by Councilmember Mastorakos, to approve the December 5, 2022 City Council meeting minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

COMMUNICATIONS AND PETITIONS

Ms. Francis Siddons, 16573 Wild Horse Creek Road, Apartment 2217, Ward 4 City Council candidate, spoke regarding her experience and expressed opposition to the Chesterfield Regional TIF – Bill No. 3416 (Designating a Portion of the City of Chesterfield, Missouri as a Redevelopment Area) and Bill No. 3417 (Approving a Redevelopment Project).

Ms. Debbie Shaw Franke, 1520 Froesel Drive, Ballwin, spoke on behalf of Progress 64 West in support of the Chesterfield Regional TIF – Bill No. 3416 (Designating a Portion of the City of Chesterfield, Missouri as a Redevelopment Area) and Bill No. 3417 (Approving a Redevelopment Project).

Ms. Diane Mispagel, 3060 Key Harbour Drive, Lake St. Louis, spoke on behalf of Dillard’s in opposition to the Chesterfield Regional TIF – Bill No. 3416 (Designating a Portion of the City of Chesterfield, Missouri as a Redevelopment Area) and Bill No. 3417 (Approving a Redevelopment Project).

Mr. Edward Hamm, 14938 Royalbrook Drive, spoke in favor of the Chesterfield Regional TIF – Bill No. 3416 (Designating a Portion of the City of Chesterfield, Missouri as a Redevelopment Area) and Bill No. 3417 (Approving a Redevelopment Project).

Mr. Ray Bosenbecker, 1920 Lanchester Court, spoke on behalf of Citizens for Developing Downtown Chesterfield in favor of the Chesterfield Regional TIF – Bill No. 3416 (Designating a Portion of the City of Chesterfield, Missouri as a Redevelopment Area) and Bill No. 3417 (Approving a Redevelopment Project).

Mr. John Nations (former Mayor), 8 Baxter Lane, spoke in favor of the Chesterfield Regional TIF – Bill No. 3416 (Designating a Portion of the City of Chesterfield, Missouri as a Redevelopment Area) and Bill No. 3417 (Approving a Redevelopment Project).

COUNCIL COMMITTEE REPORTS AND ASSOCIATED LEGISLATION

Public Health & Safety Committee

Councilmember Aaron Wahl, Chairperson of the Public Health & Safety Committee, made a motion, seconded by Councilmember Hurt, to approve the satellite office proposal for the St. Louis County Prosecuting Attorney. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Geisel reported that Staff is recommending award of a contract for Audio Visual Upgrades in the Council Chambers. Based upon review of information provided by Director of Information Technology Matt Haug, Mr. Geisel joined with him in recommending acceptance of the proposal as submitted by Tech Electronics, and to authorize a contract in an amount not to exceed \$106,000. Mr. Geisel indicated that this bid approval was added to tonight's agenda because the "build" time for the project will be 52 weeks, due to long lead times to acquire the equipment. Councilmember Budoor made a motion, seconded by Councilmember Wahl, to approve this recommendation. A roll call vote was taken with the following results: Ayes – Monachella, Hansen, McGuinness, Hurt, Wahl, Moore, Mastorakos and Budoor. Nays – None. Whereupon Mayor Nation declared the motion passed.

OTHER LEGISLATION

Bill No. 3416 Designates a portion of the City of Chesterfield, Missouri as a Redevelopment Area pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended; finding that such redevelopment area is a blighted area; approving a Redevelopment Plan for such redevelopment area; making findings with respect thereto; authorizing certain actions by city officials and officers in connection there with; and containing a severability clause **(Second Reading) TIF Commission recommends approval**

Councilmember Hurt made a motion, seconded by Councilmember Moore, for the second reading of Bill No. 3416. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3416 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3416 with the following results: Ayes – Wahl, Hansen, Monachella, Budoor, Moore, Hurt, Mastorakos and McGuinness. Nays – None. Whereupon Mayor Nation declared Bill No. 3416 approved, passed it and it became **ORDINANCE NO. 3217**.

Bill No. 3417 Approves a redevelopment project pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended, for that portion of the Redevelopment Area designated as RPA-2 under the Chesterfield Tax Increment Financing Redevelopment Plan & Project; adopting tax increment financing within RPA-2; making findings with respect thereto; establishing a special allocation fund with respect to RPA-2; authorizing certain actions by city officials and officers; and containing a severability clause **(Second Reading) TIF Commission recommends approval**

Councilmember Hurt made a motion, seconded by Councilmember Monachella, for the second reading of Bill No. 3417. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3417 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3417 with the following results: Ayes – Moore, Hurt, Wahl, Hansen, McGuinness, Monachella, Mastorakos and Budoor. Nays – None. Whereupon Mayor Nation declared Bill No. 3417 approved, passed it and it became **ORDINANCE NO. 3218**.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda for this meeting.

NEW BUSINESS

There was no new business.

ADJOURNMENT

Mayor Nation entertained a motion to adjourn the special City Council meeting and reconvene into Executive Session. Councilmember McGuinness made a motion, seconded by Councilmember Moore, to go into closed session, pursuant to RSMo 610.021 (1) for the purpose of discussing legal actions, causes of action, litigation or privileged communications between the City’s representatives and its attorneys and RSMo 610.021 (9) for the purpose of discussing preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups. A roll call vote was taken with the following results: Ayes – Hansen, Moore, Monachella, McGuinness, Wahl, Budoor, Hurt and Mastorakos. Nays – None. Mayor Nation declared the motion passed.

There being no further business to discuss, Mayor Nation adjourned the special City Council meeting at 6:02 p.m.

Mayor Bob Nation

ATTEST:

Vickie McGownd, City Clerk

APPROVED BY CITY COUNCIL: _____

UPCOMING MEETINGS/EVENTS

- A. Thursday, January 05, 2023 – Planning & Public Works (5:30pm)**
- B. Monday, January 09, 2023 – F&A Committee (4:00pm)**
- C. Monday, January 16, 2023 – City Hall Closed in Observance of Martin Luther King Day (7:00pm)**
- D. Tuesday, January 17, 2023 – City Council Meeting (7:00pm)**

COMMUNICATIONS AND PETITIONS

This section provides time for the public to speak and express their views during public comment. Each speaker is limited to not more than four minutes, after which, the City Administrator will indicate that their time has expired. It is important to remember that this section of the agenda is not intended or appropriate for debate or question and answer period. This is the public's opportunity to share their comments in a public forum.

APPOINTMENTS

There are no appointments scheduled for tonight's meeting.

PLANNING AND PUBLIC WORKS COMMITTEE

Chair: Councilmember Hurt

Vice-Chair: Councilmember Monachella

Proposed Bill No. 3418 - P.Z. 11-2022 Estates at Fire Rock (St. Austin School)

– An ordinance amending the Unified Development Code of the City of Chesterfield by changing the boundaries of the “PUD” Planned Unit Development to the “E-1AC” Estate One Acre District for a 35.0-acre tract of land located at 17803, 17815 and 17831 Wild Horse Creek Road (P.Z. 11-2022 Estates at Fire Rock (St. Austin School) 18V130099, 18V140065, & 18V140098). **(First Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval.**

Memorandum of Understanding – Monarch-Chesterfield Levee District –

Memorandum of Understanding between the City of Chesterfield and the Monarch-Chesterfield Levee District regarding Stormwater Management. *There is no expenditure associated with this request.* **(Voice Vote) Planning & Public Works Committee recommends approval.**

NEXT MEETING

The next Planning and Public Works Committee is scheduled for Thursday, January 5th, 2023, at 5:30 pm.

If you have any questions or require additional information, please contact Director of Planning - Justin Wyse, Director of Public Works – Jim Eckrich, or me prior to Tuesday’s meeting.

MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Justin Wyse, Director of Planning *JW*
James Eckrich, Director of Public Works/City Engineer *JW*

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, December 8, 2022



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, December 8, 2022 in Conference Room 101.

In attendance were: **Chair Dan Hurt** (Ward III), **Councilmember Mary Monachella** (Ward I), **Councilmember Mary Ann Mastorakos** (Ward II), and **Councilmember Merrell Hansen** (Ward IV).

Also in attendance were: Councilmember Aaron Wahl, (Ward II); Jim Eckrich, Director of Public Works/City Engineer; Justin Wyse, Director of Planning; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:30 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the November 10, 2022 Committee Meeting Summary

Councilmember Hansen made a motion to approve the Meeting Summary of November 10, 2022. The motion was seconded by Councilmember Monachella and **passed by a voice vote of 4-0**.

II. UNFINISHED BUSINESS – None.

III. NEW BUSINESS

- A. **P.Z. 11-2022 Estates at Fire Rock (St. Austin School)**: A request for a change in zoning from a PUD – Planned Unit Development to E-1AC Estate District for 35.0 acres located at 17803, 17815 and 17831 Wild Horse Creek Road (18V130099, 18V140065, & 18V140098). (Ward 4)

STAFF PRESENTATION

Justin Wyse, Director of Planning, stated that St. Austin School is requesting a change in zoning from a “PUD”-Planned Unit Development into a new “E-1AC”-Estate District. In 2021, the property was zoned as a “PUD” to allow for the development of 35 single family homes, however, the developer has chosen not to move forward with the project. St. Austin School has now acquired the property and since “School” is not a permitted use under the existing “PUD” zoning district, the applicant is requesting to rezone the property back to “E-1AC”-Estate District in which “School” is a permitted use. The applicant has no intention of making any exterior modifications or improvements to the site.

A Public Hearing was held on November 14, 2022 and no issues were raised. On November 28, 2022, the Planning Commission unanimously approved the petition.

DISCUSSION

There was a brief discussion regarding the historic Native American mound located on the site and Mr. Wyse indicated that the mound would remain and still be open to visitors only upon request.

Councilmember Hansen made a motion to forward P.Z. 11-2022 Estates at Fire Rock (St. Austin School) to City Council with a recommendation to approve. The motion was seconded by Councilmember Mastorakos and **passed by a voice vote of 4-0.**

Note: One Bill, as recommended by the Planning Commission, will be needed for the January 3, 2023 City Council Meeting. See Bill #

[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on P.Z. 11-2022 Estates at Fire Rock (St. Austin School).]

B. Monarch Chesterfield Levee District Memo of Understanding

STAFF PRESENTATION

Jim Eckrich, Director of Public Works/City Engineer, stated that stormwater management in the City is primarily the responsibility of the Metropolitan St. Louis Sewer District (MSD). An exception is the protected area, where the Monarch Chesterfield Levee District has assumed many of these responsibilities from MSD via a Memorandum of Understanding (MOU).

The MOU between MSD and the Levee District was updated in 2019. Upon review of the MOU, it became apparent that the 2010 MOU between the City and the Levee District should also be updated to accurately reflect the City's role in the management of stormwater within Chesterfield Valley.

In coordination with the Levee District, Staff is proposing a revised MOU with the Levee District that references the existing MSD and Levee District responsibility in accordance with their Intergovernmental Cooperation Agreement and then defines the responsibility of the City and the Levee District for stormwater management in Chesterfield Valley.

DISCUSSION

In response to questions, Mr. Eckrich explained that the City has received phone calls related to stormwater concerns within the Valley in which the callers have been passed from MSD to the Levee District to the City. Due to the confusion, Staff reviewed the City's MOU with the Levee District and has made some revisions that clearly define the City's role. The City's primary role is to review development plans in Chesterfield Valley, to administer the Chesterfield Valley Storm Water Master Plan, and to serve as the floodplain manager. The Levee District is responsible for the maintenance and operation of all public stormwater and drainage improvements.

Councilmember Monachella made a motion to forward the proposed Monarch Chesterfield Levee District Memorandum of Understanding to City Council with a recommendation to approve. The motion was seconded by Councilmember Hansen and **passed by a voice vote of 4-0.**

[Please see the attached report prepared by Jim Eckrich, Director of Public Works/City Engineer, for additional information on the Monarch Chesterfield Levee District Memorandum of Understanding.]

C. City Hall Carpet Selection

STAFF PRESENTATION

Jim Eckrich, Director of Public Works/City Engineer, stated that the 2023 Budget includes new carpeting for the first floor at City Hall. This includes the Police Department, the Chambers and conference rooms. He stated that the carpet would be of high quality and that the City would purchase it through the State bidding process. He then presented two sample combinations from which the Committee chose one combination.

IV. ADJOURNMENT

The meeting adjourned at 5:47 p.m.

Draft

Memorandum

Department of Planning

To: Michael O. Geisel, City Administrator
From: Justin Wyse, Director of Planning *JW*
Date: January 03, 2023



RE: **P.Z. 11-2022 Estates at Fire Rock (St. Austin School)**: A request for a change in zoning from a PUD – Planned Unit Development to E-1AC Estate District for 35.0 acres located at 17803, 17815 and 17831 Wild Horse Creek Road (18V130099, 18V140065, & 18V140098).

Summary

St. Austin School has submitted a request to change the zoning for a tract of land totaling 35.0 acres from a “PUD”—Planned Unit Development into a new “E-1AC”—Estate District. The site was rezoned from “LLR”- Large Lot Residential District to “E-1AC” in 2021. In the same year, a concurrent petition was submitted to rezone the property from “E-1AC” to “PUD”- Planned Unit Development to allow 35 single family homes. The current applicant is requesting to rezone the property back to “E-1AC” residential district to allow School as a permitted use since school is not a permitted use under the existing “PUD” zoning district.

A Public Hearing was held on November 14, 2022 for this petition, there were no issues raised.

The petition was reviewed by Planning Commission on November 28, 2022. Planning Commission approved this petition, as presented, by a vote of 8-0.

The petition was reviewed by the Planning and Public Works Committee on December 08, 2022. At that time, a motion to approve the project passed by vote 4-0.

Attachments: Legislation



Figure 1: Subject Site Aerial

BILL NO. 3418

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF THE “PUD” PLANNED UNIT DEVELOPMENT TO THE “E-1AC” ESTATE ONE ACRE DISTRICT FOR A 35.0-ACRE TRACT OF LAND LOCATED AT 17803, 17815 AND 17831 WILD HORSE CREEK ROAD (P.Z. 11-2022 Estates at Fire Rock (St. Austin School) 18V130099, 18V140065, & 18V140098).

WHEREAS, the petitioner, St. Austin School, has requested a change in zoning from the “PUD” Planned Unit Development to the “E-1AC” Estate One Acre District for a 35.0-acre tract of land located at 17803, 17815 and 17831 Wild Horse Creek Road; and,

WHEREAS, a Public Hearing was held before the Planning Commission on November 14, 2022; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the change of zoning, as presented; and,

WHEREAS, the Planning and Public Works Committee recommended approval of the change of zoning, as presented; and,

WHEREAS, the City Council, having considered said request voted to approve the change of zoning request.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. City of Chesterfield Unified Development Code and the Official Zoning District Map, which are part thereof, are hereby amended by establishing an “E-1AC” Estate One Acre District for a 35.0-acre tract of land located at 17803, 17815 and 17831 Wild Horse Creek Road and as described as follows:

A tract of land being all of Adjusted Parcel B of “Boundary Adjustment Plat of ‘A Tract of Land in U.S. Survey 102, Township 45 North – Range 3 East, St. Louis County, Missouri” according to the plat thereof recorded in Plat Book 338 Page 96 of the St. Louis County, Missouri Records and part of Adjusted Tract A of “Boundary Adjustment Plat of ‘A Tract of Land in U.S. Survey 102, in Township 45 North – Range 3 East, St. Louis County, Missouri” according to the plat

thereof recorded in Plat Book 346 Page 353 of said records, all located in U.S. Survey 102, Township 45 North, Range 3 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

Beginning at a point being the southeast corner of above-said Adjusted Parcel B, said corner being the intersection of the north right-of-way line of Wild Horse Creek Road (width varies) and the northeast line of above-said U.S. Survey 102; thence along said north right-of-way line the following courses and distances: along a line being 30 feet north of and parallel to the centerline of said Wild Horse Creek Road, South 55°36'40" West, 375.00 feet; North 12°03'12" West, 16.22 feet; and along a line being 45 feet north of and parallel to said centerline, South 55°36'40" West, 124.28 feet to a point on the east line of a tract of land conveyed to Trustee of the Melvin L. Fick and Lillian K. Fick, Joint Revocable Living Trust Agreement by document recorded in Deed Book 7996 Page 1316 of the above-said records; thence leaving said right-of-way line and along the east and north lines of said Fick tract the following courses and distances: North 32°41'08" West, 308.72 feet and South 81°07'48" West, 226.56 feet to a point on the west line of above-said Adjusted Tract A; thence leaving said north line of Fick tract and along the west line of said Adjusted Tract A the following courses, distances and curves: North 22°46'12" West, 687.49 feet; North 57°30'33" West, 199.99 feet to a point of curvature; along a curve to the right with a radius of 175.00 feet, whose chord bears North 18°35'43" West, 219.85 feet, an arc distance of 237.71 feet to a point of tangency; North 20°19'07" East, 143.40 feet; and North 22°46'12" West, 200.68 feet to the northwest corner of said Adjusted Tract A, said point being on the south right-of-way line of Chicago, Rock Island and Pacific Railroad (100 feet wide); thence leaving said west line and along said south right-of-way line, along a curve to the right being non-tangential to the previous course, with a radius of 3519.70 feet, whose chord bears North 67°52'46" East, 889.74 feet, an arc distance of 892.13 feet to a point of tangency; thence continuing along said south right-of-way line, North 75°08'27" East, 176.95 feet to a point being the northeast corner of said Adjusted Tract A; thence leaving said south right-of-way line and along the east line of said Adjusted Tract A and its prolongation, being the east line of said Adjusted Parcel B, South 12°03'12" East, 1644.66 feet to the Point of Beginning and contains 1,527,037 square feet, or 35.056 acres, more or less according to survey performed by The Sterling Company during the month of August, 2021 under Order Number 20-07-232.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Unified Development Code is granted, subject to all of the ordinances, rules and regulations.

Section 3. The City Council, pursuant to the petition filed by St. Austin School in P.Z. 11-2022, requesting the amendment embodied in this ordinance, and pursuant to the recommendation of the City of Chesterfield Planning Commission that said petition be granted and after a public hearing, held by the Planning Commission on the 14th day of November 2022, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Article 8 of the City of Chesterfield Unified Development Code.

Section 5. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2023

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie McGownd, CITY CLERK

FIRST READING HELD: 01/03/2023

Memorandum

Department of Public Works



TO: Michael O. Geisel, P.E.
City Administrator

FROM: James A. Eckrich, P.E. *JAE*
Public Works Dir. / City Engineer

DATE: November 9, 2022

RE: Monarch Chesterfield Levee District MOU

As you know, stormwater management in the City of Chesterfield is primarily the responsibility of the Metropolitan St. Louis Sewer District (MSD). An exception is the levee protected area, where the Monarch Chesterfield Levee District has assumed many of these responsibilities from MSD via a Memorandum of Understanding (MOU). The MOU between MSD and the Levee District was most recently updated in 2019. After reviewing the MOU between MSD and the Levee District it has become apparent that the 2010 MOU between the City and the Levee District should also be updated to accurately reflect the role the City plays in the management of stormwater within Chesterfield Valley. As detailed in the revised MOU, the City's primary role is to review development plans in Chesterfield Valley, to administer the Chesterfield Valley Storm Water Master Plan, and to serve as the floodplain manager. The Levee District is the entity responsible for the maintenance and operation of all public stormwater and drainage improvements.

Attached is a memorandum from Assistant City Engineer Zachary Wolff which describes the MOU in detail. Also included in your packet are copies of the existing MOU, the proposed MOU, an internal policy which covers as-built requirements, an internal procedure which details the enforcement of maintenance of the stormwater drainage channels in Chesterfield Valley, and easement language the City and the Levee District will require regarding future stormwater improvements in Chesterfield Valley. The final item is recommended revisions to the City Code regarding stormwater standards. The code revisions are included in the packet for informational purposes only, as they will need to be formally approved by City Council at a later date after a required public hearing.

Should you have questions or need additional information please let me know. There is no expenditure associated with this request.

Action Recommended

This matter should be forwarded to the Planning and Public Works Committee of City Council. If recommended for approval, the matter should be forwarded to the full City Council for approval. A separate recommendation for modifications to City Code related to stormwater standards will be submitted at a later date.

