



**AGENDA REVIEW MEETING  
CHESTERFIELD CITY COUNCIL  
Monday, November 06, 2023  
5:45 PM**

**I. Appointments** – Mayor Bob Nation

**II. Public Hearing** – Wildhorse Village Special Business District 2023 Tax Rates

**III. Council Committee Reports**

**A. Planning and Public Works Committee** – Chairperson Merrell Hansen,  
Ward IV

**1. Next Meeting – Thursday, November 09, 2023 (5:30pm)**

**B. Finance and Administration Committee** – Chairperson Michael Moore,  
Ward III

**1. Proposed Bill No. 3473 - Special Business District Tax Rate Ordinance** – An Ordinance fixing the rate of taxation for the year 2023 and levying a tax on all real property made taxable by the law within the Wildhorse Village Special Business District in the City of Chesterfield Missouri. **(Second Reading) The Wildhorse Village advisory board and the Finance and Administration Committee of the Whole recommends approval.**

**2. Proposed Bill No. 3474 - County Collections Contract (SBD & TIF)** - An ordinance authorizing the City Administrator to Execute Contract on behalf of the City of Chesterfield, Missouri with St. Louis County, Missouri for collection services for various taxes and fees. **(Second Reading) City Staff and the Finance and Administration Committee of the Whole recommends approval.**

**3. Proposed Bill No. 3465** – An Ordinance of the City of Chesterfield amending section 110.380 of the City Code related to the City Council’s rules of procedure. **Recommended by the City Attorney and the Finance and Administration Committee. (Second Reading)**

**4. Budget Transfer** - \$2.5 million transfer from the General Fund – Fund Reserves to the Debt Pre-payment fund. The Finance and Administration Committee of the Whole unanimously recommended transferring \$2.5 million of Fund Reserves in excess of the 40%

reserve policy requirement, to the Debt Pre-Payment fund for the purpose of reducing the annual debt service load on the budget. **A roll call vote is required.**

**5. Next Meeting – Tuesday, November 13, 2023 (Budget Workshop #3) – (5:30pm) CANCELLED**

**C. Parks, Recreation and Arts Committee** – Chairperson Mary Monachella, Ward I

**1. Next Meeting – not yet scheduled**

**D. Public Health and Safety Committee** – Chairperson Mary Ann Mastorakos, Ward II

**1. Next Meeting – Not yet scheduled**

**III. Report from the City Administrator & Other Items Requiring Action by City Council** – Elliot Brown

**A. Proposed Bill No. 3472** – An Ordinance of the City of Chesterfield, Missouri, authorizing the Mayor of the City to enter into a First Amendment to the redevelopment agreement; and authorizing further actions in connection therewith. **(Second Reading)**

**IV. Other Legislation**

**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, November 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** – October 16, 2023
  - B. Executive Session Meeting Minutes** – October 16, 2023
  
- VI. INTRODUCTORY REMARKS** – Mayor Bob Nation
  - A. Thursday, November 09, 2023 – Planning & Public Works (5:30pm)**
  - B. Friday, November 10, 2023 – City Hall CLOSED (observed) Veteran’s Day**
  - C. Monday, November 13, 2023 – Planning Commission (7:00pm)**
  - D. Monday, November 20, 2023 – City Council (7:00pm)**
  
- VII. COMMUNICATIONS AND PETITIONS** – Mayor Bob Nation
  - A. Proclamation** – Parth Patel

## VIII. APPOINTMENTS – Mayor Bob Nation

## IX. PUBLIC HEARING – Wildhorse Village Special Business District 2023 Tax Rates

## X. COUNCIL COMMITTEE REPORTS

### A. Planning and Public Works Committee – Chairperson Merrell Hansen, Ward IV

#### 1. Next Meeting – Thursday, November 09, 2023 (5:30pm)

### B. Finance and Administration Committee – Chairperson Michael Moore, Ward III

#### 1. Proposed Bill No. 3473 - Special Business District Tax Rate

**Ordinance** – An Ordinance fixing the rate of taxation for the year 2023 and levying a tax on all real property made taxable by the law within the Wildhorse Village Special Business District in the City of Chesterfield Missouri. **(Second Reading) The Wildhorse Village advisory board and the Finance and Administration Committee of the Whole recommends approval.**

#### 2. Proposed Bill No. 3474 - County Collections Contract (SBD & TIF) -

An ordinance authorizing the City Administrator to Execute Contract on behalf of the City of Chesterfield, Missouri with St. Louis County, Missouri for collection services for various taxes and fees. **(Second Reading) City Staff and the Finance and Administration Committee of the Whole recommends approval.**

#### 3. Proposed Bill No. 3465 – An Ordinance of the City of Chesterfield amending section 110.380 of the City Code related to the City Council’s rules of procedure. **Recommended by the City Attorney and the Finance and Administration Committee. (Second Reading)**

#### 4. Budget Transfer - \$2.5 million transfer from the General Fund – Fund Reserves to the Debt Pre-payment fund. The Finance and Administration Committee of the Whole unanimously recommended transferring \$2.5 million of Fund Reserves in excess of the 40% reserve policy requirement, to the Debt Pre-Payment fund for the purpose of reducing the annual debt service load on the budget. **A roll call vote is required.**

#### 5. Next Meeting – **HAS BEEN CANCELLED.** Budget Workshop #3, November 14<sup>th</sup>, 2023 (5:30pm) since the F&A Committee of the Whole,

after completing its review, has recommended approval. The next F&A meeting has not yet been scheduled.

**C. Parks, Recreation and Arts Committee** – Chairperson Mary Monachella, Ward I

**1. Next Meeting – not yet scheduled**

**D. Public Health and Safety Committee** – Chairperson Mary Ann Mastorakos, Ward II

**1. Next Meeting – not yet scheduled**

**XI. REPORT FROM THE CITY ADMINISTRATOR** – Elliot Brown

**A. Proposed Bill No. 3472** – An Ordinance of the City of Chesterfield, Missouri, authorizing the Mayor of the City to enter into a First Amendment to the redevelopment agreement; and authorizing further actions in connection therewith. **(Second Reading)**

**XII. OTHER LEGISLATION**

**XIII. UNFINISHED BUSINESS**

**XIV. NEW BUSINESS**

**XV. ADJOURNMENT**

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*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 REVIEW – MONDAY, NOVEMBER 06, 2023 – 5:45 PM**

An AGENDA REVIEW meeting has been scheduled to start at **5:45 PM, on Monday, November 06, 2023.**

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

**An Executive Session (closed meeting) has been scheduled to take place immediately following the Agenda Review Meeting on Monday, November 06, 2023, which itself is scheduled to begin at 5:45 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 (3)** Hiring, firing, discipline or promoting of particular employees.

