

**BILL NO. 4509**

**ORDINANCE NO.**

**AN ORDINANCE APPROVING A BUDGET AMENDMENT TO THE CITY OF STE. GENEVIEVE FOR THE FISCAL YEAR 2022 BUDGET RELATING TO VARIOUS REVENUE AND EXPENDITURE INCREASES.**

**WHEREAS**, Section 67.040 RSMo provides that after any political subdivision has approved the budget for any year and has approved or adopted the orders, motions, resolutions, or ordinances required to authorize the expenditures proposed in the budget, the political subdivision shall not increase the total amount authorized for expenditure from any fund, unless the governing body adopts a resolution setting forth the facts and reasons making the increase necessary and approves or adopts an order, motion, resolution or ordinance to authorize the revenues and expenditures; and

**WHEREAS**, due to unforeseen increases in anticipated revenues and expenditures in the Fiscal Year 2022 Budget which was adopted in October 2021, the City of Ste. Genevieve has a need to amend the Fiscal Year 2022 Budget to acknowledge those additional revenues and expenditures as included with the attached exhibit.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF STE. GENEVIEVE, MISSOURI AS FOLLOWS:**

**SECTION 1:** The Board of Aldermen hereby approves the Budget Amendments to the Fiscal Year 2022 City Budget pursuant to Exhibit "A" attached hereto and made part of this ordinance.

**SECTION 2:** This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**DATE OF FIRST READING:** September 8, 2022.

**DATE OF SECOND READING:** \_\_\_\_\_.

**PASSED AND APPROVED BY THE BOARD OF ALDERMEN OF THE CITY OF STE. GENEVIEVE, MISSOURI THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022 BY A ROLL CALL VOTE AS FOLLOWS:**

**VOTE**

<b>ALDERWOMAN KRISTI CLEGHORN</b>	_____
<b>ALDERWOMAN SUSAN JOHNSON</b>	_____
<b>ALDERMAN BOB DONOVAN</b>	_____
<b>ALDERMAN MIKE JOKERST</b>	_____
<b>ALDERMAN JEFF EYDMANN</b>	_____
<b>ALDERMAN MIKE RANEY</b>	_____
<b>ALDERMAN JOE PRINCE</b>	_____
<b>ALDERWOMAN ASHLEY ARMBRUSTER</b>	_____

\_\_\_\_ **Yes**    \_\_\_\_ **No**    \_\_\_\_ **Absent**

Approved as to form:

\_\_\_\_\_  
Paul Hassler, Mayor

\_\_\_\_\_  
Mark Bishop, City Attorney

SEAL

Reviewed by:

\_\_\_\_\_  
Pam Meyer, City Clerk

\_\_\_\_\_  
Happy Welch, City Administrator

"Exhibit A"

Account Name	Account Number	Fund	FY 2022 Adopted Budget	FY 2022 Proposed Budget Amendment
Transfer In	10/4/4900	General	-	\$ 429,772
Website Grant	23-23-7169	Tourism	\$ -	\$ 5,000
Special Services	25-25-7060	Band	\$ 49,250	\$ 51,750
Sales Tax	50-04-4038	Debt Service	\$ 330,000	\$ -
Interest	50-04-4138	Debt Service	\$ 1,500	\$ -
Transfer In	50-04-4900	Debt Service	\$ -	\$ 202,113
Capital Imp/Land Bldg	50-50-8010	Debt Service	\$ 267,000	\$ -
Sales Tax	51-04-4029	Capital Sales Tax	\$ -	\$ 326,556
Interest	51-04-4138	Capital Sales Tax	\$ -	\$ 750
Transfer In	51-04-4900	Capital Sales Tax	\$ -	\$ 141,620
Capital Imp/Land Bldg	51-51-8010	Capital Sales Tax	\$ -	\$ 202,113
Transfer Out	51-91-9000	Capital Sales Tax	\$ -	\$ 267,000
Grants	60-04-4430	Rural Fire	\$ -	\$ 41,200
Grant Expense	60-60-8216	Rural Fire	\$ -	\$ 44,140
Transfer Out	70-91-9000	Capital Projects	\$ -	\$ 571,398

**BILL NO. 4510**

**ORDINANCE NO.**

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF STE. GENEVIEVE, MISSOURI APPROVING THE ANNUAL BUDGET FOR FISCAL YEAR 2023 AND APPROVING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Ste. Genevieve Board of Aldermen have reviewed and discussed various budget issues involving the City's revenues and expenditures necessary to carry out City services, work programs and proposed projects; and

**WHEREAS**, the Board of Aldermen have determined that adequate resources are contained in the proposed budget to properly fund the City operations for the fiscal year 2023; and

**WHEREAS**, The Board of Aldermen after careful consideration have determined that the proposed budget is in the best interests of the City and should be approved.

**NOW BE IT THEREFORE ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF STE. GENEVIEVE, MISSOURI AS FOLLOWS:**

**SECTION ONE.** The Board of Aldermen of the City of Ste. Genevieve, Missouri, hereby approves the City Budget for Fiscal Year 2023 pursuant to the attached Budget Document. (Exhibit "A")

**SECTION TWO. EFFECTIVE DATE.** This ordinance shall be in full force and effect from October 1, 2022 to September 30, 2023, with any subsequent amendments also to be approved by ordinance.

**SECTION THREE. REPEALER.** All ordinances and parts thereof that are in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION FOUR. SEVERABILITY.** The invalidity of any section, sentence, or provision of this ordinance shall not affect the validity of any part of this ordinance which can be given effect without such invalid part or parts.

**DATE OF FIRST READING:** September 8, 2022

**DATE OF SECOND READING:** \_\_\_\_\_

**PASSED AND APPROVED BY THE BOARD OF ALDERMEN OF THE CITY OF STE. GENEVIEVE, MISSOURI THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022 BY A ROLL CALL VOTE AS FOLLOWS:**

	<b>VOTE</b>
<b>ALDERWOMAN SUSAN JOHNSON</b>	_____
<b>ALDERWOMAN KRISTI CLEGHORN</b>	_____
<b>ALDERMAN BOB DONOVAN</b>	_____
<b>ALDERMAN MIKE JOKERST</b>	_____
<b>ALDERMAN JEFF EYDMANN</b>	_____
<b>ALDERMAN MIKE RANEY</b>	_____
<b>ALDERWOMAN ASHLEY ARMBRUSTER</b>	_____
<b>ALDERMAN JOE PRINCE</b>	_____

\_\_\_\_\_ **Yes** \_\_\_\_\_ **No** \_\_\_\_\_ **Absent**

APPROVED AS TO FORM:

