



**AGENDA REVIEW MEETING
CHESTERFIELD CITY COUNCIL
Monday, February 06, 2023
5:30 PM**

I. Appointments – Mayor Bob Nation

- 1. Reappointment – Architectural Review Board – Mick Weber**

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). (Second Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval.**
- 2. Proposed Bill No. 3425 – P.Z. 12-2022 City of Chesterfield (Unified Development Code – Article 4) – An ordinance amending Article 4 of the Unified Development Code to include regulations pertaining to comprehensive marijuana facilities. (First Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval.**
- 3. Next Meeting – Thursday, February 09, 2023 (5:30pm)
CANCELLED**

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

- 1. Next Meeting – Monday, March 13, 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. Bid Recommendation – 2023 Construction and Inspection

Testing Services - Recommendation to authorize the City Administrator to execute an Agreement with Geotechnology Incorporated for construction testing and inspection services in an amount not to exceed \$110,000. Funds for this work are budgeted in account 120-079-5261. **(Roll Call Vote) Department of Public Works recommends approval.**

B. Bid Recommendation – 2023 Concrete Slab Replacement Project

B - Recommendation to accept the low bid submitted by Next Level Construction LLC and to authorize the City Administrator to execute an Agreement with Next Level Construction LLC in an amount not to exceed \$1,000,000. This project is budgeted within Account 120-079-5490 of the Capital Projects Fund. **(Roll Call Vote) Department of Public Works recommends approval.**

C. Bid Recommendation – 2023 Pyrotechnic 4th of July Display –

Recommendation to accept the bid in the amount of \$55,000 as submitted by J & M Displays including the option to renew annually for an additional two years under the same terms and conditions. **(Roll Call Vote)**

IV. Other Legislation

A. Proposed Bill No. 3426 - Approving a Redevelopment Project for

RPA 1-A – An ordinance approving 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 1-A under the Chesterfield Tax Increment Financing Redevelopment Plan & Project; adopting tax increment financing within RPA 1-A; making findings with respect thereto; establishing a special allocation fund with respect to RPA 1-A; authorizing certain actions by city officials and officers; and containing a severability clause. **(First Reading)**

B. Proposed Bill No. 3427 - Approving a Redevelopment Project for

RPA 1-B – An ordinance approving 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 1-B under the Chesterfield Tax Increment Financing Redevelopment Plan & Project; adopting tax increment financing within RPA 1-B; making findings with respect thereto; establishing a special allocation fund with respect to RPA 1-B; authorizing certain actions by city officials and officers; and containing a severability clause. **(First Reading)**

C. Proposed Bill No. 3428 - Approving a Redevelopment Project for RPA 1-C – An ordinance approving 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 1-C under the Chesterfield Tax Increment Financing Redevelopment Plan & Project; adopting tax increment financing within RPA 1-C; making findings with respect thereto; establishing a special allocation fund with respect to RPA 1-C; authorizing certain actions by city officials and officers; and containing a severability clause. **(First Reading)**

D. Proposed Bill No. 3429 - Approving a Redevelopment Project for RPA 1-D – An ordinance approving 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 1-D under the Chesterfield Tax Increment Financing Redevelopment Plan & Project; adopting tax increment financing within RPA 1-D; making findings with respect thereto; establishing a special allocation fund with respect to RPA 1-D; authorizing certain actions by city officials and officers; and containing a severability clause. **(First Reading)**

E. Proposed Bill No. 3430 - Approving a Redevelopment Project for RPA 3 – An ordinance approving 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 3 under the Chesterfield Tax Increment Financing Redevelopment Plan & Project; adopting tax increment financing within RPA 3; making findings with respect thereto; establishing a special allocation fund with respect to RPA 3; authorizing certain actions by city officials and officers; and containing a severability clause. **(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
Monday, February 06, 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. City Council Meeting Minutes** – January 17, 2023
 - B. Executive Session Minutes** – January 17, 2023
- VI. INTRODUCTORY REMARKS** – Mayor Bob Nation
 - A. Thursday, February 09, 2023 – Planning & Public Works (5:30pm)**
CANCELLED
 - B. Monday, February 13, 2023 – Planning Commission (7:00pm)**
 - C. Monday, February 20, 2023 – City Hall Closed in Observation of Presidents Day**
 - D. Tuesday, February 21, 2023 – City Council Meeting (7:00pm)**
- VII. COMMUNICATIONS AND PETITIONS** – Mayor Bob Nation
- VIII. APPOINTMENTS** – Mayor Bob Nation

A. Reappointment

1. Architectural Review Board - Mick Weber (2 year term)

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). **(Second Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval. Petitioner has requested to hold until the February, 21 2023 City Council meeting.**
2. **Proposed Bill No. 3425 – P.Z. 12-2022 City of Chesterfield (Unified Development Code – Article 4)** – An ordinance amending Article 4 of the Unified Development Code to include regulations pertaining to comprehensive marijuana facilities. **(First Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval.**
3. **Next Meeting – Thursday, February 09, 2023 (5:30pm)**
CANCELLED

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

1. **Next Meeting – Monday, March 13, 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

X. REPORT FROM THE CITY ADMINISTRATOR – Mike Geisel

- A. Bid Recommendation – 2023 Construction and Inspection Testing Services** - Recommendation to authorize the City Administrator to execute an Agreement with Geotechnology Incorporated for construction testing and inspection services in an amount not to exceed \$110,000. Funds for this work are budgeted in account 120-079-5261. **(Roll Call Vote) Department of Public Works recommends approval.**
- B. Bid Recommendation – 2023 Concrete Slab Replacement Project B** - Recommendation to accept the low bid submitted by Next Level Construction LLC and to authorize the City Administrator to execute an Agreement with Next Level Construction LLC in an amount not to exceed \$1,000,000. This project is budgeted within Account 120-079-5490 of the Capital Projects Fund. **(Roll Call Vote) Department of Public Works recommends approval.**
- C. Bid Recommendation – 2023 Pyrotechnic 4th of July Display** – Recommendation to accept the bid in the amount of \$55,000 as submitted by J & M Displays including the option to renew annually for an additional two years under the same terms and conditions. **(Roll Call Vote)**

XI. OTHER LEGISLATION

- A. Proposed Bill No. 3426 - Approving a Redevelopment Project for RPA 1-A** – An ordinance approving 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 1-A under the Chesterfield Tax Increment Financing Redevelopment Plan & Project; adopting tax increment financing within RPA 1-A; making findings with respect thereto; establishing a special allocation fund with respect to RPA 1-A; authorizing certain actions by city officials and officers; and containing a severability clause. **(First Reading)**
- B. Proposed Bill No. 3427 - Approving a Redevelopment Project for RPA 1-B** – An ordinance approving 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 1-B under the Chesterfield Tax Increment Financing Redevelopment Plan & Project; adopting tax increment financing within RPA 1-B; making findings with respect thereto; establishing a special allocation fund with respect to RPA

1-B; authorizing certain actions by city officials and officers; and containing a severability clause. **(First Reading)**

C. Proposed Bill No. 3428 - Approving a Redevelopment Project for RPA

1-C – An ordinance approving 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 1-C under the Chesterfield Tax Increment Financing Redevelopment Plan & Project; adopting tax increment financing within RPA 1-C; making findings with respect thereto; establishing a special allocation fund with respect to RPA 1-C; authorizing certain actions by city officials and officers; and containing a severability clause. **(First Reading)**

D. Proposed Bill No. 3429 - Approving a Redevelopment Project for RPA

1-D – An ordinance approving 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 1-D under the Chesterfield Tax Increment Financing Redevelopment Plan & Project; adopting tax increment financing within RPA 1-D; making findings with respect thereto; establishing a special allocation fund with respect to RPA 1-D; authorizing certain actions by city officials and officers; and containing a severability clause. **(First Reading)**

E. Proposed Bill No. 3430 - Approving a Redevelopment Project for RPA 3

– An ordinance approving 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 3 under the Chesterfield Tax Increment Financing Redevelopment Plan & Project; adopting tax increment financing within RPA 3; making findings with respect thereto; establishing a special allocation fund with respect to RPA 3; authorizing certain actions by city officials and officers; and containing a severability clause. **(First Reading)**

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. 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.*

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AGENDA REVIEW – MONDAY, FEBRUARY 06, 2023 – 5:30 PM

An AGENDA REVIEW meeting has been scheduled to start at **5:30 PM, on Monday, February 06, 2023.**

An executive (closed) session has been scheduled immediately following the agenda work session for Monday's meeting (2/6/2023), which itself is scheduled to begin at 5:30 pm.

I have been directed to schedule an executive session for the purpose of sharing the results of my annual performance evaluation and proposed objectives for the 2023 calendar year.

City Attorney Graville and I will also be available to provide an update on current litigation.

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



**CITY OF CHESTERFIELD - PUBLIC NOTICE
EXECUTIVE SESSION (CLOSED MEETING)
MONDAY, FEBRUARY 06, 2023**

An Executive Session (closed meeting) has been scheduled to take place immediately following the Agenda Review Meeting on Monday, February 06, 2023, which itself is scheduled to begin at 5:30 PM.

The purpose of this meeting is to provide the opportunity for confidential communication by/among the City's elected officials, their City Attorney, and appropriate City Staff.

The discussion during this Executive Session is scheduled to include the following:

RSMo 610.021 (1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys

RSMo 610.021 (13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source

Any/all questions, in advance of this meeting, should be directed to the undersigned.

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A handwritten signature in cursive script, appearing to read "M. Geisel".

Michael O. Geisel
City Administrator
Chesterfield, Missouri

City of Chesterfield
Excess Checks (=> \$5,000)
January 2023

DATE	CHECK #	VENDOR	DESCRIPTION	CHECK AMT	FUND
1/5/2023	1226	CARRIER CORPORATION	AIR HANDLER UNIT REPLACEMENT-CVAC	\$ 31,678.00	137
1/5/2023	1229	RP COATINGS, INC	CITY HALL HANDRAIL REFINISH	14,000.00	137
1/12/2023	1232	FIRETECH, LLC	CITY HALL FIRE SUPPRESSION SYSTEM REPAIR	12,840.00	137
1/19/2023	1235	KOZENY-WAGNER, INC.	CONSTRUCTION FOR EBERWEIN PARK PROJECT	46,203.02	137
1/26/2023	1237	MCCOY CONSTRUCTION & FORESTRY	JOHN DEERE 410L BACKHOE	91,486.16	137
1/5/2023	49812	AIR DELIGHTS INC	Concession Bathrooms	6,349.95	119
1/5/2023	49815	BOMBSHELL CONSTRUCTION SERVICES	LOGAN PARK	146,355.37	119
1/5/2023	49822	METROPOLITAN ST. LOUIS SEWER DISTRICT	16365 LYDIA HILL DR, ACCT #0472321-9	11,262.62	119
1/6/2023	49839	BOEGEMANN MASONRY	MASONRY, LOGAN PARK PAVILION	9,655.00	119
1/6/2023	49840	CHELTENHAM CONSTRUCTION	LOGAN PARK PAVILION	9,910.00	119
1/6/2023	49841	HAWKINS CONSTRUCTION & FLATWORK CONTRACTING CO	CARPENTRY	8,008.23	119
1/6/2023	49842	V. SCHNEIDER ENTERPRISES, LTD	WOOD, PLASTICS, COMP, LOGAN PARK PAVILION, ELECTRICAL SUBCONTRACTOR, MASONRY AND ELECTRICAL WORK	5,227.99	119
1/6/2023	49843	WIBRACHT ELECTRIC, INC	LOGAN PARK PAVILION	9,021.45	119
1/12/2023	49846	GRAINGER	CONCESSION BATHROOMS, PINTLE HOOK AND BALL STEEL	13,868.59	119
1/12/2023	49851	KIRKWOOD FENCE, INC.	FENCING QUADS AT CVAC	56,170.00	119
1/19/2023	49876	BYRNE & JONES	TURF FIELDS	1,056,169.63	119
1/19/2023	49891	VERMONT SYSTEMS, INC.	SOFTWARE	6,106.18	119
1/26/2023	49902	ANCHOR INDUSTRIES, INC.	(3) FUNBRELLA	6,322.00	119
1/26/2023	49910	BYRNE & JONES	TURF FIELDS	557,279.44	119
1/26/2023	49914	JOHN DEERE CO.	BRUSH HOG MOWER, UTILITY CART	25,608.32	119
1/5/2023	68426	DELTA DENTAL OF MISSOURI	JANUARY 2023 DENTAL INSURANCE PREMIUMS HIGH & LOW	13,662.22	001
1/5/2023	68436	NEUMAYER EQUIPMENT COMPANY	UNDERGROUND FUEL TANK REPAIR	27,850.03	001
1/5/2023	68443	SCHOWALTER & JABOURI, P.C.	2022 AUDIT SERVICES, REPORT PREP & SINGLE AUDIT	10,000.00	001
1/5/2023	68444	ST. LOUIS AREA HEALTH INSURANCE TRUST-MEDICAL	JANUARY 2023 HEALTH INSURANCE PREMIUMS	201,596.77	001
1/5/2023	68445	ST. LOUIS COUNTY MISSOURI - POLICE DEPT	POLICE COMMUNICATIONS	17,354.52	121
1/5/2023	68448	TECH ELECTRONICS, INC	COUNCIL CHAMBERS A/V SYSTEM	40,000.00	137
1/12/2023	68463	ENERGY PETROLEUM CO.	MID RFG GASOLINE 89 OCT	18,089.17	001
1/12/2023	68487	MISSOURI MUNICIPAL LEAGUE	2023 MEMBERSHIP	7,424.86	001
1/12/2023	68498	RCCEEG	ANNUAL CONTRACT-DEPARTMENT	9,900.00	121
1/12/2023	68506	THE HARTFORD-PRIORITY ACCOUNTS	JAN 2023 LIFE/SUPP, LONG&SHORT TERM DIS, ACC&CRITICAL ILL INSURANCE	13,909.72	001
1/12/2023	68514	TRACKER PRODUCTS, LLC	ANNUAL FLUID HOSTED CONCURRENT LICENSE	8,100.00	121
1/19/2023	68523	AMEREN MISSOURI	690 CHESTERFIELD PKWY W-0627147004	10,249.27	001
1/19/2023	68526	ARMSTRONG TEASDALE LLP	PROFESSIONAL SERVICES-WILDHORSE VILLAGE LP, PROFESSIONAL SERVICES CHESTERFIELD MALL REDEVELOPMENT PROJECT	22,584.98	001
1/19/2023	68527	AXON ENTERPRISE INC,	BODY CAMERAS	140,880.00	121
1/19/2023	68536	FENCE AND DECK DEPOT	BURKHARDT PLACE SPILLWAY FENCE	5,287.23	120
1/19/2023	68546	HORNER & SHIFRIN INC.	CONSTRUCTION ENGINEERING FOR EBERWEIN PARK	9,782.13	120
1/19/2023	68562	POWERDMS, INC	Power DMS Management System	6,450.84	121
1/19/2023	68566	SHI INTERNATIONAL CORP	ANNUAL SOFTWARE SUBSCRIPTION, ANNUAL FIREWALL SUPPORT AND MAINTENANCE	20,373.15	001
1/19/2023	68575	THE GRAVILLE LAW FIRM, LLC	OCTOBER 2022 PROFESSIONAL SERVICES	21,140.50	001
1/19/2023	68581	TYLER TECHNOLOGIES, INC	TYLER TECH - ANNUAL SOFTWARE SUPPORT, NWERP - PROJECT MANAGEMENT	87,630.45	001
1/26/2023	68624	PNC BANK	DEC & JAN 2023 PNC MONTHLY STATEMENTS	15,071.44	001
1/26/2023	68626	REJIS COMMISSION	REJIS CONTRACTUAL FEES	5,038.50	121
1/26/2023	68631	ST. LOUIS AREA HEALTH INSURANCE TRUST-MEDICAL	FEBRUARY 2023 HEALTH INSURANCE PREMIUMS	193,888.39	001
1/26/2023	68633	ST. LOUIS COUNTY MISSOURI - POLICE DEPT	POLICE COMMUNICATIONS	18,047.50	121
1/26/2023	68638	THE GRAVILLE LAW FIRM, LLC	NOVEBER 2022 PROFESSIONAL SERVICES	22,048.75	001
1/26/2023	68641	TOPE INC	1224 BEAVER CREEK - SEWER REPAIR	5,436.35	110
1/26/2023	68642	TOPE INC	1520 WALPOLE - SEWER REPAIR	5,427.08	110
				\$ 3,080,745.80	

Respectfully submitted by,
John Hughes, Assistant Finance Director

<u>Fund Legend</u>	
General Fund	001
Sewer lateral fund	110
Police forfeiture fund	114
Parks	119
Capital Improvements	120
Public Safety	121
Am Rescue Plan Act	137
Trust & Agency	808
TGA Trust Fund	810





RECORD OF PROCEEDING

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

JANUARY 17, 2023

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 January 3, 2023 City Council meeting were submitted for approval. Councilmember Moore made a motion, seconded by Councilmember Wahl, to approve the January 3, 2023 City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The minutes of the January 3, 2023 Executive Session were submitted for approval. Councilmember Hansen made a motion, seconded by Councilmember Moore, to approve the January 3, 2023 Executive Session minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nation announced that the next meeting of City Council is scheduled for Monday, February 6, at 7 p.m.