Please forward to PPW for review and recommendation.



2022-11-10

Memorandum

Department of Public Works



TO: James A. Eckrich, PE
Director of Public Works / City Engineer

FROM: Zachary S. Wolff, PE *ZSW*
Assistant City Engineer

DATE: September 28, 2022

RE: Monarch Chesterfield Levee District MOU
City Code Section 405.04.120 Stormwater Standards

Stormwater management in the City of Chesterfield is primarily the responsibility of the Metropolitan St. Louis Sewer District (MSD). In accordance with their Charter, MSD is authorized to construct, operate, and maintain a drainage system within their boundaries (which includes all of Chesterfield), and to approve, revise, or reject plans and designs of all private or public stormwater facilities. MSD was created in 1954.

The Monarch Chesterfield Levee District (MCLD) is responsible for constructing and maintaining the Monarch Chesterfield Levee. In addition to constructing and maintaining the levee, MCLD is authorized to construct and maintain drainage ditches, pumping stations, and other works and improvements deemed necessary to provide internal protection from flooding by the Missouri River and its tributaries. The MCLD was formed in 1947.

Stormwater management in the levee protected area of present-day Chesterfield, commonly referred to as Chesterfield Valley, pre-dates incorporation of the City. However, since the City's incorporation in 1988 and especially after the flood of 1993, the City has had a role in stormwater management in Chesterfield Valley. The City's primary role has been management and implementation of the Chesterfield Valley Storm Water Master Plan (CVSWMP) which was previously known as the "Booker Plan". The CVSWMP is an engineering model that shows a system of existing and future channels, basins, pipes, and pump stations in Chesterfield Valley that are necessary to provide appropriate stormwater drainage.

In 2010 the City executed a Memorandum of Understanding (2010 MOU) with the MCLD regarding stormwater management within Chesterfield Valley. The 2010 MOU is attached for reference. The MOU delineates the City and MCLD's responsibilities for stormwater management related to the CVSWMP and specifically includes

development plan review, ownership and maintenance of stormwater improvements, and floodplain management in compliance with the National Flood Insurance Program.

In 2019 MCLD and MSD executed an Intergovernmental Cooperation Agreement (Agreement) for providing stormwater management in Chesterfield Valley. The Agreement delineates MCLD and MSD's responsibility with respect to stormwater management and billing, assignment of property interests, environmental regulation, plan review and enforcement powers, and other miscellaneous items. The major shift with this Agreement is that MCLD became the primary entity responsible for storm water in Chesterfield Valley including but not limited to plan review, permitting, and maintenance of the entire storm sewer system (pipes, inlets, channels, and pump stations). MSD retained responsibility for providing review of storm water quality improvements and environmental compliance.

Upon receipt of the new MCLD and MSD Agreement City staff coordinated a meeting with representatives of the MCLD to review and discuss the CVSWMP; specifically, the maintenance, responsibility, and expectations for existing storm water channels in Chesterfield Valley. Since the July 2019 meeting the City and MCLD have continued to work together to ensure there is a clear responsible party for stormwater review and management between MCLD, MSD, and the City.

In order to memorialize the City and MCLD responsibility a new MOU has been drafted and reviewed by both MCLD and City staff. The new MOU is attached for reference. As you can see, the MOU references existing MSD and MCLD responsibility in accordance with their Intergovernmental Cooperation Agreement and then goes further to define the responsibility of the City and MCLD for stormwater management in Chesterfield Valley. The MOU also includes a Public Works Department Policy for As-Built Drawings, updated easement language for CVSWMP features, and a procedure the City staff and MCLD will utilize for enforcement of maintenance of CVSWMP improvements.

Additionally, Engineering staff reviewed the City's Stormwater Standards in City Code Section 405.04.120 and recommend revisions that will simplify the City's Stormwater Standards, more clearly represent that stormwater design and management in Chesterfield is subject to MSD Rules and Regulations, and add specific requirements for stormwater in Chesterfield Valley. Stormwater Standards are part of the Unified Development Code so the revisions require a public hearing, consideration by Planning Commission, a recommendation from Planning and Public Works, and approval by City Council. Engineering staff will work with Planning on the appropriate process for the recommended City Code revisions. The proposed revisions are attached for information only at this time.

2010 CITY MCLD MOU

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHESTERFIELD AND THE MONARCH-CHESTERFIELD LEVEE DISTRICT REGARDING STORMWATER MANAGEMENT

WHEREAS, the Monarch-Chesterfield Levee District ("Levee District") operates and maintains a levee and storm water drainage system as described in the Levee District's Plan for Reclamation and various Supplemental Plans for Reclamation, which systems provide flood risk mitigation to an area of approximately 4,700 acres located within the City of Chesterfield, Missouri, including approximately 350 acres located within the City of Wildwood ("Chesterfield Valley");

WHEREAS, the City of Chesterfield, Missouri ("City") has developed, adopted and is implementing a storm water master plan for all watersheds within Chesterfield Valley, which prescribes the facilities and infrastructure necessary for stormwater management in coordination with the provisions of flood plain management; said plan is known as the Chesterfield Valley Stormwater Master Plan ("Master Plan");

WHEREAS, the stormwater system designed in the Master Plan has been partially constructed, and the City continues to pursue completion of construction of elements of the Master Plan, as development occurs;

WHEREAS, the Levee District has statutory authority and has accepted responsibility for operating and maintaining elements of the Master Plan, and the City has constructed and transferred ownership of various elements of the Master Plan to the Levee District for operation and maintenance;

WHEREAS, the stormwater system now serves and will continue to serve multiple functions, including (a) management of stormwater run-off through a stormwater drainage system in accordance with the Master Plan to maintain a certain internal base flood elevation as determined by the City in its capacity as the floodplain manager under 44 CFR Section 60.3 ("Stormwater Management") and (b) compliance with certain federal, state and local regulations regarding quality of stormwater run-off for environmental purposes ("Water Quality Compliance");

WHEREAS, the City and the Levee District recognize that Stormwater Management and Water Quality Compliance within Chesterfield Valley is essential to ensure public safety and environmental compliance;

WHEREAS, the City and Levee District have a mutual desire to regulate and manage development in Chesterfield Valley in a manner consistent with and in compliance with requirements for Stormwater Management and Water Quality Compliance; and,

WHEREAS, the City and the Levee District wish to enter into this Memorandum of Understanding to document their intent to cooperate and share responsibility for implementing

and maintaining Stormwater Management and Water Quality Compliance within Chesterfield Valley;

WHEREAS, the City has approved this Memorandum of Understanding by vote of the City Council on June 21, 2010;

WHEREAS, the Levee District has approved this Memorandum of Understanding by Resolution adopted by the Board of Supervisors of the Levee District on June 11, 2010;

NOW, THEREFORE, in consideration of the promises, covenants and representations in the Memorandum of Understanding, the parties agree as follows:

1. **Storm Water Master Plan**: The City will possess, manage, update and maintain the Master Plan stormwater model for Chesterfield Valley for purposes of Stormwater Management and Water Quality Compliance. The City and Levee District agree to cooperate to ensure effective implementation of the Master Plan provided that the paramount use of the stormwater system shall be for floodplain management purposes.
2. **Plan Review/Permitting**: Development plan review and permitting within the Levee District's boundaries shall be done by City of Chesterfield for Stormwater Management, flood plain development and Water Quality Compliance purposes; provided, however, that plan review and permitting for Water Quality Compliance purposes shall commence only after the Levee District adopts and the appropriate state and local agencies approve a water quality master plan for Chesterfield Valley. Said standards and requirements shall be enforced by Levee District and the City shall cooperate and assist in enforcement to the extent permitted by law, including ordinances of the City. It is not intended for the Levee District to be a co-permittee with MSD for the MS-4 permit with the Missouri Department of Natural Resources.
3. **Facility Ownership and Maintenance**: The Levee District will retain ownership and be responsible for maintenance of public stormwater and drainage improvements for all purposes. All such public stormwater and drainage improvements on new developments shall be dedicated to the City and the Levee District. The Levee District may transfer ownership and all obligations associated with stormwater facilities owned by the Levee District to other public entities, subject to operation of such facilities in accordance with this Memorandum and the Master Plan.
4. **National Flood Insurance Program**: The City of Chesterfield is the designated floodplain manager as defined by the National Flood Insurance Program. As Floodplain Manager, the City has responsibility and authority to manage any development, alteration, or additions within or adjacent to the special flood hazard area as provided by the City's flood plain management ordinance and 44 CFR Section 60.3.

5. **Federal and State Law.** This agreement shall not be construed as to conflict or supersede or otherwise limit any similar or applicable law, rule or regulation of the government of the United States, State of Missouri, or St. Louis County.
6. **Severability.** The captions included in this agreement are used for the purposes of convenience only and shall not be construed as limiting or otherwise affecting the agreement itself. In the event any portion of this agreement shall for any reason be declared invalid or unenforceable, such invalidity or unenforceability shall not affect the remaining provisions hereof.

THIS MEMORANDUM OF UNDERSTANDING is entered into by the City and the Levee District and has been executed by the duly authorized representative of each party, pursuant to authorization granted by the Board of Supervisors and the City Council.

MONARCH-CHESTERFIELD
LEVEE DISTRICT

CITY OF CHESTERFIELD, MISSOURI

By: Earl R. Hoffmann
Earl R. Hoffmann
Title: President

By: Libby Malberg
Acting Michael G. Herring-LIBBY MALBERG
Title: City Administrator

Date: June 25, 2010

Date: 7/8/10

ATTESTED

By: H. Kimberly O'Neil
Attorney for Levee District

By: Pamela Shelton
Deputy City Clerk

AFFIX SEAL

AFFIX SEAL

New CITY MCLD MOU

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF CHESTERFIELD AND
THE MONARCH-CHESTERFIELD LEVEE DISTRICT
REGARDING STORMWATER MANAGEMENT**

WHEREAS, the Monarch-Chesterfield Levee District (“Levee District”) operates and maintains a levee and storm water drainage system (“Stormwater System”) as described in the Levee District’s Plan for Reclamation and various Supplemental Plans for Reclamation and in accordance with the March 31, 2017 Intergovernmental Cooperation Agreement between the Metropolitan St. Louis Sewer District (“MSD”) and the Levee District (“Cooperation Agreement”), which systems provide flood protection and stormwater management to an area of approximately 4,700 acres located within the City of Chesterfield, Missouri and approximately 350 acres located within the City of Wildwood (“Chesterfield Valley”) as shown on Exhibit A;

WHEREAS, the City of Chesterfield, Missouri (“City”) has developed, adopted and is implementing a storm water master plan for all watersheds within Chesterfield Valley, which prescribes the facilities and infrastructure necessary for stormwater management in coordination with the provisions of floodplain management; said plan is known as the Chesterfield Valley Stormwater Master Plan (“Master Plan”);

WHEREAS, the Master Plan System has been partially constructed, and the City continues to require construction of elements of the Master Plan, as development occurs;

WHEREAS, the Levee District has statutory authority and has accepted responsibility for operating and maintaining the Stormwater System and for providing stormwater services as defined in Article I, Section 1.1 of the Cooperation Agreement;

WHEREAS, the Master Plan System and Stormwater System together serve and will continue to serve multiple functions, including (a) management of stormwater run-off through a stormwater drainage system in accordance with the Master Plan to maintain a certain internal base flood elevation as determined by the City in its capacity as the floodplain manager under 44 CFR Chapter 1, Subchapter B and (b) compliance with certain federal, state and local regulations regarding stormwater detention and channel protection and (c) management of stormwater run-off in the public storm system and (d) accommodation of run-off from private storm systems.

WHEREAS, the City and the Levee District recognize that stormwater management within Chesterfield Valley is essential to ensure public safety, protect public and private property; and meet environmental compliance;

WHEREAS, the City and Levee District have a mutual desire to regulate and manage development in Chesterfield Valley; and,

WHEREAS, the City and the Levee District previously entered into a Memorandum of Understanding in 2010 to document their intent to cooperate implementing the Master Plan within Chesterfield Valley and;

WHEREAS, the City and the Levee District wish to enter into an updated Memorandum of Understanding to confirm their intent to continue to cooperate implementing the Master Plan System and Stormwater System within Chesterfield Valley and clarify their specific responsibilities for said implementation;

WHEREAS, the City has approved this Memorandum of Understanding by vote of the City Council on _____, 2022.

WHEREAS, the Levee District has approved this Memorandum of Understanding by vote of the Levee District Board on _____, 2022.

TERM and DEFINITIONS:

Chesterfield Valley – Levee protected area in the City of Chesterfield generally bounded by Bonhomme Creek to the south and east and the Monarch-Chesterfield Levee to the north and west

City - City of Chesterfield

Levee District – Monarch-Chesterfield Levee District

MSD – Metropolitan St. Louis Sewer District

Cooperation Agreement - March 31, 2017 Intergovernmental Cooperation Agreement between MSD and the Levee District

Master Plan – Chesterfield Valley Storm Water Master Plan which describes the facilities and infrastructure necessary for overall stormwater and floodplain management in Chesterfield Valley.

Master Plan System – System of constructed Master Plan facilities and infrastructure including but not limited to channels, culverts, basins, and pump stations.

Stormwater System – System of constructed levees and public and private stormwater improvements as defined in the Cooperation Agreement not part of the Master Plan System.

NOW, THEREFORE, in consideration of the promises, covenants and representations in the Memorandum of Understanding, the parties agree as follows:

1. **Master Plan**: The City will possess, manage, update and

maintain the Master Plan. The City and Levee District agree to cooperate to ensure effective implementation of the Master Plan for stormwater conveyance, storage, and floodplain management purposes.

2. **Plan Review/Permitting:** Development plan review and permitting within Chesterfield Valley shall be done jointly. The City will review projects for compliance with the Master Plan and floodplain development requirements. The Levee District and MSD will review Stormwater System improvements, including but not limited to pre- and post-developed drainage area maps and calculations, pipe sizing, public and private designations, Water Quality Compliance, etc. in accordance with the Cooperation Agreement. The City will request Levee District and MSD comments and approval prior to the City issuing plan approval and permits for projects in Chesterfield Valley.

3. **Ownership and Maintenance:** The Levee District will retain ownership and be responsible for maintenance of the Master Plan System and of the Stormwater System in accordance with the Cooperation Agreement. All Master Plan System and public Stormwater System improvements required on new developments shall be dedicated to the Levee District. The Levee District may transfer ownership and all obligations associated with Master Plan System and Stormwater System owned by the Levee District to other public entities, subject to operation of such facilities in accordance with this Memorandum and the Master Plan and Cooperation Agreement. The City will retain ownership and be responsible for the maintenance of culverts, open on both ends, under City maintained roadways.

4. **National Flood Insurance Program:** The City is the designated floodplain manager as defined by the National Flood Insurance Program. As Floodplain Manager, the City has responsibility and authority to manage any development, alteration, or additions within or adjacent to the special flood hazard area as provided by the City's floodplain management ordinance and 44 CFR Chapter 1, Subchapter B.

5. **Construction Inspection and As-Built Drawings:** The City will inspect construction of the Master Plan System as part of development inspections to ensure compliance with the Master Plan. Upon completion of construction, the City will require submittal of as-built drawings in accordance with City Policy PPW-076 (Exhibit B) to confirm compliance with the Master Plan and document actual constructed elevations and size of Master

Plan System improvements. The City will share Master Plan As-Built drawings with the Levee District.

The Levee District will inspect construction of the Stormwater System, not part of the Master Plan, as part of development inspections to ensure compliance with approved plans. Upon completion of construction, the Levee District will require submittal of as-built drawings in accordance with the Cooperation Agreement. The Levee District will share Stormwater System As-Built drawings with the City and MSD.

7. **Easement Dedication:** Master Plan System and Stormwater System improvements require easements. Master Plan easements shall be obtained by the City and executed by the property owner prior to approval of Improvement Plans and issuance of a permit. The required easement language will be as included on Exhibit C and easement areas must be shown on the associated plans.

Stormwater System easements for Public facilities shall be as required by the Levee District and obtained by the Levee District prior to plan approval.

8. **Agency Contacts:** The City and Levee District will maintain current agency contacts and said contacts will be published on the City's website. As of the date of this Memorandum, the primary agency contacts are

City of Chesterfield

James A. Eckrich, P.E., Public Works Director
690 Chesterfield Pkwy W
Chesterfield, MO 63017-0760
636-537-4764
jeckrich@chesterfield.mo.us

Monarch-Chesterfield Levee District

David R. Human
Husch Blackwell LLP
190 Carondelet Plaza, Suite 600
314-480-1710
David.human@huschblackwell.com

8. **Record Keeping:** The City will maintain records associated with the Master Plan including but not limited to plans, functional equivalency analyses, and as-built drawings. The Levee District will maintain records of Master Plan maintenance

as well as record of the Stormwater System in accordance with the Cooperation Agreement.

9. **Enforcement:** Proper function of the Master Plan System and Stormwater System are vital to protect property in Chesterfield Valley. The City and Levee District agree to cooperate to ensure effective maintenance of the Master Plan System for stormwater conveyance and floodplain management purposes. As the entity responsible for maintenance of the Master Plan System and Stormwater System, the Levee District is responsible for initiating formal enforcement actions and coordinating with property owners, as necessary, to ensure proper maintenance of both systems.

In the event the Levee District's enforcement actions do not achieve the desired result the City will initiate enforcement action in accordance with City Code Chapter 215, Nuisances. Enforcement coordination shall occur in accordance with City Procedure PPW-1056 (Exhibit D).

This MEMORANDUM OF UNDERSTANDING is entered into by the City and the Levee District and has been executed by the duly authorized representative of each party, pursuant to authorization granted by the Board of Supervisors and the City Council.