\_\_\_\_\_  
Paul Hassler, Mayor

\_\_\_\_\_  
Mark Bishop, City Attorney

ATTEST:

REVIEWED BY:

\_\_\_\_\_  
Pam Meyer, City Clerk

\_\_\_\_\_  
Happy Welch, City Administrator

**BILL NO. 4511**

**ORDINANCE NO.**

**AN ORDINANCE APPROVING CHANGE ORDER NO. 2 TO THE CONTRACT WITH VERN BAUMAN CONTRACTING COMPANY OF STE. GENEVIEVE, MISSOURI ON THE N. 4<sup>th</sup> ST. & MAIN STREET CREEK CROSSING PROJECT IN AN AMOUNT OF SIX THOUSAND ONE HUNDRED FORTY DOLLARS (\$6,140.00).**

**WHEREAS**, the City of Ste. Genevieve (“City”) approved an original contract with Vern Bauman Contracting Company for the N. 4<sup>th</sup> St. & Main Street Creek Crossing Project in an amount of \$526,794.00; and

**WHEREAS**, there is a need to consider change order No. 2 (attached as exhibit “A”) which includes additional storm sewer work at N. 4<sup>th</sup> St. & LeCompte, a reduction of a service connection transfer and the addition of two tie ins; and

**WHEREAS**, the cost of change order (No. 2) is \$6,140.00 making a total cost for the project at \$532,934.00.

**WHEREAS**, the Board of Aldermen believe it to be in the best interests of the City to approve the change order as submitted.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF STE. GENEVIEVE, MISSOURI AS FOLLOWS:**

**SECTION 1:** The Board of Aldermen approve Change Order No. 2 to the contract with Vern Bauman Contracting Company of Ste. Genevieve, Missouri for the N. 4<sup>th</sup> St. & Main Street Creek Crossing Project in an amount of six thousand one hundred forty dollars (\$6,140.00), attached as Exhibit “A”.

**SECTION 2: EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its date of passage by the Board of Aldermen.

**SECTION 3. REPEALER.** All ordinances and parts thereof that are in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4. SEVERABILITY.** The invalidity of any section, sentence, or provision of this ordinance shall not affect the validity of any part of this ordinance which can be given effect without such invalid part or parts.

**DATE OF FIRST READING:** \_\_\_\_\_.

**DATE OF SECOND READING:** \_\_\_\_\_.

**PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ BY A ROLL CALL VOTE OF THE STE. GENEVIEVE BOARD OF ALDERMEN AS FOLLOWS:**

VOTE

ALDERWOMAN KRISTI CLEGHORN  
ALDERWOMAN SUSAN JOHNSON  
ALDERMAN BOB DONOVAN  
ALDERMAN MIKE JOKERST  
ALDERMAN JEFF EYDMANN  
ALDERMAN MIKE RANEY  
ALDERWOMAN ASHLEY ARMBRUSTER  
ALDERMAN JOE PRINCE

Yes  No  Absent

Approved as to form:

\_\_\_\_\_  
Paul Hassler, Mayor

\_\_\_\_\_  
Mark Bishop, City Attorney

SEAL

Reviewed by:

\_\_\_\_\_  
Pam Meyer, City Clerk

\_\_\_\_\_  
Happy Welch, City Administrator



Architecture • Civil Engineering • Land Surveying • Site Development • Geotechnical Engineering • Inspection & Materials Testing

**CHANGE ORDER NO. 2**

**DATE:** September 9, 2022

**OWNER:** City of Ste. Genevieve  
165 S. 4<sup>th</sup> Street  
Ste. Genevieve, MO 63670

**CONTRACTOR:** Vern Bauman Contracting  
21471 Highway 32  
Ste. Genevieve, MO 63670

**ENGINEER:** Cochran  
530A East Independence Drive  
Union, MO 63084

**SUBJECT:** Change Order No. 2  
4<sup>th</sup> & Main Street Creek Crossing  
Cochran Project No. 21-8853

**ITEM:**

1. Reduction of one (1) ¾ Inch Service Connection Transfer at a unit price of \$2,800.00 each totaling to **\$2,800.00**.
2. Extra Storm Sewer work installed at the intersection of 4<sup>th</sup> Street & Le Compte Street totaling to **\$3,620.00**. A break down of the work completed is attached. Storm Sewer Pipe was purchased by the City.
3. Addition of two (2) tie-ins at 4<sup>th</sup> Street and LaHaye Street totaling to **\$5,320.00**. Each tie-in includes one (1) 4"x6" reducer and two (2) 45° Bends plus installation.

Original Contract Amount:	\$ 526,794.00
Contract Amount Prior to Change Order No. 2	\$ 526,794.00
Net Change to Contract (Change Order No. 2):	<b><u>\$ 6,140.00</u></b>
<b>New Contract Amount:</b>	<b><u>\$ 532,934.00</u></b>

This Change Order shall in no way allow the Contractor to make claims against the owner for additional payment associated with the additional contract days described in this Change Order. The change in Contract amount and time shall be all inclusive of the work described in this Change Order.

City of Ste. Genevieve  
**OWNER (Firm Name)**

165 S. 4<sup>th</sup> Street  
ADDRESS (Line 1)

Ste. Genevieve, MO 63670  
ADDRESS (Line 2)

\_\_\_\_\_  
BY (Signature)

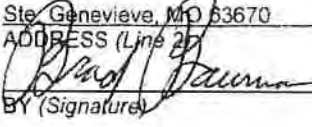
Happy Welch  
(Typed Name)

\_\_\_\_\_  
DATE

Vern Bauman Contracting  
**CONTRACTOR (Firm Name)**

21471 Highway 32  
ADDRESS (Line 1)

Ste. Genevieve, MO 63670  
ADDRESS (Line 2)

  
BY (Signature)

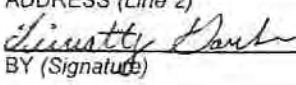
Brad Bauman  
(Typed Name)

9-14-22  
DATE

Cochran  
**ENGINEER (Firm Name)**

530A East Independence Drive  
ADDRESS (Line 1)

Union, MO 63084  
ADDRESS (Line 2)

  
BY (Signature)

Timothy Garbs  
(Typed Name)

9-15-22  
DATE

**END CHANGE ORDER NO. 2**

8 East Main Street  
Wentzville, MO 63385  
Phone: 636-332-4574  
Fax: 636-327-0760

737 Rudder Road  
Fenton, MO 63026  
Phone: 314-842-4033  
Fax: 314-842-5957

530A East Independence Drive  
Union, MO 63084  
Phone: 636-584-0540  
Fax: 636-584-0512