[Mayor Nation announced (with no objection) that he would suspend the rules to allow consideration of Bill No. 3421 (Recreational Marijuana Sales Tax Ballot Proposal).]

Bill No. 3421 Imposes 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 (**Second Reading**)

Councilmember McGuinness, Chairperson of the Finance and Administration Committee, made a motion for the second reading of Bill No. 3421. The motion failed due to lack of a second. Councilmember Moore made a motion, seconded by Councilmember McGuinness, to postpone the second reading of Bill No. 3421 indefinitely. A voice vote was taken with an affirmative result (Councilmember McGuinness voted “No”) and the motion was declared passed.

COMMUNICATIONS AND PETITIONS

Mr. Kris Mehrrens, Architect for Scott Properties, stated that he was available to answer any questions pertaining to 18122 Chesterfield Airport Road (Scott Properties plan approval).

Ms. Lauren Zych, 305 Ridge Trail Drive, spoke in favor of revising the City’s regulations pertaining to chickens in residential areas.

Ms. Grace Harvey, 347 Ridgemeanow Drive, introduced herself as a candidate for the Monarch-Chesterfield Fire Board and provided a personal biography.

Ms. Patricia Tocco, 14720 Whitebrook Drive, expressed opposition to Bill No. 3422 (Use Tax Ballot Proposal).

APPOINTMENTS

There were no appointments scheduled for this evening.

COUNCIL COMMITTEE REPORTS AND ASSOCIATED LEGISLATION

Planning/Public Works Committee

Bill No. 3418 Amends 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) **(Second Reading)**
Planning Commission recommends approval. Planning & Public Works Committee recommends approval

Councilmember Dan Hurt, Chairperson of the Planning/Public Works Committee, made a motion, seconded by Councilmember Moore, to postpone action on Bill No. 3418 until the next City Council meeting, scheduled for February 6, as requested by the petitioner. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt made a motion, seconded by Councilmember Hansen, to approve the amended Site Development Plan and amended Architectural Elevations for 18122 Chesterfield Airport Road (Scott Properties), as amended by the Planning and Public Works Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt announced that the next meeting of this Committee is scheduled for Thursday, January 19, at 5:30 p.m.

Finance and Administration Committee

Bill No. 3419 Amends section 405.09.020 Public Hearing petitions and applications and 405.09.030 Permit and Inspection Fees **(Second Reading)**

Councilmember Barbara McGuinness, Chairperson of the Finance and Administration Committee, made a motion, seconded by Councilmember Moore, for the second reading of Bill No. 3419. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3419 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3419 with the following results: Ayes – Mastorakos, Moore, Hurt, Budoor, McGuinness, Wahl, Hansen and Monachella. Nays – None. Whereupon Mayor Nation declared Bill No. 3419 approved, passed it and it became **ORDINANCE NO. 3220.**

Bill No. 3420 Amends 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 adopts 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 **(Second Reading)**

Councilmember McGuinness made a motion, seconded by Councilmember Wahl, for the second reading of Bill No. 3420. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3420 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3420 with the following results: Ayes – Hurt, Moore, McGuinness, Monachella, Hansen, Mastorakos, Wahl and Budoor. Nays – None. Whereupon Mayor Nation declared Bill No. 3420 approved, passed it and it became **ORDINANCE NO. 3221**.

[Action was taken on Bill No. 3421 during the “Introductory Remarks” portion of the agenda.

Councilmember McGuinness announced that the next meeting of this Committee, scheduled for Monday, February 13, at 4:00 p.m., has been canceled.

Parks, Recreation & Arts Committee

Councilmember Gary Budoor, Chairperson of the Parks, Recreation & Arts Committee, indicated that there were no action items scheduled on the agenda for this meeting.

Public Health & Safety Committee

Councilmember Aaron Wahl, Chairperson of the Public Health & Safety Committee, indicated that there were no action items scheduled on the agenda for this meeting.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Geisel indicated that he had no report this evening, but there were two action items under “Other Legislation” for which he would be requesting motions.

OTHER LEGISLATION

Bill No. 3422 Provides submission of the proposal to the qualified voters of the City of Chesterfield for their approval at the General Election on April 4th, 2023 (**Second Reading**)

Councilmember Wahl made a motion, seconded by Councilmember Moore, for the second reading of Bill No. 3422. A voice vote was taken with an affirmative result (Councilmember McGuinness voted “No”) and the motion was declared passed. Bill No. 3422 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3422 with the following results: Ayes – Budoor, Wahl, Mastorakos, Monachella, Hansen, Moore and Hurt. Nays – McGuinness. Whereupon Mayor Nation declared Bill No. 3422 approved, passed it and it became **ORDINANCE NO. 3222**.

Bill No. 3424 Provides for the approval of a Boundary Adjustment Plat for Lot 24 and Lot 25 of Schoettler Grove (20R220890, 20R220881) (**First & Second Readings**) **Department of Planning recommends approval**

Councilmember Monachella made a motion, seconded by Councilmember Hurt, for the first and second readings of Bill No. 3424. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3424 was read for the first and second time. A roll call vote was taken for the passage and approval of Bill No. 3424 with the following results: Ayes – McGuinness, Mastorakos, Monachella, Budoor, Hurt, Moore, Hansen and Wahl. Nays – None. Whereupon Mayor Nation declared Bill No. 3424 approved, passed it and it became **ORDINANCE NO. 3223**.

UNFINISHED BUSINESS

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

NEW BUSINESS

There was no new business.

ADJOURNMENT

There being no further business to discuss, Mayor Nation adjourned the meeting at 7:41 p.m.

Mayor Bob Nation

ATTEST:

Vickie McGownd, City Clerk

APPROVED BY CITY COUNCIL: _____

UPCOMING MEETINGS/EVENTS

- A. Thursday, February 09, 2023 – Planning & Public Works (5:30pm)
CANCELLED**
- B. Monday, February 13, 2023 – Planning Commission (7:00pm)**
- C. Monday, February 20, 2023 – City Hall Closed in Observation of Presidents Day**
- D. Tuesday, February 21, 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 is one reappointment scheduled for tonight's meeting.

- A.** Architectural Review Board - Mick Weber (2-year term). A voice vote is requested to approve the Mayor's re-appointment to this statutory committee.



DATE: January 24, 2023
TO: Michael O. Geisel, City Administrator
FROM: Vickie McGownd, City Clerk *vjm*
SUBJECT: Statutory Committee Member Re-Appointment

Mayor Nation intends to nominate the following individual for re-appointment at the February 6, 2023 City Council meeting:

Architectural Review Board (2 year term)

Mick Weber
MW Weber Architects
1539 Walpole Drive
Chesterfield, MO 63017
314-691-1970 - c
mweber@mwweberarchitects.com
New term expires 3/18/25

Please add this re-appointment to the February 6 City Council agenda.

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). **(Second Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval.**

Proposed Bill No. 3425 – P.Z. 12-2022 City of Chesterfield (Unified

Development Code – Article 4) – An ordinance amending Article 4 of the Unified Development Code to include regulations pertaining to comprehensive marijuana facilities. **(First Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval.**

NEXT MEETING

The next Planning and Public Works Committee which was scheduled for Thursday, February 9th, 2023, at 5:30 pm has been cancelled.

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

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, January 19, 2023



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, January 19, 2023 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: Justin Wyse, Director of Planning; Petree Powell, Assistant City Planner; 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 January 5, 2023 Committee Meeting Summary

Councilmember Monachella made a motion to approve the Meeting Summary of January 5, 2023. The motion was seconded by Councilmember Hansen and passed by a voice vote of 4-0.

II. UNFINISHED BUSINESS – None.

III. NEW BUSINESS

A. P.Z. 12-2022 City of Chesterfield (Unified Development Code—Article 4): An ordinance amending Article 4 of the Unified Development Code to include regulations pertaining to comprehensive marijuana facilities.

STAFF PRESENTATION

Justin Wyse, Director of Planning, stated that on November 8, 2022, Missouri voters approved a Constitutional amendment legalizing non-medical marijuana for adults, which created a need to review how the City's existing regulations will apply and to determine whether new regulations are necessary to regulate such businesses.

In response to this Amendment, Staff has drafted an ordinance specifying regulations with respect to:

- Distance requirements between marijuana-related businesses and schools, churches, and daycare centers.
- Odors.

- Limiting cultivation uses to PI Districts.
- Restricting cultivation to indoors only.

A Public Hearing was held on January 9, 2023 for this petition and the Planning Commission recommended approval of the regulations by a vote of 7-0.

Mr. Wyse explained that Staff followed the same path that was used in developing regulations to allow for medical marijuana. The “use terms” in the State Statute were compared to the City’s “use terms” and Staff recommends using the City’s existing “use terms” for *dispensary, cultivation, testing, and manufacturing* related to medical marijuana.

As with medical marijuana, there will be a limit on the number of licenses issued across the state for recreational marijuana.

DISCUSSION

There was some general discussion regarding the evolution of “use terms” for existing planned zoning districts. There was also discussion regarding the City’s ability to prohibit recreational use within Amendment 3, however, not medical use.

Councilmember Monachella made a motion to forward P.Z. 12-2022 City of Chesterfield (UDC-Article 4) 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 February 6, 2023 City Council Meeting. See Bill #

[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on P.Z. 12-2022 City of Chesterfield (UDC-Article 4).]

IV. OTHER

Chair Hurt stated that at the last City Council meeting, a resident asked the City to consider allowing chicken coops in residential areas with less than 2+ acres.

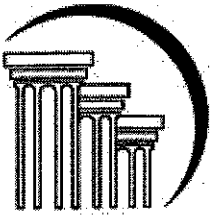
After some discussion, the Committee directed Staff to research this topic and to contact other local municipalities about whether chicken coops are permitted, any difficulties in regulating the use, and any pitfalls they may have encountered.

This topic will be placed on the next Planning & Public Works Committee agenda for discussion purposes only.

It was also suggested that this topic, along with allowing golf carts on residential streets, and the proposed use tax be brought up at the next Trustee Symposium.

V. ADJOURNMENT

The meeting adjourned at 5:58 p.m.



**DOSTER NATIONS
ULLOM & BOYLE, LLC**
ATTORNEYS AT LAW

16150 Main Circle Drive
Suite 250
Chesterfield, MO 63017
(636) 532-0042
(636) 532.1082 Fax

Michael J. Doster
mdoster@dubllc.com

February 1, 2023

VIA REGULAR MAIL AND ELECTRONIC MAIL

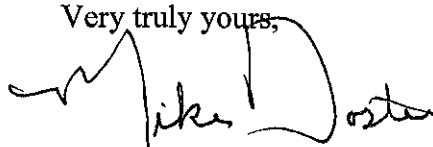
Justin Wyse, Director of Planning
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017

Re: P.Z. 11-2022 Estates at Fire Rock (St. Austin School)

Dear Justin:

With regard to the matter referenced above, I request a postponement of the second reading of the proposed bill which is scheduled for Monday, February 6, 2023. This request is being made because the Seller and Buyer of the property are still working on resolving some contract issues. Please postpone the second reading for at least thirty (30) days. Thank you.

Very truly yours,



Michael J. Doster

MJD/ab

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 $55^{\circ}36'40''$ West, 375.00 feet; North $12^{\circ}03'12''$ West, 16.22 feet; and along a line being 45 feet north of and parallel to said centerline, South $55^{\circ}36'40''$ 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 $32^{\circ}41'08''$ West, 308.72 feet and South $81^{\circ}07'48''$ 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 $22^{\circ}46'12''$ West, 687.49 feet; North $57^{\circ}30'33''$ 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 $18^{\circ}35'43''$ West, 219.85 feet, an arc distance of 237.71 feet to a point of tangency; North $20^{\circ}19'07''$ East, 143.40 feet; and North $22^{\circ}46'12''$ 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 $67^{\circ}52'46''$ 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 $75^{\circ}08'27''$ 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 $12^{\circ}03'12''$ 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 Planning



To: Planning and Public Works Committee

From: Justin Wyse, Director of Planning

Date: January 19, 2023

RE: **P.Z. 12-2022 City of Chesterfield (UDC – Article 4)**: An ordinance amending Article 4 of the Unified Development code to incorporate regulations pertaining to recreational or adult-use marijuana.

Summary

On November 8, 2022 a Constitutional amendment (Amendment 3) was approved authorizing recreational or adult use marijuana facilities. In response, the Planning Commission reviewed potential regulations for the locating of various uses identified in the amendment to ensure proper land use safeguards are in place for the future uses.

A Public Hearing was held on January 9, 2023 for this petition. The Planning Commission recommended approval of the regulations by a vote of 8-0.

Additionally, the Planning Commission requested that Staff research the potential of consumption facilities and uses related to comprehensive marijuana facilities and bring that information to the Commission at a future date for potentially including additional regulations forward.

Attachments: January 9, 2023 Staff Report

BILL NO. 3425

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CHESTERFIELD AMENDING SECTION 405.04.140 OF THE MUNICIPAL CODE PERTAINING TO MARIJUANA RELATED BUSINESSES.

WHEREAS, an amendment to the Missouri Constitution, herein referred to as Amendment 3, was approved by voters on November 8, 2022 to decriminalize marijuana and to provide for the regulated production, distribution, testing, sale, and purchase of recreational marijuana by those ages 21 and older; and

WHEREAS, Amendment 3 charges the Missouri Department of Health and Senior Services to license and regulate comprehensive marijuana cultivation facilities, comprehensive marijuana dispensary facilities, comprehensive marijuana-infused products manufacturing facilities, and marijuana testing facilities;

WHEREAS, Amendment 3 gives narrow authorization for cities to enact ordinances not in conflict with state law or regulations governing the time, place, and manner of operation of comprehensive marijuana facilities defined herein; and

WHEREAS, the City of Chesterfield, having carefully studied Amendment 3 and its mandate, wishes to establish supplemental rules and regulations governing the operation of comprehensive marijuana facilities to further protect the health, safety, and welfare of the residents, business community, and property owners in Chesterfield; and

WHEREAS, a Public Hearing was held before the Planning Commission on January 9, 2023; and,

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

WHEREAS, the Planning and Public Works Committee recommended approval of the following amendments; and,

WHEREAS, the City Council of the City of Chesterfield desires to amend the Unified Development Code to reflect the changes in regulation of medical and non-medical marijuana business to conform to state law; and

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

Section 1: Section 405.04.140 of the City of Chesterfield Municipal Code shall be amended to include the following:

21. Marijuana (medical and comprehensive) facilities. These regulations shall apply to all medical and comprehensive marijuana uses as defined in the Missouri Constitution.
 - a. No marijuana facilities including those relating to cultivation, testing, manufacturing or dispensing shall be permitted except in conjunction with a state issued license and in full compliance with all state mandated facility and safety standards.
 - b. No medical marijuana related use or facility shall emit an odor or in any way off-site which causes a public nuisance. Appropriate ventilation systems or odor mitigation devices shall be installed to prevent the permeation of marijuana odors or fumes shall be provided if a public nuisance violation occurs. If off-site odors become a public nuisance, the City Council, following notice and a public hearing at which the operator shall be entitled to present evidence or submit proposals for remediation, may revoke a permit for cultivation, testing, manufacturing or dispensing of marijuana or marijuana related products.
 - c. No marijuana facility shall be initially sited within one thousand feet of any then existing elementary or secondary school, child day care center, or church, as defined in the Missouri Constitution pertaining to marijuana facilities. 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.

- d. Cultivation facilities shall only be permitted in areas zoned Planned Industrial District.
- e. Any cultivation must occur indoors. Outdoor cultivation is not permitted.

Section 2: Existing medical marijuana facilities and new medical or non-medical marijuana facilities shall be permitted to obtain occupancy and business license approval where facilities are permitted by zoning.

Section 3: This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

Section 4: 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: 1/19/2023



IV. A.
VIII. A.

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

Planning Commission Report

Meeting Date: January 9, 2023

From: Justin Wyse, Director of Planning

Location: City of Chesterfield

Description: **P.Z. 12-2022 City of Chesterfield (Unified Development Code – Article 4):**
An ordinance amending Article 4 of the Unified Development code to incorporate regulations pertaining to recreational or adult-use marijuana.

Background

On November 6, 2018 the voters of Missouri approved a constitutional amendment authorizing patient access to medical marijuana. On November 8, 2022 another Constitutional amendment was approved authorizing recreational or adult use marijuana facilities. In response to the latest amendment, Staff is recommending the attached ordinance to specify regulations to require distance separation from marijuana related businesses and schools, churches, and daycares as authorized in the Missouri Constitution. Additionally, the ordinance requires that all activities and displays, other than permitted signage, must be conducted indoors.

Discussion

There is currently one (1) licensed medical marijuana dispensary located in the City of Chesterfield. The City elected to utilize existing uses within the City's Unified Development Code (UDC) when reviewing where medical facilities are permitted. For example, medical marijuana facilities are allowed where "Pharmacy" is a permitted use. Similar to the discussion of medical marijuana facilities, Staff recommends that the City utilize existing uses to determine where recreational or adult use facilities are permitted Staff believes this process has served the City well in regulating medical marijuana facilities and notes the following:

Limitation on number of licenses: the State is limited in the number of licenses to be issued. The practical implication of this is that, while we may see additional facilities, we are unlikely to see a surge in the number of facilities in Chesterfield due to these limitations.