**Monarch-Chesterfield
Levee District**

City of Chesterfield

Signature -

Signature -

Title

Title

ATTEST:

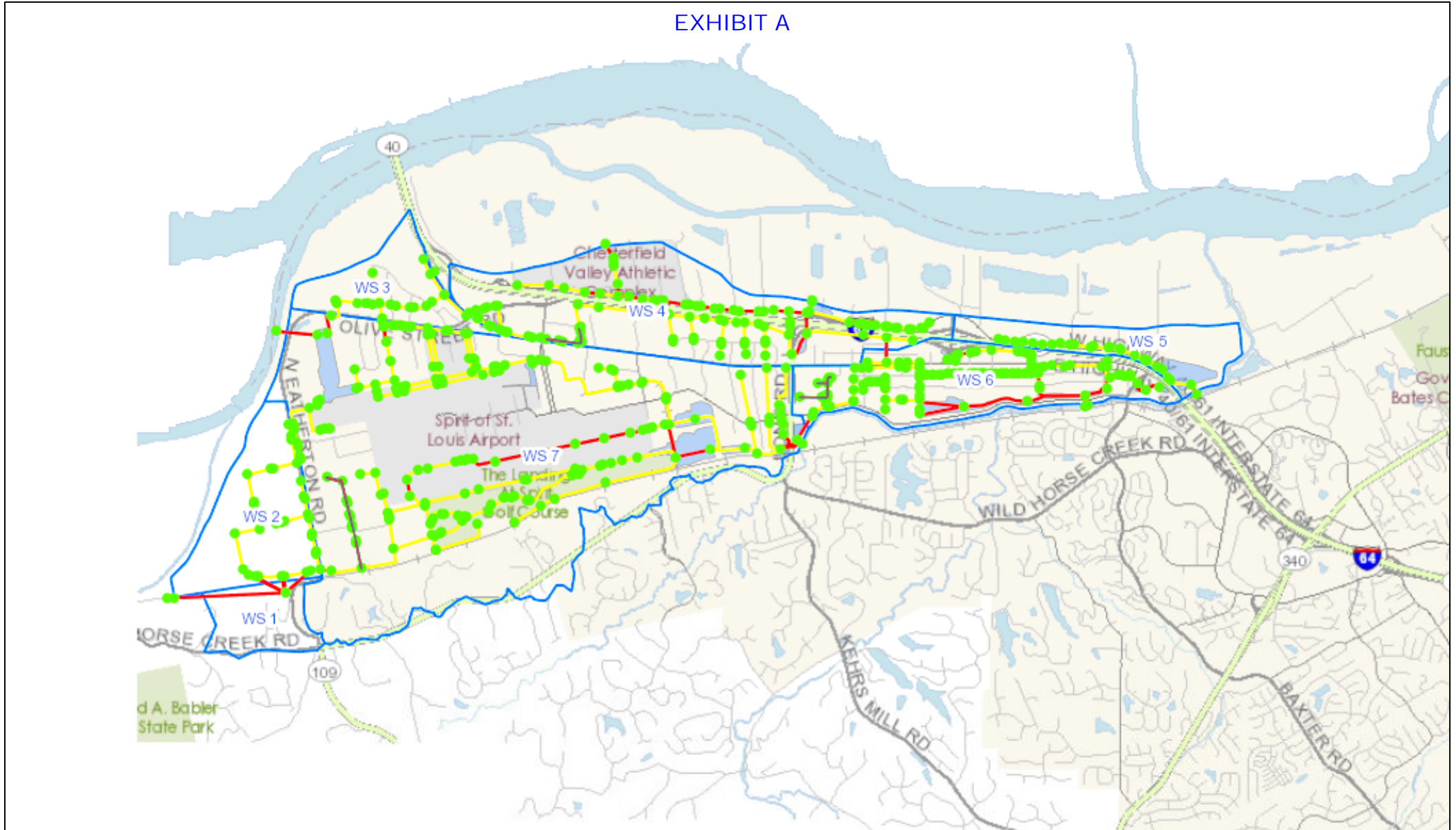
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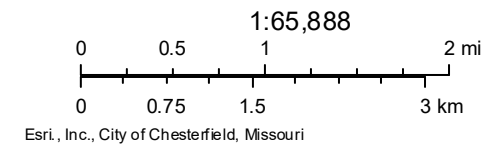
Chesterfield Valley Stormwater Master Plan

EXHIBIT A



3/11/2022, 3:52:15 PM

- | | | | |
|--|---|--|--|
| ■ 2021 FE Updates | Pipe | — Rectangular | ■ Ponds |
| ● Nodes | - - - Circular | · · · Pumps | |
| — Channel | - · - Horiz. Ellipse | □ Watershed | |





PLANNING & PUBLIC WORKS POLICY



POLICY NO: PPW-076

SUBJECT: Chesterfield Valley Stormwater
Improvements and As-Built Drawings

DATE ISSUED: 02/03/2022 **DATE REVISED:**

In accordance with City [Ordinance 1927](#), as-built information and Engineer's certifications are to be submitted to the City for all Chesterfield Valley Stormwater Master Plan (CVSWMP) improvements. As-built drawings for other stormwater improvements within Chesterfield Valley (not CVSWMP improvements, i.e. stormwater pipes, water quality features, etc.) shall be prepared in compliance with MSD criteria and submitted to the Monarch Chesterfield Levee District and Metropolitan St. Louis Sewer District, as necessary. CVSWMP as-built drawings shall be signed and sealed by a Land Surveyor or Engineer registered in the State of Missouri.

In addition, as-built drawings shall include a certification signed and sealed by a Professional Engineer registered in the State of Missouri stating that the as-built conditions of the CVSWMP improvements shown on the as-built drawings are in general conformance with the approved plans and the CVSWMP. The Engineer shall provide volume or capacity calculations necessary to support the certification and document conformance with the approved plans and CVSWMP.

At a minimum, the following information shall be provided on the as-built drawings submitted to the City.

1. Vertical and horizontal datum shall be clearly displayed on the as-built drawings and shall meet the following requirements.
 - a. Vertical datum shall be referenced to the North American Vertical Datum of 1988 (NAVD88) and a conversion to NGVD29 shall be provided.
 - b. Horizontal datum shall be State Plane Coordinates – Missouri East Zone, NAD83(HARN).
2. Stormwater Conveyance Conduit
 - a. The following shall be included and/or verified in both plan and profile views for all stormwater conveyance conduits:
 - i. Conduit shape (rectangular, circular, elliptical, etc.)

- ii. Conduit size:
 - 1. Circular: inside diameter
 - 2. Rectangular and Elliptical: inside height x inside width
 - iii. Conduit material (RCP, CMP, HDPE, etc.)
 - iv. End treatment (90° headwall, wingwalls, flared end section, mitered to slope, project from berm, etc.)
 - v. Conduit length
 - vi. Invert elevations, upstream, downstream, and at any junction box or manhole.
- b. The following shall be included and/or verified in both plan and profile views for all drainage inlets and storm water manholes.
- i. Inlet type
 - ii. Frame/top elevation
 - iii. Structure bottom elevation
 - iv. Invert elevation and direction of connecting storm water conduits
 - v. Grate size, manufacturer, and model, if applicable
3. Reservoir/Basin
- a. A field survey shall be made to confirm the location, size, and depth of any designed stormwater reservoir or basin. As a minimum, the as-built drawing shall include:
- i. As-built cross sections of the reservoir/basin plotted over the design cross sections.
 - ii. Spot elevations shown in plan view, defining the location and elevation of the reservoir basin berm and overflow spill way.
- b. The following shall be included and/or verified by the as-built survey for all structural or earthen weirs/spillways:
- i. Location
 - ii. Bottom width
 - iii. Side slope (in H:1 format)
 - iv. Height (from weir control elevation to top of berm)
 - v. Dimensions and invert elevations of any orifice associated with the weir or spill way.
4. Stormwater Channel
- a. The following shall be included in the as-built survey for all stormwater channels:
- i. As-built cross sections of the channel plotted over the design cross sections.

1. Location of surveyed cross sections shall be noted in plan view.
 - ii. Spot elevations shown in plan view, defining the location and elevation of the top of bank and bottom of bank.
- b. The following shall be included in the as-built survey for all uniform trapezoidal stormwater channels.
 - i. Bottom width as measured from bottom of bank to bottom of bank
 - ii. Right and left side slope in the format H:1 (right and left refer to channel sides as if looking downstream)
 - iii. Channel bedding material (rip rap, grass, concrete, etc.)
 - iv. Depth of channel from the bottom of bank to the top of bank for both upstream and downstream ends.
 - v. Channel inverts, upstream and downstream
5. Stormwater Pump Stations:
 - a. As-built survey shall include the following:
 - i. Physical location of the pump station
 - ii. Pump intake elevation
 - iii. Pump station outfall elevation
 - iv. Pipe invert elevation of the highest point in the discharge pipe
 - v. Discharge pipe end treatment (flap gate, duckbill gate, etc.)
 - vi. Location, bottom elevation and size of forebay
 - vii. Any detention basin, drainage structures, or conduits associated with a pump station shall be included in the as-built survey and shall adhere to the requirements of the section appropriate to the structure.
 - viii. Include manufacture's pump station performance curves and the associated pump on and off elevations.
6. As-Built Deliverables
 - a. A PDF document showing all appropriate as-built data required by this policy. The as-built data must be electronically prepared and added to the construction plans to allow for comparison between the design and constructed features. The as-built plans must be signed and sealed by a Land Surveyor or Engineer registered in the State of Missouri.

APPROVED BY:



Director of Public Works/City Engineer

02/03/2022

Date

APPROVED BY:

City Administrator (*if applicable*)

Date

EXHIBIT C

CHESTERFIELD VALLEY STORM WATER EASEMENT

TO WHOM IT MAY CONCERN:

KNOW ALL MEN BY THESE PRESENTS, That _____, Grantor(s), for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations paid by the Monarch Chesterfield Levee District, Grantee, the receipt of which is hereby acknowledged, do(es) hereby give, grant, extend, and confer on the Monarch Chesterfield Levee District their successors and assigns as their interest may appear for the purpose of construction, maintaining and repair of the basins, reservoirs, channels, drainage facilities and sewer lines in conformance with the Chesterfield Valley Storm Water Master Plan, on the strip or strips of ground described as shown hachured on the attached "Easement Plat" marked Exhibit "A", and made a part hereof, with the right of temporary use of adjacent ground not occupied by improvements for the excavation and storage of materials during installation, repair or replacement of said basins, reservoirs, channels, drainage facilities and sewer lines.

The property owner(s) shall be responsible for maintaining the dry/wet basins, channels, drainage facilities and sewer lines in good working order and in good repair as appropriate to ensure property conveyance of storm water. In the event that the property owner(s) or its successors in title to said property shall fail to adequately maintain the basins, reservoirs, channels, drainage facilities and sewer lines in accordance with the approved Chesterfield Valley Storm Water Master Plan, the Monarch Chesterfield Levee District their successors and assigns shall be permitted to enter onto the property and make the repairs and corrections and perform such maintenance as it deems necessary and bill the property owners of said property for the services performed. It is further agreed that in the event that said bill or charge for services performed shall not be paid within a period of thirty (30) days said sum shall become a lien on the real property and shall accrue interest at a rate of eight percent (8%) until paid in full.

The Monarch Chesterfield Levee District may from time to time enter upon said premises to inspect, construct, reconstruct, or maintain the sewers or stormwater improvements aforesaid, and may extend and/or assign its rights in this easement to the City of Chesterfield, Missouri, State, County, or other political subdivisions of the State. The easement hereby granted is irrevocable and shall continue forever.

All stormwater easements as dedicated to the Monarch Chesterfield Levee District per the above, shall not be in the possession or control of the Levee District. Nor shall the Levee District be responsible for the maintenance, alteration, repair, operation, removal or relay on any stormwater drainage system unless it has been accepted by Levee District as a public system for maintenance.

IN WITNESS WHEREOF, the above named grantor(s) has(ve) executed these presents
this _____ day of _____, 20 _____.

(Corporation Name)

Attest: _____
Secretary

(SEAL)

(Individual Notary)

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

On this _____ day of _____, 20__, before me personally appeared _____ to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that _____ executed the same as _____ free act and deed.

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

Notary Public

My term expires: _____

(Corporate Notary)

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

On this _____ day of _____, 20__, before me appeared _____ to me personally known, who, being by me duly sworn, did say that they are the _____ of _____, a Corporation of the State of _____, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said Corporation, by authority of its Board of Directors; and said _____ acknowledged said instrument to be the free act and deed of said Corporation.

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

Notary Public

My term expires: _____

Easement Plat / Exhibit A



**PLANNING & PUBLIC WORKS
PROCEDURE**



PROCEDURE NO: PPW-1056

SUBJECT: Chesterfield Valley Stormwater
Water Master Plan System
Maintenance Enforcement

DATE ISSUED: 09/27/2022 **DATE REVISED:**

The City, in cooperation with the Monarch Chesterfield Levee District (MCLD), shall utilize the following procedure for enforcement of maintenance of the Chesterfield Valley Stormwater Master Plan (CVSWMP) System.

If the City identifies a CVSWMP maintenance issue or receives a concern regarding maintenance of the CVSWMP, the City shall provide written notification of the issue to the MCLD.

Upon receipt of a potential issue from the City or upon inspection and observation of an issue, MCLD will initiate enforcement action and attempt to work with the property owner(s) to correct the issue and bring the property into compliance. MCLD will send written correspondence to the property owner(s) that includes details on the required maintenance and a required timeframe when the issue must be corrected. If the necessary maintenance action is critical to function of the CVSWMP system, the written correspondence should include notice that if the required action is not taken, MCLD may perform the maintenance and assess the cost to the owner as provided for in the easement agreement. If the action is necessary but not critical, the written correspondence should include notice that if action is not taken the matter will be forwarded to the City of Chesterfield for additional investigation and potential citation for violation of the City's Nuisance Code.

If the property owner corrects the issue within the timeframe provided by MCLD, MCLD will send written notice of resolution to the property owner confirming that the issue has been resolved. If the issue is not corrected MCLD may, at their discretion, send a 2nd notice to the property owner and continue working on resolution, initiate critical maintenance activity and assess the cost to the owner (as provided in the easement document), or send a request to the City for additional investigation and enforcement.

Correspondence to the City from MCLD requesting additional investigation and enforcement should include the previous written correspondence sent by MCLD to the property owner, a map with a specific location of the issue, photos of the issue, and

any other supporting documentation detailing MCLD efforts to resolve the issue. Upon receipt of the request from MCLD City Engineering staff will review the issue and determine if the issue constitutes a violation of the City's Nuisance code. If the issue does constitute a Nuisance, the City will take enforcement action in accordance with City Code Section 408, Article 08, Enforcement and Penalties. Article 08 allows the City to utilize a Stop Work Order (SWO), written notice of violation (NOV), and/or a summons as appropriate enforcement action.

Each enforcement action will likely have different levels of effectiveness on a given issue. Issuance of a summons may be more effective in one instance whereas an SWO may be more effective in another. Enforcement action is primarily a tool to achieve compliance and/or abatement of a violation. However, enforcement actions should also serve as a deterrent for future violations and encouragement for the permittee and owner/developer (responsible party) to proactively monitor and address issues before they are violations. To that end, the City and MCLD should review the available enforcement actions on a case by case basis and determine the most effective and reasonable course of action for each violation.

First Offense

If the documented violation is a first offence for the responsible party, an NOV will typically be issued.

Subsequent Offences

If the violation has previously been documented, the City should issue an NOV and consider reducing the allowable time to correct the violation. However, issuance of an NOV is not required and consideration should be given for issuance of a summons alone or in addition to an NOV.

Notice of Violation

An NOV shall contain the items as required in Section 408.08.030 of City Code and will typically consist of a letter signed by AN Engineer that specifies the address of the property, the deficiencies, the ordinance number and/or code section being violated, what corrective action is necessary, and a specific timeframe in which the responsible party is required to achieve compliance. It is recommended that the NOV include the supporting documentation from MCLD that more specifically identifies the actual site violations, required remedial actions, and associated photographs documenting the site conditions.

The NOV shall be sent via Certified Mail through USPS. All NOVs shall also be distributed to the MCLD, Director of Public Works, and the Director of Planning via e-mail.

Stop Work Orders

Issuance of an SWO shall result in a suspension of activity on the site, except for work related to remediation of the violation, until the violation is resolved to the City's satisfaction. For instances of property maintenance violations, an SWO may not be an

effective tool. However, upon the issuance of an SWO, the Director of Public Works and the Director of Planning are authorized to suspend the issuance of building permits and occupancy permits for structures on any portion of the site, and to suspend all inspections and plan review related to any other work that is taking place on the site, until such time as the violation is resolved to the City's satisfaction.

The SWO shall be posted onsite and issued in writing as part of an NOV. The SWO posted on the site shall be placed in reasonable proximity to the location where the violation(s) exists. An SWO posted in this manner shall be considered validly delivered.

An SWO shall be removed after the permittee and/or owner has notified the City that the necessary remedial work has been completed and the City and MCLD have confirmed abatement of the violations during a re-inspection. Results of the re-inspection shall be documented by photos. Re-inspections shall be scheduled as soon as possible after they are requested and, in any case, must be conducted within two business days after receiving the notification from the permittee and/or owner that the issue has been abated.

Any person who continues work on the site after having been served with an SWO, except such work related to remediation of the violation, shall be subject to penalties as specified in Article 08 of the UDC.

Summons

If the property owner fails to comply with the NOV and/or SWO, a summons to court may be issued. A summons may be issued for each documented deficiency for each day the matter remains non-compliant. Each court summons shall generally be issued in conformance with Policy PPW-075. The summons to court shall contain all the information required by the Code. If the issue is recurring and an NOV and/or SWO has been issued in the past, the Department of Public Works and/or Department of Planning shall have the option of issuing a citation immediately upon discovery of a violation, in lieu of another NOV and/or SWO.

Resolution

Resolution of an NOV and/or SWO shall be documented in writing and sent to the property owner via Certified Mail through USPS. It is recommended that the resolution documentation include a letter and photographs that show previous violations were addressed. The resolution letter shall also be distributed to the MCLD, Director of Public Works, and the Director of Planning via e-mail.

Procedure No. PPW-1056
CVSWMP System Maintenance Enforcement

APPROVED BY:



9/28/2022

Director of Public Works/City Engineer

Date

Recommended Revisions to Stormwater Standards

Section 405.04.120 Stormwater Standards.

A. General.

1. The purpose of this Section is to provide standards and regulations governing land development in order to reduce or prevent flooding and at the same time minimize damage to real property.
2. During the construction phase of development, facilities shall be provided to prevent erosion and siltation in accordance
3. The City of Chesterfield hereby adopts by reference The Metropolitan St. Louis Sewer District (MSD) Rules and Regulations and Engineering Design Requirements for Sanitary Sewer and Stormwater Drainage Facilities, February 1, 2018. The City of Chesterfield, unless otherwise acted upon, shall adopt by reference any changes made by MSD to the standards effective as of February 1, 2018.
4. Ability To Waive Requirements. The Director of Public Works is empowered to grant exceptions to the stormwater standards on a case-by-case basis when specific requirements are onerous and inappropriate for a particular development.
5. In addition to the standards as promulgated by MSD, the City of Chesterfield hereby supplements those standards which will be added to and effective in the City of Chesterfield as of the new MSD standards and shall read as follows:

a. General.

- (1) Compacted granular backfill is required within trenches located in the right-of-way and adjacent areas. (This includes sidewalks that are installed on easements adjacent to the right-of-way.)
- (2) Siltation control measures are to be designed, constructed and maintained until adequate vegetation is established to prevent erosion.
- (3) The adequacy of any existing downstream storm sewer system is to be verified and upgraded, if necessary.

b. Design Criteria.

- (1) Pavement under drains are to be installed the full width of the pavement at all curb inlets.

c. Detention.

- (1) When developments are within sites served by local and regional detention facilities, the City may require an analysis of downstream effects and compliance with detention requirements at time of development for areas served by regional-type detention basins which were installed previously.

d. Stormwater in Chesterfield Valley

- (1) Stormwater in Chesterfield Valley is subject to review and approval by the City of Chesterfield

for compliance with the Chesterfield Valley Master Stormwater Plan.

- (2) The Director of Public Works shall maintain a copy of the Chesterfield Valley Master Stormwater Plan in his/her office and make it available at all times hereafter.
- (3) Stormwater in Chesterfield Valley is subject to review and approval by MSD and the Monarch Chesterfield Levee District in accordance with the Intergovernmental Cooperation Agreement between MSD and MCLD.
- (4) Construction of required storm water improvements per the Chesterfield Valley Master Storm Water Plan shall occur with development and developers shall coordinate with the owners of the properties affected by construction of the required improvements. In the event that the ultimate required improvements cannot be constructed concurrently with a development, the developer shall provide interim drainage facilities and establish sufficient escrows as guarantee of future construction of the required improvements, including removal of interim facilities. Interim facilities shall be sized to handle runoff from the 100-year, 24-hour storm event as produced by the Master Storm Water Plan model. The interim facilities shall provide positive drainage and may include a temporary pump station, if necessary, to achieve positive drainage. Interim facilities shall be removed promptly after the permanent storm water improvements are constructed.
- (5) Alternate geometry, size and/or type of storm water improvements that are functionally equivalent to the required improvements per the Chesterfield Valley Master Storm Water Plan may be proposed. Functional equivalence is said to be achieved when, as determined by the Director of Public Works, the alternate proposal provides the same hydraulic function, connectivity, and system-wide benefits without adversely affecting any of the following: water surface profiles at any location outside the development; future capital expenditures; maintenance obligations; equipment needs; frequency of maintenance; and probability of malfunction. The City will consider, but is not obligated to accept, alternate plans. If the Director of Public Works determines that a proposed alternative may be functionally equivalent to the Chesterfield Valley Master Storm Water Plan improvements, hydraulic routing calculations will be performed to make a final determination of functional equivalence. The Director will consider proposals for alternate improvements, but is not obligated to have the hydraulic analysis performed if any of the other criteria regarding functional equivalence will not be met. The hydraulic routing calculations regarding functional equivalence may be performed by a consultant retained by the City of Chesterfield. All costs related to consideration of an alternate proposal, which shall include any costs related to work performed by the City's consultant, shall be reimbursed to the City.
- (6) All necessary Chesterfield Valley Storm Water Easements shall be provided to accommodate future construction of the Chesterfield Valley Master Storm Water Plan improvements, and any and all Chesterfield Valley Master Storm Water Plan improvements shall be depicted on the Site Development Plan(s) and Improvement Plans.
- (7) Maintenance of the required storm water improvements shall be the responsibility of the property owner unless the improvement is accepted by another agency for maintenance.