1163 Maple Street  
Farmington, MO 63640  
Phone: 573-315-4810  
Fax: 573-315-4811

2804 N. Biagio Street  
Ozark, MO 65721  
Phone: 417-595-4108  
Fax: 417-595-4109

905 Executive Drive  
Osage Beach, MO 65065  
Phone: 573-525-0299  
Fax: 573-525-0298



Job Detail Report

Wed 09/08/2021 - Wed 9/7/2022

Ste Gen Storm Sewer T&M 6/21/22-03

Date	Employee	Task	In	Out	Total
Tue 06/21/	Gegg, Stephen-03-0000101	Labor-03	1:00 PM	2:45 PM	1.75
Tue 06/21/	Fears, Clayton-03-0000054	Backhoe-03	1:15 PM	2:45 PM	1.5
Daily Total					3.25
Wed 06/22	Williams, Kevin-03-0000100	Labor-03	6:00 AM	10:00 AM	4
Wed 06/22	Gegg, Stephen-03-0000101	Labor-03	7:00 AM	10:15 AM	3.25
Wed 06/22	Naeger, Adam-03-0000063	Ex 305 Mini-03	7:00 AM	10:00 AM	3
Wed 06/22	Fears, Clayton-03-0000054	Labor-03	10:30 AM	1:00 PM	2
Wed 06/22	Abt, Nathan-04-0000107	V800 Hydro Excavator-03	6:30 PM	3:00 PM	8
Wed 06/22	Wehner, Brian-03-0000019	Labor-03	1:45 PM	3:15 PM	1.5
Wed 06/22	Naeger, Adam-03-0000063	Ex 305 Mini-03	3:30 PM	4:45 PM	1.25
Daily Total					23
Thu 06/23/	Naeger, Adam-03-0000063	Ex 305 Mini-03	6:15 AM	7:00 AM	0.75
Thu 06/23/	Gegg, Stephen-03-0000101	Labor-03	6:45 AM	8:15 AM	1.5
Thu 06/23/	Fears, Clayton-03-0000054	Labor-03	6:45 AM	8:30 AM	1.75
Thu 06/23/	Naeger, Adam-03-0000063	Labor-03	7:00 AM	7:45 AM	0.75
Daily Total					4.75

Hours	HR Rate	Total
1.5	\$125.00	\$187.50
16.5	\$75.00	\$1,237.50
5	\$135.00	\$675.00
8	\$190.00	\$1,520.00
		\$3,620.00

**BILL NO. 4512**

**ORDINANCE NO.**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR S & W STORAGE, LLC THAT WILL ALLOW A SELF-STORAGE FACILITY AT 11307 SAVE-A-LOT DRIVE IN A C-1 GENERAL COMMERCIAL DISTRICT.**

**WHEREAS,** S & W Storage, LLC is requesting a Special Use Permit that will allow a self- storage facility at 11307 Save-A-Lot Drive which is in a C-1 General Commercial District; and

**WHEREAS,** the Planning & Zoning Commission recommended approval (5-Yes 0-No 3-Absent) at the September 1, 2022 meeting with the terms and conditions stated in Exhibit “A”, attached to and made part of this ordinance.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF STE. GENEVIEVE, MISSOURI AS FOLLOWS:**

**SECTION ONE.** The Board of Aldermen hereby approves the Special Use Permit request by S & W Storage, LLC that will allow a self- storage facility at 11307 Save-A-Lot Drive which is in a C-1 General Commercial District with the terms and conditions stated in “Exhibit A”.

**SECTION TWO.** This ordinance shall be in full force and effect from and after its date of passage by the Board of Aldermen.

**SECTION THREE.** All ordinances and parts thereof that are in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION FOUR.** The invalidity of any section, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be give effect with such invalid part or parts.

**DATE OF FIRST READING:** \_\_\_\_\_.

**DATE OF SECOND READING:** \_\_\_\_\_.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ BY A ROLL CALL VOTE OF THE STE. GENEVIEVE BOARD OF ALDERMEN AS FOLLOWS:**

VOTE

ALDERWOMAN SUSAN JOHNSON  
ALDERWOMAN KRISTI CLEGHORN  
ALDERMAN ROBERT DONOVAN  
ALDERMAN MIKE JOKERST  
ALDERMAN JEFF EYDMANN  
ALDERMAN MIKE RANEY  
ALDERWOMAN ASHLEY ARMBRUSTER  
ALDERMAN JOSEPH PRINCE

\_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Absent

Approved as to form:

\_\_\_\_\_  
Paul Hassler, Mayor

\_\_\_\_\_  
Mark Bishop, City Attorney

SEAL

Reviewed by:

\_\_\_\_\_  
Pam Meyer, City Clerk

\_\_\_\_\_  
Happy Welch, City Administrator

City of Ste. Genevieve  
**REVIEW AND RECOMMENDATION**  
 From the  
**PLANNING & ZONING COMMISSION**

APPLICANTS NAME: S & W Storage LLC

ADDRESS: 11307 Save-A-Lot Drive, Ste. Genevieve, MO 63670

BRIEF DESCRIPTION OF SPECIAL USE REQUEST: To operate a self-storage facility

DATE OF REQUEST: August 18, 2022

**RECOMMENDATION**

THE STE GENEVIEVE PLANNING & ZONING COMMISSION RECOMMENDS THAT THIS APPLICATION BE:

APPROVED                      ( ) DENIED                      ( ) TABLED

PLEASE INDICATE ANY TERMS OR CONDITIONS AFFECTING THE APPROVAL OF THIS APPLICATION

Terms & Conditions

1. Owners shall maintain a business license with the City of Ste. Genevieve under Municipal Code Chapter 605 Business Licensing.
2. Sufficient off-street parking is provided in accordance with Planning & Zoning Administrator's determination once building plans are finalized.
3. Any commercial solid waste containers must be approved by the City and shall be in compliance with Municipal Code Section 230.170

IF PERMIT IS TO BE DENIED, WHAT ARE THE REASONS FOR DENIAL:

**VOTE OF THE COMMISSION MEMBERS RECORDED AS FOLLOWS:**

COMMISSIONERS	YES	NO	ABSENT	ABSTAIN
Gary Roth, Chairman	<input checked="" type="checkbox"/>	---	---	---
Carl Kinsky	<input checked="" type="checkbox"/>	---	---	---
Joseph Prince, Alderman	---	---	<input checked="" type="checkbox"/>	---
Anthony Grass	---	---	<input checked="" type="checkbox"/>	---
Amanda Hutchings	<input checked="" type="checkbox"/>	---	---	---
Gina Bryant	<input checked="" type="checkbox"/>	---	---	---
Justin Donovan	<input checked="" type="checkbox"/>	---	<input checked="" type="checkbox"/>	---
Kathleen Waltz	---	---	---	---