Use of planned zoning districts: In creating a new set of use terms, existing planned districts would not include this use term. While property owners would be able to request a change in zoning or amendment to a planned district, this could be construed as effectively prohibiting the uses without a vote of the residents and could be used to challenge the regulation of these facilities.

Additionally, each of the City’s planned districts contain site specific regulations. For example, many retail areas have hours of operation restrictions. Utilizing existing use terms ensures businesses follow standard regulations based on the area they locate and avoids conflicts where a facility has hours of operation for a specific use and an ordinance that states a different set of restrictions on hours of operation.

Existing Facilities: There is currently one (1) medical marijuana dispensary located within the City of Chesterfield. A review of the City’s work order system shows there have been no municipal violations associated with this business.

The table below includes the terms defined in the Missouri Constitution as well as Staff’s recommendation for existing uses that would be utilized to regulate location of each use.

Use	Proposed Use Term Required	Zoning Districts*
Comprehensive Marijuana Cultivation Facility	Farming, livestock and stables. Farming includes cultivation and sale of crops, plants and domestic animals with no salesroom	PI **
Comprehensive Marijuana Dispensary Facility	Retail Sales Establishment	PC & NB
Comprehensive Marijuana Infused Products Manufacturing Facility	Manufacturing, fabrication, assembly, processing, or packing, except explosives or flammable gases or liquids	PC (west of Long Road), PI, & LI
Marijuana Testing Facility	Research Laboratory & Facility	PC (west of Long Road) & PI

* The planned district ordinance for each development must authorize the use

** Additional restrictions are included in the attached ordinance to limit the use for marijuana cultivation facilities to the PI district.

Recommendation

Staff recommends that the attached ordinance be considered for adoption to extend existing regulations for medical marijuana facilities to the newly authorized recreational or adult-use marijuana.

FINANCE AND ADMINISTRATION COMMITTEE

Chair: Councilmember McGuinness

Vice-Chair: Councilmember Moore

There are no Finance and Administration Committee action items scheduled for tonight's meeting.

NEXT MEETING

The next Finance and Administration Committee Meeting is scheduled for Monday, March 13th, 2023 at 4pm.

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

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

Bid Recommendation – 2023 Construction and Inspection Testing Services -

Recommendation to authorize the City Administrator to execute an Agreement with Geotechnology Incorporated for construction testing and inspection services in an amount not to exceed \$110,000. Funds for this work are budgeted in account 120-079-5261. **(Roll Call Vote) Department of Public Works recommends approval.**

Bid Recommendation – 2023 Concrete Slab Replacement Project B -

Recommendation to accept the low bid submitted by Next Level Construction LLC and to authorize the City Administrator to execute an Agreement with Next Level Construction LLC in an amount not to exceed \$1,000,000. This project is budgeted within Account 120-079-5490 of the Capital Projects Fund. **(Roll Call Vote) Department of Public Works recommends approval.**

Bid Recommendation – 2023 Pyrotechnic 4th of July Display – Recommendation to accept the bid in the amount of \$55,000 as submitted by J & M Displays including the option to renew annually for an additional two years under the same terms and conditions. **(Roll Call Vote)**

OTHER LEGISLATION

Proposed Bill No. 3426 - Approving a Redevelopment Project for RPA 1-A – An ordinance approving 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 1-A under the Chesterfield Tax Increment Financing Redevelopment Plan & Project; adopting tax increment financing within RPA 1-A; making findings with respect thereto; establishing a special allocation fund with respect to RPA 1-A; authorizing certain actions by city officials and officers; and containing a severability clause. **(First Reading)**

Proposed Bill No. 3427 - Approving a Redevelopment Project for RPA 1-B – An ordinance approving 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 1-B under the Chesterfield Tax Increment Financing Redevelopment Plan & Project; adopting tax increment financing within RPA 1-B; making findings with respect thereto; establishing a special allocation fund with respect to RPA 1-B; authorizing certain actions by city officials and officers; and containing a severability clause. **(First Reading)**

Proposed Bill No. 3428 - Approving a Redevelopment Project for RPA 1-C – An ordinance approving 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 1-C under the Chesterfield Tax Increment Financing

Redevelopment Plan & Project; adopting tax increment financing within RPA 1-C; making findings with respect thereto; establishing a special allocation fund with respect to RPA 1-C; authorizing certain actions by city officials and officers; and containing a severability clause. **(First Reading)**

Proposed Bill No. 3429 - Approving a Redevelopment Project for RPA 1-D – An ordinance approving 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 1-D under the Chesterfield Tax Increment Financing Redevelopment Plan & Project; adopting tax increment financing within RPA 1-D; making findings with respect thereto; establishing a special allocation fund with respect to RPA 1-D; authorizing certain actions by city officials and officers; and containing a severability clause. **(First Reading)**

Proposed Bill No. 3430 - Approving a Redevelopment Project for RPA 3 – An ordinance approving 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 3 under the Chesterfield Tax Increment Financing Redevelopment Plan & Project; adopting tax increment financing within RPA 3; making findings with respect thereto; establishing a special allocation fund with respect to RPA 3; authorizing certain actions by city officials and officers; and containing a severability clause. **(First Reading)**

AFTER THE FIRST READING OF BILL #'S THROUGH 3430, I WILL REQUEST A MOTION TO TABLE THESE BILLS

UNFINISHED BUSINESS

NEW BUSINESS

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: January 17, 2023

RE: 2023 Construction and Inspection Testing Services

The Department of Public Works has solicited proposals and fee schedules for construction testing and inspection services required as part of the 2023 capital improvement projects. This includes, but is not limited to, the concrete slab replacement projects, the sidewalk replacement projects, the asphalt overlay projects, and the ADA compliant curb ramp project. Firms were asked to provide company qualifications and resumes of certified and experienced individuals who would provide professional testing and inspection services for these projects. The firm chosen will provide selected individuals, along with soils and material testing equipment, in order to serve as the City's on-site representative during the construction of our capital projects.

Four companies responded to the City's solicitation, from which Geotechnology Incorporated was chosen as the firm most qualified to perform the testing and inspection services. Accordingly, I recommend that the City of Chesterfield enter into an Agreement with Geotechnology Incorporated in the amount of \$110,000. The actual cost of the services provided will vary based upon the amount of testing required as part of the City's 2023 capital improvement projects, but will not exceed \$110,000.

Concurrence:

J. Kelly

Jeannette Kelly, Finance Director

Action Recommended

This matter should be forwarded to the City Council for consideration. Should Council concur with Staff's recommendation, it should authorize the City Administrator to execute an Agreement with Geotechnology Incorporated for construction testing and inspection services in an amount not to exceed \$110,000

Memorandum

Department of Public Works



TO: Jim Eckrich, Public Works Director

FROM: Trent Helland, Project Manager

DATE: January 17, 2023

RE: 2023-PW-12, Capital Improvement Inspection Services

We have solicited proposals, including resumes and fees for material testing and professional inspection services for the 2023 capital improvement projects. From nine inspection contracting firms solicited, four firms returned proposals. From those proposals we have interviewed candidates from two companies.

I recommend various staff inspectors from Geotechnology, Inc. Their hourly rates are listed below:

<u>Inspector</u>	<u>Straight Time Rate</u>	<u>Overtime Rate</u>
Dave Steiner	\$82.12	\$99.52
Kyle Reece	\$67.85	\$81.73

After interviews, we have found the personnel from Geotechnology, Inc. to have the most experience with municipal pavement inspection. **I recommend Geotechnology, Inc. for the 2023 Capital Improvement Inspection Services. We request authorization up to \$110,000 to cover these professional services. Funds for this work are budgeted in account 120-079-5261.**

Should you require additional information please advise.

Attachments



Via email: thelland@chesterfield.mo.us

January 6, 2023

P020273.18

Mr. Trent Helland
City of Chesterfield Department of Public Works
690 Chesterfield Parkway West
Chesterfield, Missouri 63017

Re: Proposal for Construction Observation and Materials Testing Services
Capital Improvement Projects 2023 Testing and Inspection Services
Chesterfield, Missouri

Dear Mr. Helland:

In response to your request, Geotechnology is pleased to submit this proposal to provide construction observation and material testing services for the referenced project. Geotechnology provided testing services for the City of Chesterfield projects during the 2012, 2013, 2014, 2015, 2016, 2020, 2021 and 2022 construction seasons. We look forward to working with you again in 2023.

PROJECT DESCRIPTION

We understand that services under this contract will include repairs and/or improvements to streets, sidewalks and other infrastructure. We anticipate two inspectors will be with two working crews on a full-time basis.

PROJECT TEAM

Geotechnology field representatives have the qualifications and communication skills that you require for these projects. For your consideration, we have identified four Geotechnology representatives for your 2023 construction season:

- David Steiner, Field Representative III
 - Provided services during the 2012 through 2015 and 2020 through 2022 City of Chesterfield contracts.
 - 18 years of construction experience
 - ACI Concrete Field Testing Technician Level 1
 - MoDOT Concrete Technician
 - Nuclear Gauge Radiation Safety trained.

- Alexander Masterson, Field Representative I
 - 3 years of construction experience
 - ACI Concrete Field Testing Technician Level 1
 - MoDOT Concrete Technician
 - Nuclear Gauge Radiation Safety trained.

- Sean Garcia, Field Representative I
 - 3 years of construction experience
 - ACI Concrete Field Testing Technician Level 1
 - MoDOT Concrete Technician
 - Nuclear Gauge Radiation Safety Trained.

- Kyle Reece, Field Representative I
 - 3 years of construction experience
 - ACI Concrete Field Testing Technician Level 1
 - MoDOT Concrete Technician
 - Nuclear Gauge Radiation Safety Trained.

- Margaret James, Project Supervisor, Materials Testing Group
 - 7 years of construction experience
 - 3 years of experience working on City of Chesterfield Projects

Resumes of these individuals are attached.

SCOPE OF SERVICES

Our services will be provided on an as-requested basis during construction. The purpose of our services is to enhance compliance with the general intent of the project plans and specifications. Our scope of services will include the job duties listed on your December 5, 2022 request for proposal, a copy of which is attached.

Geotechnology's observation reports and test results are paperless and published via email. Reports are transmitted by Geotechnology field representatives and submitted electronically for QA review to the project manager. Upon review, reports are transmitted via email to the project team.

SCHEDULE AND FEE

We will perform the services described herein for the following hourly rates based on the time spent on the project.

Field Representative	Regular Hourly Rate	Hourly Rate for Overtime, Weekends and Holidays
David Steiner	\$ 82.12	\$ 99.52
Alex Masterson	\$ 66.82	\$ 80.45
Sean Garcia	\$ 66.82	\$ 80.45
Kyle Reece	\$ 67.85	\$ 81.73

The above rates include travel time to and from the project, equipment, vehicle charges, miscellaneous expenses, project management and administration. Soil and crushed rock proctor compaction tests per ASTM D698 are not included in the unit rates above and will be charged at rates of \$210 and \$315 per test, respectively.

Compressive Strength Tests of Concrete Cylinders. Geotechnology would be pleased to provide materials testing of concrete test cylinders. Pricing for 4-inch diameter by 8-inch-tall cylinders will be billed at a rate of \$13 per cylinder, which includes curing, testing and reporting.

Field Core Services. Pavement coring services will be performed on a cost per inch rate of \$28.00 per inch. Per inch cost includes equipment, travel, measuring, compressive strength testing and reporting. Cost per hour for field technicians will be billed at \$181.50 per hour. Either a 4 or 8-hour minimum hourly charge will apply for this service.

Additional Services. This proposal is provided for the concrete street replacement and reconstruction projects. Additional services provided for special issues, or for other City of Chesterfield projects will be billed in accordance with our 2022 Schedule of Field and Laboratory Services and Fees, a copy of which is available upon request.

We will notify you, the project superintendent, or your designated representative when conditions that appear to be inconsistent with project requirements are observed. Suggestions may be made for remedial measures, but these suggestions are not directives to the contractor. Geotechnology will not have stop-work authority for the project.

Construction materials and test results can fluctuate. Consequently, even with careful observation and testing, it cannot be said that all parts of the product comply with the job requirements. A higher degree of confidence is inherent with full-time versus intermittent observation. In either case, no guarantee of the contractor's work is provided.

This proposal and fee estimate have been prepared using Geotechnology's standard fee

schedule. Geotechnology reserves the right to revise this proposal and fee estimate, at any time, if any flow down and/or contract provisions are required by Client or Owner to conform with any local, state or federal wage act requirements, including but not limited to the Davis-Bacon Act, as Amended, the McNamara-O'Hara Service Contract Act, etc., the required use of union labor, or for any required safety, security, vehicle, drug and alcohol testing, or any third party payment fees, or other requirements not specified in the Client's request for proposal or not defined in Geotechnology's scope of services.

ACCEPTANCE

If this proposal is acceptable, we understand you will prepare an agreement similar to those previously agreed upon between our firm and the City.

* * * * *

If you have any questions regarding this proposal please contact me at your convenience. We look forward to assisting you with your 2023 improvement projects.

Very truly yours,

GEOTECHNOLOGY



Margaret James
Project Supervisor, Materials Testing Group

MAJ/LPH:maj

Enclosures: Project Team Resumes
Request for Proposal dated December 5, 2022

David W. Steiner

Field Representative III



Experience: 18 years

Certification: ACI Concrete Field Testing Technician Level I
MoDOT Concrete Field, Aggregate, Bituminous, Soil
OSHA 10-Hr Construction
Nuclear Gauge Hazmat Refresher
MSHA New Miner Part 46 Training

Mr. Steiner's expertise and responsibilities include laboratory and field testing including testing soil, rock, mortar, grout, and asphalt for commercial and residential lots, retaining walls, streets and parking lots. He is proficient in excavation observation, inspection and confirmation of site development with specifications. His experience includes reinforced concrete and masonry construction. He is also experienced in lime stabilization of wet soils and testing including Atterberg limits, Proctors, moisture content, Shelby tubes and drive tubes.

- *Centene St. Louis Ice Center, Maryland Heights, Missouri* - Observation of vibratory stone column installation, tilt-up concrete panels, concrete testing, compaction observations.
- *MoDOT I-44 Meramec Bridge Replacement, Fenton, Missouri* - Performed observations of soil and base rock compaction, performed concrete testing.
- *MoDOT Route 67 Improvements at Flucom Road, Desoto, Missouri* - Performed the essential duties of a field MoDOT inspector for intersection improvements. This required complying with MoDOT's Engineering Policy Guide, Standard Specifications and the Uniform Traffic Control Manual. Duties included attending meetings, communicating with the MoDOT resident engineer, preparing

MoDOT Daily Reports, measuring and documenting contract quantities, enforcing contract requirements, identifying discrepancies and documenting resolutions, maintaining a daily diary, performing wage rate interviews, checking traffic control measures, performing quality assurance testing of soil and concrete and submitting test reports to MoDOT.

- *NARA National Personnel Federal Records Center, St. Louis, Missouri* - Field Representative responsible for the testing of the 525,000 square foot warehouse and office building used for storing national and federal historic records. Performed observation and testing services on concrete compaction, footings and rebar inspection, stone columns, retaining wall construction, general grading, masonry and fireproofing.
- *River City Casino, Lemay, Missouri* - Field Representative responsible for performing field and lab soil and concrete testing services for a new, 80-acre casino complex. Performed observation or testing on concrete compaction, footings and rebar inspection, stone columns, retaining wall construction, general grading, masonry and fireproofing.

QUALITY

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Overland Park, KS | Cincinnati, OH | Fairview Heights, IL | Lexington, KY

Dayton, OH | Oxford, MS | Jonesboro, AR



David W. Steiner

Field Representative III

- *City of Chesterfield Capital Improvements, Chesterfield, Missouri* - Representative providing field inspections for projects including concrete slab replacement, asphalt street reconstruction, park trails and sidewalk replacement. This work involves acting as liaison between the City and the General Contractor as well as interaction with the local residents for City of Chesterfield.
- *Chesterfield Valley Levee, Chesterfield, Missouri* – Field Representative responsible for testing for compaction on both sides of the levee, ensuring that clay was placed on the “river side” and all silts and sands were placed on top. Performed laboratory testing on soils.
- *Pevely Apartment Complex, Pevely, Missouri* – Field Representative responsible for testing soil for compaction, performed laboratory testing, tested concrete on walls and footings, performed limited footing inspection (ground stabilization), observed removal of soft soil, organics and other debris for construction of large 2:1 rock slope, observed the removal and remediation of large sewage lagoon, and tested for compaction on retaining wall backfill and asphalt. Installed and monitored settlement plates.

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 Overland Park, KS | Cincinnati, OH | Fairview Heights, IL | Lexington, KY
 Dayton, OH | Oxford, MS | Jonesboro, AR



Alex Masterson

Field Representative I

Experience: 3 years

Certification: ACI Field Level I
Nuclear Gauge Safety
OSHA 10-Hr Construction

Mr. Masterson's expertise and responsibilities include laboratory and field testing including testing soil, rock, mortar, grout, and asphalt for commercial and residential lots, retaining walls, streets and parking lots. He is proficient in excavation observation, inspection and confirmation of site development with specifications. His experience includes reinforced concrete and masonry construction. He is also experienced in lime stabilization of wet soils and testing including Atterberg limits, Proctors, moisture content, Shelby tubes and drive tubes.