- (8) All Chesterfield Valley Master Storm Water Plan improvements, as applicable, shall be operational prior to the paving of any driveways or parking areas unless otherwise approved.
- (9) As-built plans for Chesterfield Valley Master Stormwater Plan improvements shall be submitted to the City and the Monarch Chesterfield Levee District for review and approval.

e. Floodplain

- (1) All requirements of Article 5, Flood Damage Prevention are incorporated herein, as may be revised from time to time.

f. Easements

- (1) Easements for stormwater improvements shall be provided as required by MSD, MCLD, and the City of Chesterfield.

FINANCE AND ADMINISTRATION COMMITTEE

Chair: Councilmember McGuinness

Vice-Chair: Councilmember Moore

Establishment of Alternative Court – Budget Amendment

As originally recommended by the Public Health and Safety Committee, the Prosecuting Attorney has prepared a recommendation to establish an alternative Court within the City of Chesterfield to “connect defendants struggling with addiction or other they need to become prosperous members of our community, reduce recidivism and help curb the revolving door of arrest, charge, release, fine-repeat. City Prosecutor Tim Englemeyer will participate in the work session on Tuesday to provide additional information and context relative to the proposal. Approval of the Alternative Court would concurrently authorize the associated budget amendment.

Proposed Bill No. 3419 - Fee Increase – An Ordinance of the City of Chesterfield amending section 405.09.020 Public Hearing petitions and applications and 405.09.030 Permit and Inspection Fees. The Finance and Administration Committee unanimously recommends adoption of this bill which increases that are charged for services, which were last adjusted in 2014. In general, the fees are indexed for inflation to ensure that the City’s actual cost to provide these services do not fall below the fees charged.

Proposed Bill No. 3420 - Permits for Non-Compliant Properties – An ordinance Of the City of Chesterfield amending Section 600.085 of the municipal code related to liquor licenses, 605.070 related to business licenses, 605.610 related to licenses for tourist camps, 605.770 related to licenses for pawn brokers, 605.1270 related to licenses for adult entertainment businesses, 610.210 related to alarm system licenses, 605.1040 related to licenses for tobacco sales, 210.680 related to licenses for outdoor events, and 375.040 related to parades, and adopting section 605.250 related to appealing a decision to deny a license by reason of violations of Chapter 215 and/or Chapter 405 of the City’s municipal code. This bill was prepared at the bequest of the Finance and Administration Committee and was unanimously recommended for adoption by City Council. In general, these changes would prohibit the City from issuing new licenses or permits for those who are violation of City Code.

Non-Compliant Properties, Zoning Processes – Information Only – An Ordinance of the City of Chesterfield adopting Section 405.01.120 related to licenses, permits, or other approvals. This proposed bill is a companion to Bill #3420, which would prevent licenses, permits, or other approvals for those properties that are permitting violations of City Code, Chapter 215 related to public nuisances and or Chapter 405 related to zoning. However, this bill relates to those land use processes and will amend the zoning code. As such, this bill must be processed through the Planning Commission before it can be acted on by City Council. No action is required at this time.

Proposed Bill No. 3421 - Recreational Marijuana Sales Tax Ballot Proposal –

An Ordinance of the City of Chesterfield, Missouri imposing a sales tax of 3 percent (3) on retail sales of adult use marijuana pursuant to the authority granted by and subject to the provision of the Missouri Constitution Article XIV Section 2: Providing that this retail sales tax shall be in addition to any and all other tangible personal property retail sales taxes allowed by law; and providing for submission to the qualified voters of the City for their approval at the general municipal election called to be held in the City on April 4th, 2023.

NEXT MEETING

The next Finance and Administration Committee Meeting is scheduled for Monday, January 9th, 2023, at 4:00 pm.

If you have any questions or require additional information, please contact Finance Director Jeannette Kelly or me prior to Tuesday's meeting.



Finance and Administration Committee Record of Proceeding December 12, 2022

The Finance and Administration Committee met on Monday, December 12, 2022. Those in attendance included: Chairperson Barbara McGuinness, Ward I; Vice- Chairperson Michael Moore, Ward III; Council Committee Member Aaron Wahl, Ward II; Council Committee Member Gary Budoor Ward IV; City Administrator Mike Geisel; and Finance Director Jeannette Kelly. Those also in attendance included: Councilmember Mary Monachella, Ward I; Councilmember Mary Ann Mastorakos, Ward II; Councilmember Merrell Hansen, Ward IV; Mayor Bob Nation; Director of Planning, Justin Wyse; City Clerk, Vickie McGownd; Asst. to City Administrator/Deputy City Clerk Molly Taylor; and Chief of Police, Ray Johnson.

Chairperson Barbara McGuinness called the meeting to order at 4:00 p.m.

Recreational Marijuana Sales Tax

City Administrator, Mike Geisel, recommended to the Committee to place a proposed ordinance on the April 2023 ballot for a 3% Recreational Marijuana Sales Tax.

Councilmember Moore, made a motion, seconded by Councilmember McGuinness to recommend placing the recreational marijuana sales tax on the April 2023 ballot. The motion passed unanimously, 4-0 by voice vote and was declared passed. This recommendation will be forwarded to the City Council for review and consideration at their 1/03/2023 meeting.

Potential Fee Increase Due to Inflation

City Administrator, Mike Geisel, presented to Committee an ordinance increasing City fees for certain municipal services due to a cumulative inflation which has increased costs by approximately 25% since 2014.

Councilmember McGuinness, made a motion, seconded by Councilmember Moore to recommend approving the ordinance to increase City fees. The motion passed unanimously, 4-0 by voice vote and was declared passed. This recommendation will be forwarded to the City Council for review and consideration at their 01/03/2023 meeting.

Proposed Ordinance for Municipal Violations

City Administrator, Mike Geisel, presented the proposed Bill, which had been prepared at the direction of the F&A Committee which would create regulations preventing issuances of licenses, permits or other approvals for those that are permitting violations of Chapter 2015 related to public nuisances and/or Chapter 405 related to zoning.

Councilmember Moore, made a motion, seconded by Councilmember McGuinness to recommend approving the ordinance. The motion passed unanimously, 4-0 by voice vote and was declared passed. This recommendation will be forwarded to the City Council for review and consideration at their 01/03/2023 meeting.

Employee Handbook – Informational Update

City Administrator, Mike Geisel, reminded the Committee that the 2023 budget includes funds to engage legal services to update the City's employee handbook. It has not been formally updated in recent memory and requires substantial changes to remain legally compliant.

Financial Update

Director of Finance, Jeannette Kelly, provided a financial update to Committee.

Alternative Court

Committee Councilmember and Chair of the Public Health and Safety Committee, Aaron Wahl, explained the PH&S Committee's recommendation to approve the creation of an alternative court program proposed by Chesterfield's Prosecuting Attorney, Tim Engelmeyer, to provide defendants charged with specific offenses to enter a 'post-plea' program in which they sign an agreement with the prosecutor and subsequently enter a guilty plea to the offense in which they were originally charged at which point rather than the Court sentencing the defendant, the Court would defer sentencing while the defendant enters the Alternative Treatment Court Program. Upon successful completion of the Treatment Court Program, the Court would allow the defendant to withdraw their previous plea of guilty and receive an alternative disposition. The goal of this program is to provide defendants the treatment they need to prevent recidivism, avoid convictions on more serious violations, and connect defendants struggling with addiction or other afflictions with resources they need.

Councilmember Moore, made a motion, seconded by Councilmember Wahl to recommend approving the option of an alternative court program. The motion passed with a 3-1 voice vote, with Councilmember McGuinness voting in opposition, and was declared passed. This recommendation will be forwarded to the City Council for review and consideration at their 01/03/2023 meeting.

Adjournment

The meeting was adjourned at 5:12 p.m.

Respectfully submitted:

Jeannette Kelly
Finance Director

Molly Lasley
Deputy City Clerk

Approved: _____

DRAFT

CHESTERFIELD ALTERNATIVE COURT:

INTRODUCTION

Alternative Courts have grown dramatically in the last decade. Currently, there are alternative courts all over the country and they continue to increase in numbers. Locally there are alternative courts available in the 21st Judicial Circuit for non-violent felony offenses. The alternative courts currently available to citizens of St. Louis County are for DWI, Mental Health, Veteran's Court and Drug Court. The aforementioned courts cater only to felony offenses, and many of the treatment courts are in lieu of incarceration.

These courts have a high success rate and reduce the rate of recidivism and help curb the revolving door of 'arrest, charge, release, fine-repeat.'

GOAL

To provide defendants the treatment they need to prevent recidivism, avoid convictions on more serious violations, and connect defendants struggling with addiction or other afflictions with the resources they need to become prosperous members of our community.

CONCEPTUAL FRAMEWORK

The proposed framework for the Alternative Court:

This proposal is for this to be primarily a 'post-plea' program. A defendant charged with an offense will sign an agreement with the prosecutor and subsequently enter a guilty plea to the offense in which they were originally charged. At that point, rather than the Court sentencing the defendant, the Court would defer sentencing while the defendant enters the Alternative Treatment Court Program. Upon successful completion of the Treatment Court Program, the Court would then allow the defendant to withdraw their previous plea of guilty and receive an alternative disposition (amendment). If the defendant fails to participate in treatment, or otherwise fails the other conditions of the treatment, the prosecutor may make a motion for hearing with the Court to terminate the defendant from the program. If the Court decides to terminate the defendant from the program, the Court would execute the sentence and the defendant would not be eligible for an amendment or dismissal.

Once the defendant enters the treatment program, he or she would be screened by one of our treatment partners and would enter a treatment program based on the results of that screening. The length of treatment would be determined by the screening and could be extended via the treatment providers recommendation.

The defendant's will also be required to appear in court on a regular basis, and the prosecutor will be updated by treatment providers as to the defendant's progress in the program-these updates will be done via staffing conferences with the treatment providers and the prosecutor on a monthly basis.

Though this is structured as a voluntary program designed to give defendant's the benefit of the bargain if they successfully complete treatment- participation in this court can be mandated by the Court as a condition of probation. By utilizing the treatment court as a condition of probation, this gives the Prosecutor another tool not previously available. This new docket can be an added condition of

probation in instances when perhaps a defendant would not be eligible for a suspended imposition of sentence (SIS), or if they would normally be facing a jail sentence, we can still offer probation and mandate the treatment as a condition of probation. If the defendant completes the treatment while on probation, then they avoid the conviction or jail time. Conversely, if they fail to complete the treatment, the Court may suspend their probation; extend their probation in order for them to complete the treatment or terminate them from the program and execute their sentence.

POTENTIAL PARTICIPANTS

- DEFENDANTS STRUGGLING WITH SUBSTANCE ABUSE ADDICTION
- DEFENDANTS STRUGGLING WITH ALCOHOL ADDICTION
- DEFENDANTS STRUGGLING WITH MENTAL HEALTH AFFLICTIONS
- VETERANS OF THE UNITED STATES ARMED FORCES
- UNHOUSED DEFENDANTS

POTENTIAL ELIGIBLE OFFENSES

- DWI
- MINOR IN POSSESSION OF ALCHOL
- ZERO TOLERANCE DWI
- POSSESSION OF CONTROLLED SUBSTANCE/PARAPHERNALIA
- RETAIL THEFT
- PUBLIC INTOXICATION

This is not an exhaustive list- and a variety of charges may be considered. Further, depending on the circumstances, defendants with the above-listed offenses may not always be eligible. All applicant's admission to the Court will be subject to the Prosecuting Attorney's discretion with the exception of those defendants sentenced to the Alternative Court as a condition of their probation.

TREATMENT PARTNERS

- Preferred Family
- Veteran's Affairs
- Assessment and Counseling Solutions
- Community Services of Missouri
- Hopewell Center
- BJC
- Salvation Army

CRIME REDUCTION

A study conducted by the Department of Justice showed that alternative courts, like the one proposed, reduce crime by up to 45 percent when compared to traditional sentencing.

Data shows that alternative courts work:

- Better than jail
- Better than probation alone
- Better than treatment alone

BUDGET SOLUTION

The same study shows that alternative courts can save as much as \$27 for every \$1 invested when you consider direct measurable offsets such as:

- Reduced re-arrests
- Law enforcement contacts
- Court hearings
- Jail costs
- foster care placement
- health care utilization
 - It is estimated that alternative courts save taxpayers approximately \$13,000 per client served
 - In 2010, Alternative Courts saved taxpayers \$8.3 billion in federal, state and local municipal funding

PROPOSED BUDGET

SERVICE	COST TO PARTICIPANT	COST TO CITY
COURT FEE	\$250	0
SATOP EVAL	\$375	0
LEVEL 1 TREATMENT	\$200	0
LEVEL 2-4 TREATMENT	\$256.70	0
MENTAL HEALTH EVAL	\$125	0
ANGER MANAGEMENT	\$100	0
SUBST ABUSE EVAL	\$150	0
MULTI EVAL	\$150	0
REACT	\$125	0
DRUG SCREENING		
ALCOHOL	\$25	0
DRUG (9 PANEL)	\$25	0
12 PANEL	\$30	0
COMPULSIVE GAMBLING TREATMENT	\$0	0
EMASS		
IN-PERSON CHECK-INS	\$30/MONTH	0
GPS	\$300/MONTH	0
GPS/ALCOHOL MONITORING	\$450	0
TREATMENT COSTS WAIVED BY CITY FOR INDIGENT DEFENDANTS	0	(\$500*25 PARTICIPANTS) \$12,500 ANNUALLY
COURT ADMIN COSTS (JUDGE CLERK)		(\$1000/MONTH) \$12,000 ANNUALLY
PROSECUTOR (DEDICATED TO TREATMENT COURT AND CONFLICT CASES)		(\$1800/MONTH) \$21,600 ANNUALLY (AVG \$833/MONTH OR \$10,000 ANNUALLY IS ALREADY BEING EXPENDED FOR CONFLICT CASES AND REVIEW/ASSISTANCE) TOTAL NEW COST TO CITY REALIZED=\$967/MONTH OR \$11,600 ANNUALLY
PROSECUTOR (EP FIRM) CASE REVIEW AND INTAKE		\$700/MONTH \$8,000 ANNUALLY
TOTAL ANNUAL CITY BUDGET FOR ALTERNATIVE COURT		\$54,500 (\$44,500 NEW FUNDING) *expenses do not take into account any funds collected by the City in fines, court costs, or the \$250 fee assessed per participant

BILL NO. 3419

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CHESTERFIELD AMENDING SECTIONS 405.09.020 PUBLIC HEARING PETITIONS AND APPLICATIONS AND 405.09.030 PERMIT AND INSPECTION FEES.

WHEREAS, the City periodically reviews the fees that it charges for certain municipal services to ensure that the fees the City is charging do not fall too far below the City's actual costs for providing such service; and

WHEREAS, a number of the City's fees have remained unchanged for the past eight years and, due in part to the recent high levels of inflation, the City's fees for certain services have fallen well below the City's actual costs in providing such services; and

WHEREAS, the rate of inflation between the date of this ordinance and the last update to these fees in 2014 has resulted in a cumulative price increase over this time period of approximately twenty-five percent; and

WHEREAS, the City Council of the City desires to amend the Municipal Code; and

WHEREAS, the City Council believes that adopting these amended regulations benefits the health, safety, and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AS FOLLOWS:

Section I: Section 405.09.020 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

- A. Petitions And Applications. Petitions and applications to the City of Chesterfield which require a public hearing shall have an application fee and a public hearing fee. These projects may include, but are not limited to, petitions for a change of zoning, special procedure applications, and variance applications to the Board of Adjustment.
1. The application fee for a variance request to be heard before the Board of Adjustment shall be ~~seventy dollars (\$70.00)~~ ninety dollars (\$90.00).
 2. The application fee for any other petition or application, regardless of size of development or type of petition, which requires a public hearing shall be ~~two hundred fifty dollars (\$250.00)~~ three hundred fifteen dollars (\$315.00).

3. The public hearing fee for any petition or application shall be equal to the direct cost to the City of Chesterfield for advertising. A copy of the proof of publication will be provided to the petitioner for full reimbursement to the City. Payment of this public hearing fee is required prior to the petition being placed on the agenda.

B. Plan Review Fees.

1. The review fee for any sketch plan, site plan, site development plan, site development concept plan, site development section plan, or amendment thereto, regardless of development size or type of development, shall be ~~one hundred fifty dollars (\$150.00)~~ one hundred ninety dollars (\$190.00).
2. The review fee for any landscape plan, tree preservation plan, tree stand delineation, lighting plan, sign package or amendment to architectural elevations, which are not part of an existing site plan review, shall be ~~fifty dollars (\$50.00)~~ sixty-five dollars (\$65.00).
3. The review fee for any mitigation plan subsequent to the approval of special conditions as described in Section 405.04.020 of this UDC shall be ~~one hundred fifty dollars (\$150.00)~~ one hundred ninety dollars (\$190.00).

C. Subdivision Plat Review Fees.

1. Display Plat. There shall be a review fee of ~~one hundred fifteen dollars (\$115.00)~~ one hundred forty-five dollars (\$145.00) plus ~~fifty dollars (\$50.00)~~ sixty-five dollars (\$65.00) per each unit.
2. Preliminary Plat. There shall be a review fee of ~~three hundred fifty dollars (\$350.00)~~ four hundred forty dollars (\$440.00) accompanying the submission of a proposed preliminary plat, except where previously reviewed under Section 405.02.100 of this UDC.
3. Minor subdivision plat, condominium plat, boundary adjustment plat, or lot split applications shall have a review fee of ~~seventy five dollars (\$75.00)~~ ninety-five dollars (\$95.00).
4. Record Plats.
 - a. Review fee for residential record plats shall be ~~eighteen (\$18.00)~~ twenty-five dollars (\$25.00) per lot.
 - b. Review fee for record plats for multifamily dwelling unit developments shall be ~~nine (\$9.00)~~ fifteen dollars (\$15.00) per dwelling unit.

c. Review fee for non-residential record plats shall be as follows:

- (1) ~~Eighty five dollars (\$85.00)~~ One hundred ten dollars (\$110.00) per acre for the first twenty (20) acres.
- (2) An additional ~~fifty five dollars (\$55.00)~~ seventy dollars (\$70.00) per acre for each acre over twenty (20) acres, up to one hundred (100) acres.
- (3) An additional ~~thirty dollars (\$30.00)~~ forty dollars (\$40.00) per acre for each acre over one hundred (100) acres up to two hundred (200) acres.
- (4) No additional fees apply for tracts in excess of two hundred (200) acres.

D. Vacation Fees. There shall be a fee of ~~two hundred dollars (\$200.00)~~ two hundred fifty dollars (\$250.00) for the filing of any vacation petition, such as a petition to vacate a street, easement, or subdivision.

E. The fees in this section shall be adjusted annually based upon the Urban Wage Earners and Clerical Workers (CPI-W), St. Louis, one-year recorded percent index change over the previous year, as reported for July in the prior calendar year. In any year where the referenced CPI is zero or less, there will be no adjustment to the fee.

Section II: Section 405.09.030 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

A. Grading Permits And Inspection Fees.

1. Each inspection required shall be paid at the rate of ~~fifty dollars (\$50.00)~~ sixty-five dollars (\$65.00) per hour based upon the Director of Planning's (the Director) estimate of the time required to perform the inspections. If the estimated fee is inadequate, the necessary additional fees shall be paid to the City of Chesterfield upon notice and if the fee is in excess of the amount actually expended, the balance shall be refunded by the City of Chesterfield.
2. In lieu of paying the flat fee of ~~fifty dollars (\$50.00)~~ sixty-five dollars (\$65.00) per hour for inspections, an inspection rate schedule based upon the size of the development is available at the following rate:
 - a. ~~Two hundred fifty dollars (\$250.00)~~ Three hundred fifteen dollars (\$315.00) for the first acre and an additional ~~one hundred dollars~~

~~(\$100.00)~~ one hundred twenty-five dollars (\$125.00) for each additional acre or portion thereof. The acreage is based upon the actual area of that portion of the site being developed, not necessarily the gross area of the site.