  
 \_\_\_\_\_  
 Gary Roth, Chairman

9-1-2022  
 \_\_\_\_\_  
 Date



## STAFF REPORT

September 1, 2022

Submitted by David Bova, Community Development Administrator  
Ste. Genevieve Planning & Zoning Commission

**SPECIAL USE PERMIT**  
11307 Save-A-Lot Drive

**SPECIAL USE PERMIT:** To operate climate-controlled self-storage facilities, at 11307 Save-A-Lot Drive.

C-1 General Commercial District

Owner: S & W Storage LLC  
183 Bookers Ridge  
Jackson, MO 63755

Applicant: Meagan Wade, Registered Agent,  
S & W Storage LLC

**Legal Description:** See attached.

**Size of Lot:** 1.37 acre, 59,150 Sq. Ft. (+/-) /  
Southwest line 103', Southeast line 261', East line  
221', North line 99' West line 296' (+/-).



### **REQUEST:**

To receive a Special Use Permit to operate a self-storage business.

### **BACKGROUND**

- The property is located in a C-1 General Commercial Zone District.
- The property is an interior lot within (Lot 2) within Friedman's Addition Replat Subdivision.
- The property is bordered on the south by agricultural land and a law firm that both sit outside the City limits. The law firm is operated out of a residential facility and faces Mo State Highway 32; only the back yard abuts the subject property. The property is bordered on the north side by Save-A-Lot Drive and a commercial structure (Save-A-Lot) on the opposite side of Save-A-Lot Drive that is also within the C-1 General Commercial Zone. The property is bordered on the west and east side by commercial structures (Dollar General and Fallert Bus Service) both also within the C-1 General Commercial Zone.
- The property does not sit within the Ste. Genevieve National Register Boundary or within the Ste. Genevieve National Landmark District.
- The property was previously agricultural ground. It was annexed into the City in 2002 and also subdivided originally in 2002 as part of Friedman Addition, then re-subdivided in 2008 as part of the Re-Subdivision of Lot 4 of Friedman Addition.

- The property has a stormwater detention basin easement along the entire southeastern property line, measuring 60' wide. The applicant has no plans to build within that easement.
- The applicant's plans are to construct three (3) buildings with approximately eighty (80) climate-controlled units per building. The units would be accessed from the interior of the building through a main hallway with secured doorways; these facilities would not be accessed through exterior roll-up doors. The facilities would be under 24-hour camera surveillance per the applicant. Preliminary site plans are included in the application for your reference though there will have to be adjustments made before building permits can be issued.
- **Municipal Code Section 405.200** Special Use Regulations provides (D) "The following special uses are authorized providing they comply with all the regulations set forth in this Chapter for the district in which such use is located.... (23) "All uses by which special use permits are required by other Sections of this Chapter."
- **Municipal Code Section 405.080** (A) (1) (af) C-1 General Commercial District Regulations provides: (A) "The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Section, are the regulations of the "C-1" General Commercial District.", (1) "Use regulations: A building or premises shall be used only for the following purposes:" (af) "Self-storage facility with special use permit."
- **Municipal Code Section 405.170** Off Street Parking Regulations provides: "No building shall be erected, enlarged to the extent of increasing the floor area by as much as fifty percent (50%), or changed in use unless there is provided on the lot space for the parking of automobiles or trucks in accordance with the following minimum requirements." There are no specific requirements in municipal code for self-storage facilities. Our municipal code has a requirement for "warehouses" of one parking space per 2 employees but there are no on-site employees at this type facility. Industry standard ranges one parking space per 1,000 to 2,000 SF, which would produce a need of approximately 12 – 24 parking spaces. However, the parking spaces required can vary depending on how the storage units are accessed, the number and size of storage units, and the width of the driving lanes. Submission of a Vehicular Use Plan is required before a building permit will be issued and the plan will be reviewed by the Zoning Administrator.
- **Municipal Code Section 405.200** Special Use Regulations provides: (A) "Subject to the provisions of this Section, the Board of Alderman of the City of Ste. Genevieve may, after public hearing before the Board of Aldermen and after study and report by the City Planning and Zoning Commission, authorize special uses in any district as herein qualified from which the uses are otherwise prohibited based on whether such building or use will:
  1. Substantially increase traffic hazards or congestion.
  2. Adversely affect the character of the neighborhood.
  3. Substantially increase fire hazards.
  4. Adversely affect the general welfare of the community.
  5. Overtax public utilities.
  6. Be in conflict with the Comprehensive City Plan.

## **PROJECT DESCRIPTION**

The applicant, S & W Storage, of Jackson, Mo wish to operate self-storage units within a commercial district at 11307 Save-A-Lot Drive.

### **Specific Findings of Fact:**

It is hereby found that the requested use, with the below-stated terms and conditions:

1. Will not substantially increase traffic hazards or congestion.
2. Will not adversely affect the character of the neighborhood.
3. Will not substantially increase fire hazards.
4. Will not adversely affect the general welfare of the community.
5. Will not overtax public utilities.
6. Does not conflict with the Comprehensive City Plan

It is further found that the uses proposed are consistent with the letter and intent of the Municipal Ordinance.

### **RECOMMENDATION:**

Staff recommends the following Standard Motion: **APPROVAL** conditioned on the following:

#### **Terms and Conditions:**

1. Owners shall maintain a business license with the City of Ste. Genevieve under Municipal Code Chapter 605 Business Licensing.
2. Sufficient off-street parking is provided in accordance with Planning & Zoning Administrator's determination once building plans are finalized.
3. Any commercial solid waste containers must be approved by the City and shall be in compliance with Municipal Code Section 230.170

*Note: Staff recommendation does not constitute Commission action.*

Sup007-22

CITY OF STE.GENEVIEVE, MISSOURI

165 S. Fourth Street  
Ste. Genevieve, MO 63670  
Phone (573) 883-5400 Fax (573) 883-8105  
Special Use Permit Application

FEE: \$50.00  
PAID:

DATE RECEIVED:



PLEASE PRINT OR TYPE (BLACK INK ONLY)

SECTION A.