- *La Grange Lock and Dam, Versailles, Illinois* - This project was under USACE jurisdiction and consisted of major repairs to the existing lock and dam, which also included a new building and roadways. Field representative responsible for observation and materials testing for concrete, asphalt, and soil fill materials. Sand cone testing was performed to verify compaction using the nuclear gauge method. Each concrete truck that was delivered was tested to confirm the concrete met project specifications along with self-consolidating concrete.

- *Mid-American Transplant Family House, St. Louis, Missouri* - This project consisted of a 3-story mixed-use wood-framed structure. The existing subgrade contained old cisterns, house foundations and fill. Field technician observed the foundations and identified high plastic clays and fill to

be removed. Technician also performed compaction testing and concrete testing.

- *JB VA Campus Demo and Paving, St. Louis, Missouri* - This project includes campus-wide renovations that are scheduled for multiple years. Field representative responsible for testing soil and rock fill compaction, asphalt and concrete. Detailed documentation of each activity was imperative per the client's request.

- *STL County Library Admin Building, Frontenac, Missouri* - A new building was constructed using pre-cast concrete tilt-up panels. The site consisted of high plastic clay soils that had to be remediated below the building footings and slab. Field representative responsible for observing the foundations and identifying soil types. Technician completed testing of concrete, soil fill and asphalt.

- *BJC Butler Hill Road, St. Louis County, Missouri* - This project included the construction of a new multi-level medical building and large parking area. Site improvements included retaining walls, a large storm system under the parking areas, site lighting and sidewalks. Field representative accountable for soil fill compaction testing, concrete testing, observing proofroll operations and inspecting reinforcement.

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Sean Garcia

Field Representative I



Experience: 3 years
Certification: ACI Field Level 1
 OSHA 10-Hr Construction
 Nuclear Gauge Hazmat

Mr. Garcia's expertise and responsibilities include laboratory and field testing including testing soil, rock, mortar, grout, and asphalt for commercial and residential lots, retaining walls, streets and parking lots. He is proficient in excavation observation, inspection and confirmation of site development with specifications. His experience includes reinforced concrete and masonry construction. He is also experienced in lime stabilization of wet soils and testing including Atterberg limits, Proctors, moisture content, Shelby tubes and drive tubes.

- *Jefferson Barrack VA Hospital Improvements, St. Louis, Missouri* -The project includes improvements to the campus buildings, roadways, parking lots, sidewalks and storm system. Sean acted as lead field representative accountable for concrete testing, proofroll observations, asphalt pavement testing, masonry inspection, observing reinforcement and compaction testing. In place density tests were taken using nuclear methods and periodic sand-cone tests.
- *Surgery Partners St. Louis, St. Peters, St. Louis*- The project includes construction of a 48,000 square foot single story medical office building at 5300 Executive Centre

Parkway in St. Peters, Missouri. The upper three feet of building pad subgrade was remediated to reduce the risks associated with the high plastic clay on site. Field representative responsible for observing the remediation process as well as material testing of concrete, asphalt and rock placement.

- *Boulders of Lake St. Louis, Lake St. Louis, Missouri* - The project includes construction of an apartment complex of nine 3-story apartment buildings with a clubhouse and pool. Field representative responsible for observing masonry and testing the grout used, compaction testing of base rock and soil fill, and testing of concrete.
- *Francis Place Villas, Eureka, Missouri* - The project includes construction of 24, four-unit independent living buildings and a clubhouse at St. Andrews at Francis Place. Approximately 50 retaining walls were constructed, excluding foundation walls, to accommodate the steep slope of the project site. Field representative responsible for observing the foundations of structures to meet minimum bearing pressure requirements. Completed testing of concrete, soils and rock placed.

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 Dayton, OH | Oxford, MS | Jonesboro, AR



Kyle Reece

Field Representative I



Experience: 3 years

Certification: ACI Concrete Field Testing Technician, Level I
MoDOT Concrete Field
OSHA 10-Hr Construction
Nuclear Gauge Hazmat and Refresher

Mr. Reece's responsibilities include construction materials testing and observation on soil, concrete, aggregate, asphalt, and reinforcing steel. He is responsible for testing and observing construction activities to confirm that project plans and specifications are followed.

Kyle understands the importance of representing our clients in a professional manner while dealing with job related issues and assisting in solutions so projects run smoothly and stay on budget.

Following is a brief list of projects Kyle has worked on at Geotechnology.

- *Bayer Building F Tunnel Improvements, Creve Coeur, Missouri* - Field Technician during construction materials testing services for improvements to existing tunnel.
- *Everest Cafe and Bar Expansion, St. Louis, Missouri* - Field Technician during construction materials testing services for an expansion of Everest Cafe after demolition of the existing adjacent building. The projects included a first floor restaurant and two levels of apartments above.
- *Grove Lofts CMT, St. Louis, Missouri* - Field Technician during construction materials testing services for a 5-story construction consisting of 60 apartments.
- *Marriot AC Hotel at CWE, St. Louis, Missouri* - Field Technician during construction materials testing services for a new hotel.
- *Mercedes Benz Vehicle Display Lot, St. Louis, Missouri* - Field Technician during construction materials testing services for the parking lot expansion at Oakland Avenue for the Mercedes Benz dealership.
- *Taxiway Kilo from Foxtrot to Cargo Apron, St. Louis, Missouri* - Field Technician during construction materials testing services for the reconstruction of Taxiway Kilo from Foxtrot to Air Cargo at St. Louis Lambert International Airport.

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Margaret James

Project Manager



Experience: 7 years

Education: B.S., 2012, Geology, Southern Illinois University Carbondale
Graduate Certificate, Engineering Management/Construction Project Management, Missouri Science and Technology - Rolla

Certification: MoDOT Soil Density, Aggregate, Bituminous
ACI Concrete Field Testing Technician - Level I
OSHA 10-Hr Construction
Nuclear Gauge Hazmat, Radiation Safety

Ms. James's experience includes observation and testing of concrete, nuclear density testing of soils, aggregate, and asphalt during all phases of construction. In addition she also performs observation of drilled piers, grout sampling and sand cone testing. A brief project history includes:

- *Missouri Route 67 at Victoria Road, Jefferson County, Missouri* – Margaret performed the essential duties of a field MoDOT inspector for intersection improvements. This required complying with MoDOT's Engineering Policy Guide, Standard Specifications and the Uniform Traffic Control Manual. Duties included attending meetings, communicating with the MoDOT resident engineer, preparing MoDOT Daily Reports, measuring and documenting contract quantities, enforcing contract requirements, identifying discrepancies and documenting resolutions, maintaining a daily diary, performing wage rate interviews, checking traffic control measures, performing quality assurance testing of soil and concrete and submitting test reports to MoDOT.

- *Missouri Route 185 ADA Signals and ADA Improvements, Sullivan, Missouri* – Margaret performed the essential duties of a field MoDOT inspector for intersection improvements. This required complying with MoDOT's Engineering Policy Guide,

Standard Specifications and the Uniform Traffic Control Manual. Duties included attending meetings, communicating with the MoDOT resident engineer, preparing MoDOT Daily Reports, measuring and documenting contract quantities, enforcing contract requirements, identifying discrepancies and documenting resolutions, maintaining a daily diary, performing wage rate interviews, checking traffic control measures, performing quality assurance testing of soil and concrete and submitting test reports to MoDOT.

- *Bunge Headquarters, Chesterfield, Missouri* - Lead Field Representative who provided soil compaction testing, concrete testing, proofrolling and construction observation for this four-story building measuring 150,000 square feet and a 700-car parking garage.

- *Pfizer Bioplace Office/Laboratory Facility, Chesterfield, Missouri* - Lead Field Representative who provided soil compaction testing, concrete testing, proofrolling and construction observation for this four-story 285,000-square-foot building with surface parking. Fills up to 20 to 30 feet were placed along the north and west sides of the property, where modular retaining walls were constructed.

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geotechnology.com

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: January 26, 2023

RE: 2023 Concrete Slab Replacement Project B

The Department of Public Works publicly opened bids for the 2023 Concrete Slab Replacement Project B on January 25, 2023. The results of the bid opening are detailed in the attached memorandum from Project Manager Trent Helland. After reviewing the bids, Staff recommends the project be awarded to the low bidder, Next Level Construction LLC, in an amount not to exceed the budgeted amount of \$1,000,000. This includes the low bid amount (\$881,179) and a contingency to account for change orders which may become necessary during construction of the project. Next Level Construction LLC is a new company comprised of employees who formerly worked for a reputable concrete company that has successfully performed concrete replacement work in the City of Chesterfield in the past.

The streets included as part of this project are: White Stone Farm Drive, Royalbrook Drive, and Woodland Field Court. This project is budgeted within Account 120-079-5490 of the Capital Projects Fund. Please note that 2023 Concrete Slab Replacement Project A, which includes the reconstruction of Wildhorse Parkway, will be publicly bid in early March. If you have questions or require additional information on this project, please let me know.

Concurrence:

J. Kelly
Jeanette Kelly, Finance Director

Action Recommended

This matter should be forwarded to the City Council for consideration. Should Council concur with Staff's recommendation, it should authorize the City Administrator to execute an Agreement with Next Level Construction LLC in an amount not to exceed \$1,000,000.

Memorandum

Department of Public Works

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

FROM: Trent Helland – Project Manager

DATE: January 25, 2023

RE: 2023 Selective Slab Replacement- Area B



As you are aware, sealed bids for the project were opened on January 25, 2023 at 10:30am. There were six bidders on the project; E.Meier Contracting, Spencer Contracting, Raineri Construction, Lamke Trenching & Excavation, M&H Concrete and Next level Construction. Next Level Construction is the lowest, responsive and responsible bidder with a bid of \$881,179 (bid attached). Next Level Construction is a new company managed by former Vee Jay Concrete staff that have completed this type of work within the City before.

I recommend requesting authorization to enter into an agreement with Next Level Construction LLC to provide slab removal and replacement for the 2023 Selective Slab Replacement- Area B in an amount not to exceed \$1,000,000. This amount includes a contingency to allow for any unforeseen conditions and/or additional work as may be necessary to complete this project.

This project will include complete reconstruction of Royalbrook Dr, Whitestone Farm Dr and Woodland Field Ct. The 2023 budget allocation for slab replacement project B is \$1,000,000.

Attachments: 2023 Selective Slab Replacement-Area B Bid Tabulation
Next Level Construction Concrete Bid



BID TABULATION
2023 Selective Slab Replacement Project
2023-PW-03-B
January 25, 2023

ITEM #	DESCRIPTION	UNIT	QUANTITY	Project Estimate		Next Level Construction		E. Meier Contracting		Lamke Trenching and Excavating		Spencer Contracting Co		M&H Concrete Contractors		Raineri Construction	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
1	REMOVE & REPLACE P.C.C. PAVEMENT	Sq. Yd.	9,671	\$70.00	\$676,970.00	\$62.00	\$599,602.00	\$65.25	\$631,032.75	\$69.50	\$672,134.50	\$90.00	\$870,390.00	\$79.00	\$764,009.00	\$89.00	\$860,719.00
2	JOINT SEALANT	Sq. Yd.	9,671	\$2.00	\$19,342.00	\$2.00	\$19,342.00	\$1.60	\$15,473.60	\$3.00	\$29,013.00	\$2.25	\$21,759.75	\$3.00	\$29,013.00	\$2.90	\$28,045.90
3	4" ROLLED STONE BASE	Sq. Yd.	9,671	\$6.00	\$58,026.00	\$6.75	\$65,279.25	\$9.68	\$93,615.28	\$6.00	\$58,026.00	\$9.00	\$87,039.00	\$9.00	\$87,039.00	\$8.80	\$85,104.80
4	UNDERGRADING	Cu. Ft.	833	\$3.00	\$2,499.00	\$3.25	\$2,707.25	\$2.75	\$2,290.75	\$3.50	\$2,915.50	\$3.75	\$3,123.75	\$5.00	\$4,165.00	\$7.00	\$5,831.00
5	GEOTEXTILE FABRIC	Sq. Yd.	9,671	\$1.50	\$14,506.50	\$1.75	\$16,924.25	\$2.40	\$23,210.40	\$1.75	\$16,924.25	\$2.00	\$19,342.00	\$5.00	\$48,355.00	\$2.10	\$20,309.10
6	STRUCTURAL GEOGRID	Sq. Yd.	1,500	\$2.00	\$3,000.00	\$2.00	\$3,000.00	\$2.93	\$4,395.00	\$2.25	\$3,375.00	\$2.00	\$3,000.00	\$3.75	\$5,625.00	\$4.75	\$7,125.00
7	SEEDING & MULCHING	Sq. Yd.	1	\$1.00	\$1.00	\$15.25	\$15.25	\$375.00	\$375.00	\$1,500.00	\$1,500.00	\$5.00	\$5.00	\$10,000.00	\$10,000.00	\$141.90	\$141.90
8	TRAFFIC CONTROL	L.S.	1	\$15,000.00	\$15,000.00	\$45,000.00	\$45,000.00	\$40,650.00	\$40,650.00	\$57,000.00	\$57,000.00	\$12,000.00	\$12,000.00	\$60,000.00	\$60,000.00	\$26,280.00	\$26,280.00
9	PAVED APPROACHES	Sq. Yd.	503	\$63.00	\$31,689.00	\$80.00	\$40,240.00	\$72.60	\$36,517.80	\$82.00	\$41,246.00	\$106.00	\$53,318.00	\$125.00	\$62,875.00	\$123.25	\$61,994.75
10	SAWCUTTING	Lin. Ft.	97	\$4.50	\$436.50	\$4.00	\$388.00	\$12.25	\$1,188.25	\$5.00	\$485.00	\$5.00	\$485.00	\$5.00	\$485.00	\$6.30	\$611.10
12	UNDERDRAINS	Lin. Ft.	360	\$25.00	\$9,000.00	\$21.00	\$7,560.00	\$40.00	\$14,400.00	\$32.00	\$11,520.00	\$25.00	\$9,000.00	\$50.00	\$18,000.00	\$36.70	\$13,212.00
13.0	SIDEWALKS	Sq. Ft.	2,020	\$15.00	\$30,300.00	\$14.00	\$28,280.00	\$14.00	\$28,280.00	\$12.50	\$25,250.00	\$30.50	\$61,610.00	\$27.00	\$54,540.00	\$14.50	\$29,290.00
13.1	DETECTABLE WARNING SURFACE	Each	12	\$300.00	\$3,600.00	\$425.00	\$5,100.00	\$235.00	\$2,820.00	\$350.00	\$4,200.00	\$288.00	\$3,456.00	\$500.00	\$6,000.00	\$234.50	\$2,814.00
14	REPLACE INLET SILL	Each	7	\$350.00	\$2,450.00	\$570.00	\$3,990.00	\$425.00	\$2,975.00	\$350.00	\$2,450.00	\$750.00	\$5,250.00	\$650.00	\$4,550.00	\$681.00	\$4,767.00
15	ADJUSTMENT OF INLET SILL	Each	7	\$350.00	\$2,450.00	\$300.00	\$2,100.00	\$290.00	\$2,030.00	\$350.00	\$2,450.00	\$450.00	\$3,150.00	\$650.00	\$4,550.00	\$294.00	\$2,058.00
16	DRILLING AND DOWELING	Each	886	\$9.50	\$8,417.00	\$11.50	\$10,189.00	\$10.28	\$9,108.08	\$11.00	\$9,746.00	\$3.00	\$2,658.00	\$15.00	\$13,290.00	\$11.00	\$9,746.00
17	A2 JOINTS	Lin. Ft.	220	\$15.00	\$3,300.00	\$15.00	\$3,300.00	\$14.25	\$3,135.00	\$23.50	\$5,170.00	\$8.00	\$1,760.00	\$25.00	\$5,500.00	\$16.40	\$3,608.00
18	SILT FENCE	Lin. Ft.	150	\$4.00	\$600.00	\$4.60	\$690.00	\$5.00	\$750.00	\$4.00	\$600.00	\$7.00	\$1,050.00	\$7.00	\$1,050.00	\$5.25	\$787.50
19	INLET PROTECTION	Each	16	\$100.00	\$1,600.00	\$92.00	\$1,472.00	\$125.00	\$2,000.00	\$125.00	\$2,000.00	\$175.00	\$2,800.00	\$200.00	\$3,200.00	\$95.00	\$1,520.00
20	GRADED TROUGH REPLACEMENT	Each	1	\$29,000.00	\$29,000.00	\$26,000.00	\$26,000.00	\$28,750.00	\$28,750.00	\$34,500.00	\$34,500.00	\$20,000.00	\$20,000.00	\$40,000.00	\$40,000.00	\$29,000.00	\$29,000.00
	BID FORM TOTAL				\$912,187.00		\$881,179.00		\$942,996.91		\$980,505.25		\$1,181,196.50		\$1,222,246.00		\$1,192,965.05

EXHIBIT A

BID FORM

BID TIME: 10:30 a.m.
BID DATE: Wednesday, January 25,

2023

TO: THE CITY OF CHESTERFIELD

The undersigned, having carefully examined the site and all the Contract Documents, adding Addenda N/A through N/A, for the

2023 Selective Slab Replacement-Area B
2023-PW-03 B

being familiar with the local conditions affecting the work, hereby proposes to furnish all labor, materials, equipment and services required for the performance and completion of said project in accordance with the said Contract Documents for the following itemized bid.