Development Size (acres)	Inspection Fee
Up to 1	\$250 <u>\$315</u>
1.01 to 2	\$350 <u>\$440</u>
2.01 to 3	\$450 <u>\$565</u>
3.01 to 4	\$550 <u>\$690</u>
4.01 to 5	\$650 <u>\$815</u>
5.01 to 6	\$750 <u>\$940</u>
6.01 to 7	\$850 <u>\$1,065</u>
7.01 to 8	\$950 <u>\$1,190</u>
8.01 to 9	\$1,050 <u>\$1,315</u>
9.01 to 10	\$1,150 <u>\$1,440</u>

3. For sites in which the required public improvements have not been constructed, but the installation thereof has been guaranteed through the appropriate escrows and sureties, the inspection fees associated with said improvements shall be as follows:

Escrow Amount	Inspection Fee (percentage of escrow amount)
Up to \$499,999	3.5%
\$500,000 to \$999,999	2.5%
\$1,000,000 to \$1,999,999	2%
\$2,000,000 and greater	1.5%

4. Highway Inspection Fee. Inspection fees shall be collected at the rate of ~~thirty dollars (\$30.00) per hour~~ forty dollars (\$40.00 per hour), based upon the Director's estimate of time required to inspect storm sewers and other drainage structures outside the Metropolitan St. Louis Sewer District, and the streets, public or private, including paving and sidewalks. The Department shall be entitled to full compensation for the time consumed in making such inspections. If the estimated fee is inadequate, the necessary additional fees shall be collected by the Department upon notice. If the estimated fee is in excess of the amount expended, the balance shall be refunded by the Department. Claims for such refunds shall be paid when audited and approved by the Director.

5. In addition to the fees provided herein, the developer shall pay for and arrange for inspections by the Department as may be required by other Sections of this UDC or other such development regulations of the City.
6. The Department shall, at the end of each month, account for the inspection fees collected.

B. (Reserved)

C. Special Use Permit Fees. Cost is determined by how many units the applicant uses. A unit is three hundred (300) continuous linear feet. One (1) unit equals ~~one hundred sixteen dollars (\$116.00)~~ one hundred forty-five dollars. Each cut also counts as one (1) unit.

1. For example, if a utility company is digging under the roadway for a total of fifty (50) feet, but it is cutting in two (2) locations, it would be two (2) units. If the company is digging for two hundred fifty (250) feet but with only one (1) cut, it would be only one (1) unit.
2. Boring under the street equals two (2) units [one (1) unit for the bore hole in and one (1) unit for the bore hole out].
3. Twelve (12) telephone poles equals one (1) unit.
4. There is no charge for residents planting approved street trees in the right-of-way.
5. There is no charge for utility companies installing new service at subdivisions under construction which have not been accepted by the City.

D. Sewer Lateral Repair Program Fees. The City of Chesterfield shall collect a fee of ~~one hundred dollars (\$100.00)~~ one hundred twenty-five dollars (\$125.00) for all applications for the sewer lateral repair program.

E. The fees in this section shall be adjusted annually based upon the Urban Wage Earners and Clerical Workers (CPI-W), St. Louis, one-year recorded percent index change over the previous year, as reported for July in the prior calendar year. In any year where the referenced CPI is zero or less, there will be no adjustment to the fee.

Section III: This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

Section IV: This ordinance shall be in full force and effect from and after

its passage and approval.

Passed and approved this _____ day of _____, 2023.

Presiding Officer

Bob Nation, Mayor

ATTEST:

Vickie McGownd

FIRST READING HELD:

BILL NO. 3420

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CHESTERFIELD AMENDING SECTIONS 600.085 OF THE MUNICIPAL CODE RELATED TO LIQUOR LICENSES, 605.070 RELATED TO BUSINESS LICENSES, 605.470 REGARDING VENDING MACHINE LICENSES, 605.610 RELATE TO LICENSES FOR TOURIST CAMPS, 605.770 RELATED TO LICENSES FOR PAWN BROKERS, 605.1270 RELATED TO LICENSES FOR ADULT ENTERTAINMENT BUSINESSES, 610.210 RELATED TO ALARM SYSTEM LICENSES, 605.1040 RELATED TO LICENSES FOR TOBACCO SALES, 210.680 RELATED TO LICENSES FOR OUTDOOR EVENTS, AND 375.040 RELATED TO PARADES, AND ADOPTING SECTION 605.250 RELATED TO APPEALING A DECISION TO DENY A LICENSE BY REASON OF VIOLATIONS OF CHAPTER 215 AND/OR CHAPTER 405 OF THE CITY'S MUNICIPAL CODE.

WHEREAS, the City of Chesterfield, Missouri (the "City") is authorized under state statute to regulate the issuance of various licenses including but not limited to licenses for the sale of intoxicating liquor, business licenses, and licenses regarding certain activities; and

WHEREAS, the City desires to adopt regulations which would prevent the issuance of licenses to those that are permitting violations of Chapter 215 related to public nuisances and/or Chapter 405 related to zoning; and,

WHEREAS, the City Council believes that adopting these amended regulations benefits the health, safety, and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AS FOLLOWS:

Section I: Section 600.085 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 600.085 **Persons Ineligible For License Generally.**

No natural person shall be granted a liquor license unless such person is of good moral character and a qualified legal voter and taxpaying citizen of the State of Missouri; no corporation shall be granted a liquor license unless the managing officer of the corporation is of good moral character and a qualified legal voter and taxpaying citizen of the State of Missouri. No person shall be granted a liquor license whose license as a liquor dealer has been revoked, or who has been convicted since the ratification of the 21st 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/her business, as a liquor dealer or licensee, any person whose license has been revoked or who has been convicted of violating the provision of any such law since the date established. No natural person nor corporation shall be granted, or if already granted, renewed, a liquor license if the premises to be licensed is in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code. The maintenance of violations of Chapter 215 and/or Chapter 405 of the City of Chesterfield Municipal Code on the premises to be licensed shall be considered evidence that the applicant is not of good moral character.

Section II: Section 605.070 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 605.070 **License Applications – Issuance**

- A.** Applications. Application for a license shall be made in writing on a form provided by the City and submitted to the Director of Finance. An application shall be made to renew any license at its expiration. All holders of licenses or permits shall be responsible for reporting changes in initial application data immediately as the same occur. The form of licenses shall be prescribed and furnished by the Director of Finance.
- B.** Issuance. All licenses shall be granted and signed by the Director of Finance. Contracting businesses located in Chesterfield shall furnish proof of a certificate of insurance for workers' compensation coverage if said applicant for license is required to cover his/her liability under Chapter 287, RSMo., as amended.
- C.** Denial. The City may refuse to grant or renew any license for any of the following reasons:
1. Failure to have or to provide proof of workers' compensation coverage as required under Subsection (B) of this Section;
 2. Providing fraudulent information regarding workers' compensation coverage on an application for business license;
 3. The business or activity sought to be licensed is deemed to be one that would constitute a breach of the peace, a detriment, a menace to the health, safety or welfare of the public or a disturbance of the peace or comfort of the residents of the City if it were licensed;
 4. The business or activity sought to be licensed would be conducted in violation of any law of the United States or of the State or ordinance of the City;

5. Any other basis for revocation as set out herein.

6. No license shall be granted, or if already granted, renewed, where the premises to be licensed is in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code.

D. Liability. Nothing in this Section shall be construed to create or constitute a liability to or a cause of action against the City to the issuance of any license pursuant to this Section.

Section III: Section 605.470 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 605.470 **License Required.**

No person shall exhibit or make available for use, for a consideration, any automatic vending machine defined herein as an amusement, beverage, cigarette, food or any similar machine in any location that does not possess and prominently display a license sticker specifically issued to that machine to which is affixed a stamp for each of every type of vending machine located on the premises. No license shall be granted, or if already granted, renewed, where the premises to be licensed is in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code.

Section IV: Section 605.610 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 605.610 **License Required.**

No tourist camp shall be operated, maintained or conducted in this City after the taking of the effect of this Article without a license issued pursuant to the license ordinance of the City without obtaining a permit from the Director of Planning for the operation or conducting of said camp in conformance with the requirements set forth in this Article, whether said camp be for a short period, a specific incident or for an indefinite duration. No license shall be granted, or if already granted, renewed, where the premises to be licensed is in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code.

Section V: Section 605.770 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 605.770 **License Required.**

A. It shall be unlawful for any person to operate a pawnshop unless said pawnshop is currently licensed as a pawnshop issued pursuant to this Section as authorized by the Revised Statutes of Missouri. To be eligible for a pawnshop license, an applicant shall:

1. Be a person of good moral character;
2. Have net assets of at least fifty thousand dollars (\$50,000.00) readily available for use in conducting business for each licensed pawnshop;
3. Show that the pawnshop will be operated lawfully and fairly under State law and City ordinance; and
4. Possess a "Certificate of Registration" from the Missouri Division of Finance to conduct a pawnbroking business.
5. No applicant shall be granted, or if already granted, renewed, a license if the premises to be licensed is in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code. The maintenance of violations of Chapter 215 and/or Chapter 405 of the City of Chesterfield Municipal Code on the premises to be licensed shall be considered evidence that the applicant is not of good moral character.

B. Every pawnbroker must obtain a license for each place where such pawnbroking business is transacted and no one shall act as an agent, employee or solicitor for any pawnbroker while such pawnbroker is engaged in such business at a place other than that specified in the license.

C. An application for a new pawnshop license, the transfer of an existing pawnshop license or the approval of a change in the ownership of a licensed pawnshop shall be under oath and shall state the full name and place of residence of the applicant, the place where the business is to be conducted, and other relevant information required by the City. If the applicant is a partnership, the City may require that the application state the full name and address of each member. If the applicant is a corporation, the application shall state the full name and address of each officer, shareholder, and director. The application shall be accompanied by:

1. An investigation fee of five hundred dollars (\$500.00) if the applicant is unlicensed at the time of applying for the pawnshop license or two hundred fifty dollars (\$250.00) if the application involves a second or additional license to an applicant previously licensed for a separate location or involves substantially identical principals and owners of a licensed pawnshop at a separate location; and

2. Proof of general liability if required by the City, and an annual fee of five hundred dollars (\$500.00).

- D.** Each applicant for a pawnshop license at the time of filing application shall file with the City, if the City so requires, a bond satisfactory to him/her and in an amount not to exceed five thousand dollars (\$5,000.00) for each license with a surety company qualified to do business in this City. The aggregate liability of such surety shall not exceed the amount stated in the bond. The bond shall run to the City for the use of the City and of any person or persons who may have a cause of action against the obligor of such bond under the provisions of Sections 367.011 to 367.060, RSMo. Such bond shall be conditioned that the obligor will comply with the provisions of Sections 367.011 to 367.060, RSMo., and of all rules and regulations lawfully made by the City, and will pay to the City and to any such person or persons any and all amounts of money that may become due or owing to the City or to such person or persons from such obligor under and by virtue of the provisions of Sections 367.011 to 367.060, RSMo., during the time such bond is in effect.
- E.** Each applicant for a pawnshop license at the time of filing application shall file with the City of Chesterfield a bond satisfactory to it and in the amount of ten thousand dollars (\$10,000.00) for each license with a surety company qualified to do business in this State. The aggregate liability of such surety shall not exceed the amount stated in the bond. The bond shall run to the City for the use of the City and of any person or persons who may have a cause of action against the obligor of such bond under the provisions of Sections 367.011 to 367.060, RSMo., or this Article. Such bond shall be conditioned that the obligor will comply with the provisions of Sections 367.011 to 367.060, RSMo., and of all rules and regulations lawfully made by the City of Chesterfield and will pay to the City and to any such person or persons any and all amounts of money that may become due or owing to the City or to such person or persons from such obligor under and by virtue of the provisions of Sections 367.011 to 367.060, RSMo., or provisions of this Article during the time such bond is in effect. Each applicant will pay all costs, fines and penalties incurred on account of their failure or neglect in this regard and will pay all damages resulting to the City, the State, or to any person by reason of their violations of the Revised Statutes of Missouri or this Article or their failure to maintain adequate net assets as defined herein.
- F.** If the City of Chesterfield is unable to verify that the applicant meets the net assets requirement for a licensed pawnshop, the City of Chesterfield may require a finding, including the presentation of a current balance sheet, by an independent certified public accountant that the accountant has reviewed the books and records of the applicant and that the applicant meets the net assets requirement of this Section.

- G.** A satisfactory public liability insurance policy shall be filed with the City by the applicant covering all operations of said applicant. The sum of at least one hundred thousand dollars (\$100,000.00) for each person injured and the sum of at least three hundred thousand dollars (\$300,000.00) in the case of injury to two (2) or more persons in any one (1) occurrence and the sum of at least one hundred thousand dollars (\$100,000.00) for damage to property shall be provided. Such policy shall provide that the City shall be notified of any cancellation or alteration by the insurance carrier within ten (10) days before such cancellation or alteration becomes effective.
- H.** A pawnshop license shall expire on June 30 of each year.
- I.** Investigation Fee. Each application for a license shall be accompanied by an investigation fee of five hundred dollars (\$500.00) if the applicant is not licensed at the time of applying for a pawnshop license or two hundred fifty dollars (\$250.00) if the application involves a second or additional license to an applicant previously licensed for a separate location or involves substantially identical principals and owners of a licensed pawnshop at a separation location.

Section VI: Section 605.1270 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

A. No person is eligible nor shall a license be issued to:

- 1.** An adult entertainment business applicant if one (1) or more of the following conditions exist:
 - a.** The applicant's premises is located within one thousand two hundred (1,200) feet of any school, religious institution, church, public park, licensed child care facility or any property zoned for residential use or City boundary. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's enterprise to the nearest point on the property line of such school, religious institution, church, public park, day care facility or any property zoned for residential use or City boundary.
 - b.** The applicant's premises is located within one thousand (1,000) feet of any other adult entertainment business or establishment or of any business licensed to sell or serve alcoholic beverages whether or not such business is also an adult entertainment establishment as defined herein. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the

property line of the applicant's enterprise to the nearest point on the property line of such other adult entertainment business or establishment or of any business licensed to sell or serve alcoholic beverages whether or not such business is also an adult entertainment establishment as defined herein.

- c.** The applicant failed to supply all of the information request on the application.
 - d.** The applicant gave false, fraudulent or untruthful information on the application.
 - e.** The applicants proposed business premises does not comply with or meet the requirements of the applicable health, zoning, building code, fire and property maintenance ordinances of the City, provided that upon a showing that the premises meets said requirements and that the applicant is otherwise qualified, the application shall be eligible for reconsideration by the Governing Body.
 - f.** The applicant or applicant's spouse has been convicted, released from incarceration for conviction or diverted on any of the crimes set forth in Section 605.1250(A)(7)(b) during the time period set forth in said Section.
 - g.** The applicant or applicant's spouse has had an adult entertainment license revoked or suspended in this or any other City during the past five (5) years.
 - h.** No applicant shall be granted, or if already granted, renewed, a license if the premises to be licensed is in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code.
- 2.** An applicant for an adult entertainment manager, server or entertainer if one (1) or more of the following conditions exist:
- a.** The employer for whom the applicant intends to work does not have or is ineligible to receive an adult entertainment business license for any of the reasons stated in Subsection (A)(1) above;
 - b.** The applicant or applicant's spouse has been convicted, released from incarceration for conviction, or diverted on any of the crimes set forth in Section 605.1250(A)(7)(b) during the time period set forth in said Section, the fact a conviction is being appealed shall have no effect on the disqualification of applicant or applicant's spouse.

- c. The applicant failed to provide all of the information required on the application.
- d. The applicant gave false, fraudulent or untruthful information on the application.
- e. The applicant has had an adult entertainment manager, server or entertainer license revoked or suspended in this or any other City during the past five (5) years.

Section VII: Section 610.210 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 610.210 **Application And Renewal.**

- A. A person applying for a license or a renewal thereof shall file a written verified application with the Director on a form provided by the Director which form shall require the following information:
 - 1. The name, address and telephone number of the applicant.
 - 2. The business or trade name, address and telephone number of the applicant:
 - a. If an unincorporated association, the names and addresses of the associates;
 - b. If a corporation, the corporation's registered name and the names and addresses of the officers of the corporation;
 - c. If an individual proprietorship, the name and address of the proprietor.
 - 3. The address of all offices of the alarm business within the City limits of Chesterfield.
 - 4. The names and addresses of any employee, agent, corporate officer, partner or business associate whose position in the alarm business gives him/her access to information in the installation and use of alarm systems for alarm users.
 - 5. Specifications of the alarm systems to be dealt in.
 - 6. A copy of the instructions provided alarm users.

7. A statement of repair and maintenance service to be made available to applicant's customers.
8. Name and address of the person designated by the applicant to receive notice issued under this Chapter.
9. Signature of the applicant.

B. A person applying for a renewal of a license shall file his/her application not less than ten (10) days before his/her license expires.

C. Requirements; Investigation.

1. Upon the filing of a license application, the Director shall conduct an investigation to determine whether the following requirements are satisfied:
 - a. The information contained in the license application is true.
 - b. The applicant for a license or an individual who is an employee, agent, corporate officer, partner or business associate of the applicant has not had a license revoked within one (1) year immediately preceding the date the license application is filed or does not have a license that is currently suspended.
 - c. Neither the applicant nor any employee, agent, corporate officer, partner or business associate, whose position in the alarm business gives him/her access to information in the installation and use of alarm systems for alarm users, has been convicted of the following:
 - (1) Any felony involving moral turpitude within the previous five (5) years;
 - (2) Any misdemeanor involving moral turpitude within the previous two (2) years;
 - (3) Repeated or continual violation of any provision of this Chapter within the previous two (2) years.
 - d. The types of alarm systems, the instructions for the alarm systems and repair and maintenance services available through applicant's alarm business are in compliance with this Chapter.
2. The Director may request the Police Department to assist the Director in the investigation of a license application.

- D. If the Director determines that a license application satisfies the requirements prescribed by this Section, the Director shall issue a license; otherwise, the Director shall deny the license application. No applicant shall be granted, or if already granted, renewed, a license if the applicant is maintaining a violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code.
- E. The Director shall notify the applicant of the issuance of a license or denial of the license application. In the case of a denial of a license application the Director shall notify the applicant by certified mail and include in the notice the reason for the denial and a statement informing the applicant of his/her right to a hearing if requested by the applicant within ten (10) days after receipt of the notice.
- F. A license shall expire on the 31st day of December next succeeding issuance thereof or issuance by St. Louis County if prior to incorporation, except in the following instances:
1. If an applicant timely applies for a license renewal in accordance with this Section and the determination of the renewal request is delayed beyond the 31st of December, the licensee's license is extended pending the determination of the renewal request by the Director.
 2. If an applicant's license has been suspended or revoked.
- G. If an applicant is denied a license solely because an individual who is an employee, agent, corporate officer, partner or business associate of the applicant has been convicted of the offenses listed in Section 720.050(4)(c), RSMo., or had a license revoked within one (1) year immediately preceding the date the license application is filed, or has a license that is currently suspended, then said applicant, upon disassociation with said individual, may obtain a license upon reapplication.

Section VIII: Section 605.1040 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 605.1040 **Application – Issuance – Non-transferable – Display.**

Every person desiring to engage in the sale of cigarettes activities described in Section 605.1030 within the City, including retail dealers and wholesale dealers, shall file an application for a cigarette permit as provided in Section 605.1030. Every application for a cigarette permit shall be made upon a form prescribed, prepared and furnished by the Director of Finance and shall set forth such

information as the Director shall require. Upon approval of the application, the Director of Finance shall grant and issue to the applicant a cigarette permit for each place of business within the City set forth in the application. Cigarette permits shall not be assignable and shall be valid only for the persons in whose names they are issued and for the transaction of business in the places designated therein. Said permits shall at all times be conspicuously displayed at the places for which issued. No applicant shall be granted, or if already granted, renewed, a license if the premises to be licensed is in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code.

Section IX: Section 210.680 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 210.680 **Unnecessary Noise – Permit For Outdoor Events.**

A permit from the Chief of Police must be obtained for an outdoor event where the volume must exceed that established in Section 210.670. The Chief shall issue the permit if the peace would not be unduly disturbed thereby. No applicant shall be granted, or if already granted, renewed, a license if the premises to be licensed is in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code.

Section X: Section 375.040 of the City of Chesterfield Municipal Code shall be amended as follows with language to be added underlined and language to be deleted ~~stricken~~:

Section 375.040 **Permit Application.**

- A.** The Chief of Police shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he/she finds that:
- 1.** The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
 - 2.** The conduct of the parade will not require the diversion of so great a number of Police Officers of this City to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to this City.
 - 3.** The conduct of any such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions

of this City other than that to be occupied by the proposed line of march and areas contiguous thereto.