1. Street Address of Tract or Tracts:  
11307 SQUE-A-LOT DR. STE GENEVIEVE, MO 63670

2. Names and Addresses of All legal owners of tract(s).  
S&W Storage LLC  
183 Bookers Rdg.  
Jackson, MO 63755

3. Current Zoning Classification:  
A (Agricultural)  MH (Mobil Home Park)   
R-1 (Single Family Residential)  R-2 (General Residential)   
C-4 (Neighborhood Commercial)  I-1 (Light Industrial)   
I-2 (Heavy Industrial)  C-1 (General Commercial)   
C-2 (Central Business)

4. Is this property located in a historic district?  Yes  No

5. Signatures of All persons listed in Item #2.  
meagan Wade meagan Wade  
PRINTED OR TYPED NAME SIGNATURE  
PRINTED OR TYPED NAME SIGNATURE

6. Contact for Application:  
Name: meagan Wade  
Address: 183 Bookers Rdg. Jackson, MO 63755  
Phone: 702-693-7505

I state upon my oath that all the information contained in this application is true and correct:



**CITY OF STE. GENEVIEVE, MISSOURI**

165 S. Fourth Street

Ste. Genevieve, MO 63670

Phone (573) 883-5400 Fax (573) 883-8105

**Special Use Permit Application**

PLEASE PRINT OR TYPE (BLACK INK ONLY)

Morgan Wark

Applicant's Signature

**SECTION B.**

1. Legal description of tract(s)

Save-A-Lot prime lot 2 of amended subdivision  
Plat of Lot 4 of Friedman addition Ste Genevieve, MO 63670

2. Attach to this application a scaled plat of the tract(s), with all of the following information included:

- a: All boundary dimensions
- b: All adjoining streets and alleys.
- c: All present improvements.
- d: All intended improvements.
- e: All adjoining and cornering property lines and references to all owners listed in

Section C.

**SECTION C:**

1. Names and addresses of all adjoining property owners. (Include land which corners on tract or which is across streets or alley-ways). (Use or attach additional pages if necessary)

**With this application, the applicant must provide to the Planning and Zoning Administrator a stamped, plain business (legal-size) envelope addressed to each adjoining property owner.**

MITTAL INVESTMENTS LLC, 123 Blue Hill Rd, San Antonio, TX 78229-4201  
LEPTRADE HOLDINGS LLC, 406 N Roosevelt St, Desloge, MO 63601-3306  
LOUIS W MEYER, TRUSTEE, MEYER TRUST, 65 NORTHSIDE DR, PERRYVILLE, MO 63775-7375  
KOHM FAMILY ENTERPRISES LLC, ATTN: THOMAS KOHM, 501 N. BOSSEL ST., JACKSON, MO 63755  
ROSENER LAW FIRM, PO BOX 71, STE. GENEVIEVE, MO, 63670-0071 -1849

CITY OF STE.GENEVIEVE, MISSOURI  
165 S. Fourth Street  
Ste. Genevieve, MO 63670  
Phone (573) 883-5400 Fax (573) 883-8105  
Special Use Permit Application

PLEASE PRINT OR TYPE (BLACK INK ONLY)

**SECTION D.**

1. State the use to which this tract will be put if the SUP is granted. Attach plans, pictures, and/or drawings.

Self-storage

2. Is a transfer of the ownership of the tract dependent upon the granting of the SUP?

YES  NO

3. Please indicate if the proposed use will involve any of the following:

- Gasoline Storage and/or use  
 Storage and/or use of other flammable liquids  
 Storage and/or use of explosives or chemicals  
 Advertising signs or other display  
 Fence  
 Machinery or heavy equipment  
 Trash/refuse/garbage generation

Please explain if any of the items above are indicated: N/A

4. What other uses will exist on the premises? storage facility

5. Has there been a prior application for rezoning, special use permit or variance for this tract?  
If so, give the date and state the prior action taken.

NO

**CITY OF STE. GENEVIEVE, MISSOURI**  
*165 S. Fourth Street*  
*Ste. Genevieve, MO 63670*  
*Phone (573) 883-5400 Fax (573) 883-8105*  
**Special Use Permit Application**

**PLEASE PRINT OR TYPE (BLACK INK ONLY)**

---

**SECTION E.**

1. State the reason why you believe the requested Special Use Permit will be beneficial to you and/or the neighborhood. If you believe that a hardship will result if the SUP is denied, please elaborate.

Lack of storage facilities in Ste Genevieve.

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**CITY OF STE. GENEVIEVE, MISSOURI**  
165 S. Fourth Street  
Ste. Genevieve, MO 63670  
Phone (573) 883-5400 Fax (573) 883-8105  
**Special Use Permit Application**

PLEASE PRINT OR TYPE (BLACK INK ONLY)

---

**THIS SECTION TO BE COMPLETED BY PLANNING & ZONING ADMINISTRATOR**

**Application Address:** 11307 SAV-A-LOT DRIVE

**Applicant Name:** S & W STORAGE LLC

**Date of Planning and Zoning Meeting:** 9/1/22

**Planning and Zoning Commission:**  Approved  Denied

**Date of Board of Alderman Meeting:** 9/22/22  Approved  Denied

**Received By:** DB **Date & Time** 8/18/22

GENERAL UTILITY EASEMENT  
BOOK 1139, PAGE 094

PLAN

T 1  
SQ FT  
AC

FACILITIES

WATER  
SEMENT  
3, PAGE 144

20'

257.31'  
84.48'

STORMWATER  
DETENTION BASIN  
EASEMENT

260.88'