The City is requesting unit price proposals for this work, consisting of the removal and reconstruction of approximately 9,671 square yards of concrete pavement, property restoration and other necessary appurtenances.

The Contract contains a binding arbitration provision which may be enforced by the parties.

Bid submitted by:

Company Name: Next Level Construction, LLC

Address: 25 Black Oak Drive

City, State St. Louis, MO 63127

Phone number: 314-575-0285 Fax: _____

E-mail address: charlie@next-levelco.com

Type of Firm: Sole Partnership _____ Partnership _____
Corporation _____ Other x LLC

Officer Charles Lee Vitale

Title Member/Manager

Signature 

Date 1/25/23

**ITEMIZED BID
CITY OF CHESTERFIELD
2023 Selective Slab Replacement Project
2023-PW-03-B**

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	EXTENDED PRICE
1	REMOVE & REPLACE P.C.C. PAVEMENT	Sq. Yd.	9,671	\$62.00	\$599,602.00
2	JOINT SEALANT	Sq. Yd.	9,671	\$2.00	\$19,342.00
3	4" ROLLED STONE BASE	Sq. Yd.	9,671	\$6.75	\$65,279.25
4	UNDERGRADING	Cu. Ft.	833	\$3.25	\$2,707.25
5	GEOTEXTILE FABRIC	Sq. Yd.	9,671	\$1.75	\$16,924.25
6	STRUCTURAL GEOGRID	Sq. Yd.	1,500	\$2.00	\$3,000.00
7	SEEDING & MULCHING	Sq. Yd.	1	\$15.25	\$15.25
8	TRAFFIC CONTROL	L.S.	1	\$45,000.00	\$45,000.00
9	PAVED APPROACHES	Sq. Yd.	503	\$80.00	\$40,240.00
10	SAWCUTTING	Lin. Ft.	97	\$4.00	\$388.00
12	UNDERDRAINS	Lin. Ft.	360	\$21.00	\$7,560.00
13.0	SIDEWALKS	Sq. Ft.	2,020	\$14.00	\$28,280.00
13.1	DETECTABLE WARNING SURFACE	Each	12	\$425.00	\$5,100.00
14	REPLACE INLET SILL	Each	7	\$570.00	\$3,990.00
15	ADJUSTMENT OF INLET SILL	Each	7	\$300.00	\$2,100.00
16	DRILLING AND DOWELING	Each	886	\$11.50	\$10,189.00
17	A2 JOINTS	Lin. Ft.	220	\$15.00	\$3,300.00
18	SILT FENCE	Lin. Ft.	150	\$4.60	\$690.00
19	INLET PROTECTION	Each	16	\$92.00	\$1,472.00
20	GRATED TROUGH REPLACEMENT	Each	1	\$26,000.00	\$26,000.00
TOTAL BID					\$881,179.00



MEMORANDUM

Date/ January 17, 2023

To/ Mike Geisel, City Administrator

From/ Kari Johnson, Superintendent of Recreation

Subject/Fireworks

The Parks, Recreation and Arts Department received proposals for a pyrotechnic display to be conducted on July 4, 2023. One company submitted a proposal to perform the pyrotechnic product, products firing gear, racking equipment, insurance, personnel, licenses entertainment work, which includes approximately twenty five (25) minutes of choreographed, multi-level, multi-position pyrotechnic production from a single ground location to include, permits, security, storage and shipping. The proposal was to be based on a total of \$55,000. The proposal was sent to four companies as well as posted on the website and Missouri Lawyer Media. J&M Displays was the only company that submitted a proposal.

Please see the attached proposal from the results for the breakdown of the different sized shells that the company submitted with their bid.

J & M Displays has provided the City with our July 4th pyrotechnic display for the past seven years. J & M Displays have included an extra 15% of product for this year to show their ongoing dedication to our City. Also attached is their Multiple Year Agreement that they would like for the City to consider. The 15% additional product would be an annual occurrence if we sign the Multiple Year Agreement with them.

I recommend the bid in the amount of \$55,000 as submitted by J & M Displays including the option to renew annually for an additional two years under the same terms and conditions. The Parks, Recreation and Arts Department has worked with J & M Displays in the past, as they have performed the pyrotechnic work for our 4th of July Celebrations. As such, I am confident that J & M Displays will perform the work as specified.

Please forward to Council for approval at your earliest convenience

If you have any other questions or require additional information, please advise.

Concurrence:  1.18.23
TW Dieckmann, Director of Parks, Recreation and Arts

PROPOSAL FORM

BID TIME: 9:00 A.M.

BID DATE: Jan 4, 2023

TO: THE CITY OF CHESTERFIELD

The undersigned, having carefully examined the site and all the Contract Documents, adding Addenda 0 through 0, for the

Fireworks Display

The undersigned contractor hereby proposes to perform the installation/erection/clean up after fireworks show of the **Fireworks Display** in Chesterfield, Missouri, having examined specifications and related documents, and site of the proposed project, hereby proposes to furnish all labor, materials, and documents within the time set forth herein and at the prices stated below. These prices are to cover all expenses incurred in the performance of all work required under the specifications. Prices include delivery charges. The Contract contains a binding arbitration provision, which may be enforced by the parties.

Proposal

Proposal submitted by:

Signature:



Print Name:

Trenton Farr

Company Name:

J and M Displays

Address:

9555 State Rd Y Dittmer MO 63023

Telephone
Number:

314-494-2044



J&M Displays Proposal for: City of Chesterfield July 4th Celebration Option 1 \$55,000

Opening

5 Inch Color Shells

Quantity Name Rising Effect

6 Red and Blue Dahlia with silver glitter

Category Shell Count: 6

4 Inch Finales

Quantity Name Rising Effect

3 Red white and blue dahlia 8 shot finale chain

Category Shell Count: 24

6 Inch Color Shells

Quantity Name Rising Effect

2 Glittering silver to blue chrysanthemum
2 Glittering silver to red chrysanthemum
2 Glittering silver to white chrysanthemum

Category Shell Count: 6

Section Shell Count: 36

Flight 1

4 Inch Color Shells

Quantity Name Rising Effect

16 4" BROCADE CROWN HORSE TAIL
16 4"Red waterfall

Category Shell Count: 32

5 Inch Color Shells

Quantity Name Rising Effect

6 5" Brocade Crown Horse tail
6 5"Blue waterfall

Category Shell Count: 12

6 Inch Color Shells

Quantity Name Rising Effect

9 Horse Tail w Tail

Category Shell Count: 9

8 Inch Special Effect Shells

Quantity Name Rising Effect

2 Glittering willow waterfall

Category Shell Count: 2

Section Shell Count: 55

Flight 2



J&M Displays Proposal for: City of Chesterfield July 4th Celebration Option 1 \$55,000

Flight 2

4 Inch Special Effect shells

Quantity Name Rising Effect

16 Red strobe

Category Shell Count: 16

5 Inch Color Shells

Quantity Name Rising Effect

8 Brocade Crown with silver strobe pistils

Category Shell Count: 8

6 Inch Special Effect Shells

Quantity Name Rising Effect

6 Glittering silver to blue to red strobe w/white strobe pistil

Category Shell Count: 6

8 Inch Special Effect Shells

Quantity Name Rising Effect

1 Golden strobe crown w/red strobe pistil w/tail

Category Shell Count: 1

Section Shell Count: 31

Main Event

4 Inch Color Shells

Quantity Name Rising Effect

- 4 Brocade Ring pattern
- 4 Gold willow with color pistil
- 4 Green and Purple chrysanthemum
- 4 Lemon Dahlia
- 4 Two color dahlia assorted
- 4 Willow to Red White and Blue
- 4 4" BLUE CROSSETTE
- 4 4" Gold Crack Flower Chrys.
- 4 4" PINK DRAGON
- 4 Brocade Crown with silver strobe pistils
- 8 Glittering willow waterfall
- 4 Lemon and pink ring with crackling pistils
- 4 Pastel Cycas
- 4 Six angle chrysanthemum
- 4 White strobe and red dahlia
- 4 Assortment L of 20 different J&M Brand Shells ELECTRIC FIRE
- 2 Assortment M of 10 Pairs (20 shells) of J&M Brand shells ELECTRIC FIRE
- 2 Assortment T of 20 different J&M Brand Shells ELECTRIC FIRE
- 2 Assortment U of 10 pairs of different (20 shells) J&M Brand shells ELECTRIC FIRE

Category Shell Count: 264



J&M Displays Proposal for: City of Chesterfield July 4th Celebration Option 1 \$55,000

Main Event

4 Inch Special Effect shells

Quantity	Name	Rising Effect
4	Double Crackle	
4	Golden strobe crown	
4	Red to crackle w/ crackle pistil	
4	Six Angle brocade crown	
4	White to crackle w/ crackle pistil	

Category Shell Count: 20

5 Inch Color Shells

Quantity	Name	Rising Effect
4	5"Blue red golden chry.	
4	Assorted Chrysanthemums (E-FIRE Only)	
4	Crown to glittering	
4	Gold willow with color pistil	
4	Wave to variegated	
4	1/4 Peony with crackle pistil	
4	5" CRACKLING WILLOW	
4	5"Blue dark golden flash	
4	5"Brocade Crown to white flash	
4	5"Green time rain	
4	Aqua, purple, and orange dahlia	
4	Blue chrys with silver willow pistil	
4	Glittering silver to blue and red chrysanthemum	
4	Glittering to sea blue saturn with willow ring	
12	Glittering willow	
4	Gold crown	
4	Golden kamuro to white strobe	
4	Lemon dahlia with white strobe to report	
4	Medusa pattern (E-Fire ONLY) (assorted case)	
4	Rainbow crossette	
4	Red chrys with silver willow pistil	
4	Ring to dark to blue peony assorted	
2	Silver Spike	
4	Six Angle brocade crown	
8	Smiling Time Rain Ring	
4	White flickering crossette	
4	White with silver strobe pistil	
4	Willow to variegated w/ rising flowers	
2	Assortment K of 15 different J&M Brand shells (low fallout) ELECTRIC FIRE	
2	Assortment T of 15 different J&M Brand Shells ELECTRIC FIRE	

Category Shell Count: 182

6 Inch Color Shells

Quantity	Name	Rising Effect
9	Glittering willow	
2	Assortment T of 9 different J&M brand shells ELECTRIC FIRE	
2	Assortment W of 9 different J&M Brand Shells ELECTRIC FIRE	

Category Shell Count: 45

Section Shell Count: 511

Finales



J&M Displays Proposal for: City of Chesterfield July 4th Celebration Option 1 \$55,000

Finales

4 Inch Finales

Quantity Name Rising Effect

- 9 Color dahlia 8 shot finale chain
- 14 Red white and blue dahlia 8 shot finale chain

Category Shell Count: 184

5 Inch Color Shells

Quantity Name Rising Effect

- 15 CHANSHAN SHELL - Mixed color peony
- 24 Red and Blue Dahlia with silver glitter

Category Shell Count: 39

6 Inch Color Shells

Quantity Name Rising Effect

- 12 CHANSHAN SHELL - Mixed color peony
- 9 Glittering silver to blue chrysanthemum
- 9 Glittering silver to red chrysanthemum
- 9 Glittering silver to white chrysanthemum

Category Shell Count: 39

Section Shell Count: 262

Miscellaneous

Ignition Items

Quantity Name Rising Effect

- 845 Igniter 4 meter leads
- 1 Wire 22 gauge copper duplex 500 foot

Category Shell Count: 0

Section Shell Count: 0

8% Free for Early Payment

4 Inch Color Shells

Quantity Name Rising Effect

- 4 Crossette assorted

Category Shell Count: 4

5 Inch Color Shells

Quantity Name Rising Effect

- 4 Crackling Willow
- 4 Glittering willow waterfall

Category Shell Count: 8



J&M Displays Proposal for: City of Chesterfield July 4th Celebration Option 1 \$55,000

8% Free for Early Payment

6 Inch Color Shells

Quantity Name Rising Effect

- 3 Green willow
- 4 Red crossette

Category Shell Count: 7

8 Inch Special Effect Shells

Quantity Name Rising Effect

- 2 Purple to Crackling Willow Flower w/Tail
- 2 Silver spider with orange pistil
- 2 Silver wave to green to red with red to purple pistil

Category Shell Count: 6

Section Shell Count: 25

Free for Advertising

4 Inch Color Shells

Quantity Name Rising Effect

- 4 Wave to variegated

Category Shell Count: 4

5 Inch Color Shells

Quantity Name Rising Effect

- 4 Dahlia, assorted colors
- 4 Gold Glitter to color assorted

Category Shell Count: 8

6 Inch Color Shells

Quantity Name Rising Effect

- 4 Brocade Crown with silver strobe pistils
- 4 Green to purple to silver strobe with dark to orange pistil
- 4 Red and blue peony with white pistil
- 2 Silver crackling crossette

Category Shell Count: 14

6 Inch Special Effect Shells

Quantity Name Rising Effect

- 2 Aqua peony w/white strobe palm tree w/silver tail

Category Shell Count: 2



J&M Displays Proposal for: City of Chesterfield July 4th Celebration Option 1 \$55,000

Free for Advertising

8 Inch Special Effect Shells

Quantity	Name	Rising Effect
2	3D ghost peony w/silver tail	
2	Blue chrysanthemum with green pistil	
2	Crossette chrysanthemum assorted	
4	Glittering willow	
1	Magenta to lemon peony w/red ghost peony pistil	
2	Nishiki kamuro to white strobe w/white strobe pistil	
2	Snowflake w/white strobe pistil	

Category Shell Count: 15

Section Shell Count: 43

15% Free for Loyalty Program

4 Inch Color Shells

Quantity	Name	Rising Effect
4	Blue peony with red pistil with silver crown ring	
4	Blue to dark to red	
4	Brocade crown coconut	
4	Color dahlia with silver strobe	
4	Golden kamuro to white strobe	

Category Shell Count: 20

4 Inch Special Effect shells

Quantity	Name	Rising Effect
4	Aqua and pink dahlia with silver glitter and report	

Category Shell Count: 4

5 Inch Color Shells

Quantity	Name	Rising Effect
4	Tracer assorted	
4	Twitter glitter to red to blue with red strobe pistil	
4	Two crisscross (lemon/purple) with time rain pistil	

Category Shell Count: 12

6 Inch Special Effect Shells

Quantity	Name	Rising Effect
2	Magenta to var. color strobe crossette	
2	Three pistils blue and green	
2	Three pistils blue and red	
2	Three pistils magenta lemon and strobe	
2	Willow with flickering and reports	
2	Yellow sunflower	

Category Shell Count: 12



J&M Displays Proposal for:
City of Chesterfield
July 4th Celebration Option 1 \$55,000

15% Free for Loyalty Program

8 Inch Special Effect Shells

Quantity	Name	Rising Effect
2	1/2 peony w/crackling pistil w/blue chrys tail	
2	Golden Flashing with eight pieces of chrysanthemum pistil	
2	Silver plum crossette chrysanthemum	

Category Shell Count: 6

Section Shell Count: 54



Breakdown of Assortment Shells for: City of Chesterfield July 4th Celebration Option 1 \$55,000

4" Assortment L of 20 different J&M Brand Shells ELECTRIC FIRE

Name	Rising Effect
Blue Pink and Lemon Mixed color cymas	Silver tail
Brocade crown willow	Gold tail
Color Bees	Gold tail
Color dahlia	Gold tail
Double ring with crackling pistils	
Flower Wave	Gold tail
Glittering crossette	Gold tail
Gold wave to purple	Gold tail
Green wave with red pistils	Gold tail
Lemon to Brocade willow ring	
Light sea blue Orange and Purple Mixed color cymas	Silver tail
Orange strobe	
Purple meteor	Gold tail
Purple peony with brocade ring	Gold tail
Red to Silver ring w Blue saturn pistil	
Silver Crown	Silver tail
Time rain crown	Gold tail
Water color peony with purple pistil	Gold tail
White Strobe with red ring	Silver tail
Willow to blue to red	Gold tail

4" Assortment T of 20 different J&M Brand Shells ELECTRIC FIRE

Name	Rising Effect
Blue peony w/white strobe pistil	silver tail
Brocade willow to white flashing	Gold tail
Cracker Chrys	crackling
Crackling Nishiki Kamuro w/crackling tail	crackling
Flower Crown Chrysanthemum	Gold tail
Green cymas	Gold tail
Green Flower wave ring w/purple saturn pistil	Gold tail
Green peony w/white strobe pistil	silver tail
Kamuro w/ Green ring	Gold tail
Lemon cymas	Gold tail
Lemon peony w/white strobe pistil	silver tail
Light sea blue peony w/white strobe pistil	silver tail
Orange Crossette	Gold tail
Orange peony w/white strobe pistil	silver tail
Pink peony w/white strobe pistil	silver tail
Purple peony w/white strobe pistil	silver tail
Red crackling coconut	Gold tail
Red peony w/white strobe pistil	silver tail
Silver crossette	silver tail
Silver Willow	silver tail