4. The concentration of persons, animals and vehicles at assembly points of parade will not unduly interfere with proper fire and police protection of, or areas contiguous to, such assembly areas.
5. The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire.
6. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
7. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
8. No applicant shall be granted, or if already granted, renewed, a license if the applicant is maintaining a violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code.

Section XI: Section 605.250 shall be adopted as follows:

- A. Any license or permit pursuant to Sections 600.085, 605.070, 605.470, 605.610, 605.770, 605.1270, 610.210, 605.1040, 210.680, or 375.040 that is denied by reason of the applicant or the premises to be licensed maintaining or being in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code may appeal such denial to the City Administrator as set forth below.
- B. Any such appeal made pursuant to this section must be made within ten (10) days of the date of the decision to deny the license or permit is received.
- C. The City Administrator shall serve as the appeal officer and hear the appeal of the denial of the license or permit referenced in Subsection (A) above. The appeal officer shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received. The appeal officer shall prepare findings of fact, conclusions of law, and an order. The decision of the appeal officer may be appealed to the Board of Adjustment within ten days of the appeal officer's decision is received.

Section XII: This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

Section XIII: This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this ____ day of _____, 2022.

Presiding Officer

Bob Nation, Mayor

ATTEST:

Vickie McGownd

FIRST READING HELD:

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CHESTERFIELD ADOPTING SECTION 405.01.120 RELATED TO LICENSES, PERMITS, OR OTHER APPROVALS.

WHEREAS, pursuant to Chapter 89 RSMo, the City of Chesterfield (the “City”) is authorized to establish zoning regulations for the City; and

WHEREAS, the City desires to adopt regulations which would prevent licenses, permits, or other approvals for those that are permitting violations of Chapter 215 related to public nuisances and/or Chapter 405 related to zoning; and

WHEREAS, a Public Hearing was held before the Planning Commission on _____, 2022; and,

WHEREAS, the Planning Commission recommends approval of the following amendments; and,

WHEREAS, the City Council of the City desires to amend the Municipal Code; and

WHEREAS, there is a companion bill, Bill No. _____, being considered by the City for licenses, permits, or other approvals for those that are permitting violations of Chapter 215 related to public nuisances and/or Chapter 405 related to zoning; and

WHEREAS, the City Council believes that adopting these amended regulations benefits the health, safety, and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AS FOLLOWS:

Section I: The definition of home occupation found in Section 405.01.120 of the City of Chesterfield Zoning Code shall be repealed and replaced as follows:

- A. No natural person nor corporation shall be granted, or if already granted, renewed, a license, permit, or approval pursuant to Chapter 405 if the premises to be licensed is in violation of Chapter 215 or Chapter 405 of the City of Chesterfield Municipal Code.
- B. Any license, permit, or approval that is denied pursuant to this Section may be appealed to the Board of Adjustment within ten (10) days of the date of the decision to deny the license, permit, or approval is received.

Section II: This ordinance shall be codified within the Municipal Code of

the City of Chesterfield.

Section III: This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this ____ day of _____, 2022.

Presiding Officer

Bob Nation, Mayor

ATTEST:

Vickie McGownd

FIRST READING HELD:

BILL NO. 3421

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI IMPOSING A SALES TAX OF 3 PERCENT (3%) ON RETAIL SALES OF ADULT USE MARIJUANA PURSUANT TO THE AUTHORITY GRANTED BY AND SUBJECT TO THE PROVISIONS OF THE MISSOURI CONSTITUTION ARTICLE XIV SECTION 2; PROVIDING THAT THIS RETAIL SALES TAX SHALL BE IN ADDITION TO ANY AND ALL OTHER TANGIBLE PERSONAL PROPERTY RETAIL SALES TAXES ALLOWED BY LAW; AND PROVIDING FOR SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE GENERAL MUNICIPAL ELECTION CALLED TO BE HELD IN THE CITY ON APRIL 4th, 2023.

WHEREAS, the City has imposed total local sales taxes, as defined in Section 32.085 RSMo, at the total rate of one percent (1%); and,

WHEREAS, the City is authorized under Article XIV Section 2 of the Missouri Constitution, to impose a personal property retail sales tax on adult use marijuana sold in the City of up to three percent (3%); and,

WHEREAS, the personal property retail sales tax on adult use marijuana sold in the City shall be in addition to any and all retail sales taxes; and,

WHEREAS, the proposed personal property retail sales tax on adult use marijuana cannot become effective until approved by the voters at a municipal, county, or state general, primary, or special election;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AS FOLLOWS:

Section I: Pursuant to the authority granted by, and subject to, the provisions of Article XIV Section 2 of the Missouri Constitution, a city sales tax of three percent (3%) on all retail sales of adult use marijuana is imposed. This retail sales tax shall be in addition to any and all other tangible personal property retail sales taxes allowed by law.

Section II: This tax shall be submitted to the qualified voters of the City of Chesterfield, Missouri, for their approval, as required by the provisions of Article XIV Section 2 at the general municipal election hereby called and to be held in the City on Tuesday, the 4th day of April, 2023. The ballot of submission shall contain substantially the following language:

Shall the City of Chesterfield impose an additional city sales tax of three percent (3%) on all retail sales of adult use marijuana sold in the City of Chesterfield?

Yes

No

If you are in favor of the question, place an "X" in the box opposite "Yes."
If you are opposed to the question, place an "X" in the box opposite "No."

Section III: This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this ____ day of _____, 2022.

Presiding Officer

Bob Nation, Mayor

ATTEST:

Vickie McGownd

FIRST READING HELD:

https://www.stltoday.com/news/local/marijuana/here-s-what-you-need-to-know-about-recreational-marijuana-in-missouri/article_fa85d89e-b96a-5143-a2aa-cf0e585b48ef.html

TOPICAL

Here's what you need to know about recreational marijuana in Missouri

Kurt Erickson

Nov 10, 2022



Adrienne Scales-Williams, left, the owner and founder of Missouri-based cannabis brand Luxury Leaf and first Black-Amendment 3 on Tuesday, Nov. 8, 2022, during an election night watch party at Ballpark Village. The amendment let Laurie Skrivan, Post-Dispatch

Kurt Erickson





Missouri voters on Tuesday, Nov. 8, 2022, approved a constitutional amendment to legalize the recreational use of marijuana for adults.

JEFFERSON CITY — Missouri voters on Tuesday legalized the adult use of recreational marijuana. The ballot issue, known as Amendment 3, enshrined a system of weed-selling in the state’s constitution following years of inaction by the Legislature.

The proposed amendment is a **39-page document** of definitions, rules and regulations.

Amendment 3 prohibits selling “edible marijuana-infused products in shapes or packages that are attractive to children” and requires the state to hire a “chief equity officer” to help disadvantaged Missourians get into the business. It also spells out in detail the multi-step process for obtaining state licenses to sell weed.

Here are key issues now that recreational pot is legal in Missouri:

People are also reading...

- 1 **Reports: Former Mizzou basketball player Jed Frost kills wife, self in Dallas**

- 2 **Cardinals acquire infielder Jose Fermin from Cleveland for cash, update roster**
 - 3 **Teen killed by Amtrak train was a hard worker with a dry sense of humor, family says**
 - 4 **Schmitt beats Valentine in Missouri's US Senate race**
-

When will you be able to buy?

Amendment 3 goes into effect in early December, triggering a process that requires the state to issue comprehensive marijuana dispensary facility licenses by Feb. 6. But those licenses could be issued earlier, the state said Friday. Initially, only current licensed medical marijuana dispensaries will be able to sell recreational pot, but other sellers — including recipients of new “micro-licenses” — eventually will be able to enter the business.

How much can you buy?

Once stores are licensed, anybody 21 or older can purchase up to 3 ounces of dried, unprocessed marijuana per day. The state uses a separate weighing system to determine the legal amount of gummies and other products that are not sold in flower form.

Individuals potentially could be allowed to have 3 ounces in their direct possession — 3 ounces at home and 3 ounces at another location.

Can you resell marijuana?

It's not legal to sell your marijuana outside the regulated system. That said, a caregiver for a patient can be paid for their labor and expenses in cultivating and/or procuring marijuana for the patient from a dispensary.

People also are prohibited from buying marijuana in Missouri and driving into another state, even if it is legal in the other state, because that would violate federal law.

How much marijuana can you grow?

People who want to grow their own pot must apply for registration cards from the state. Once registered, you can possess, transport, plant, cultivate, harvest, dry, process or manufacture up to six marijuana flowering plants, six nonflowering plants and six clones (plants under 14 inches tall).

Plants and any marijuana products exceeding the 3-ounce limit must be kept in a private residence in a nonvisible, locked space. A person who grows their own is allowed to gift marijuana up to 3 ounces.

Can you consume marijuana in public?

Any person who smokes marijuana or consumes other cannabis products in a public place, other than a licensed area, could be subject to a civil penalty of up to \$100.

If you're pulled over by police, can you be considered driving impaired?

Driving while impaired, whether by alcohol or marijuana or other substance, is still illegal. When someone is pulled over because they are suspected of driving under the influence of drugs, the police officer can perform a series of tests to determine if the driver is impaired. The officer also can ask a drug recognition expert to screen the driver to get an expert opinion.

Driving while under the influence in Missouri is considered a Class B misdemeanor, if it's the first offense. That first offense can result in up to six months in jail or a \$500 fine.

Do dispensaries have restrictions on advertising?

Dispensaries will be able to offer sales, discounts and other promotions.

Like medical marijuana dispensaries, which have advertised on billboards and other means, there are no more prohibitions on advertising recreational marijuana than what are the rules for advertising alcohol.

The Missouri Department of Health and Senior Services, which will oversee the program, may issue requirements that packaging and labels shall not be made attractive to children, and that products should be sold in resealable, child-resistant packaging.

How will expungements work?

The amendment includes automatic expungement for most people who have nonviolent marijuana-related offenses on their record. It's not clear yet how quickly local courts will be able to process expungements.

People who are still incarcerated have to petition the courts to be released and have their records expunged.

“An expungement order shall be legally effective immediately and the person whose record is expunged shall be treated in all respects as if he or she had never been arrested, convicted or sentenced for the offense,” the amendment states.

Do cities and counties have any control over sales?

Local governments can enact ordinances governing the operations of marijuana facilities, such as when they can be open and where they can be located.

Local governments can ban cannabis stores altogether through a vote of the public. The measure must receive at least 60% approval to go into effect. Local ballot measures on such prohibitions may take place only once every four years.

In addition, no new marijuana facilities can be located within 1,000 feet of an elementary school, day care center or church.

Are there financial impacts for governments?

Money generated by the personal property retail sales tax will be deposited into the “Veterans, Health, and Community Reinvestment Fund.”

A 6% tax on the retail price of marijuana will go toward court costs and legal fees related to expungements for people convicted of certain nonviolent marijuana offenses. The remaining revenue will go toward substance misuse treatment programs, veterans' health care and the state's public defender system.

Local governments can tack on an additional 3% tax and state sales taxes also will be charged, driving up the entire tax package to more than 13%.

The petition says there will be \$3.1 million of initial costs for the state and it estimates initial tax and fee revenue of at least \$7.9 million. Local governments will incur at least \$35,000 in annual costs and annual revenue will exceed \$13.8 million, according to the petition.



The 39-page measure to legalize recreational marijuana in Missouri



Recreational Marijuana FAQs



How does the recreational marijuana amendment affect existing medical marijuana facilities and regulations regarding the distance between marijuana facilities and churches, day cares or schools?

Amendment 3 modifies the existing language in Article XIV of the Missouri Constitution regarding how to measure the distance between marijuana facilities and churches, day cares and schools. Specifically, Amendment 3 incorporates into the existing constitutional provision and the proposed new constitutional section definitions for churches, day cares and schools, and explicitly explains how the 1000-foot separation requirement is to be measured. Under Amendment 3, the distances between marijuana facilities and churches, day cares and schools is to be measured utilizing the “shortest path between the demarcation points that can be lawfully traveled by foot.” The applicable demarcation points that the 1000-foot separation requirement is to be measured from depends on whether the marijuana facility and the church, day care or school are in freestanding or non-freestanding buildings. The definitions and explanation on how to measure the separation distance are the same as what the Department of Health and Senior Services (Department) adopted in their regulations regarding medical marijuana.

How old does someone need to be to purchase marijuana? Is there a limit to how much they can purchase? Do they need a marijuana buyer card?

To legally possess, consume or cultivate recreational marijuana a person must be 21 years of age or older. Amendment 3 prohibits the Department from adopting any rule that requires a consumer to provide a marijuana facility with an ID besides one to determine the age of the consumer.

On the other hand, if a person over 21 desires to cultivate marijuana they must obtain a registration card from the Missouri Department of Health and Senior Services. Once a person 21 years or older obtains the proper cultivation card, they may cultivate up to six flowering plants, six unflowering plants, and six “clones” under 14 inches. Amendment 3 permits the Department to set a limit on the amount of marijuana that may be purchased in a single transaction; however, the limit set by the Department may not be less than three ounces of dried, unprocessed marijuana, or its equivalent.

Will existing medical marijuana facilities become sellers and producers for recreational use?

Amendment 3 provides that existing medical marijuana facilities – referred to as medical facilities in Amendment 3 - may convert their existing license with the Department to a comprehensive license. Under a comprehensive license, a facility may take part in both the medical and recreational marijuana market. To convert the existing medical marijuana license to a comprehensive license, the proposed comprehensive facility must be in good standing with the Department and be either (1) at the same location as the existing medical marijuana facility or (2) if currently located in a jurisdiction that has prohibited non-medical marijuana facilities, the new proposed comprehensive facility must be in the same congressional district as long as the new location meets all the requirements of the constitutional provisions and Department regulations. Medical facilities may begin requesting to convert their license to a comprehensive license on Dec. 8, 2022. The Department has 60 days to act on a conversion request once received and if the Department fails to act during the 60-day window, the conversion request is deemed approved.

What is the difference between a comprehensive marijuana license and a microbusiness dispensary license?

The key difference between comprehensive marijuana facilities and marijuana microbusiness facilities are the restrictions on who may own marijuana microbusiness facilities and the costs to secure and renew the license. Amendment 3 explicitly restricts ownership of marijuana microbusiness facilities to individuals that meet at least one of Amendment 3's enumerated qualifications. The qualifications for marijuana microbusiness facilities include individuals (1) having a net worth less than \$250,000 and have an income below 250% of the federal poverty level for three of the 10 calendar years prior to applying for a marijuana microbusiness facility license; (2) have a service-connected disability card issued by the United States Department of Veterans Affairs; (3) have been or have had a parent, guardian or spouse that has been arrested for, prosecuted for or convicted of a non-violent marijuana offense – excluding offenses relating to providing marijuana to minor or driving under the influence of marijuana – at least one year prior to the effective date of Amendment 3; (4) reside in certain distressed census tracts as defined by Amendment 3; or (5) graduated from or lives in a zip code containing an unaccredited school district for three of the past five years. As opposed to the non-refundable \$3,000 application fee and \$10,000 annual fee for comprehensive

marijuana dispensary facilities, marijuana microbusiness facility application fee is a refundable \$1,500 and an annual \$1,500 fee after the first year of licensure.

How many microbusiness dispensary licenses will be issued?

In total, Amendment 3 requires that the Department issue 18 licenses for marijuana microbusiness facilities per Missouri's eight congressional districts; however, Amendment 3 provides a staggered licensing scheme where the licenses are issued in groupings of six per congressional district. In each grouping of six marijuana microbusiness licenses, the Department is required to issue at least two licenses for microbusiness dispensary facilities and at least four licenses for microbusiness wholesale facilities. The first group of six marijuana microbusiness facility licenses must be issued by the Department of Health and Senior Services by Oct. 4, 2023. The Department is required to issue sequent groups of six marijuana microbusiness facility licenses by June 30, 2024, and April 4, 2025.

Can a city vote to prohibit microbusiness dispensaries? And would this ban extend to banning comprehensive licenses?

Yes, the proposed amendment does authorize cities

EXPERTS IN MUNICIPAL BOND FINANCINGS



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to prohibit microbusiness dispensary facilities and comprehensive marijuana dispensary facilities. To prohibit microbusiness and comprehensive dispensary facilities, the city must place the question of prohibiting the facilities before voters at the November general election of a presidential election year starting in 2024. Additionally, for the prohibition to become effective at least 60% of the votes cast on the question must support the prohibition.

What about using marijuana in public? Do existing smoking bans apply to smoking marijuana? Does this include vape pens? Do medical marijuana cardholders enjoy certain rights/privileges over recreational users, especially in terms of public usage?

Local governments may enact ordinances or regulations governing “the time and place where marijuana may be smoked in public areas within the locality.” However, the Amendment limits the penalty. Specifically, a “person who smokes marijuana in a public place, other than in an area licensed for such activity ... is subject to a civil penalty not exceeding \$100.” Whether existing smoking bans apply seems to depend on the language of the existing ban. Amendment 3, by its own language, does not “preclude, limit or affect laws that assign liability relative to, prohibit, or otherwise regulate ... smoking marijuana in a location where smoking tobacco is prohibited.” So, if a local government currently has a smoking ban in place, it could apply to marijuana if the definition of “smoking” includes marijuana. Amendment 3 on its face does not grant any special rights or privileges over recreational users in terms of public use. The original language of Article XIV Sec. 1.1 stating the “section does not allow for the public use of marijuana” is unchanged. Sec. 1 is modified to include language stating a medical marijuana user is subject to a \$100 civil penalty for smoking in a public place other than in an area licensed for such activity by the Department or by local authorities having jurisdiction over such activity. The current DHSS rules do allow an owner or entity in control of a public place to make a non-public place by providing one or more enclosed private spaces where a qualifying patient may consume medical marijuana.

Can a restaurant provide marijuana-infused items as part of its standard menu? Would they need a micro-dispensary license?

The amendment specifically authorizes cities to enact ordinances governing the “consumption of marijuana-infused products within designated areas, including the preparation of culinary dishes or beverages by local restaurants for on-site consumption.” Any entity seeking to sell marijuana – including infused products – would be required to obtain a comprehensive dispensary facility license or a microbusiness dispensary facility license. Amendment 3 does not permit non-licensed facilities, persons or businesses to sell marijuana or marijuana-infused products; however, it does authorize persons 21 years of age or older to distribute without consideration up to 3 ounces of dried, unprocessed marijuana, or its equivalent.



Existing state laws restrict the time of day during which alcohol may be sold. Are there similar provisions for marijuana? Can cities impose further restrictions on the time and place for places? Can zoning and other business license restrictions be applied? What are the ramifications of the Amendment’s prohibition on “unduly burdensome” regulations?

Amendment 3 does authorize cities to enact regulations governing the time, place and manner of the operation of marijuana facilities and entities with transportation certificates. Ordinances regulating the time, place and manner of the operation of marijuana facilities may be enacted utilizing zoning or business licensing authority as is commonly done with other businesses. Amendment 3’s addition of a definition for what is considered unduly burdensome when determining if a city has an implied ban on marijuana facilities transforms an otherwise objective test into a reasonably prudent businessperson standard. The proposed definition of unduly burdensome – applicable to medical marijuana facilities, comprehensive marijuana facilities, and marijuana microbusiness facilities – requires that the ordinance or regulation not “subject licensees or potential licensees to such a high investment of money, time or any other resource or asset that a reasonably prudent businessperson would not operate the marijuana facility.”

What about taxes?

The proposed amendment authorizes cities, after approval by voters, to impose an additional 3% sales tax on all tangible personal property retail sales of adult-use marijuana. The question to impose the tax may be placed on a ballot for a general, primary or special election. The first opportunity for cities to impose the additional adult-use marijuana sales tax is the April 2023 election. Certification of ballot questions for the April 2023 election must be done by Jan. 24, 2023. Should a city impose the 3% local sales tax, the sales tax is collected by the Department of Revenue like other sales taxes imposed by cities.

What about personnel?