S72°00'30" W

*Roadway*

L=76.38'  
R=100.00

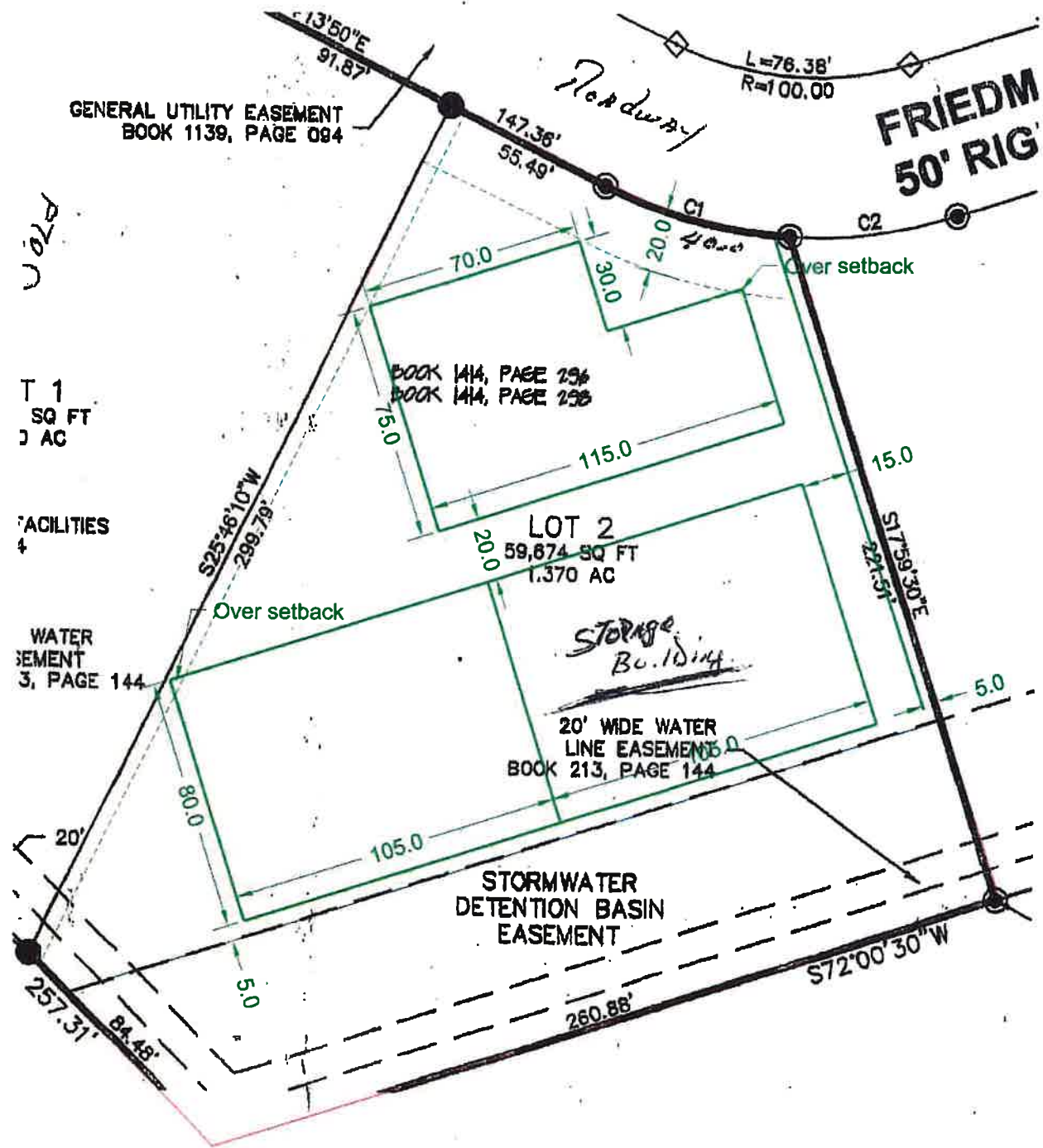
**FRIEDM  
50' RIG**

BOOK 1414, PAGE 296  
BOOK 1414, PAGE 298

LOT 2  
59,674 SQ FT  
1.370 AC

*Storage  
Building*

20' WIDE WATER  
LINE EASEMENT  
BOOK 213, PAGE 144





**State of Missouri**  
**John R. Ashcroft Secretary of State**

Corporations Division  
PO Box 778 / 600 W. Main St., Rm. 322  
Jefferson City, MO 65102

LC1739776  
Date Filed: 10/26/2020  
John R. Ashcroft  
Missouri Secretary of State

## Articles of Organization

**Reference Number** SR154678

**Receipt Number** TR438727

**1. The name of the limited liability company is:** S&W Storage LLC

**2. The purpose(s) for which the limited liability company is organized:**

Storage units

**3. The name and address of the limited liability company's registered agent in Missouri is:**

**Name** Meagan Wade

**Address** 183 Bookers Ridge, Jackson, Missouri, 63755, United States

**4. The address of its principal place of business is:**

183 Bookers Ridge, Jackson, Missouri, 63755, United States

**5. The management of the limited liability company is vested in:**

Member

**6. The effective date of this document is the date it is filed by the Secretary of State of Missouri unless a future date is otherwise indicated:**

10/26/2020

**7. The events, if any, on which the limited liability company is to dissolve or the number of years the limited liability company is to continue, which may be any number or perpetual:**

Perpetual

**8. The name(s) and street address(es) of each organizer:**

**Name** Meagan Wade

**Address** 183 Bookers Ridge, Jackson, Missouri, 63755, United States

### **In Affirmation thereof, the facts stated above are true and correct:**

The undersigned believes the statements presented in this filing are true and correct to the best of their knowledge and belief, they are subject to the penalties provided under section 575.040 RSMo. for making a false declaration under Section 575.060 RSMo

The undersigned agrees and represents that he/she is authorized to execute this document

**Name** Meagan Wade

**Title** Organizer

**Date** 10/26/2020

# STATE OF MISSOURI



**John R. Ashcroft**  
**Secretary of State**

## CERTIFICATE OF ORGANIZATION

WHEREAS,

**S&W Storage LLC**

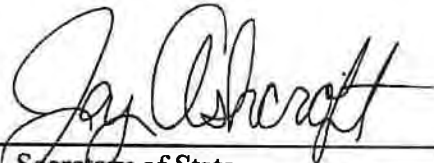
**LC1739776**

filed its Articles of Organization with this office on the 26th day of October, 2020, and that filing was found to conform to the Missouri Limited Liability Company Act.

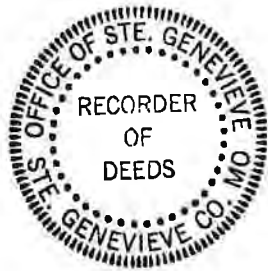
NOW, THEREFORE, I, John R. Ashcroft, Secretary of State of the State of Missouri, do by virtue of the authority vested in me by law, do certify and declare that on 26th day of October, 2020, the above entity is a Limited Liability Company, organized in this state and entitled to any rights granted to Limited Liability Companies.

Effective Date: October 26, 2020

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, the 26th day of October, 2020.

  
Secretary of State





**State of Missouri  
County of Ste. Genevieve**

I hereby certify that the within Instrument  
was filed on: **12/15/2020 1:22 PM**  
**Number of Pages: 2**  
**Fees: \$27.00 Doc # 2020-4762**  
*Peggy Yamnitz, Recorder*

*Dana Jacob*  
Deputy Recorder

### **GENERAL WARRANTY DEED**

THIS DEED, made and entered into this 15th day of December, 2020  
By and between Grantor,

**THOMAS R. FRIEDMAN and BARBARA A. FRIEDMAN, husband and wife, as to an  
undivided One-half interest**

Of the County of Ste. Genevieve, in the State of Missouri, party or parties of the first part and  
Grantee,

**S&W STORAGE LLC, a Missouri Limited Liability Company  
c/o Meagan Wade  
183 Bookers Ridge  
Jackson, MO 63755**

Of the County of Ste. Genevieve, in the State of Missouri, party or parties of the second part.