4" Assortment M of 10 Pairs (20 shells) of J&M Brand shells ELECTRIC FIRE

Name	Rising Effect
Blue peony with white crossette ring	Silver tail
Green crackling dahlia	Crackling tail
Half aqua and half orange with silver crown ring	Silver tail
Multicolor dahlia with white strobe pistil	Silver tail
Orange to gold willow	Glitter tail
Red and green go getters	Red tail
Red strobe coconut	Gold tail
Red to brocade	Red tail
Silver wave to blue and green	Silver tail
White strobe with pink pistil	Silver tail

4" Assortment U of 10 pairs of different (20 shells) J&M Brand shells ELECTRIC FIRE

Name	Rising Effect
Blue to crackling flower	Crackling tail
Chrys to purple with ring of lemon with wave	
Glittering lemon coconut	
Golden wave to orange with sea blue pistils	Silver tail
Orange peony with aqua pistil	Silver tail
Orange with wave pistils	Silver tail
Purple to yellow peony	Gold tail
Red crackling dahlia	Crackling tail
Red peony with red to silver to crackling ring	Crackling tail
Silver wave to Green	Silver tail



Breakdown of Assortment Shells for: City of Chesterfield July 4th Celebration Option 1 \$55,000

5" Assortment K of 15 different J&M Brand shells (low fallout) ELECTRIC FIRE

Name	Rising Effect
Blue peony with gold palm pistil	gold tail
Blue to silver chrysanthemum w/gold palm pistil	gold tail
Gold peony w/ blue pistil	gold tail
Golden wave to Green chrysanthemum	gold tail
Golden wave to purple to gold	gold tail
Half Green Half Yellow peony w/silver palm pistil	silver tail
Half Purple Half gold chrys w/gold wave ring	silver tail
Purple to green w/silver pistil	silver tail
Red & Silver chrysanthemum	silver tail
Red Gamboge to Green to Blue w/gold strobe pistil	gold tail
Red Gamboge to Purple to Silver chrysanthemum	silver tail
Red peony w/gold pistil	silver tail
Red to Green to Silver peony	silver tail
Red to Yellow peony	silver tail
Variiegated chrysanthemum w/gold palm pistil	gold tail

6" Assortment T of 9 different J&M brand shells ELECTRIC FIRE

Name	Rising Effect
Blue peony to flying pearl w/red pistil w/ silver tail	silver tail
Brocade Ring to strobe pistil w/double crackling w/ rising flower	Brocade ring flowers
Brocade w/Double layer Pistil	gold tail
Crackling Nishiki Kamuro w/crackling tail	Crackling
Glittering Silver to blue to red w/purple to flower wave pistils	silver tail
Golden Silk Chrys w/small flowers w/ rising flowers	flowers
Orange peony w/ purple pistil with silver palm core w/silver tail	silver tail
Red dark White to silver	
Thousand multi-color (Blue Lemon Pink) w/rising flowers (Blue	Blue Lemon Pink Flowers

5" Assortment T of 15 different J&M Brand Shells ELECTRIC FIRE

Name	Rising Effect
Blue peony with white strobe pistil	Silver tail
Brocade willow to white flashing	Gold tail
Cracker chrysanthemum with crackling pistil	Gold tail
Crackling Nishiki Kamuro	Crackling
Flower Crown Chrysanthemum	Gold tail
Green Flower wave ring with purple saturn pistil	Gold tail
Kamuro with green ring	Gold tail
Mix Green and Purple peony with white strobe pistil	Silver tail
Mix Lemon and Light sea Blue Peony w/white strobe pistil	Silver tail
Mix Orange and Purple peony with white strobe pistil	Silver tail
Multi-color cymas	Gold tail
Orange Crossette	Silver tail
Red peony with white strobe pistil	Silver tail
Silver crossette	Silver tail
Silver willow	Silver tail
Brocade butterfly ring - Alternating Magenta / Lemon stars ring w	

6" Assortment W of 9 different J&M Brand Shells ELECTRIC FIRE

Name	Rising Effect
Blooming Flowers w/rising flowers	Rising flowers
Blue to orange w/willow waterfall to white strobe pistil	Gold tail
Brocade crown willow to white flashing	Gold tail
Brocade Kaleidoscope with salute	Brocade rising flowers
Golden Wave to color chrys	Gold tail
Golden wave to green moving stars w/crackling pistils	Gold tail
Half purple half green w/brocade ring	Brocade tail
Pink to Lemon Crossette	Gold tail
Silver whirl Flower Ring w/Red strobe pistil	Silver tail



J&M Displays Proposal for: City of Chesterfield July 4th Celebration Option 1 \$55,000

This proposal includes an extension of our \$10,000,000.00 spectator liability insurance, and workers compensation on our shoot team.

Fireworks Price:	\$50,664.25	Total Shot Count:	1017
Discount:	\$10,019.25	Packing Check:	1403
Subtotal Fireworks:	\$40,645.00	Date of Display:	07/04/23
Sales Tax:		Customer Number:	10259
Local Sales Tax:			
Insurance Processing:	\$5,500.00		
License and Permit:	\$155.00		
Shoot Fee:	\$5,500.00		
Delivery:	\$2,700.00		
Musical Firing:			
Shoot Cost:	\$500.00		
Equipment Rental:			
Barge/Pontoon Fee:			
Total Price of Show:	\$55,000.00		

Summary of Free Items Added to Your Show See Previous Pages for a Listing of Free Items

Free Items are Based on the \$40,645.00 Fireworks Subtotal

\$3,395.90	8% Free for Early Payment
\$7,079.70	Free for Advertising
\$6,309.40	15% Free for Loyalty Program
\$16,785.00	Total Free

Total Value of Show is \$81,804.25. Your Price is \$55,000.00

Please Note the Following Comments:

The data in this proposal is confidential, and is to be accorded confidential treatment and shall not be disclosed other than to the official representative of the organization listed on the cover, and only then when in the evaluation of this proposal. Any reproduction of the contents of this proposal, whether in whole or in part, is expressly forbidden. J&M Displays, Inc. requests that all information be safeguarded from release pursuant to any request under the Freedom of Information Law of this state or any other state or jurisdiction; as it may cause competitive disadvantage to our company. The enclosed concepts and materials are the sole and exclusive property of J&M Displays, Inc. We reserve the right to make substitutions of equal or greater value. Prices and specifications are subject to change without notice. For choreographed displays the quantity and sizes of product may change based on the music selected; however, the dollar value of the product will remain the same.

BILL NO. 3426

ORDINANCE NO. _____

AN ORDINANCE APPROVING 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 1-A UNDER THE CHESTERFIELD TAX INCREMENT FINANCING REDEVELOPMENT PLAN & PROJECT; ADOPTING TAX INCREMENT FINANCING WITHIN RPA 1-A; MAKING FINDINGS WITH RESPECT THERETO; ESTABLISHING A SPECIAL ALLOCATION FUND WITH RESPECT TO RPA 1-A; AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS AND OFFICERS; AND CONTAINING A SEVERABILITY CLAUSE.

WHEREAS, the City of Chesterfield, Missouri (the “City”), is a political subdivision duly organized and existing under the Constitution and laws of the State of Missouri; and

WHEREAS, the City has established the Chesterfield Regional Tax Increment Financing Commission of the City of Chesterfield, Missouri (the “TIF Commission”), in accordance with the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “TIF Act”); and

WHEREAS, the TIF Commission is duly constituted according to the TIF Act, and is authorized to transact business, exercise its powers, and to hold public hearings with respect to proposed redevelopment areas and redevelopment plans and to make recommendations thereon to the City; and

WHEREAS, staff and consultants of the City prepared a plan for redevelopment titled “Chesterfield Regional Tax Increment Financing Redevelopment Plan & Project” dated [October 21, 2022], as revised and amended and on file with the City Clerk (the “Redevelopment Plan”), for an area including approximately 216.39 acres of real property generally bounded by Wild Horse Creek Road and S. Outer 40 Road to the north, Clarkson Road to the east, Chesterfield Parkway to the south and a riparian corridor to the west (the “Redevelopment Area”), which Redevelopment Area is more fully described in the Redevelopment Plan; and

WHEREAS, the Redevelopment Plan divides the Redevelopment Area into multiple redevelopment project areas (each, an “RPA”); and

WHEREAS, the Redevelopment Plan envisions multiple projects across the RPAs (as further described in the Redevelopment Plan, the “Redevelopment Project(s)”, with each RPA being redeveloped for a mix of uses, including residential, retail, commercial, and public gathering spaces (as further described in the Redevelopment Plan); and

WHEREAS, the Redevelopment Plan envisions that the Redevelopment Projects (as defined in the Redevelopment Plan) will renovate, rehabilitate, redevelop, and reconstruct existing improvements, or construct or install new improvements within each RPA in order to meet the objectives of the Redevelopment Plan, all as further discussed therein; and

WHEREAS, after all proper notice was given, the TIF Commission held a public hearing in conformance with the TIF Act that commenced on November 1, 2022 and was closed on November 21, 2022, at which the TIF Commission received comments from all interested persons and affected taxing districts relative to the Redevelopment Area, the Redevelopment Plan, and the Redevelopment Project; and

WHEREAS, on November 21, 2022, by majority vote, the TIF Commission passed a resolution (the “Resolution”) to recommend that the City Council, among other things, adopt an ordinance in the form required by the TIF Act: (i) adopting tax increment financing within the Redevelopment Area; (ii) approving the Redevelopment Plan; (iii) approving and designating the Redevelopment Area as a “redevelopment area” as provided in the TIF Act and approving each RPA; and (iv) approving the Redevelopment Project as described within the Redevelopment Plan; and

WHEREAS, Wildhorse Village, LP, and TSG Downtown Chesterfield Redevelopment, LLC (collectively, the “Developers” and each a “Developer”), have each demonstrated that the Redevelopment Project would not reasonably be anticipated to be developed without the adoption of tax increment financing and, therefore, the redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan is not financially feasible and would not otherwise be completed without the adoption of tax increment financing; and

WHEREAS, the Redevelopment Plan describes RPA 1-A, in part, as a portion of the Redevelopment Area located at the Chesterfield Mall property (referred to in this Ordinance as “RPA 1-A”); and

WHEREAS, the Redevelopment Plan states that the Redevelopment Project components for RPA 1-A consist of, among other things, the construction of building space, including parking spaces, restaurant space, grocery space, retail space, apartment units, and commercial office buildings (the “RPA 1-A Redevelopment Project”); and

WHEREAS, the Redevelopment Area qualifies for the use of tax increment financing to alleviate the conditions that qualify it as a “blighted area” as provided in the TIF Act; and

WHEREAS, the City Council of the City (the “City Council”) has received the Resolution and hereby finds and determines that it is necessary and desirable and in the best interests of the City to approve the RPA 1-A Redevelopment Project, to adopt tax increment financing within the portion of the Redevelopment Area known as RPA 1-A and to establish a special allocation fund for RPA 1-A in order to provide for the promotion of the general welfare through the redevelopment of RPA 1-A, in accordance with the Redevelopment Plan which redevelopment includes, but is not limited to, assistance in the physical, economic, and social development of the City, providing for a stabilized economy and plan for the optimal growth of the City, encouragement of a sense of community identify, safety, and civic pride, and redevelopment of key properties in the City.

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

Section 1. The City hereby adopts and approves the RPA 1-A Redevelopment Project as described in the Redevelopment Plan.

Section 2. Pursuant to the TIF Act, the estimated dates of completion of the RPA 1-A Redevelopment Project and the retirement of the financial obligations issued to pay for certain redevelopment project costs relating thereto will not be more than 23 years from the date of this Ordinance.

Section 3. There is hereby created and ordered to be established within the treasury of the City a separate fund to be known as the “*Chesterfield Regional Special Allocation Fund – RPA 1-A.*” To the extent permitted by law and except as otherwise provided in the Redevelopment Plan, the City hereby pledges funds

in the Chesterfield Regional Special Allocation Fund – RPA 1-A for the payment of Redevelopment Project costs and obligations incurred in the payment thereof.

Section 4. Tax increment financing is hereby adopted within RPA 1-A. After the total equalized assessed valuation of the taxable real property in RPA 1-A exceeds the certified total initial equalized assessed valuation of the taxable real property in RPA 1-A, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in RPA 1-A by taxing districts and tax rates determined in the manner provided in Section 99.855.2 of the TIF Act each year after the effective date of this Ordinance until RPA 1-A Redevelopment Project costs have been paid shall be divided as follows:

- A. The portion of taxes, penalties, and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in RPA 1-A shall be allocated to and, when collected, shall be paid by the City Clerk, Assistant to the Mayor or other City official designated by the Mayor (“City Official”) to the respected affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.
- B. Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in RPA 1-A and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in RPA 1-A shall be allocated to and, when collected shall be paid to the City Official, who shall deposit such payments in lieu of taxes into the Chesterfield Regional Special Allocation Fund – RPA 1-A for the purpose of paying Redevelopment Project costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the RPA 1-A real estate from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable.

Section 5. In addition to the payments in lieu of taxes described in Section 4 of this Ordinance; 50% of the total additional revenue from taxes, penalties and interest which are imposed by the City or other taxing district, and which are generated by economic activities within RPA 1-A over the amount of

such taxes generated by economic activities within RPA 1-A in the calendar year prior to the adoption of this Ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri, as amended, or taxes levied for the purpose of public transportation pursuant to Section 94.660 of the Revised Statutes of Missouri, as amended, taxes imposed on sales pursuant to subsection 2 of Section 67.1712 of the Revised Statutes of Missouri, as amended, for the purpose of operating and maintaining a metropolitan park and recreation district, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, or taxes imposed on sales under and pursuant to Section 67.700 or 650.399 of the Revised Statutes of Missouri, as amended, for the purpose of emergency communication systems, shall be allocated to, and paid by the collecting officer to the City Official or other designated financial officer of the City who shall deposit such funds in a separate segregated account within the Chesterfield Regional Special Allocation Fund – RPA 1-A.

Section 6. The City is hereby authorized to enter into agreements or contracts with other taxing districts as is necessary to ensure the allocation and collection of the taxes and payments in lieu of taxes described in Section 4 and Section 5 of this Ordinance and the deposit of the said taxes or payments in lieu of taxes into the Chesterfield Regional Special Allocation Fund – RPA 1-A for the payment of Redevelopment Project costs and obligations incurred in the payment thereof, all in accordance with the TIF Act.

Section 7. The City Clerk is hereby directed to submit a certified copy of this Ordinance to the St. Louis County Assessor, who is directed to determine the total equalized assessed value of all taxable real property within RPA 1-A as of the date of this Ordinance, by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract or parcel of real property within RPA 1-A, and shall certify such amount as the total initial equalized assessed value of the taxable real property within RPA 1-A.

Section 8. The Mayor of the City or his designated representatives are hereby authorized to take any and all actions as may be necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the City Council being necessary to authorize such action by the Mayor or his designated representatives.

Section 9. The Mayor of the City or his designated representatives, with the advice and concurrence of the City Attorney, is hereby further authorized to make any changes to the documents, agreements, and instruments approved and authorized by this Ordinance as may be consistent with the intent of this Ordinance and necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the City Council being necessary to authorize such changes by the Mayor or his designated representatives.

Section 10. It is hereby declared to be the intention of the City Council that each and every part, section, and subsection of this Ordinance shall be separate and severable from each and every other party, section, and subsection hereof and that the City Council intends to adopt each said part, section, and subsection separately and independently of any other part, section, and subsection. In the event that any part, section, or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections, and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 11. 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: _____

BILL NO. 3427

ORDINANCE NO. _____

AN ORDINANCE APPROVING 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 1-B UNDER THE CHESTERFIELD TAX INCREMENT FINANCING REDEVELOPMENT PLAN & PROJECT; ADOPTING TAX INCREMENT FINANCING WITHIN RPA 1-B; MAKING FINDINGS WITH RESPECT THERETO; ESTABLISHING A SPECIAL ALLOCATION FUND WITH RESPECT TO RPA 1-B; AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS AND OFFICERS; AND CONTAINING A SEVERABILITY CLAUSE.