## **UPCOMING MEETINGS/EVENTS**

**Thursday, November 09, 2023 – Planning & Public Works (5:30pm)**

**Friday, November 10, 2023 – City Hall CLOSED (observed) Veteran's Day**

**Monday, November 13, 2023 – Planning Commission (7:00pm)**

**Monday, November 20, 2023 – City Council (7:00pm)**

## **COMMUNICATIONS AND PETITIONS**

**Proclamation** – Parth Patel

## **APPOINTMENTS**

There are no appointments scheduled for Monday's meeting.



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

DATE	CHECK #	VENDOR	DESCRIPTION	CHECK AMT	FUND
10/19/2023	1331	CARRIER CORPORATION	ELECTRICAL HEATING ELEMENT FOR AHU-1 AT PMF	\$ 12,971.00	137
10/26/2023	1333	LOU FUSZ FORD, INC.	SUV AND TWO TRUCKS	45,664.00	137
10/19/2023	51266	AMEREN MISSOURI	17925 NORTH OUTER FORTY, CONCESSION D/E, ACCT 5798504112	7,462.54	119
10/19/2023	51267	AMEREN MISSOURI	17925 NORTH OUTER FORTY, CONCESSION B, ACCT# 0153089010	9,697.15	119
10/19/2023	51280	GR ROBINSON SEED & SERVICE CO	CHEMICAL AND FERTILIZER	6,995.00	119
10/19/2023	51285	KEYSTONE STAFFING RESOURCES	STAFFING	6,846.94	119
10/19/2023	51318	SITEONE LANDSCAPE SUPPLY HOLDING, LLC	SEED, FESCUE, HERBICIDE, VALVES, COUPLINGS, MARKING FLAGS	10,769.09	119
10/26/2023	51341	METROPOLITAN ST. LOUIS SEWER DISTRICT	16365 LYDIA HILL DR, ACCT #0472321-9	17,294.64	119
10/26/2023	51350	SITEONE LANDSCAPE SUPPLY HOLDING, LLC	SEED, FERTILIZER, MARKING PAINT, CHECK VALVES	7,128.25	119
10/2/2023	70463	DELTA DENTAL OF MISSOURI	OCT 2023 DENTAL INSURANCE PREMIUMS	13,868.31	001
10/2/2023	70465	ST. LOUIS AREA HEALTH INSURANCE TRUST-MEDICAL	OCTOBER 2023 HEALTH INSURANCE PREMIUMS	208,723.54	001
10/5/2023	70468	BENTON HOMEBUILDERS, INC.	SUBDIVISION CONSTR DEPOSIT FINAL RELEASE-SCHOETTLER GROVE	63,700.50	808
10/5/2023	70471	CDS OFFICE TECHNOLOGIES, ,	PANASONIC TOUGHBOOK	14,725.00	121
10/5/2023	70475	ENVIROMENTAL SYSTEMS RESEARCH INSTITUTE INC	PROFESSIONAL ENGINEER SERVICES	7,000.00	001
10/5/2023	70477	FORD ASPHALT COMPANY, INC	2023 ASPHALT MILL AND OVERLAY PROJECT	218,931.30	120
10/5/2023	70480	GEOTECHNOLOGY INC.	2023 CONSTRUCTION AND INSPECTION TESTING SERVICE	13,695.35	120
10/5/2023	70501	REJIS COMMISSION	REJIS CONTRACTUAL FEES	5,093.00	121
10/12/2023	70515	AMCON MUNICIPAL CONCRETE, LLC	2023 SIDEWALK REPLACEMENT PROJECT B	9,966.42	120
10/12/2023	70544	NEXT-LEVEL CONSTRUCTION, LLC	2023 WILDHORSE PARKWAY RECONSTRUCTION PROJECT	603,103.99	120
10/12/2023	70555	THE HARTFORD-PRIORITY ACCOUNTS	OCT 2023 GRP LIFE, LT/SHRT, VOL LIFE, ACC/CRITICAL ILL INSURANCE	14,154.90	001
10/12/2023	70569	ROTARY CLUB OF WEST ST. LOUIS COUNTY	BEVERAGES SOLD AT 2023 BACKSTOPPALOOZA	5,020.39	001
10/12/2023	70570	ST. LOUIS COUNTY MISSOURI - POLICE DEPT	POLICE COMMUNICATIONS	18,047.05	121
10/19/2023	70571	AMCON MUNICIPAL CONCRETE, LLC	2023 CONCRETE SLAB REPLACEMENT PROJECT C	500,000.00	001
10/19/2023	70571	AMCON MUNICIPAL CONCRETE, LLC	SLAB REPLACEMENT PROJECT B	111,834.80	120
10/19/2023	70572	AMEREN MISSOURI	690 CHESTERFIELD PKWY W-0627147004	17,921.66	001
10/19/2023	70579	BENJAMIN F. KLOOS	JULY, AUGUST, SEPT ALT COURT/CONFLICT CASES	5,400.00	001
10/19/2023	70600	KOZENY-WAGNER, INC.	EBERWEIN PARK DAM RECONSTRUCTION	54,707.68	120
10/19/2023	70605	MISSOURI AMERICAN WATER COMPANY	690 CHESTERFIELD PKWY W-1017-210014663856	6,154.81	001
10/19/2023	70610	PAYNE FAMILY HOMES	TREE PRESERVATION SURETY RELEASE -WEST COUNTY ACRES 21-22	28,400.00	808
10/19/2023	70611	PULTE HOME CORPORATION	PARTIAL CONSTRUCTION ESCROW RELEASE-BUR OAKS	53,752.16	808
10/19/2023	70617	STOCK & ASSOCIATES	2023 ARCHERY RANGE IMPROVEMENTS	9,085.00	119
10/20/2023	70623	ARMSTRONG TEASDALE LLP	WILDHORSE VILLAGE, LP; CHESTERFIELD MALL REDEVELOPMENT PROJECT; DILLARD'S-PROFESSIONAL SERVICES JULY-AUGUST 2023	38,989.50	001
10/26/2023	70642	E. MEIER CONTRACTING, INC.	2023 SIDEWALK REPLACEMENT PROJECT A	182,882.52	120
10/26/2023	70644	ENERGY PETROLEUM CO.	196.9 REGULAR RFG GASOLINE, 122.1 - #2 DIESEL ULTRA LS; 7,541.0 MID RFG GASOLINE 89 OCT	22,009.61	001
10/26/2023	70647	GEOTECHNOLOGY INC.	2023 CONSTRUCTION AND INSPECTION TESTING SERVICE	16,133.24	120
10/26/2023	70667	OATES ASSOCIATES	WILSON AVENUE-DESIGN SERVICES	9,143.85	120
10/26/2023	70668	PNC BANK	OCT 2023 PNC MONTHLY STATEMENT	20,651.00	001
10/26/2023	70669	R. V. WAGNER, INC.	2023 BRIDGE DECK SEALING PROJECT	102,685.98	120
10/26/2023	70676	SPS COMPANIES INC	GRADING SURETY RELEASE-TUBULAR USA, G-117-23, STOCKPILE PERMIT	10,500.00	808
10/26/2023	70682	THE GRAVILLE LAW FIRM, LLC	JUNE, JULY, AUGUST, SEPTEMBER 2023 PROFESSIONAL SERVICES	201,995.18	001
10/26/2023	70686	TOPE INC	2130 WILLOW WAY/ SEWER REPAIR	5,214.90	110
				\$ 2,718,320.25	