Amendment 3 does offer protections to certain marijuana users, specifically, it states an employer may not discriminate against a person in hiring, termination or any term or condition of employment or otherwise penalize a person if the discrimination is based on

1. Status as a qualifying patient or primary caregiver who has a valid identification card – unless the person was under the influence of medical marijuana on the premises of the place of employment or during the hours of employment;
2. A positive drug test for marijuana of a person who has valid qualifying patient identification card, unless the person used, possessed or was under the influence of medical marijuana on the premises of the place of employment or during the hours of employment.

Conversely, the protections do not apply if (1) the employer will lose a monetary or licensing-related benefit under federal law or (2) the employee is in a position in which the use of marijuana affects in any manner their ability to perform job-related employment responsibilities or the safety of others, or conflicts with a bona fide occupational qualification that is reasonably related to the person's employment.

Section 2 makes clear that it “does not prohibit an employer from disciplining an employee for working while under the influence of marijuana” and “does not prevent an employer from refusing to hire, discharging, disciplining or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions or privileges of employment because that person was working while under the influence of marijuana.”

Federal laws require cities to drug test employees that need a CDL license as part of their job duties. Do cities still need to test these employees? How will the new law affect situations when the CDL holder tests positive?

At the Federal level, the U.S. Department of Justice and U.S. Department of Transportation have stated the use of marijuana is illegal and that individuals who utilize marijuana may not own firearms or have a CDL. So, if an employee tests positive and loses a CDL, this is an example of both an employer losing a licensing-related benefit and the use of marijuana conflicting with a bona fide occupation qualification reasonably related to the person's employment.

What about employees in safety-sensitive



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positions, such as police and fire? Can they be tested for marijuana?

The protections do not apply to an employee using marijuana who is in a safety sensitive position.

Many cities have adopted drug-free workplace policies, some as a condition of acceptance of federal grant programs. Will cities need to modify these policies to comply with the new recreational marijuana amendment?

Amendment 3 does allow employers to continue to operate drug-free workplaces, but the city must tie the requirement to a potential monetary loss or a licensing-related benefit under federal law. For example, the Drug-Free Workplace Act requires that recipients of federal grants maintain a drug-free workplace and that all covered employees (e.g., employees involved in the actions paid for by the federal grant) must abide by the drug-free workplace policy. If the city or a covered employee violates the drug-free workplace policy, the city may be subject to repayment of the grant and additional penalties. 🍃

Padraic Corcoran and John Mullane are attorneys at *Williams & Campo, P.C.* that exclusively represent political subdivisions of the state of Missouri as general counsel (city attorney) and special counsel for litigation, economic development, land use and eminent domain.



How Amendment 3 Impacts Local Governments

- **JOBS:** Direct employment in Missouri's marijuana industry has already created more than 10,000 new jobs in Missouri. In fact, in 2021, one out of every ten new jobs created in Missouri was in the marijuana industry. The passage of adult use marijuana legalization is expected to substantially create even more new jobs to local economies all across the state.
- **LOCAL REVENUE:** Local governments get to collect the normal sales tax on marijuana retail sales that would apply to any other existing retail sales in the area. In addition, local governments may impose an additional sales tax not to exceed 3% on adult use marijuana retail sales in their jurisdiction. See language:

- **LOCAL REVENUE ESTIMATES:** Medical marijuana sales are still growing consistently month over month, and we're right around \$35m/month currently. With adult use sales coming online in early 2023, we can conservatively project that we will be at 2.5X those numbers statewide a year from now, so around \$87.5m/month.

There are currently 190 dispensaries open for business, and the average dispensary makes \$184K monthly. With more dispensaries yet to come online, we will see approx. 205 operational by early next year. With that number of dispensaries and statewide monthly revenues at \$87.5m, the average dispensary will gross \$427K per month.

A 3% tax on those sales will generate \$12,805 each month and \$153,660 annually. That is in addition to regular local sales taxes, and we expect the market will continue to grow for at least the next few years.

(5) Pursuant to Article III, section 49 of this Constitution, the governing body of any local government is authorized to impose, by ordinance or order, an additional sales tax in an amount not to exceed three percent on all tangible personal property retail sales of adult use marijuana sold in such political subdivision. The tax authorized by this paragraph shall be in addition to any and all other tangible personal property retail sales taxes allowed by law, except that no ordinance or order imposing a tangible personal property retail sales tax under the provisions of this paragraph shall be effective unless the governing body of the political subdivision submits to the voters of the political subdivision, at a municipal, county or state general, primary or special election, a proposal to authorize the governing body of the political subdivision to impose a tax. Any additional local retail sales tax shall be collected pursuant to general laws for the collection of local sales taxes.

(6) Except as authorized in this Article, no additional taxes shall be imposed on the sale of marijuana.

- Siting marijuana businesses — Local governments may not ban marijuana cultivation or infused product manufacturing facilities. These facilities are not accessible to the general public. Local governments may however ban comprehensive and microbusiness dispensaries, but only by a 60% vote of the people beginning in the November 2024 general election. See language:

5. Local Control.

(1) (a) Except as provided in this subsection, a local government may prohibit the operation of all microbusiness dispensary facilities or comprehensive marijuana dispensary facilities regulated under this section from being located within its jurisdiction either through referral of a ballot question to the voters by the governing body or through citizen petition, provided that citizen petitions are otherwise generally authorized by the laws of the local government. Such a ballot question shall be voted on only during the regularly scheduled general election held on the first Tuesday after the first Monday in November of a presidential election year, starting in 2024, thereby minimizing additional local governmental cost or expense. A citizen petition to put before the voters a ballot

question prohibiting microbusiness dispensary facilities or comprehensive marijuana dispensary facilities shall be signed by at least five percent of the qualified voters in the area proposed to be subject to the prohibition, determined on the basis of the number of votes cast for governor in such locale at the last gubernatorial election held prior to the filing of the petition. The local government shall count the petition signatures and give legal notice of the election as provided by applicable law. Denial of ballot access shall be subject to judicial review.

(b) Whether submitted by the governing body or by citizen's petition, the question shall be submitted in the following form: "Shall (insert name of local government) ban all non-medical microbusiness dispensary facilities and comprehensive marijuana dispensary facilities from being located within (insert name of local government and, where applicable, its "unincorporated areas") and forgo any additional related local tax revenue? () Yes () No." If at least sixty percent of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ban shall go into effect as provided by law. If a question receives less than the required sixty percent, then the jurisdiction shall have no power to ban non-medical microbusiness dispensary facilities or comprehensive marijuana facilities regulated under this section, unless voters at a subsequent general election on the first Tuesday after the first Monday in November of a presidential election year approve a ban on non-medical retail marijuana facilities submitted to them by the governing body or by citizen petition.

(2) (a) A local government may repeal an existing ban by its own ordinance or by a vote of the people, either through referral of a ballot question to the voters by the governing body or through citizen petition, provided that citizen petitions are otherwise generally authorized by the laws of the local government. In the case of a referral of a ballot question by the governing body or citizen petition to repeal an existing ban, the question shall be voted on only during the regularly scheduled general election held on the first Tuesday after the first Monday in November of a presidential election year. A citizen petition to put before the voters a ballot question repealing an existing ban shall be signed by at least five percent of the qualified voters in the area subject to the ban, determined on the basis of the number of votes cast for governor in such locale at the last gubernatorial election held prior to the filing of the petition. The local government shall count the petition

signatures and give legal notice of the election as provided by applicable law. Denial of ballot access shall be subject to judicial review.

(b) Whether submitted by the governing body or by citizen's petition, the question shall be submitted in the following form: "Shall (insert name of local government) allow non-medical microbusiness dispensary facilities and comprehensive marijuana dispensary facilities to be located within (insert name of local government and where applicable, its "unincorporated areas") as regulated by state law? () Yes () No." If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ban shall be repealed.

(3) The only local government ordinances and regulations that are binding on a marijuana facility are those of the local government where the marijuana facility is located.

(4) Unless allowed by the local government, no new marijuana facility shall be initially sited within one thousand feet of any then-existing elementary or secondary school, child day-care center, or church. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

-

(5) Except as otherwise provided in this subsection, no local government shall prohibit marijuana facilities or entities with a transportation certification either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome in the jurisdiction. However, local governments may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing the time, place, and manner of operation of such facilities in the locality. A local government may establish civil penalties for violation of an ordinance or regulations governing the time, place, and manner of operation of a marijuana facility or entity holding a transportation certification that may operate in such locality.

(6) Local governments may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing:

(a) the time and place where marijuana may be smoked in public areas within the locality; and

(b) the consumption of marijuana-infused products within designated areas, including the preparation of culinary dishes or beverages by local restaurants for on-site consumption on the same day it is prepared.

PARKS, RECREATION AND ARTS COMMITTEE

Chair: Councilmember Budoor

Vice Chair: Councilmember Moore

There are no Parks, Recreation and Arts Committee items scheduled for tonight's meeting.

NEXT MEETING

The next meeting of the Parks, Recreation and Arts Committee has not yet been scheduled.

If you have any questions or require additional information, please contact Parks, Recreation and Arts Director Thomas McCarthy or me prior to Tuesday's meeting.

PUBLIC HEALTH AND SAFETY COMMITTEE

Chair: Councilmember Aaron Wahl

Vice Chair: Councilmember Merrell Hansen

There are no Public Health and Safety Committee items scheduled for actions at tonight's meeting.

NEXT MEETING

The next meeting of the Public Health and Safety Committee has not yet been scheduled.

If you have any questions or require additional information, please contact Chief Ray Johnson or me prior Tuesday's meeting.

REPORT FROM THE CITY ADMINISTRATOR & OTHER ITEMS REQUIRING ACTION BY CITY COUNCIL

Liquor License Request – The Red Chili (963 Chesterfield Center) formerly Twin Peaks – has requested a new liquor license request for retail sale of all kinds of intoxicating liquor by the drink, to be consumed on premise (includes packages sales not to be consumed on premise where sold), plus Sunday sales. **(Voice Vote)**

OTHER LEGISLATION

Proposed Bill No. 3423 - Boundary Adjustment Plat - TSG Chesterfield Airport Road, Lots C & D – An ordinance providing for the approval of a Boundary Adjustment Plat for Lot C and Lot D of TSG Chesterfield Airport Road to create a 1.106-acre tract of land and a 1.392-acre tract of land, located north of Chesterfield Airport Road, west of Jaguar Land Rover Way, and south of Arnage Road (17U230412, 17U230403). **(First & Second Readings) Department of Planning recommends approval.**

Proposed Bill No. 3422 - Use Tax Ballot Proposal – An Ordinance of the City of Chesterfield, Missouri providing for submission of the proposal to the qualified voters of the City for their approval at the General election called and to be held in the City on April 4th, 2023. This bill authorizes placement of the use tax question on the April ballot for voter approval.

UNFINISHED BUSINESS

NEW BUSINESS



MEMORANDUM

DATE: December 9, 2022

TO: Mike Geisel
City Administrator

FROM: Andrea Majoros
Business Assistance Coordinator

SUBJECT: LIQUOR LICENSE REQUEST – THE RED CHILI

THE RED CHILI, 963 CHESTERFIELD CENTER (formerly Twin Peaks) ... has requested a new liquor license for retail sale of all kinds of intoxicating liquor by the drink, to be consumed on premise (includes packaged sales not to be consumed on premise where sold), plus Sunday sales.

Ms. Ripal Patel is the managing officer.

This application was reviewed and approved by both the Police Department and the Department of Planning.

With City Council approval at the Tuesday, January 3, 2023 city council meeting, I will immediately issue this license.

Memorandum

Department of Planning



To: Michael O. Geisel, City Administrator
From: Justin Wyse, Director of Planning **JW**
Date: January 3, 2023

RE: TSG Chesterfield Airport Road, Lot C & D: A Boundary Adjustment Plat for Lot C and Lot D of TSG Chesterfield Airport Road to create a 1.106-acre tract of land and a 1.392-acre tract of land, located north of Chesterfield Airport Road, west of Jaguar Land Rover Way, and south of Arnage Road (17U230412, 17U230403).

Summary

Stock & Associates, on behalf of TSG Chesterfield Airport Road, LLC, has submitted for review and approval a Boundary Adjustment Plat for two parcels totaling 2.39 acres zoned "PC" Planned Commercial District.

The purpose of this Boundary Adjustment Plat is to shift the shared property line of Lot C and Lot D to the east in order to increase the size of Lot C thus decreasing the size of Lot D.

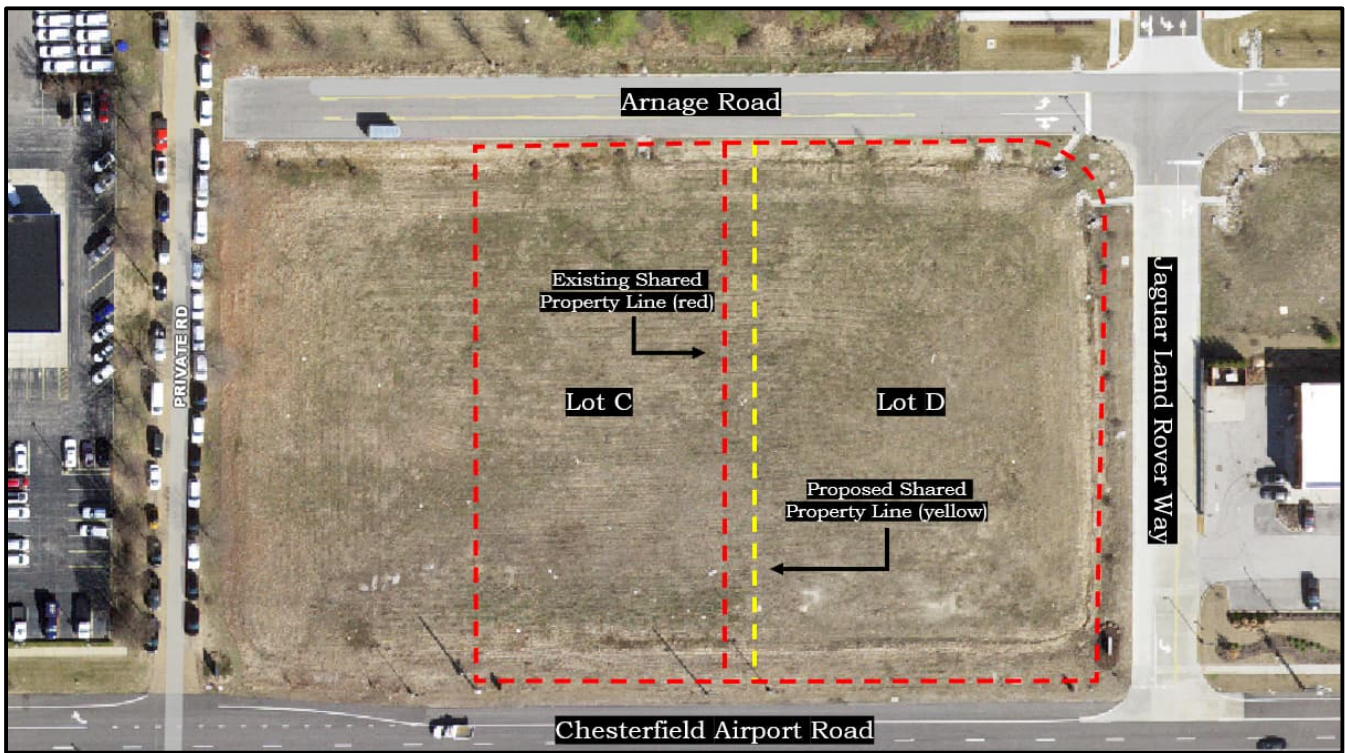


Figure 1: Subject Site

BILL NO. 3423

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE APPROVAL OF A BOUNDARY ADJUSTMENT PLAT FOR LOT C AND LOT D OF TSG CHESTERFIELD AIRPORT ROAD TO CREATE A 1.106 ACRE TRACT OF LAND AND A 1.392 ACRE TRACT OF LAND, LOCATED NORTH OF CHESTERFIELD AIRPORT ROAD, WEST OF JAGUAR LAND ROVER WAY, AND SOUTH OF ARNAGE ROAD (17U230412, 17U230403).

WHEREAS, Stock & Associates, on behalf of TSG Chesterfield Airport Road, LLC, has submitted for review and approval a Boundary Adjustment Plat for two parcels totaling 2.39 acres zoned "PC" Planned Commercial District; and,

WHEREAS, the purpose of said Boundary Adjustment Plat is to increase the size of Lot C thus reducing the size of Lot D; and,

WHEREAS, the Department of Planning has reviewed the Boundary Adjustment Plat in accordance with the Unified Development Code of the City of Chesterfield and has found it to be in compliance with all applicable ordinances and has forwarded said Boundary Adjustment Plat to the City Council.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The Boundary Adjustment Plat for Lot C and D of TSG Chesterfield Airport Road, which is attached hereto as "Exhibit 1", is hereby approved; the owner is directed to record the plat with the St. Louis County Recorder of Deeds Office.

Section 2. The Mayor and City Clerk are authorized and directed to evidence the approval of the said Boundary Adjustment Plat by affixing their signatures and the official seal of the City of Chesterfield as required on the said document.

Section 3. The Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2023.

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie McGownd, CITY CLERK

FIRST READING HELD: 01/03/2023

BOUNDARY ADJUSTMENT PLAT EXHIBIT 1

OF
**LOTS C AND D OF TSG CHESTERFIELD AIRPORT ROAD AS RECORDED IN
 PLAT BOOK 368, PAGE 313 LOCATED IN TOWNSHIP 45 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN,
 CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI**

OWNER'S CERTIFICATION

The undersigned, owner of the tract of land herein platted and further described in the surveyor's certificate set forth below, has caused the same to be surveyed and adjusted in the manner shown on this plat, which Boundary Adjustment Plat shall be known as:

"BOUNDARY ADJUSTMENT PLAT OF LOTS C AND D OF TSG CHESTERFIELD AIRPORT ROAD"

It is hereby certified that all existing easements are shown on this plat as of the time and date of recording of this plat.

Two (2) permanent monuments for each block created, and semi-permanent monuments at all lot corners will be set within twelve (12) months after the recording of this BOUNDARY ADJUSTMENT PLAT, in accordance with 20 CSR 2030-16 of the Department of Insurance, Financial Institutions and Professional Registration. In addition, other survey monuments indicated on this boundary adjustment plat, required by the Subdivision Ordinance of the City of Chesterfield, Missouri, will be set.

IN WITNESS THEREOF, I have hereunto set my hand this ____ day of _____, 2022.

TSG CHESTERFIELD AIRPORT ROAD, LLC

By: _____
 Michael H. Staenberg, Manager

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

On this ____ day of _____ in the year 2022 before me, a Notary Public in and for said state, personally appeared Michael H. Staenberg, the Manager, of TSG Chesterfield Airport Road, LLC, known to me to be the person who executed the foregoing instrument in behalf of said limited liability company and acknowledged to me that he executed the same for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Notary Public

My commission expires: _____

LENDER'S CERTIFICATION

The undersigned owner and holder of promissory note secured by Deed of Trust, recorded in Book 23568, Page 288, of the St. Louis County Records, does hereby join in and consent to the foregoing Boundary Adjustment Plat as shown hereon.

IN WITNESS WHEREOF, we have hereunto set our hand and affixed our corporate seal this ____ day of _____, 2022.

MIDWEST BANKCENTRE

By: _____
 Print Name: _____
 Print Title: _____

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

On this ____ day of _____, 2020, before me appeared _____ personally known to me, who being by me duly sworn, did say that he is the Senior Vice President of Midwest BankCentre, and acknowledged to me that he has the authority to bind said Bank; and executed the foregoing Boundary Adjustment Plat as the free act and deed of said bank.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Notary Public

My commission expires: _____

STATE PLANE

STATEMENT OF STATE PLANE COORDINATE TIE:

STATION: SL-38
 GRID FACTOR = 0.99991748
 NORTH (Y) = 314628.240
 EAST (X) = 239963.055

NOTE: 1 METER = 3.28083333 FEET
 ALL STATE PLANE COORDINATES ARE IN METERS.

STATION: SL-38 ADJUSTED IN 2011

Station SL-38 to SL-38A grid Azimuth = 266 Degrees 49 Minutes 04 Seconds

The Missouri Coordinate System of 1983 East Zone Coordinate Values reported hereon were determined based upon a field traverse using Trimble GPS receivers and Total Stations, and that in my professional opinion, as a land surveyor registered in the State of Missouri, the reported State Plane Coordinates meet the current Missouri Standards for Property Boundary Surveys. The basis of bearings Missouri State Plane Grid North. The grid bearing along the east line of Lot D on this plat is found to be North 00 degrees 11 minutes 27 seconds East. The grid bearing from SL-38 to the Southeast corner on this plat is North 89 degrees 07 minutes 31 seconds East 263.88 meters with the scale factor applied.