WHEREAS, the City of Chesterfield, Missouri (the “City”), is a political subdivision duly organized and existing under the Constitution and laws of the State of Missouri; and

WHEREAS, the City has established the Chesterfield Regional Tax Increment Financing Commission of the City of Chesterfield, Missouri (the “TIF Commission”), in accordance with the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “TIF Act”); and

WHEREAS, the TIF Commission is duly constituted according to the TIF Act, and is authorized to transact business, exercise its powers, and to hold public hearings with respect to proposed redevelopment areas and redevelopment plans and to make recommendations thereon to the City; and

WHEREAS, staff and consultants of the City prepared a plan for redevelopment titled “Chesterfield Regional Tax Increment Financing Redevelopment Plan & Project” dated [October 21, 2022], as revised and amended and on file with the City Clerk (the “Redevelopment Plan”), for an area including approximately 216.39 acres of real property generally bounded by Wild Horse Creek Road and S. Outer 40 Road to the north, Clarkson Road to the east, Chesterfield Parkway to the south and a riparian corridor to the west (the “Redevelopment Area”), which Redevelopment Area is more fully described in the Redevelopment Plan; and

WHEREAS, the Redevelopment Plan divides the Redevelopment Area into multiple redevelopment project areas (each, an “RPA”); and

WHEREAS, the Redevelopment Plan envisions multiple projects across the RPAs (as further described in the Redevelopment Plan, the “Redevelopment Project(s)”, with each RPA being redeveloped for a mix of uses, including residential, retail, commercial, and public gathering spaces (as further described in the Redevelopment Plan); and

WHEREAS, the Redevelopment Plan envisions that the Redevelopment Projects (as defined in the Redevelopment Plan) will renovate, rehabilitate, redevelop, and reconstruct existing improvements, or construct or install new improvements within each RPA in order to meet the objectives of the Redevelopment Plan, all as further discussed therein; and

WHEREAS, after all proper notice was given, the TIF Commission held a public hearing in conformance with the TIF Act that commenced on November 1, 2022 and was closed on November 21, 2022, at which the TIF Commission received comments from all interested persons and affected taxing districts relative to the Redevelopment Area, the Redevelopment Plan, and the Redevelopment Project; and

WHEREAS, on November 21, 2022, by majority vote, the TIF Commission passed a resolution (the “Resolution”) to recommend that the City Council, among other things, adopt an ordinance in the form required by the TIF Act: (i) adopting tax increment financing within the Redevelopment Area; (ii) approving the Redevelopment Plan; (iii) approving and designating the Redevelopment Area as a “redevelopment area” as provided in the TIF Act and approving each RPA; and (iv) approving the Redevelopment Project as described within the Redevelopment Plan; and

WHEREAS, Wildhorse Village, LP, and TSG Downtown Chesterfield Redevelopment, LLC (collectively, the “Developers” and each a “Developer”), have each demonstrated that the Redevelopment Project would not reasonably be anticipated to be developed without the adoption of tax increment financing and, therefore, the redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan is not financially feasible and would not otherwise be completed without the adoption of tax increment financing; and

WHEREAS, the Redevelopment Plan describes RPA 1-B, in part, as a portion of the Redevelopment Area located at the Chesterfield Mall property (referred to in this Ordinance as “RPA 1-B”); and

WHEREAS, the Redevelopment Plan states that the Redevelopment Project components for RPA 1-B consist of, among other things, the construction of building space, including parking spaces, retail space, hotel space, apartment or condominium units, and commercial office buildings (the “RPA 1-B Redevelopment Project”); and

WHEREAS, the Redevelopment Area qualifies for the use of tax increment financing to alleviate the conditions that qualify it as a “blighted area” as provided in the TIF Act; and

WHEREAS, the City Council of the City (the “City Council”) has received the Resolution and hereby finds and determines that it is necessary and desirable and in the best interests of the City to approve the RPA 1-B Redevelopment Project, to adopt tax increment financing within the portion of the Redevelopment Area known as RPA 1-B and to establish a special allocation fund for RPA 1-B in order to provide for the promotion of the general welfare through the redevelopment of RPA 1-B, in accordance with the Redevelopment Plan which redevelopment includes, but is not limited to, assistance in the physical, economic, and social development of the City, providing for a stabilized economy and plan for the optimal growth of the City, encouragement of a sense of community identify, safety, and civic pride, and redevelopment of key properties in the City.

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

Section 1. The City hereby adopts and approves the RPA 1-B Redevelopment Project as described in the Redevelopment Plan.

Section 2. Pursuant to the TIF Act, the estimated dates of completion of the RPA 1-B Redevelopment Project and the retirement of the financial obligations issued to pay for certain redevelopment project costs relating thereto will not be more than 23 years from the date of this Ordinance.

Section 3. There is hereby created and ordered to be established within the treasury of the City a separate fund to be known as the “*Chesterfield Regional*”

Special Allocation Fund – RPA 1-B.” To the extent permitted by law and except as otherwise provided in the Redevelopment Plan, the City hereby pledges funds in the Chesterfield Regional Special Allocation Fund – RPA 1-B for the payment of Redevelopment Project costs and obligations incurred in the payment thereof.

Section 4. Tax increment financing is hereby adopted within RPA 1-B. After the total equalized assessed valuation of the taxable real property in RPA 1-B exceeds the certified total initial equalized assessed valuation of the taxable real property in RPA 1-B, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in RPA 1-B by taxing districts and tax rates determined in the manner provided in Section 99.855.2 of the TIF Act each year after the effective date of this Ordinance until RPA 1-B Redevelopment Project costs have been paid shall be divided as follows:

- A. The portion of taxes, penalties, and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in RPA 1-B shall be allocated to and, when collected, shall be paid by the City Clerk, Assistant to the Mayor or other City official designated by the Mayor (“City Official”) to the respected affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.
- B. Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in RPA 1-B and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in RPA 1-B shall be allocated to and, when collected shall be paid to the City Official, who shall deposit such payments in lieu of taxes into the Chesterfield Regional Special Allocation Fund – RPA 1-B for the purpose of paying Redevelopment Project costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the RPA 1-B real estate from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable.

Section 5. In addition to the payments in lieu of taxes described in Section 4 of this Ordinance; 50% of the total additional revenue from taxes, penalties and interest which are imposed by the City or other taxing district, and

which are generated by economic activities within RPA 1-B over the amount of such taxes generated by economic activities within RPA 1-B in the calendar year prior to the adoption of this Ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri, as amended, or taxes levied for the purpose of public transportation pursuant to Section 94.660 of the Revised Statutes of Missouri, as amended, taxes imposed on sales pursuant to subsection 2 of Section 67.1712 of the Revised Statutes of Missouri, as amended, for the purpose of operating and maintaining a metropolitan park and recreation district, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, or taxes imposed on sales under and pursuant to Section 67.700 or 650.399 of the Revised Statutes of Missouri, as amended, for the purpose of emergency communication systems, shall be allocated to, and paid by the collecting officer to the City Official or other designated financial officer of the City who shall deposit such funds in a separate segregated account within the Chesterfield Regional Special Allocation Fund – RPA 1-B.

Section 6. The City is hereby authorized to enter into agreements or contracts with other taxing districts as is necessary to ensure the allocation and collection of the taxes and payments in lieu of taxes described in Section 4 and Section 5 of this Ordinance and the deposit of the said taxes or payments in lieu of taxes into the Chesterfield Regional Special Allocation Fund – RPA 1-B for the payment of Redevelopment Project costs and obligations incurred in the payment thereof, all in accordance with the TIF Act.

Section 7. The City Clerk is hereby directed to submit a certified copy of this Ordinance to the St. Louis County Assessor, who is directed to determine the total equalized assessed value of all taxable real property within RPA 1-B as of the date of this Ordinance, by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract or parcel of real property within RPA 1-B, and shall certify such amount as the total initial equalized assessed value of the taxable real property within RPA 1-B.

Section 8. The Mayor of the City or his designated representatives are hereby authorized to take any and all actions as may be necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the City Council being necessary to authorize such action by the Mayor or his designated representatives.

Section 9. The Mayor of the City or his designated representatives, with the advice and concurrence of the City Attorney, is hereby further authorized to make any changes to the documents, agreements, and instruments approved and authorized by this Ordinance as may be consistent with the intent of this Ordinance and necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the City Council being necessary to authorize such changes by the Mayor or his designated representatives.

Section 10. It is hereby declared to be the intention of the City Council that each and every part, section, and subsection of this Ordinance shall be separate and severable from each and every other party, section, and subsection hereof and that the City Council intends to adopt each said part, section, and subsection separately and independently of any other part, section, and subsection. In the event that any part, section, or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections, and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 11. 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: _____

BILL NO. 3428 _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING 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 1-C UNDER THE CHESTERFIELD TAX INCREMENT FINANCING REDEVELOPMENT PLAN & PROJECT; ADOPTING TAX INCREMENT FINANCING WITHIN RPA 1-C; MAKING FINDINGS WITH RESPECT THERETO; ESTABLISHING A SPECIAL ALLOCATION FUND WITH RESPECT TO RPA 1-C; AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS AND OFFICERS; AND CONTAINING A SEVERABILITY CLAUSE.

WHEREAS, the City of Chesterfield, Missouri (the “City”), is a political subdivision duly organized and existing under the Constitution and laws of the State of Missouri; and

WHEREAS, the City has established the Chesterfield Regional Tax Increment Financing Commission of the City of Chesterfield, Missouri (the “TIF Commission”), in accordance with the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “TIF Act”); and

WHEREAS, the TIF Commission is duly constituted according to the TIF Act, and is authorized to transact business, exercise its powers, and to hold public hearings with respect to proposed redevelopment areas and redevelopment plans and to make recommendations thereon to the City; and

WHEREAS, staff and consultants of the City prepared a plan for redevelopment titled “Chesterfield Regional Tax Increment Financing Redevelopment Plan & Project” dated [October 21, 2022], as revised and amended and on file with the City Clerk (the “Redevelopment Plan”), for an area including approximately 216.39 acres of real property generally bounded by Wild Horse Creek Road and S. Outer 40 Road to the north, Clarkson Road to the east, Chesterfield Parkway to the south and a riparian corridor to the west (the “Redevelopment Area”), which Redevelopment Area is more fully described in the Redevelopment Plan; and

WHEREAS, the Redevelopment Plan divides the Redevelopment Area into multiple redevelopment project areas (each, an “RPA”); and

WHEREAS, the Redevelopment Plan envisions multiple projects across the RPAs (as further described in the Redevelopment Plan, the “Redevelopment Project(s)”, with each RPA being redeveloped for a mix of uses, including residential, retail, commercial, and public gathering spaces (as further described in the Redevelopment Plan); and

WHEREAS, the Redevelopment Plan envisions that the Redevelopment Projects (as defined in the Redevelopment Plan) will renovate, rehabilitate, redevelop, and reconstruct existing improvements, or construct or install new improvements within each RPA in order to meet the objectives of the Redevelopment Plan, all as further discussed therein; and

WHEREAS, after all proper notice was given, the TIF Commission held a public hearing in conformance with the TIF Act that commenced on November 1, 2022 and was closed on November 21, 2022, at which the TIF Commission received comments from all interested persons and affected taxing districts relative to the Redevelopment Area, the Redevelopment Plan, and the Redevelopment Project; and

WHEREAS, on November 21, 2022, by majority vote, the TIF Commission passed a resolution (the “Resolution”) to recommend that the City Council, among other things, adopt an ordinance in the form required by the TIF Act: (i) adopting tax increment financing within the Redevelopment Area; (ii) approving the Redevelopment Plan; (iii) approving and designating the Redevelopment Area as a “redevelopment area” as provided in the TIF Act and approving each RPA; and (iv) approving the Redevelopment Project as described within the Redevelopment Plan; and

WHEREAS, Wildhorse Village, LP, and TSG Downtown Chesterfield Redevelopment, LLC (collectively, the “Developers” and each a “Developer”), have each demonstrated that the Redevelopment Project would not reasonably be anticipated to be developed without the adoption of tax increment financing and, therefore, the redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan is not financially feasible and would not otherwise be completed without the adoption of tax increment financing; and

WHEREAS, the Redevelopment Plan describes RPA 1-C, in part, as a portion of the Redevelopment Area located at the Chesterfield Mall property (referred to in this Ordinance as “RPA 1-C”); and

WHEREAS, the Redevelopment Plan states that the Redevelopment Project components for RPA 1-C consist of, among other things, the construction of building space, including parking spaces, apartment units, and commercial office buildings (the “RPA 1-C Redevelopment Project”); and

WHEREAS, the Redevelopment Area qualifies for the use of tax increment financing to alleviate the conditions that qualify it as a “blighted area” as provided in the TIF Act; and

WHEREAS, the City Council of the City (the “City Council”) has received the Resolution and hereby finds and determines that it is necessary and desirable and in the best interests of the City to approve the RPA 1-C Redevelopment Project, to adopt tax increment financing within the portion of the Redevelopment Area known as RPA 1-C and to establish a special allocation fund for RPA 1-C in order to provide for the promotion of the general welfare through the redevelopment of RPA 1-C, in accordance with the Redevelopment Plan which redevelopment includes, but is not limited to, assistance in the physical, economic, and social development of the City, providing for a stabilized economy and plan for the optimal growth of the City, encouragement of a sense of community identify, safety, and civic pride, and redevelopment of key properties in the City.

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

Section 1. The City hereby adopts and approves the RPA 1-C Redevelopment Project as described in the Redevelopment Plan.

Section 2. Pursuant to the TIF Act, the estimated dates of completion of the RPA 1-C Redevelopment Project and the retirement of the financial obligations issued to pay for certain redevelopment project costs relating thereto will not be more than 23 years from the date of this Ordinance.

Section 3. There is hereby created and ordered to be established within the treasury of the City a separate fund to be known as the “*Chesterfield Regional Special Allocation Fund – RPA 1-C.*” To the extent permitted by law and except as otherwise provided in the Redevelopment Plan, the City hereby pledges funds in the Chesterfield Regional Special Allocation Fund – RPA 1-C for the payment of Redevelopment Project costs and obligations incurred in the payment thereof.

Section 4. Tax increment financing is hereby adopted within RPA 1-C. After the total equalized assessed valuation of the taxable real property in RPA 1-C exceeds the certified total initial equalized assessed valuation of the taxable real property in RPA 1-C, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in RPA 1-C by taxing districts and tax rates determined in the manner provided in Section 99.855.2 of the TIF Act each year after the effective date of this Ordinance until RPA 1-C Redevelopment Project costs have been paid shall be divided as follows:

- A. The portion of taxes, penalties, and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in RPA 1-C shall be allocated to and, when collected, shall be paid by the City Clerk, Assistant to the Mayor or other City official designated by the Mayor (“City Official”) to the respected affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.
- B. Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in RPA 1-C and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in RPA 1-C shall be allocated to and, when collected shall be paid to the City Official, who shall deposit such payments in lieu of taxes into the Chesterfield Regional Special Allocation Fund – RPA 1-C for the purpose of paying Redevelopment Project costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the RPA 1-C real estate from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable.

Section 5. In addition to the payments in lieu of taxes described in Section 4 of this Ordinance; 50% of the total additional revenue from taxes, penalties and interest which are imposed by the City or other taxing district, and which are generated by economic activities within RPA 1-C over the amount of such taxes generated by economic activities within RPA 1-C in the calendar year prior to the adoption of this Ordinance, while tax increment financing remains

in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri, as amended, or taxes levied for the purpose of public transportation pursuant to Section 94.660 of the Revised Statutes of Missouri, as amended, taxes imposed on sales pursuant to subsection 2 of Section 67.1712 of the Revised Statutes of Missouri, as amended, for the purpose of operating and maintaining a metropolitan park and recreation district, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, or taxes imposed on sales under and pursuant to Section 67.700 or 650.399 of the Revised Statutes of Missouri, as amended, for the purpose of emergency communication systems, shall be allocated to, and paid by the collecting officer to the City Official or other designated financial officer of the City who shall deposit such funds in a separate segregated account within the Chesterfield Regional Special Allocation Fund – RPA 1-C.

Section 6. The City is hereby authorized to enter into agreements or contracts with other taxing districts as is necessary to ensure the allocation and collection of the taxes and payments in lieu of taxes described in Section 4 and Section 5 of this Ordinance and the deposit of the said taxes or payments in lieu of taxes into the Chesterfield Regional Special Allocation Fund – RPA 1-C for the payment of Redevelopment Project costs and obligations incurred in the payment thereof, all in accordance with the TIF Act.

Section 7. The City Clerk is hereby directed to submit a certified copy of this Ordinance to the St. Louis County Assessor, who is directed to determine the total equalized assessed value of all taxable real property within RPA 1-C as of the date of this Ordinance, by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract or parcel of real property within RPA 1-C, and shall certify such amount as the total initial equalized assessed value of the taxable real property within RPA 1-C.

Section 8. The Mayor of the City or his designated representatives are hereby authorized to take any and all actions as may be necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the City Council being necessary to authorize such action by the Mayor or his designated representatives.

Section 9. The Mayor of the City or his designated representatives, with the advice and concurrence of the City Attorney, is hereby further authorized to

make any changes to the documents, agreements, and instruments approved and authorized by this Ordinance as may be consistent with the intent of this Ordinance and necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the City Council being necessary to authorize such changes by the Mayor or his designated representatives.

Section 10. It is hereby declared to be the intention of the City Council that each and every part, section, and subsection of this Ordinance shall be separate and severable from each and every other part, section, and subsection hereof and that the City Council intends to adopt each said part, section, and subsection separately and independently of any other part, section, and subsection. In the event that any part, section, or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections, and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 11. 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: _____

BILL NO. 3429

ORDINANCE NO. _____

AN ORDINANCE APPROVING 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 1-D UNDER THE CHESTERFIELD TAX INCREMENT FINANCING REDEVELOPMENT PLAN & PROJECT; ADOPTING TAX INCREMENT FINANCING WITHIN RPA 1-D; MAKING FINDINGS WITH RESPECT THERETO; ESTABLISHING A SPECIAL ALLOCATION FUND WITH RESPECT TO RPA 1-D; AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS AND OFFICERS; AND CONTAINING A SEVERABILITY CLAUSE.