Respectfully submitted by,  
Jeannette Kelly, Director of Finance

Fund Legend

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

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

**OCTOBER 16, 2023**

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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

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

ABSENT

Councilmember Mary Ann Mastorakos

APPROVAL OF MINUTES

The minutes of the October 2, 2023 City Council meeting were submitted for approval. Councilmember Hansen made a motion, seconded by Councilmember Moore, to approve the October 2, 2023 City Council 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, November 6, at 7 p.m.

## **COMMUNICATIONS AND PETITIONS**

Mr. John Nations, 16150 Main Circle Drive, stated that he was available to answer questions pertaining to Bill No. 3472 (Chapter 353 Redevelopment Area at Chesterfield Mall).

Mr. Michael Kane, 1292 Stillhouse Creek Road, spoke about an event at the Heritage Foundation Museum this weekend, and encouraged all to attend.

Ms. Patricia Tocco, 14720 Whitebrook Drive, spoke about the 2024 budget and budgeting process.

## **APPOINTMENTS**

There were no appointments scheduled on the agenda for this meeting.

## **COUNCIL COMMITTEE REPORTS AND ASSOCIATED LEGISLATION**

### **Planning & Public Works Committee**

Bill No. 3471      Amends an existing “PI” Planned Industrial District for 8.83 acres of land located north of Chesterfield Airport Rd and south of Interstate 64 (17U410115, 17U410160, 17U410126, 17U410159, 17U410137, 17U410148) **(Second Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval with one amendment**

Councilmember Merrell Hansen, Chairperson of the Planning & Public Works Committee, made a motion, seconded by Councilmember Budoor, for the second reading of Bill No. 3471. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3471 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3471 with the following results: Ayes – Hansen, Wahl, McGuinness, Budoor, Moore, Hurt and Monachella. Nays – None. Whereupon Mayor Nation declared Bill No. 3471 approved, passed it and it became **ORDINANCE NO. 3262.**

Councilmember Hansen announced that the next meeting of this Committee, scheduled for Thursday, October 19, at 5:30 p.m., has been canceled.

## **Finance & Administration Committee**

Councilmember Michael Moore, Chairperson of the Finance & Administration Committee, made a motion, seconded by Councilmember McGuinness, to approve a proposed resolution adopting the budget for the Wildhorse Village Special Business District for the year ending on December 31, 2023. A roll call vote was taken with the following results: Ayes – Monachella, Hurt, McGuinness, Wahl, Budoor, Moore and Hansen. Nays – None. The motion was declared passed and the successful resolution became Chesterfield Resolution No. 490.

Bill No. 3473            Fixes the rate of taxation for the year 2023 and levies a tax on all real property made taxable by the law within the Wildhorse Village Special Business District in the City of Chesterfield Missouri **(First Reading) The Wildhorse Village advisory board and the Finance and Administration Committee of the Whole recommends approval**

Councilmember Moore made a motion, seconded by Councilmember Hansen, for the first reading of Bill No. 3473. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3473 was read for the first time.

Bill No. 3474            Authorizes the City Administrator to Execute Contract on behalf of the City of Chesterfield, Missouri with St. Louis County, Missouri for collection services for various taxes and fees **(First Reading) City Staff and the Finance and Administration Committee of the Whole recommends approval**

Councilmember Moore made a motion, seconded by Councilmember Budoor, for the first reading of Bill No. 3474. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3474 was read for the first time.

Councilmember Moore made a motion, seconded by Councilmember Hansen, to authorize the City Administrator to execute agreements with Civic Plus for City website and technology upgrades, as recommended by the Finance and Administration Committee of the Whole. A roll call vote was taken with the following results: Ayes – Hansen, Hurt, Monachella, Budoor, Wahl, McGuinness and Moore. Nays – None. Whereupon Mayor Nation declared the motion passed.

Councilmember Moore made a motion, seconded by Councilmember Monachella, to authorize the City Administrator to execute a professional service agreement with Bond Architects for design of Central Park and amphitheater improvements, as recommended by the Finance and Administration Committee of the Whole. A roll call vote was taken with the following results: Ayes – Moore, McGuinness, Monachella, Wahl, Hurt, Budoor and Hansen. Nays – None. Whereupon Mayor Nation declared the motion passed.

Bill No. 3465 Amends section 110.380 of the City Code related to the City Council's rules of procedure. **(First Reading) Recommended by the City Attorney and the Finance and Administration Committee**

Councilmember Moore made a motion, seconded by Councilmember Budoor, for the first reading of Bill No. 3465. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3465 was read for the first time.

Councilmember Moore made a motion, seconded by Councilmember Monachella, to approve revised City Council Policy No. 2 (Statutory Committee Nominees – Interviews) related to interviewing candidates for statutory committees, as recommended by the Finance and Administration Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Moore announced that the next meeting of this Committee is scheduled for Monday, October 30, at 5:30 p.m., as a Committee of the Whole.

### **Parks, Recreation & Arts Committee**

Councilmember Mary Monachella, Chairperson of the Parks, Recreation & Arts Committee, announced that the next meeting of this Committee is scheduled for Wednesday, November 1, at 5:30 p.m.