WITNESSETH, that the party or parties of the first part, for and in consideration of the  
sum of One Dollar and other valuable considerations paid by the said party or parties of the  
second part, the receipt of which is hereby acknowledged, does or do by these presents GRANT,  
BARGAIN AND SELL, CONVEY AND CONFIRM unto the said party or parties of the second  
part, the following described Real Estate, situated in the County of Ste. Genevieve and State of  
Missouri, to-wit:

All of Lot 2 of the Amended Resubdivision Plat of Lot 4 of Friedman Addition, filed for record  
in Plat Cabinet C at Pages 59 and 60, one of the land records of Ste. Genevieve County,  
Missouri.

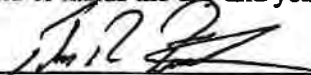
TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the  
same belonging, unto the said party or parties of the second part, and to the heirs and assigns of  
such party or parties forever.

The said party or parties of the first part hereby covenanting that said party or parties and  
their heirs, executors and administrators of such party or parties, shall and will WARRANT  
AND DEFEND the title to the premises unto the said party or parties of the second part, and to



the heirs and assigns of such party or parties forever, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party or parties of the first part has or have hereunto set their hand or hands the day and year first above written.

  
\_\_\_\_\_  
Thomas R. Friedman

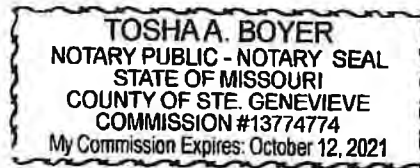
  
\_\_\_\_\_  
Barbara A. Friedman

STATE OF MISSOURI                    )  
  ) ss.  
COUNTY OF STE. GENEVIEVE        )

On this 15th day of December, 2020, before me personally appeared Thomas R. Friedman and Barbara A. Friedman, husband and wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

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

  
\_\_\_\_\_  
Notary



CITY OF STE.GENEVIEVE, MISSOURI  
165 S. Fourth Street  
Ste. Genevieve, MO 63670  
Phone (573) 883-5400 Fax (573) 883-8105  
Special Use Permit Application

SUP007-22

PLEASE PRINT OR TYPE (BLACK INK ONLY)

**POLICE CHIEF'S REVIEW:**

1. In your opinion, will the proposed use substantially increase traffic or congestions?

( ) YES (Please Explain Below)

(X) NO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Please indicate if there are other law enforcement concerns:

N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Police Chief's Signature

8-25-2029

Date

**FIRE CHIEF'S REVIEW**

1. In your opinion, will the proposed use substantially increase fire hazards?

( ) YES (Please Explain Below)

( ) NO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Please indicate if there are other fire protection concerns:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Fire Chief's Signature

\_\_\_\_\_  
Date

CITY OF STE. GENEVIEVE, MISSOURI  
165 S. Fourth Street  
Ste. Genevieve, MO 63670  
Phone (573) 883-5400 Fax (573) 883-8105  
Special Use Permit Application

SUP007-22

PLEASE PRINT OR TYPE (BLACK INK ONLY)

**POLICE CHIEF'S REVIEW:**

1. In your opinion, will the proposed use substantially increase traffic or congestions?

( ) YES (Please Explain Below) ( ) NO

---

---

---

2. Please indicate if there are other law enforcement concerns:

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\_\_\_\_\_  
Police Chief's Signature

\_\_\_\_\_  
Date

**FIRE CHIEF'S REVIEW**

1. In your opinion, will the proposed use substantially increase fire hazards?

( ) YES (Please Explain Below)  NO

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2. Please indicate if there are other fire protection concerns:

NONE

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\_\_\_\_\_  
Fire Chief's Signature

8/24/22

\_\_\_\_\_  
Date



To: Surrounding Property Owners  
From: David Bova, Community Development Administrator  
Subject: Request for Special Use Permit  
Date: August 23, 2022

S & W Storage is requesting a Special Use Permit to allow a self-storage facility at 11307 Save-A-Lot Drive which is in a C-1 General Commercial zoning district. Such use is permitted in a C-1 General Commercial District with a Special Use Permit.

The Planning and Zoning Commission for the City of Ste. Genevieve, Missouri will hold a public meeting on this request on Thursday, September 1<sup>st</sup> at 6 pm at City Hall, 165 S. Fourth Street.

If approved by the Planning and Zoning Commission, The Board of Aldermen of the City of Ste. Genevieve, Missouri will hold a public hearing on the recommendations of the Planning and Zoning Commission on Thursday, September 22<sup>nd</sup> at 6:00 pm at City Hall, 165 S. Fourth Street.

All interested parties are invited to attend.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Bova", with a horizontal line extending to the right.

David Bova  
Community Development Director

City of Ste. Genevieve  
165 S. Fourth Street, Ste. Genevieve, MO 63670  
573-883-5400



August 23, 2022

S & W Storage LLC  
183 Bookers Ridge  
Jackson, MO 63755

Ms. Wade,

Enclosed please find a letter that was sent to the surrounding property owners of 11307 Save-A-Lot Drive regarding your request for a special use permit. Your attendance is needed at the Planning & Zoning meeting and the Public Hearing for which your request will be discussed.

PLANNING & ZONING MEETING  
Thursday, September 1<sup>st</sup> at 6:00 pm

PUBLIC HEARING – BOARD OF ALDERMAN (if approved by P&Z)  
Thursday, September 22<sup>nd</sup> at 6:00 pm

These meetings will be held at City Hall. If you have any questions please call.

Sincerely,

A handwritten signature in black ink, appearing to read "D Bova", with a horizontal line extending to the right.