WHEREAS, the City of Chesterfield, Missouri (the “City”), is a political subdivision duly organized and existing under the Constitution and laws of the State of Missouri; and

WHEREAS, the City has established the Chesterfield Regional Tax Increment Financing Commission of the City of Chesterfield, Missouri (the “TIF Commission”), in accordance with the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “TIF Act”); and

WHEREAS, the TIF Commission is duly constituted according to the TIF Act, and is authorized to transact business, exercise its powers, and to hold public hearings with respect to proposed redevelopment areas and redevelopment plans and to make recommendations thereon to the City; and

WHEREAS, staff and consultants of the City prepared a plan for redevelopment titled “Chesterfield Regional Tax Increment Financing Redevelopment Plan & Project” dated [October 21, 2022], as revised and amended and on file with the City Clerk (the “Redevelopment Plan”), for an area including approximately 216.39 acres of real property generally bounded by Wild Horse Creek Road and S. Outer 40 Road to the north, Clarkson Road to the east, Chesterfield Parkway to the south and a riparian corridor to the west (the “Redevelopment Area”), which Redevelopment Area is more fully described in the Redevelopment Plan; and

WHEREAS, the Redevelopment Plan divides the Redevelopment Area into multiple redevelopment project areas (each, an “RPA”); and

WHEREAS, the Redevelopment Plan envisions multiple projects across the RPAs (as further described in the Redevelopment Plan, the “Redevelopment Project(s)”, with each RPA being redeveloped for a mix of uses, including residential, retail, commercial, and public gathering spaces (as further described in the Redevelopment Plan); and

WHEREAS, the Redevelopment Plan envisions that the Redevelopment Projects (as defined in the Redevelopment Plan) will renovate, rehabilitate, redevelop, and reconstruct existing improvements, or construct or install new improvements within each RPA in order to meet the objectives of the Redevelopment Plan, all as further discussed therein; and

WHEREAS, after all proper notice was given, the TIF Commission held a public hearing in conformance with the TIF Act that commenced on November 1, 2022 and was closed on November 21, 2022, at which the TIF Commission received comments from all interested persons and affected taxing districts relative to the Redevelopment Area, the Redevelopment Plan, and the Redevelopment Project; and

WHEREAS, on November 21, 2022, by majority vote, the TIF Commission passed a resolution (the “Resolution”) to recommend that the City Council, among other things, adopt an ordinance in the form required by the TIF Act: (i) adopting tax increment financing within the Redevelopment Area; (ii) approving the Redevelopment Plan; (iii) approving and designating the Redevelopment Area as a “redevelopment area” as provided in the TIF Act and approving each RPA; and (iv) approving the Redevelopment Project as described within the Redevelopment Plan; and

WHEREAS, Wildhorse Village, LP, and TSG Downtown Chesterfield Redevelopment, LLC (collectively, the “Developers” and each a “Developer”), have each demonstrated that the Redevelopment Project would not reasonably be anticipated to be developed without the adoption of tax increment financing and, therefore, the redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan is not financially feasible and would not otherwise be completed without the adoption of tax increment financing; and

WHEREAS, the Redevelopment Plan describes RPA 1-D, in part, as a portion of the Redevelopment Area located at the Chesterfield Mall property (referred to in this Ordinance as “RPA 1-D”); and

WHEREAS, the Redevelopment Plan states that the Redevelopment Project components for RPA 1-D consist of, among other things, the construction of building space, including parking spaces, retail space, and commercial office buildings (the “RPA 1-D Redevelopment Project”); and

WHEREAS, the Redevelopment Area qualifies for the use of tax increment financing to alleviate the conditions that qualify it as a “blighted area” as provided in the TIF Act; and

WHEREAS, the City Council of the City (the “City Council”) has received the Resolution and hereby finds and determines that it is necessary and desirable and in the best interests of the City to approve the RPA 1-D Redevelopment Project, to adopt tax increment financing within the portion of the Redevelopment Area known as RPA 1-D and to establish a special allocation fund for RPA 1-D in order to provide for the promotion of the general welfare through the redevelopment of RPA 1-D, in accordance with the Redevelopment Plan which redevelopment includes, but is not limited to, assistance in the physical, economic, and social development of the City, providing for a stabilized economy and plan for the optimal growth of the City, encouragement of a sense of community identify, safety, and civic pride, and redevelopment of key properties in the City.

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

Section 1. The City hereby adopts and approves the RPA 1-D Redevelopment Project as described in the Redevelopment Plan.

Section 2. Pursuant to the TIF Act, the estimated dates of completion of the RPA 1-D Redevelopment Project and the retirement of the financial obligations issued to pay for certain redevelopment project costs relating thereto will not be more than 23 years from the date of this Ordinance.

Section 3. There is hereby created and ordered to be established within the treasury of the City a separate fund to be known as the “*Chesterfield Regional Special Allocation Fund – RPA 1-D.*” To the extent permitted by law and except as otherwise provided in the Redevelopment Plan, the City hereby pledges funds in the Chesterfield Regional Special Allocation Fund – RPA 1-D for the payment of Redevelopment Project costs and obligations incurred in the payment thereof.

Section 4. Tax increment financing is hereby adopted within RPA 1-D. After the total equalized assessed valuation of the taxable real property in RPA 1-D exceeds the certified total initial equalized assessed valuation of the taxable real property in RPA 1-D, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in RPA 1-D by taxing districts and tax rates determined in the manner provided in Section 99.855.2 of the TIF Act each year after the effective date of this Ordinance until RPA 1-D Redevelopment Project costs have been paid shall be divided as follows:

- A. The portion of taxes, penalties, and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in RPA 1-D shall be allocated to and, when collected, shall be paid by the City Clerk, Assistant to the Mayor or other City official designated by the Mayor (“City Official”) to the respected affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.
- B. Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in RPA 1-D and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in RPA 1-D shall be allocated to and, when collected shall be paid to the City Official, who shall deposit such payments in lieu of taxes into the Chesterfield Regional Special Allocation Fund – RPA 1-D for the purpose of paying Redevelopment Project costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the RPA 1-D real estate from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable.

Section 5. In addition to the payments in lieu of taxes described in Section 4 of this Ordinance; 50% of the total additional revenue from taxes, penalties and interest which are imposed by the City or other taxing district, and which are generated by economic activities within RPA 1-D over the amount of such taxes generated by economic activities within RPA 1-D in the calendar year prior to the adoption of this Ordinance, while tax increment financing remains

in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri, as amended, or taxes levied for the purpose of public transportation pursuant to Section 94.660 of the Revised Statutes of Missouri, as amended, taxes imposed on sales pursuant to subsection 2 of Section 67.1712 of the Revised Statutes of Missouri, as amended, for the purpose of operating and maintaining a metropolitan park and recreation district, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, or taxes imposed on sales under and pursuant to Section 67.700 or 650.399 of the Revised Statutes of Missouri, as amended, for the purpose of emergency communication systems, shall be allocated to, and paid by the collecting officer to the City Official or other designated financial officer of the City who shall deposit such funds in a separate segregated account within the Chesterfield Regional Special Allocation Fund – RPA 1-D.

Section 6. The City is hereby authorized to enter into agreements or contracts with other taxing districts as is necessary to ensure the allocation and collection of the taxes and payments in lieu of taxes described in Section 4 and Section 5 of this Ordinance and the deposit of the said taxes or payments in lieu of taxes into the Chesterfield Regional Special Allocation Fund – RPA 1-D for the payment of Redevelopment Project costs and obligations incurred in the payment thereof, all in accordance with the TIF Act.

Section 7. The City Clerk is hereby directed to submit a certified copy of this Ordinance to the St. Louis County Assessor, who is directed to determine the total equalized assessed value of all taxable real property within RPA 1-D as of the date of this Ordinance, by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract or parcel of real property within RPA 1-D, and shall certify such amount as the total initial equalized assessed value of the taxable real property within RPA 1-D.

Section 8. The Mayor of the City or his designated representatives are hereby authorized to take any and all actions as may be necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the City Council being necessary to authorize such action by the Mayor or his designated representatives.

Section 9. The Mayor of the City or his designated representatives, with the advice and concurrence of the City Attorney, is hereby further authorized to

make any changes to the documents, agreements, and instruments approved and authorized by this Ordinance as may be consistent with the intent of this Ordinance and necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the City Council being necessary to authorize such changes by the Mayor or his designated representatives.

Section 10. It is hereby declared to be the intention of the City Council that each and every part, section, and subsection of this Ordinance shall be separate and severable from each and every other part, section, and subsection hereof and that the City Council intends to adopt each said part, section, and subsection separately and independently of any other part, section, and subsection. In the event that any part, section, or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections, and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 11. 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: _____

BILL NO. 3430 _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING 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 3 UNDER THE CHESTERFIELD TAX INCREMENT FINANCING REDEVELOPMENT PLAN & PROJECT; ADOPTING TAX INCREMENT FINANCING WITHIN RPA 3; MAKING FINDINGS WITH RESPECT THERETO; ESTABLISHING A SPECIAL ALLOCATION FUND WITH RESPECT TO RPA 3; AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS AND OFFICERS; AND CONTAINING A SEVERABILITY CLAUSE.

WHEREAS, the City of Chesterfield, Missouri (the “City”), is a political subdivision duly organized and existing under the Constitution and laws of the State of Missouri; and

WHEREAS, the City has established the Chesterfield Regional Tax Increment Financing Commission of the City of Chesterfield, Missouri (the “TIF Commission”), in accordance with the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “TIF Act”); and

WHEREAS, the TIF Commission is duly constituted according to the TIF Act, and is authorized to transact business, exercise its powers, and to hold public hearings with respect to proposed redevelopment areas and redevelopment plans and to make recommendations thereon to the City; and

WHEREAS, staff and consultants of the City prepared a plan for redevelopment titled “Chesterfield Regional Tax Increment Financing Redevelopment Plan & Project” dated [October 21, 2022], as revised and amended and on file with the City Clerk (the “Redevelopment Plan”), for an area including approximately 216.39 acres of real property generally bounded by Wild Horse Creek Road and S. Outer 40 Road to the north, Clarkson Road to the east, Chesterfield Parkway to the south and a riparian corridor to the west (the “Redevelopment Area”), which Redevelopment Area is more fully described in the Redevelopment Plan; and

WHEREAS, the Redevelopment Plan divides the Redevelopment Area into multiple redevelopment project areas (each, an “RPA”); and

WHEREAS, the Redevelopment Plan envisions multiple projects across the RPAs (as further described in the Redevelopment Plan, the “Redevelopment Project(s)”, with each RPA being redeveloped for a mix of uses, including residential, retail, commercial, and public gathering spaces (as further described in the Redevelopment Plan); and

WHEREAS, the Redevelopment Plan envisions that the Redevelopment Projects (as defined in the Redevelopment Plan) will renovate, rehabilitate, redevelop, and reconstruct existing improvements, or construct or install new improvements within each RPA in order to meet the objectives of the Redevelopment Plan, all as further discussed therein; and

WHEREAS, after all proper notice was given, the TIF Commission held a public hearing in conformance with the TIF Act that commenced on November 1, 2022 and was closed on November 21, 2022, at which the TIF Commission received comments from all interested persons and affected taxing districts relative to the Redevelopment Area, the Redevelopment Plan, and the Redevelopment Project; and

WHEREAS, on November 21, 2022, by majority vote, the TIF Commission passed a resolution (the “Resolution”) to recommend that the City Council, among other things, adopt an ordinance in the form required by the TIF Act: (i) adopting tax increment financing within the Redevelopment Area; (ii) approving the Redevelopment Plan; (iii) approving and designating the Redevelopment Area as a “redevelopment area” as provided in the TIF Act and approving each RPA; and (iv) approving the Redevelopment Project as described within the Redevelopment Plan; and

WHEREAS, Wildhorse Village, LP, and TSG Downtown Chesterfield Redevelopment, LLC (collectively, the “Developers” and each a “Developer”), have each demonstrated that the Redevelopment Project would not reasonably be anticipated to be developed without the adoption of tax increment financing and, therefore, the redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan is not financially feasible and would not otherwise be completed without the adoption of tax increment financing; and

WHEREAS, the Redevelopment Plan describes RPA 3, in part, as a portion of the Redevelopment Area located at the Chesterfield Mall property (referred to in this Ordinance as “RPA 3”); and

WHEREAS, the Redevelopment Plan states that the Redevelopment Project components for RPA 3 consist of, among other things, the improvement and construction of roadways and traffic signalization, off-street parking, utilities (water, electrical, gas), storm sewers and detention, etc. for various projects within the City (the “RPA 3 Redevelopment Project”); and

WHEREAS, the Redevelopment Area qualifies for the use of tax increment financing to alleviate the conditions that qualify it as a “blighted area” as provided in the TIF Act; and

WHEREAS, the City Council of the City (the “City Council”) has received the Resolution and hereby finds and determines that it is necessary and desirable and in the best interests of the City to approve the RPA 3 Redevelopment Project, to adopt tax increment financing within the portion of the Redevelopment Area known as RPA 3 and to establish a special allocation fund for RPA 3 in order to provide for the promotion of the general welfare through the redevelopment of RPA 3, in accordance with the Redevelopment Plan which redevelopment includes, but is not limited to, assistance in the physical, economic, and social development of the City, providing for a stabilized economy and plan for the optimal growth of the City, encouragement of a sense of community identify, safety, and civic pride, and redevelopment of key properties in the City.

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

Section 1. The City hereby adopts and approves the RPA 3 Redevelopment Project as described in the Redevelopment Plan.

Section 2. Pursuant to the TIF Act, the estimated dates of completion of the RPA 3 Redevelopment Project and the retirement of the financial obligations issued to pay for certain redevelopment project costs relating thereto will not be more than 23 years from the date of this Ordinance.

Section 3. There is hereby created and ordered to be established within the treasury of the City a separate fund to be known as the “*Chesterfield Regional Special Allocation Fund – RPA 3.*” To the extent permitted by law and except as otherwise provided in the Redevelopment Plan, the City hereby pledges funds in

the Chesterfield Regional Special Allocation Fund – RPA 3 for the payment of Redevelopment Project costs and obligations incurred in the payment thereof.

Section 4. Tax increment financing is hereby adopted within RPA 3. After the total equalized assessed valuation of the taxable real property in RPA 3 exceeds the certified total initial equalized assessed valuation of the taxable real property in RPA 3, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in RPA 3 by taxing districts and tax rates determined in the manner provided in Section 99.855.2 of the TIF Act each year after the effective date of this Ordinance until RPA 3 Redevelopment Project costs have been paid shall be divided as follows:

- A. The portion of taxes, penalties, and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in RPA 3 shall be allocated to and, when collected, shall be paid by the City Clerk, Assistant to the Mayor or other City official designated by the Mayor (“City Official”) to the respected affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.
- B. Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in RPA 3 and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in RPA 3 shall be allocated to and, when collected shall be paid to the City Official, who shall deposit such payments in lieu of taxes into the Chesterfield Regional Special Allocation Fund – RPA 3 for the purpose of paying Redevelopment Project costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the RPA 3 real estate from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable.

Section 5. In addition to the payments in lieu of taxes described in Section 4 of this Ordinance; 50% of the total additional revenue from taxes, penalties and interest which are imposed by the City or other taxing district, and which are generated by economic activities within RPA 3 over the amount of such

taxes generated by economic activities within RPA 3 in the calendar year prior to the adoption of this Ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri, as amended, or taxes levied for the purpose of public transportation pursuant to Section 94.660 of the Revised Statutes of Missouri, as amended, taxes imposed on sales pursuant to subsection 2 of Section 67.1712 of the Revised Statutes of Missouri, as amended, for the purpose of operating and maintaining a metropolitan park and recreation district, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, or taxes imposed on sales under and pursuant to Section 67.700 or 650.399 of the Revised Statutes of Missouri, as amended, for the purpose of emergency communication systems, shall be allocated to, and paid by the collecting officer to the City Official or other designated financial officer of the City who shall deposit such funds in a separate segregated account within the Chesterfield Regional Special Allocation Fund – RPA 3.

Section 6. The City is hereby authorized to enter into agreements or contracts with other taxing districts as is necessary to ensure the allocation and collection of the taxes and payments in lieu of taxes described in Section 4 and Section 5 of this Ordinance and the deposit of the said taxes or payments in lieu of taxes into the Chesterfield Regional Special Allocation Fund – RPA 3 for the payment of Redevelopment Project costs and obligations incurred in the payment thereof, all in accordance with the TIF Act.

Section 7. The City Clerk is hereby directed to submit a certified copy of this Ordinance to the St. Louis County Assessor, who is directed to determine the total equalized assessed value of all taxable real property within RPA 3 as of the date of this Ordinance, by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract or parcel of real property within RPA 3, and shall certify such amount as the total initial equalized assessed value of the taxable real property within RPA 3.

Section 8. The Mayor of the City or his designated representatives are hereby authorized to take any and all actions as may be necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the City Council being necessary to authorize such action by the Mayor or his designated representatives.

Section 9. The Mayor of the City or his designated representatives, with the advice and concurrence of the City Attorney, is hereby further authorized to make any changes to the documents, agreements, and instruments approved and authorized by this Ordinance as may be consistent with the intent of this Ordinance and necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the City Council being necessary to authorize such changes by the Mayor or his designated representatives.

Section 10. It is hereby declared to be the intention of the City Council that each and every part, section, and subsection of this Ordinance shall be separate and severable from each and every other party, section, and subsection hereof and that the City Council intends to adopt each said part, section, and subsection separately and independently of any other part, section, and subsection. In the event that any part, section, or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections, and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 11. 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: _____