### **Public Health & Safety Committee**

Councilmember Michael Moore, Vice-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**

Director of Planning Justin Wyse (in the absence of City Administrator Mike Geisel) reported that Barrel Blends, located at 17541 Chesterfield Airport Road, has requested a new liquor license to sell all kinds of liquor by the drink, to be consumed on premise, and Sunday sales. Mr. Wyse reported that, per City policy, this application has been reviewed and is now recommended for approval by both the Police Department and Planning & Development Services. Councilmember Hansen made a motion, seconded by Councilmember Moore, to approve issuance of a new liquor license to Barrel Blends. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Wyse reminded City Council that the City had previously entered into an agreement with Perfect Game. As part of that agreement there was some discussion about potential naming rights that would have to be approved by City Council. Perfect Game has presented a request to give naming rights to the First Community Credit Union, changing the name of the Chesterfield Valley Athletic Complex (CVAC) to the First Community

Credit Union at Chesterfield Valley. Councilmember McGuinness made a motion, seconded by Councilmember Moore, to deny this recommendation. After discussion with City Attorney Chris Graville, Councilmember Moore made a motion, seconded by Councilmember Wahl, to amend the original motion to restate it in the affirmative, making it a motion for approval of the recommendation. A voice vote was taken with an affirmative result [(6-1) Councilmember McGuinness voted “Nay”] and the motion to amend was declared passed. A voice vote was then taken on the motion as amended – to approve the naming rights agreement with Perfect Game – with a unanimous negative result and the motion, as amended, was declared failed.

City Council indicated no opposition to a naming agreement, but expressed concern about minimizing the established brand of the CVAC, and welcomed the opportunity to make necessary adjustments and have discussions about the full scope of any naming rights agreement.

**OTHER LEGISLATION**

Bill No. 3472            Authorizes the Mayor of the City to enter into a First Amendment to the redevelopment agreement; and authorizes further actions in connection therewith **(First Reading)**

Councilmember Monachella made a motion, seconded by Councilmember Moore, for the first reading of Bill No. 3472. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3472 was read for the first time.

**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 7:40 p.m.

\_\_\_\_\_  
Mayor Bob Nation

**ATTEST:**

\_\_\_\_\_  
Vickie McGownd, City Clerk

APPROVED BY CITY COUNCIL: \_\_\_\_\_

## **PLANNING AND PUBLIC WORKS COMMITTEE**

Chair: Councilmember Merrell Hansen

Vice-Chair: Councilmember Dan Hurt

There are no Planning and Public Works Committee action items scheduled for Monday's meeting.

### **NEXT MEETING**

The next meeting of the Planning and Public Works Committee is scheduled for Thursday, November 9<sup>th</sup>, 2023, at 5:30pm.

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 Monday's meeting.

## **FINANCE AND ADMINISTRATION COMMITTEE**

Chair: Councilmember Michael Moore

Vice-Chair: Barbara McGuinness

**Proposed Bill No. 3473 - Special Business District Tax Rate Ordinance** – An Ordinance fixing the rate of taxation for the year 2023 and levying a tax on all real property made taxable by the law within the Wildhorse Village Special Business District in the City of Chesterfield Missouri. **(Second Reading) The Wildhorse Village advisory board and the Finance and Administration Committee of the Whole recommends approval.**

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**Budget Transfer - \$2.5 million transfer from the General Fund – Fund Reserves to the Debt Pre-payment fund.** The Finance and Administration Committee of the Whole unanimously recommended transferring \$2.5 million of Fund Reserves in excess of the 40% reserve policy requirement, to the Debt Pre-Payment fund for the purpose of reducing the annual debt service load on the budget. **A roll call vote is required.**

### **NEXT MEETING**

The Budget Workshop which was scheduled for Tuesday, November 14<sup>th</sup>, 2023 at 5:30 pm in Chambers, has been cancelled. The next meeting of the F&A Committee has not yet been scheduled.

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



# Memorandum

## Department of Planning

**To:** Mike Geisel, City Administrator

**From:** Justin Wyse, Director of Planning

**Date:** October 3<sup>rd</sup>, 2023

**RE:** Wildhorse Village Special Business District – 2023 Budget



### **Summary**

Following approval of the Wildhorse Village Special Business District, the Advisory Board met to discuss a budget for 2023. While uncommon to discuss a budget this late in the year, the Revised Statutes of Missouri require the district to begin operating once approved. Additionally, City Staff has been coordinating with County personnel to determine if taxes could logistically be collected this year. Following these discussions, it was determined that we would not be able to have all County departments setup to collect the tax in 2023.

The Wildhorse Village Special Business District Advisory Board met on September 11, 2023. At that time, Resolution 23-01 was unanimously approved by the Board to recommend that the City Council approve the 2023 budget for the Wildhorse Village Special Business District. As there is not an opportunity for collection of revenue this year, the budget shows revenues of \$0 and expenses of \$0 (as you recall, the City has not accepted these items for maintenance yet).

### **Recommendation**

This item should be forwarded to the Finance and Administration Committee for recommendation. If the Committee concurs with proposed budget, two items will be forwarded to City Council:

1. An ordinance setting the tax rate of 2023 at \$0.00 / \$100 Assessed Valuation. It should be noted that a public hearing will be held on this item at City Council.
2. A resolution adopting the 2023 Wildhorse Village Special Business District budget.

Attachments:

WHV Special Business District Advisory Board Resolution 23-01

**BILL NO.** 3473

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2023 AND LEVYING A TAX ON ALL REAL PROPERTY MADE TAXABLE BY THE LAW WITHIN THE WILDHORSE VILLAGE SPECIAL BUSINESS DISTRICT IN THE CITY OF CHESTERFIELD, MISSOURI**

**WHEREAS**, the City Council of the City of Chesterfield, Missouri (the “City”) passed and approved Ordinance 3235 establishing the Wildhorse Village Special Business District (“District”) to include all real property legally described on Exhibit 1, and attached hereto and incorporated herein by reference; and

**WHEREAS**, pursuant to section 71.800.5 of the Revised Statutes of Missouri (“RSMo”), an election was held on August 29, 2023 on the approval of a tax on owners of real property in the District in a sum not to exceed \$0.850 per \$100 assessed valuation on real property, tracts, lots, or parcels of real property in the District for the purpose of providing revenue to the District; and

**WHEREAS**, the qualified voters in the District unanimously approved the measure on August 29, 2023 and the results were subsequently certified by the Saint Louis County Board of Elections; and

**WHEREAS**, on November 6, 2023, in accordance with the provisions of Section 67.110 RSMo., after due notice as required by law and prior to adoption of any tax rate, the City Council conducted a public hearing regarding the rates hereinafter adopted at which all citizens were afforded an opportunity to be heard;

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

**Section 1.** There is hereby levied for the year 2023 upon all real property made taxable by the law within the Wildhorse Village Special Business District in the City of Chesterfield, Missouri, the following ad valorem taxes for the following purposes:

- a) For general revenue purposes a tax levy of **\$0.000** on residential property and a tax levy of **\$0.000** on commercial property on each one hundred dollars (\$100.00) of assessed valuation

**Section 2.** The City Clerk is directed to send a certified copy of this Ordinance to the St. Louis County Department of Revenue.