PREPARED FOR:

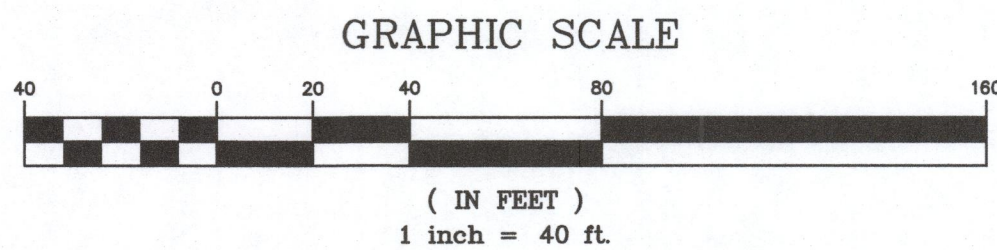
TSG Chesterfield Airport Road, LLC
 c/o Staenberg Group, Inc.
 2127 Innerbelt Business Center Dr, Suite 200
 St. Louis MO 63114

ABBREVIATIONS

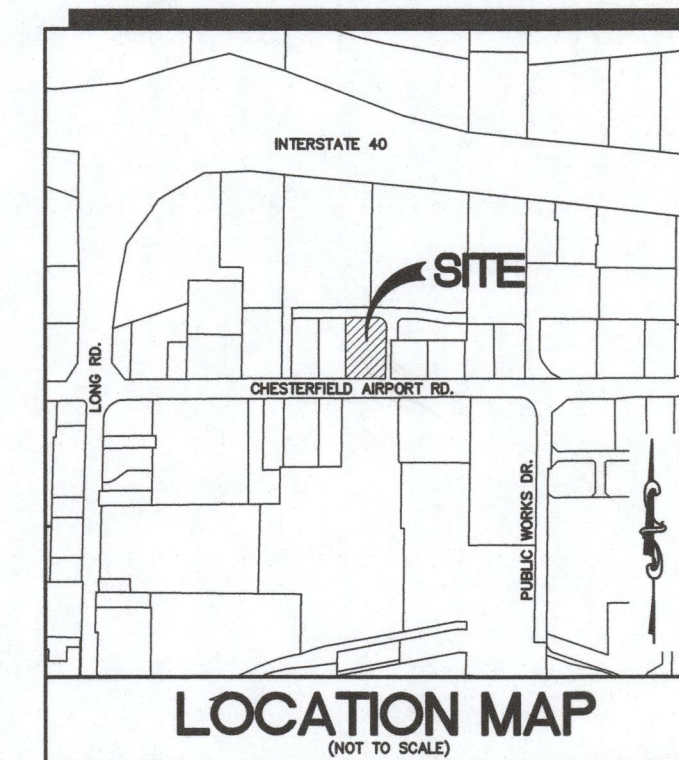
- DB. - DEED BOOK
- FT. - FEET
- FND. - FOUND
- NIF. - NOW OR FORMERLY
- PB. - PLAT BOOK
- PG. - PAGE
- R.B. - RADIAL BEARING
- SQ. - SQUARE
- (86W) - RIGHT-OF-WAY WIDTH

LEGEND

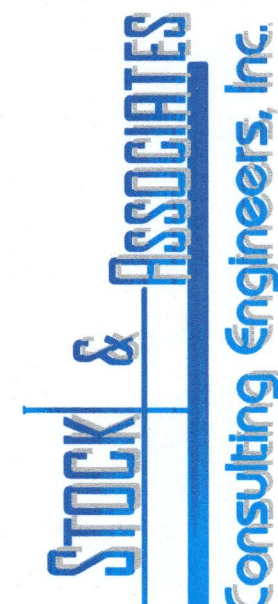
- BENCH MARK
- FOUND IRON ROD
- FOUND IRON PIPE
- RIGHT OF WAY MARKER



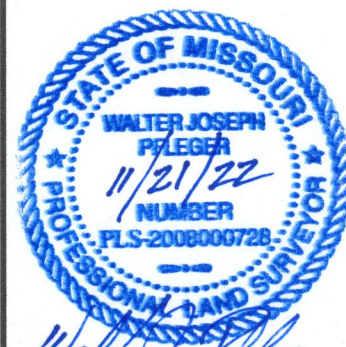
STLCO BENCHMARK
 BENCHMARK# 12171 NGVD29 Elev = 460.06 FUS
 Standard DNR aluminum disk stamped SL-38 situated in a grassy area northwest of the intersection of Chesterfield Airport Road and Caprice Drive, south of the parking for a retail strip center approximately 0.1 miles east of Long Road; roughly 58 feet west of the centerline of Caprice Drive, 43 feet north of the centerline of Chesterfield Airport Road, and 69 feet east of a fire hydrant.
 [NAVD88(SL2011a) Elev = 459.91]



PREPARED BY:



BOUNDARY ADJUSTMENT PLAT SURVEY
TIFTON CAR WASH, LLC
 34 & 38 ARNAGE ROAD
 CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI



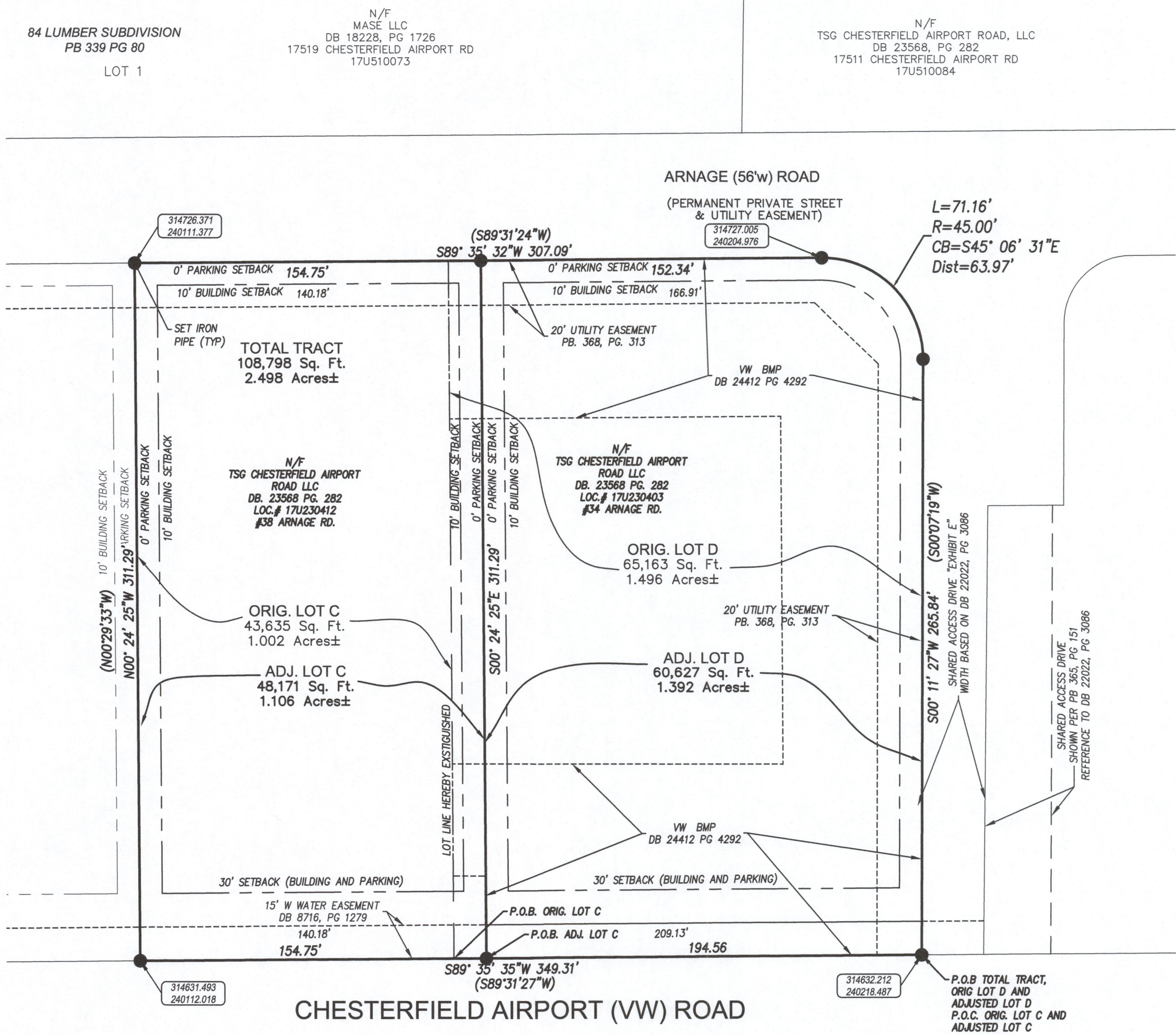
REVISIONS:

1	11/21/22 CITY COMMENTS
---	------------------------

DRAWN BY: W.J.P.	CHECKED BY: W.J.P.
DATE: 6/21/2022	JOB NO: 2022-7230
M.S.D. P.#: P-XXXXXX	BASE MAP.#: XXX
S.L.C. H&T.#: XXX	H&T S.U.P.#: XX-XXX-XX
M.D.N.R.#: MO-XXXXXX	

SHEET TITLE:
BOUNDARY ADJUSTMENT PLAT SURVEY

SHEET NO.:
1 OF 1



GENERAL NOTES:

- 1) Subject property is Zoned PC Planned Commercial (Ord.# 3206)
 Note: The above zoning provided by the City of Chesterfield and to verify the client should obtain a zoning endorsement from their title company.
 Height shall not exceed 42 feet.
 Setback requirements:
 a.) Thirty (30) feet from the southern boundary of this district that fronts on chesterfield Airport Road.
 b.) Fifty-five (55) from the northern boundary of this district that fronts on I-64/ US 40.
 c.) Ten (10) feet from all other boundary lines within this district.
- 2) Subject property lies within Flood Zone Shaded X (areas with reduced risk due to levee) according to the National Flood Insurance Rate Map Number 291C89C0165K with and effective date of 02/04/2015.
- 3) There are no buildings onsite.
- 4) Basis of Bearings Missouri State Plane Grid North.

This is to certify that "BOUNDARY ADJUSTMENT PLAT OF LOTS C & D OF TSG CHESTERFIELD AIRPORT ROAD" as approved by the City Council for the City of Chesterfield by Ordinance No. ____ on the ____ day of _____, 20____, and thereby authorizes the recording of this Boundary Adjustment Plat with the office of the St. Louis County Recorder of Deeds.

Bob Nation, Mayor
 Vickie McGownd, City Clerk

SURVEYOR'S CERTIFICATION

This is to certify that Stock and Associates Consulting Engineers, Inc. have, during June 2022, by order of and for the use of TSG CHESTERFIELD AIRPORT ROAD LLC, executed a Property Boundary Survey and Boundary Adjustment Plat of Lots C and D of TSG CHESTERFIELD AIRPORT ROAD as recorded in Plat Book 368, Page 313 located in Township 45 North, Range 4 East of the Fifth Principal Meridian, City of Chesterfield, St. Louis County, Missouri, and that the results of said survey and Boundary Adjustment Plat are shown hereon. We further certify that the above plat was prepared from an actual survey, according to the records available and recorded, and said survey meets or exceeds the current standards for Property Boundary Surveys for "Class Urban Property" as defined in Chapter 16, Division 2030 Missouri Standards for Property Boundary Surveys as adopted by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects.

STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC.
 LC NO. 222-D

By: Walter J. Pfeleger
 Walter J. Pfeleger, Missouri P.L.S. No. 2008-000728

TOTAL TRACT

All of Lots of C & D Of TSG Chesterfield Airport Road a subdivision thereof as recorded in Plat Book 368, Page 313, located in Township 45 North, Range 4 East of the Fifth Principal Meridian, City of Chesterfield, St. Louis County, Missouri, being more particularly described as follows:

Beginning at the southeast corner of above said Lot D, said point also being located on the north right-of-way line of Chesterfield Airport Road, variable width thence along said right-of-way line, South 89 degrees 35 minutes 35 seconds West, 349.31 feet to the southwest corner of above said Lot C, also being the southeast corner of Lot B of said TSG Chesterfield Airport Road; thence along the common line of said Lots B and C, North 00 degrees 24 minutes 25 seconds West, 311.29 feet to the south line of Arnage Road, 56 feet wide; thence along said south line, North 89 degrees 35 minutes 32 seconds East, 307.09 feet to a point of curvature to the right, having a radius of 45.00 feet, an arc length of 71.16 feet to a point of tangency, said point being located on the west line of a private road (a.k.a. Jaguar Land Rover Way), said point also being located on the east line of above said Lot D; thence along the common line between Lot D and said private road, South 00 degrees 11 minutes 27 seconds West, 265.84 feet to the POINT OF BEGINNING.
 Containing 108,798 square feet or 2.498 acres, more or less.

ORIGINAL LOT C

All of Lot C of TSG Chesterfield Airport Road a subdivision thereof as recorded in Plat Book 368, Page 313, located in Township 45 North, Range 4 East of the Fifth Principal Meridian, City of Chesterfield, St. Louis County, Missouri, being more particularly described as follows:

Commencing at the southeast corner of Lot D of above said subdivision, said point also being located on the north right-of-way line of Chesterfield Airport Road, variable width thence along said right-of-way line, South 89 degrees 35 minutes 35 seconds West, 209.13 feet to the POINT OF BEGINNING of the herein described tract; thence continuing along said right-of-way line, South 89 degrees 35 minutes 35 seconds West, 140.18 feet to the southwest corner of above said Lot C, also being the southeast corner of Lot B of said subdivision; thence along the common line of said Lots B and C, North 00 degrees 24 minutes 25 seconds West, 311.29 feet to the south line of Arnage Road, 56 feet wide; thence along said south line, North 89 degrees 35 minutes 32 seconds East, 140.18 feet to the northeast corner of said Lot C; thence along the common line between Lots C and D, South 00 degrees 24 minutes 25 seconds East, 311.29 feet to the POINT OF BEGINNING.
 Containing 43,635 square feet or 1.002 acres, more or less.

ORIGINAL LOT D

All of Lot D of TSG Chesterfield Airport Road a subdivision thereof as recorded in Plat Book 368, Page 313, located in Township 45 North, Range 4 East of the Fifth Principal Meridian, City of Chesterfield, St. Louis County, Missouri, being more particularly described as follows:

Beginning at the southeast corner of above said Lot D, said point also being located on the north right-of-way line of Chesterfield Airport Road, variable width thence along said right-of-way line, South 89 degrees 35 minutes 35 seconds West, 209.13 feet to the southeast corner of said Lot D, said point also being the southeast corner of Lot C of above said subdivision; thence along the common line between said Lots C and D, North 00 degrees 24 minutes 25 seconds West, 311.29 feet to the south line of Arnage Road, 56 feet wide; thence along said south line, North 89 degrees 35 minutes 32 seconds East, 166.91 feet to a point of curvature to the right, having a radius of 45.00 feet, an arc length of 71.16 feet to a point of tangency, said point being located on the west line of a private road (a.k.a. Jaguar Land Rover Way), said point also being located on the east line of above said Lot D; thence along the common line between Lot D and said private road, South 00 degrees 11 minutes 27 seconds West, 265.84 feet to the POINT OF BEGINNING.
 Containing 65,163 square feet or 1.496 acres, more or less.

ADJUSTED LOT C

A tract of land being all of Lot C and the west 14.57 feet of Lot D of TSG Chesterfield Airport Road a subdivision thereof as recorded in Plat Book 368, Page 313, located in Township 45 North, Range 4 East of the Fifth Principal Meridian, City of Chesterfield, St. Louis County, Missouri, being more particularly described as follows:

Commencing at the southeast corner of Lot D of above said subdivision, said point also being located on the north right-of-way line of Chesterfield Airport Road, variable width thence along said right-of-way line, South 89 degrees 35 minutes 35 seconds West, 194.56 feet to the POINT OF BEGINNING of the herein described tract; thence continuing along said right-of-way line, South 89 degrees 35 minutes 35 seconds West, 154.75 feet to the southwest corner of above said Lot C, also being the southeast corner of Lot B of said subdivision; thence along the common line of said Lots B and C, North 00 degrees 24 minutes 25 seconds West, 311.29 feet to the south line of Arnage Road, 56 feet wide; thence along said south line, North 89 degrees 35 minutes 32 seconds East, 154.75 feet thence departing said south line, South 00 degrees 24 minutes 25 seconds East, 311.29 feet to the POINT OF BEGINNING.
 Containing 48,171 square feet or 1.106 acres, more or less.

ADJUSTED LOT D

A tract of land being all of part of Lot D of TSG Chesterfield Airport Road a subdivision thereof as recorded in Plat Book 368, Page 313, located in Township 45 North, Range 4 East of the Fifth Principal Meridian, City of Chesterfield, St. Louis County, Missouri, being more particularly described as follows:

Beginning at the southeast corner of above said Lot D, said point also being located on the north right-of-way line of Chesterfield Airport Road, variable width thence along said right-of-way line, South 89 degrees 35 minutes 35 seconds West, 194.56 feet; thence departing said right-of-way line, North 00 degrees 24 minutes 25 seconds West, 311.29 feet to the south line of Arnage Road, 56 feet wide; thence along said south line, North 89 degrees 35 minutes 32 seconds East, 152.34 feet to a point of curvature to the right, having a radius of 45.00 feet, an arc length of 71.16 feet to a point of tangency, said point being located on the west line of a private road (a.k.a. Jaguar Land Rover Way), said point also being located on the east line of above said Lot D; thence along the common line between Lot D and said private road, South 00 degrees 11 minutes 27 seconds West, 265.84 feet to the POINT OF BEGINNING.
 Containing 60,627 square feet or 1.392 acres, more or less.

AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI PROVIDING FOR SUBMISSION OF THE PROPOSAL TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE GENERAL ELECTION CALLED AND TO BE HELD IN THE CITY ON APRIL 4TH, 2023.

WHEREAS, the City has imposed total local sales taxes, as defined in Section 32.085 RSMo, at the total rate of one percent (1%); and

WHEREAS, the City is authorized, under Section 144.757 RSMo, to impose a local use tax at a rate equal to the rate of the total local sales taxes in effect in the City; and

WHEREAS, the proposed City use tax cannot become effective until approved by the voters at a municipal, county or state general, primary, or special election;

NOW, THEREFORE, be it ordained by the City Council of Chesterfield, Missouri, as follows:

Section 1. Pursuant to the authority granted by, and subject to, the provisions of Sections 144.600 through 144.761 RSMo, a use tax for general revenue purposes is imposed for the privilege of storing, using or consuming within the City any article of tangible personal property. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has finally come to rest within this City or until the article has become commingled with the general mass of property of this City.

Section 2. The rate of the tax shall be equal to the total local sales tax in effect. If any city sales tax is repealed or the rate thereof is reduced or raised by voter approval, the city use tax rate also shall be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the city sales tax.

Section 3. This tax shall be submitted to the qualified voters of Chesterfield, Missouri, for their approval, as required by the provisions of Section 144.757 RSMo, at the General election hereby called and to be held in the City on Tuesday, the 4TH day of April, 2023. The ballot of submission shall contain substantially the following language:

Shall the City of Chesterfield impose a local use tax at the same rate as the total local sales tax rate, provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action?

Yes

No

If you are in favor of the question, place an "X" in the box opposite "Yes."

If you are opposed to the question, place an "X" in the box opposite "No."

Section 4. Within ten (10) days after the approval of this ordinance by the qualified voters of (City), Missouri, the City Clerk shall forward to the Director of Revenue of the State of Missouri by United States registered mail or certified mail, a certified copy of this ordinance together with certifications of the election returns and accompanied by a map of the City clearly showing the boundaries thereof.

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Passed and approved this _____ day of _____, 2023.

Presiding Officer

Bob Nation, Mayor

ATTEST:

Vickie McGownd, City Clerk

FIRST READING HELD _____