**Section 3.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Bob Nation, Mayor

ATTEST:

\_\_\_\_\_  
Vickie McGownd, CITY CLERK

# Memorandum

## Department of Planning

**To:** Mike Geisel, City Administrator

**From:** Justin Wyse, Director of Planning *JW*

**Date:** October 3<sup>rd</sup>, 2023

**RE:** County Collection Contract



### Summary

Following approval of the Wildhorse Village Special Business District and the Chesterfield Regional TIF District, Staff has been working to establish all requirements for collection of funds as part of this effort. It was determined that St. Louis County cannot collect the SBD tax with the annual property tax bills mailed to affected owners without amending our contract with St. Louis County to include “Special Business District taxes.” Additionally, collection of payments in lieu of taxes (PILOTs), is also included to allow for the collection of PILOTs in association with the Chesterfield Regional TIF District. The agreement has been reviewed by Staff and legal counsel.

Under the proposed agreement and consistent with State law, the proposal would allow the County to collect an administrative fee of not more than 1%. This system utilizes the existing collection infrastructure of the County to reduce the effort while recognizing the costs assumed by the County. All costs associated with the collection effort will be paid out of revenues directly related to the SBD and / or TIF. If the County does not collect the taxes, City staff would need to complete the tasks and costs would likely be higher as tax collection is not our primary service.

### Recommendation

This item should be forwarded to the Finance and Administration Committee for recommendation. If the Committee concurs with the recommendation to move forward with this amendment to the existing collection contract, an ordinance authorizing the execution of the contract will be presented to City Council.

Attachments:

Proposed Contract for Collection Services

**BILL NO.** 3474

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF CHESTERFIELD, MISSOURI WITH ST. LOUIS COUNTY, MISSOURI FOR COLLECTION SERVICES FOR VARIOUS TAXES AND FEES.**

**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 of Chesterfield has previously contracted for collection services associated with real and personal property taxes, sewer lateral fees, and nuisance fees, and

**WHEREAS**, the Chesterfield Regional TIF District and the Wildhorse Village Special Business District have been authorized to collect taxes in order to provide services in excess of what has been provided in the past, and

**WHEREAS**, the City is desirous of including collection of payments in lieu of taxes (PILOTS) and Special Business District taxes to the services contracted for between the City of Chesterfield and St. Louis County.

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

**Section 1.** The City Council hereby authorizes the City Administrator to execute on behalf of the City a Contract with St. Louis County, Missouri amending the existing contract for collection services to include collection of payments in lieu of taxes (PILOTS) and Special Business District taxes.

**Section 2.** 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:

**CONTRACT FOR COLLECTION SERVICES**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, by and between ST. LOUIS COUNTY, MISSOURI, hereinafter called "COUNTY", and the CITY OF CHESTERFIELD, a municipal corporation, hereinafter called "MUNICIPALITY".

WHEREAS, COUNTY is authorized by St. Louis County Ordinance No. 19,573 to contract with any municipality in the COUNTY for the collection of its real estate taxes, personal property taxes, merchant's and manufacturers' uses, municipal vehicle license fees, business license fees, sewer lateral fees, certified costs of removing public nuisance debris (hereinafter "nuisance fees") and/or payments-in-lieu-of-taxes (hereinafter "PILOTS"); and

WHEREAS, MUNICIPALITY has duly enacted Ordinance Number \_\_\_\_\_, attached hereto and made a part hereof, authorizing the execution of this agreement on behalf of MUNICIPALITY.

NOW, THEREFORE, in consideration of the mutual promises, covenants and obligations hereinafter stated, the parties agree as follows:

1. COUNTY shall:

- a. Upon timely receipt of proper certification of MUNICIPALITY' ordinance(s) levying the taxes and fees to be collected by COUNTY, commencing with the taxes and fees levied for the year 2023, COUNTY shall extend the entries and take such other steps as are necessary to include MUNICIPALITY'S (check the boxes that apply):

- Real and personal property taxes
- Merchant and manufacturers' tax
- Special business district taxes
- Motor vehicle fees
- Sewer lateral fees
- Nuisance fees

■ PILOTS

(hereinafter collectively referred to as “CERTIFIED TAXES, FEES AND PILOTS”) on bills issued for said year and each year thereafter until this contract is terminated. COUNTY shall have no obligation to include in its bills or attempt to collect any taxes, fees and PILOTS which are not properly certified by MUNICIPALITY in the manner and within the time prescribed in Section 2(a) of this contract.

- b. COUNTY shall use substantially the same procedures, forms and records that it uses to collect COUNTY and state taxes.
- c. Bills for MUNICIPALITY’S CERTIFIED TAXES, FEES AND PILOTS shall be issued at the time COUNTY issues bills for COUNTY and state taxes and shall be incorporated in COUNTY bills.
- d. On or before the fifteenth day of each month, COUNTY shall deliver to the Clerk, Collector, or appropriate municipal official designated by MUNICIPALITY, a detailed statement of the amounts of each CERTIFIED TAXES, FEES AND PILOTS collected during the preceding month and pay to MUNICIPALITY each amounts, less COUNTY’S compensation as hereinafter provided..
- e. Except as otherwise provided in paragraphs (f) through (h) below, furnish legal services and take the necessary legal steps to collect MUNICIPALITY’S CERTIFIED TAXES AND FEES which become delinquent during the term of this contract insofar as such taxes and fees may be collected with and as part of County’s bills for County and State taxes.

- f. COUNTY shall not be responsible for levying or collecting any late charges on delinquent motor vehicle fees.
- g. If real property is sold to a trustee in a tax sale, COUNTY shall not be responsible for collecting delinquent PILOTS, nuisance fees and sewer lateral fees on such property.
- h. The Collector is free to compromise or settle any claims for delinquent personal property taxes. In any such settlement, the Collector shall not be responsible for collecting any delinquent motor vehicle fees.

2. MUNICIPALITY shall:

- a. On or Before October 1 of each year, furnish the Director of Revenue for COUNTY 1) a certified copy of MUNICIPALITY'S ordinance(s) levying the taxes and fees to be collected by COUNTY; and 2) an appropriate designation and identification of properties subjected to any Special Business District Tax to be collected by COUNTY, in such form as may be required by the Director of Revenue. MUNICIPALITY'S motor vehicle fee ordinance shall establish no more than three classes of vehicles and the fees therefore: 1) Automobiles; 2) Trucks (including motor homes or offices, buses, vans pickups and truck-tractors), and 3) Motorcycles (including mo-peds). MUNICIPALITY shall designate no other categories nor sub-classes and shall not base fees on horsepower of vehicles.
- b. Permit COUNTY to retain from the base current and base delinquent CERTIFIED TAXES FEES AND PILOTS a commission of one percent (1%) of the amounts collected.
- c. Permit COUNTY to retain on delinquent CERTIFIED TAXES, FEES AND PILOTS a commission of one percent (1%) of all interest collected.



- d. Permit COUNTY to retain on delinquent CERTIFIED TAXES, FEES AND PILOTS the total amounts collected by COUNTY, including but not limited to all penalties and fees, which are in excess of all base CERTIFIED TAXES, FEES AND PILOTS and interest thereon.
- e. Duly enact ordinances which shall:
  - i. Assess, in addition to all base CERTIFIED TAXES, FEES AND PILOTS, the maximum interest and the maximum amounts of all monies including but not limited to all penalties and fees, which MUNICIPALITY can assess by law.
  - ii. Provide COUNTY with the right and the power to assess as applicable and collect such maximum interest and such maximum amounts of all monies.
3. COUNTY shall not be liable to MUNICIPALITY, or any other body or person, for failure or inability of COUNTY to collect any of MUNICIPALITY'S current or delinquent CERTIFIED TAXES, FEES AND PILOTS.
4. All records maintained by COUNTY with respect to the CERTIFIED TAXES, FEES AND PILOTS covered by this agreement shall at all reasonable times be available to MUNICIPALITY for inspection and copying.
5. This contract shall continue in effect from year to year. Either party may terminate this contract as of December 31 of any year by written notice to the other party not less than sixty (60) days prior thereto.
6. This contract when executed is in lieu of any previous contracts between COUNTY and MUNICIPALITY for collection of CERTIFIED TAXES, FEES AND PILOTS and supercedes any such previous contracts.

IN WITNESS WHEREOF, the parties have executed this contract the day and year first above written.

MUNICIPALITY

By \_\_\_\_\_  
City Official

Approved as to Legal Form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Municipal Witness

ST. LOUIS COUNTY, MISSOURI

Attest:

By \_\_\_\_\_  
County Executive

\_\_\_\_\_  
St. Louis County Administrative Director

Approved:

\_\_\_\_\_  
Collector of Revenue

Approved as to Legal Form:

\_\_\_\_\_  
County Counselor

Approved:

\_\_\_\_\_  
Director of Revenue

Approved:

\_\_\_\_\_  
Accounting Officer

**BILL NO. 3465**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF CHESTERFIELD AMENDING SECTION 110.380 OF THE CITY CODE RELATED TO THE CITY COUNCIL'S RULES OF PROCEDURE**

**WHEREAS**, the City of Chesterfield, Missouri (the "City") utilizes Robert's Rules of Order to facilitate orderly and efficient meetings of the Council and Council Committees; and

**WHEREAS**, the Council utilizes its own Rules of Procedure to supplement Robert's Rules of Order to facilitate orderly and efficient meetings; and

**WHEREAS**, the City Council desires to amend its Rules of Procedure to allow the City Council to place agenda items on future agendas at later meetings; and,

**WHEREAS**, the City Council believes this change benefits the health, safety, and welfare of the residents of the City by allowing the City Council more time to review and consider agenda items before voting.

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

**Section I:** Section 110.380 of the City of Chesterfield Municipal Code shall be amended as set forth below, with language to be added underlined and language to be deleted ~~stricken~~:

- A. The following rules of procedure shall govern the conduct of ~~all~~ regular meetings of the City Council, although these rules, other than those prescribed by Statute, may be suspended at any time by the consent of a majority of the Council present at any meeting.
1. ~~Rule 1.~~ The Mayor shall decide all questions of order.
  2. ~~Rule 2.~~ A member of Council discussing a question shall address the Mayor and no member of Council has the floor until recognized by the Mayor.
  3. ~~Rule 3.~~ A roll call vote of "yeas" and "nays" shall be taken and recorded on the journal of proceedings for all ordinances or propositions which create any liability against or obligation on the part of the City or for the expenditure or appropriation of its money and in all other instances where request therefor is made by any member of Council.

~~4. Rule 4. All motions and amendments shall be reduced to writing at the request of the Mayor or any Council member and shall be handed to the City Clerk who shall read the same to the City Council.~~

~~45. Rule 5. No vote or action of the City Council shall be rescinded at any special meeting unless there be present at such meeting as many members of the Council as were present when such vote or action was taken.~~

~~56. Rule 6. All meetings of the Council shall be open to the public, except as to portions of such meetings from which the Council may, by majority vote of the members present and voting, exclude the public as permitted under the Sunshine Act as amended.~~

~~67. Rule 7. Any person in attendance at an executive session is honor-bound not to violate the confidentiality of the discussion taking place during the session, except as to any portions thereof which may clearly transgress the Sunshine Act. Violation of this subsection may be cause for removal pursuant to RSMo 77.340.~~

~~78. Rule 8. The City Administrator shall set the agenda for each regular meeting and each special meeting and shall make the same known to the Council and to the press as far in advance of such meeting as may be practicable, preferably two (2) days at least twenty-four hours, exclusive of weekends and holidays, in advance of such meeting.~~

~~89. Rule 9. The general public shall be afforded an opportunity to address the Council during the portion of the order of business set aside for communications and petitions. Any person desiring to address the Council shall be required to identify himself/herself, stating his/her home address or place of business and to address his/her remarks to the Mayor. Council members desiring further information or comment from the speaker or from any other person in the audience should request the same through the Mayor. Protracted, repetitive, irrelevant or abusive remarks from the public may be closed off at any time by direction of the Mayor.~~

9. A member of the City Council may make a subsidiary motion to *Postpone for Consideration* by which action on a pending question or item can be put off, within the current term of Council, without selecting a definite session, day, meeting, hour, or event to postpone consideration until. This motion can be moved regardless of how much debate there has been on the motion or item it proposes to postpone for consideration. A question or item may be postponed either so that it may be considered at a more convenient time, or because debate has shown reasons for holding off a decision until a later, undetermined meeting of City Council. This motion should not be confused with a motion to *Postpone to a Certain Time* or a

motion to Postpone Indefinitely as set forth in Section 14 and Section 11 of Robert's Rules of Order, respectively.

- a. The motion to Postpone for Consideration, enables the City Council to lay the pending question aside for an indefinite amount of time, not to exceed the current term of City Council, in such a way that:
- i. The matter is not denied or deemed denied by virtue of the matter having been postponed;
  - ii. The matter will be taken up again at the last meeting of the City Council's term by default if not placed on an earlier meeting agenda pursuant to Rule 7, above.

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

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

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Bob Nation, Mayor

ATTEST:

\_\_\_\_\_  
Vickie McGownd

FIRST READING HELD:

## **PARKS, RECREATION AND ARTS COMMITTEE**

Chair: Councilmember Mary Monachella

Vice Chair: Councilmember Gary Budoor

The Parks, Recreation and Arts Committee met on Wednesday November 1<sup>st</sup>, 2023. However, due to the timing of that meeting and agenda preparation, the action items from that meeting will be on the next City Council meeting agenda.

There are no Parks, Recreation and Arts Committee action items scheduled for Monday'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 TW Dieckmann or me prior to Monday's meeting.

## **PUBLIC HEALTH AND SAFETY COMMITTEE**

Chair: Councilmember Mary Ann Mastorakos

Vice Chair: Councilmember Michael Moore

There are no Public Health and Safety Committee action items scheduled for Monday'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 to Monday's meeting.

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

**Proposed Bill No. 3472** – An Ordinance of the City of Chesterfield, Missouri, authorizing the Mayor of the City to enter into a First Amendment to the redevelopment agreement; and authorizing further actions in connection therewith.  
**(Second Reading)**

### **OTHER LEGISLATION**

There are no other legislative action items scheduled for Monday's meeting.

### **UNFINISHED BUSINESS**

There is no unfinished business scheduled for this meeting.

### **NEW BUSINESS**



AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI AUTHORIZING THE MAYOR OF THE CITY TO ENTER INTO A FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT; AND AUTHORIZING FURTHER ACTIONS IN CONNECTION THEREWITH

WHEREAS, The Urban Redevelopment Corporations Law, Chapter 353 of the Revised Statutes of Missouri, as amended ("*Chapter 353*") allows the City of Chesterfield, Missouri (the "*City*") to approve development plans; and

WHEREAS, on May 15, 2023, the City Council of the City (the "*City Council*") approved Ordinance No. 3234 (the "*353 Procedural Ordinance*"), adopting procedures for the City to provide the notice and written statement as required by Section 353.110.3 of Chapter 353; and

WHEREAS, TSG Downtown Chesterfield Redevelopment, LLC (the "*Developer*") has requested that the City consider redeveloping an area within the City pursuant to Chapter 353, which area consists of approximately 105.29 acres and 11 parcels located in the City (the "*Redevelopment Area*," and as further defined in the herein-defined Agreement); and

WHEREAS, in connection with its aforementioned request, the Developer submitted the "Chesterfield Regional 353 Development Plan & Project" (the "*Development Plan*") to the City for its consideration in accordance with Chapter 353 and the 353 Procedural Ordinance; and

WHEREAS, the Development Plan envisions the redevelopment of the Redevelopment Area as a commercial development (the "*Redevelopment Project*," and as further defined in the herein-defined Agreement); and

WHEREAS, the Development Plan does not request or contemplate tax abatement or exemption within the Redevelopment Area; and

WHEREAS, on June 22, 2023, the City furnished each political subdivision whose boundaries for ad valorem taxation purposes include any portion of the real property to be affected by tax abatement in the Redevelopment Area with a written statement of the impact on ad valorem taxes such tax abatement will have on such political subdivisions and written notice of the public hearing to be held by the City Council in accordance with the 353 Procedural Ordinance and Chapter 353; and

WHEREAS, on July 17, 2023 and in accordance with Chapter 353 and the 353 Procedural Ordinance, the City Council held a duly-noticed public hearing regarding the approval of the Development Plan; and

WHEREAS, on August 7, 2023 and in accordance with Chapter 353 and the 353 Procedural Ordinance, the City Council declared the Redevelopment Area a "blighted area," as defined in Chapter 353, and approved the Development Plan; and

WHEREAS, on August 7, 2023, the City Council passed and the City's Mayor approved Ordinance No. 3251 approving a Redevelopment Agreement by and between the City and the Developer relating to the implementation of the Development Plan with respect to the Redevelopment Project, which Redevelopment Agreement is dated as of August 7, 2023 (the "Agreement"); and

WHEREAS, the parties to the Agreement desire to further assist in the redevelopment of the Redevelopment Area by entering into a First Amendment to Redevelopment Agreement, in substantially the form of Exhibit A, attached hereto and incorporated herein by reference (the "Amendment"), which amends the Agreement.

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

SECTION 1. Approval of Amendment. The City Council hereby finds, determines and declares that it is necessary and desirable to enter into the Amendment in connection with the Redevelopment Project, to further set forth the terms upon which the Development Plan may be implemented. The Amendment shall be in substantially the form attached hereto as Exhibit A, and incorporated herein by reference, which Amendment is hereby approved by the City Council with such changes therein as shall be approved by the Mayor, such Mayor's signature on the Amendment being conclusive evidence of his approval of the Amendment.

SECTION 2. Incorporation Recitals. The WHEREAS clauses of this Ordinance are incorporated herein by reference.

SECTION 3. Further Actions Authorized. All actions heretofore taken by the City and the officials, officers, agents and employees of the City in connection with the Amendment are hereby confirmed and approved. The City shall and the officials, officers, agents and employees of the City are hereby authorized and directed to take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and the Amendment.

SECTION 4. Severability Clause. 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 accord with the legislative intent.

SECTION 5. Effective Date. This Ordinance shall take effect and be in full force from and after its final passage and approval.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Bob Nation, MAYOR

ATTEST:

\_\_\_\_\_  
Vickie McGownd, CITY CLERK

FIRST READING HELD: 10/16/2023

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

EXHIBIT A

AMENDMENT

(Attached hereto.)

## FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT

**THIS FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT** (this “**Amendment**”), entered into as of [\_\_\_\_\_], 2023, by and between the **CITY OF CHESTERFIELD, MISSOURI**, an incorporated political subdivision of the State of Missouri (the “**City**”), and **TSG DOWNTOWN CHESTERFIELD REDEVELOPMENT, LLC**, a Missouri limited liability company (the “**Developer**”) (the City and the Developer being collectively referred to herein as “**Parties**,” and individually as “**Party**,” as the context so requires).

### RECITALS:

**WHEREAS**, the Parties entered into that certain Redevelopment Agreement dated August 7, 2023 (the “**Agreement**”) for the redevelopment area more particularly described in Exhibit B to the Agreement (the “**Redevelopment Area**”); and

**WHEREAS**, the Parties desire amend the Agreement pursuant to the terms and conditions set forth herein.

### AGREEMENT

**NOW, THEREFORE**, for and in consideration of the premises, and the mutual covenants herein contained, the Parties agree as follows:

1. **Amendments to the Agreement.** Article IV of the Agreement shall be amended by deleting that Article in its entirety and replacing it with the following:

#### **ARTICLE IV. OWNERSHIP AND ACQUISITION OF PROPERTY INTERESTS; EMINENT DOMAIN**

##### **Section 4.1 Ownership and Acquisition of the Redevelopment Area.**

The Developer represents to the City that as of the date of this Agreement, Developer or a related entity has acquired fee title to all the Redevelopment Area with the exception of the Third Party-Owned Area legally described, depicted, and listed by parcel number on **EXHIBIT D**, attached hereto and incorporated herein by reference. As of the date of this Agreement, **EXHIBIT E**, attached hereto and incorporated herein by reference, legally describes, depicts, and lists by parcel number the Developer-Owned Area portion of the Redevelopment Area. The Developer shall have the right to encumber its interest in the Redevelopment Area.

##### **Section 4.2 Acquisition by Negotiation.**

The Developer will continue to negotiate acquisition of fee simple interest in all of the Redevelopment Area necessary for the development of the Redevelopment Project and the termination of any leases, easements, as well as any rights or restrictions of every kind and nature respecting any portion of the Redevelopment Area necessary for the development of the Redevelopment Project by negotiation. If the Developer is unable to acquire fee simple interest to all of the Redevelopment Area necessary for the development of the Redevelopment Project, or cause for the

termination of any lease, **easement, as well as any rights or restrictions of every kind and nature** respecting any portion of the Redevelopment Area necessary for the development of the Redevelopment Project, by negotiation, it may request in writing that the City initiate condemnation proceedings respecting those interests in the Redevelopment Area. The parties acknowledge and agree that condemnation may be required to clear title on certain parcels or terminate certain leasehold interests and easements and that the Developer may request in writing that the City initiate condemnation proceedings pursuant to **Section 4.3**, below, for the purpose of clearing title or condemning leasehold interests and easements.

**Section 4.3 Condemnation.** With respect to any portion of the Redevelopment Area or any interest therein necessary for the development of the Redevelopment Project (including without limitation, any tenant's or lessee's interest in any lease, **any interest in any easement, as well as any rights or restrictions of every kind and nature** affecting all or a portion of the Redevelopment Area which Developer desires to acquire) not acquired by negotiated purchase or termination in accordance with **Section 4.2** of this Agreement, the Developer shall, subject to the requirements of **Section 4.4** below, request in writing that the City initiate eminent domain proceedings to acquire such parcel or parcels of the Redevelopment Area or **any interest of every kind and nature** therein at the sole expense of the Developer; provided that the City will not initiate such proceedings and will not acquire title to any parcel or parcels of the Redevelopment Area (or interest therein) by condemnation or eminent domain (through payment of a commissioners' award into any court registry or otherwise) until such time as the Developer provides a written consent to proceed with such acquisition. In connection with any request to initiate condemnation proceedings, the Developer shall provide the City with a description, satisfactory to the City Administrator of the City, of the real property interest(s) to be taken by such condemnation proceedings, together with all other information reasonably required by the City. The City will convey legal title to any real property (or interest therein) acquired in its name by condemnation pursuant to this Agreement by quit claim deed following receipt of a written consent to do so as set forth below.

2. **Affirmation of Agreement.** Except as modified by this Amendment, the Agreement shall continue in full force and effect. In the event there is any conflict between the terms of the Agreement and the terms set forth in this Amendment, the terms specifically set out in this Amendment shall control. This Amendment shall form a part of the Agreement.

3. **Execution of Counterparts.** This Amendment may be executed simultaneously in two or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

4. **Developer to Record Amendment.** The Developer shall, at its expense, promptly record this Amendment in the records of the St. Louis County Recorder of Deeds. The obligations set forth in this Amendment shall run with the land and shall be binding upon any owner of the real property located in the Redevelopment Area.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the day and year first above written.

CITY OF CHESTERFIELD, MISSOURI

By: \_\_\_\_\_  
Bob Nation, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Vickie McGownd, City Clerk

ACKNOWLEDGMENT

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

On this \_\_\_\_ day of \_\_\_\_\_, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Mayor Bob Nation, to me personally known, who, being by me duly sworn, did say that he is the Mayor of the City of Chesterfield, Missouri, and that said instrument was signed on behalf of said City by authority of the City Council, and said Mayor acknowledged said instrument to be the free act and deed of said City.

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

\_\_\_\_\_  
Notary Public in and for said State

Printed Name: \_\_\_\_\_

Please affix seal firmly and clearly in this box.

TSG DOWNTOWN CHESTERFIELD  
REDEVELOPMENT, LLC

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ACKNOWLEDGMENT

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

On this \_\_\_\_ day of \_\_\_\_\_, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn, did say that s/he is the \_\_\_\_\_ of TSG Downtown Chesterfield Redevelopment, LLC, a Missouri limited liability company, and that the foregoing instrument was signed on behalf of said limited liability company by authority of its members, and said \_\_\_\_\_ acknowledged said instrument to be the free act and deed of said limited liability company.

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

\_\_\_\_\_  
Notary Public in and for said State

Printed Name: \_\_\_\_\_

Please affix seal firmly and clearly in this box.





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

An Executive Session (closed meeting) has been scheduled to take place immediately following the Agenda Review Meeting on Monday, November 06, 2023, which itself is scheduled to begin at 5:45 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 (3)** Hiring, firing, discipline or promoting of particular employees.

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

A handwritten signature in cursive script, appearing to read 'm. Geisel'.

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Michael O. Geisel  
City Administrator  
Chesterfield, Missouri