David Bova  
Community Development Administrator

**City of Ste. Genevieve  
165 S. Fourth Street, Ste. Genevieve, MO 63670  
573-883-5400**

**Adjoining Property Owners to 11307 Save-A-Lot Drive**

Mittal Investments LLC  
123 Blue Hill Road  
San Antonio, TX 78229-4201

Leftridge Holdings LLC  
406 N Roosevelt Street  
Desloge, MO 63601-3306

Louis W Meyer, Trustee, Meyer Trust  
65 Northside Drive  
Perryville, MO 63775-7375

Kohm Family Enterprises LLC  
Attn: Thomas Kohm  
501 N Russel Street  
Jackson, MO 63755-1849

Rosener Law Firm  
PO Box 71  
Ste. Genevieve, MO 63670-0071

**BILL NO. 4513**

**ORDINANCE NO.**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE STE. GENEVIEVE INDUSTRIAL DEVELOPMENT CORPORATION.**

**WHEREAS**, the Ste. Genevieve Industrial Development Corporation (“IDC”), is a non-profit corporation authorized to conduct business within the State of Missouri; and

**WHEREAS**, the IDC exists for the purpose of promoting the common good and general welfare of the people of Ste. Genevieve County, Missouri and to encourage and promote the welfare and betterment of the community as a whole as set forth in the Articles of Incorporation of the IDC; and

**WHEREAS**, the City of Ste. Genevieve (“City”) and the IDC both recognize that there is a need for residential real estate construction and development within the City of Ste. Genevieve; and

**WHEREAS**, the City and the IDC wish to enter into a cooperative agreement for the payment of engineering services for approximately 49 acres of land located on Progress Parkway, which will include surveying, geotechnical investigation and design services for a public purpose which directly promotes the welfare of the entire community; and

**WHEREAS**, the Board of Aldermen believe it to be in the best interests of the residents of Ste. Genevieve to approve the cooperative agreement.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF STE. GENEVIEVE, MISSOURI AS FOLLOWS:**

**SECTION 1** The Board of Aldermen of the City of Ste. Genevieve, Missouri hereby authorize and direct the Mayor to enter into the attached co-op agreement (Exhibit “A”) as incorporated herein by reference and made a part of this ordinance with the Ste. Genevieve Industrial Development Corporation.

**SECTION 2 EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its date of passage by the Board of Aldermen.

**SECTION 3 REPEALER.** All ordinances and parts thereof that are in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4 SEVERABILITY.** The invalidity of any section, sentence or provision of this ordinance shall not affect the validity of any part of this ordinance which can be given effect without such invalid part or parts.

DATE OF FIRST READING: \_\_\_\_\_.

DATE OF SECOND READING: \_\_\_\_\_.

PASSED AND APPROVED BY THE BOARD OF ALDERMEN OF THE CITY OF STE. GENEVIEVE, MISSOURI THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

VOTE

ALDERWOMAN KRISIT CLEGHORN  
ALDERWOMAN SUSAN JOHNSON  
ALDERMAN BOB DONOVAN  
ALDERMAN MIKE JOKERST  
ALDERMAN MIKE RANEY  
ALDERMAN JEFF EYDMANN  
ALDERMAN JOE PRINCE  
ALDERWOMAN ASHLEY ARMBRUSTER

\_\_\_\_ AYES \_\_\_\_ NAYS \_\_\_\_ ABSENT

Approved As To Form:

\_\_\_\_\_  
Paul Hassler, Mayor

\_\_\_\_\_  
Mark Bishop, City Attorney

Attest:

Reviewed By:

\_\_\_\_\_  
Pam Meyer, City Clerk

\_\_\_\_\_  
Happy Welch, City Administrator



**COOPERATIVE AGREEMENT**  
**between**  
**CITY OF STE. GENEVIEVE, MISSOURI**  
**and**  
**STE. GENEVIEVE INDUSTRIAL DEVELOPMENT CORPORATION**

This Cooperative Agreement ("Agreement") is entered into between the City of Ste. Genevieve, Missouri ("City"), a municipal corporation, and the Ste. Genevieve Industrial Development Corporation ("IDC"), a non-profit corporation authorized to conduct business within the State of Missouri, to establish an agreement between City and IDC for the purpose of obtaining engineering services for the City with respect to property owned by the City for the purpose of studying and planning an extension of Basler Drive/Parkwood Drive to Progress Parkway, and for the planning of residential development within the City ("Property"). The City and IDC are collectively referred to herein as the "Parties".

**WHEREAS**, the Parties to this Agreement recognize that there is a need for residential real estate construction and development within the City; and

**WHEREAS**, historically, there has been a lack of available appropriate land for the construction and development of residential real estate within the City; and

**WHEREAS**, the IDC exists for the purpose of promoting the common good and general welfare of the people of Ste. Genevieve County, Missouri and to encourage and promote the welfare and betterment of the community as a whole as set forth in the Articles of Incorporation of IDC; and

**WHEREAS**, there exists a public purpose for the expenditure of funds of the City to promote the welfare of the community for an appropriate topographical survey of the Property, as well as a geotechnical investigation of the Property; and

**WHEREAS**, there exists a public purpose for the expenditure of funds of the City to promote the welfare of the community for the purposes of road design, including the future potential development of a residential area of the City that may be planned for the Property, including detailed design work establishing an appropriate site plan, which would necessarily include roads, utilities, storm sewers and possible subdivision of the Property; and

**WHEREAS**, IDC has obtained a proposal from Smith & Company Engineers, 901 Vine Street, P.O. Box 72, Poplar Bluff, Missouri 63902, to provide survey, geotechnical investigation and design engineering services pursuant to a written agreement after conducting a reasonable and appropriate investigation into the qualifications of that engineering company and have obtained the best and most appropriate price for said services; and

**WHEREAS**, the Parties wish to enter into an Agreement for the payment of certain engineering services as it relates to the Property.

**NOW THEREFORE**, in consideration of the mutual promises, agreements, releases, covenants, and for other good and valuable consideration as recited herein, the receipt and sufficiency of which is hereby acknowledged by the Parties, **IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:**

1. **RECITALS**: The Parties hereby acknowledge that the recitals set forth above are accurate and are hereby incorporated into this Agreement as if fully set forth in this Section 1.

2. **SMITH & COMPANY ENGINEERS**: IDC shall hire Smith & Company Engineers to provide certain services associated with the Property as described in the Agreement Letter dated September 7, 2022, which includes surveying, geotechnical investigation and design services for an amount not to exceed One Hundred Twenty-Eight Thousand Eight Hundred Dollars

(\$128,800.00). A copy of that Letter Agreement is attached to this Agreement and is fully incorporated herein.

3. **PAYMENT TO SMITH & COMPANY ENGINEERS:** IDC shall pay all fees associated with the services provided by Smith & Company Engineers pursuant to the Letter Agreement dated September 7, 2022.

4. **ENGINEERING WORK IS FOR A PUBLIC PURPOSE:** The City has determined that the work to be performed by Smith & Company Engineers pursuant to the Letter Agreement dated September 7, 2022, which consists of the survey fee, geotechnical fee, preliminary design fee and final design fee, are services being performed for a public purpose which directly promote the welfare of the community and those expenditures are for the benefit or convenience to the public and, once completed, increases the value and marketability of the real estate owned by the City of Ste. Genevieve and described in this Agreement as the Property.

5. **PERMISSION TO ENTER UPON PROPERTY:** IDC, its principles, agents, employees and contractors, shall have permission to enter upon the Property for the purpose of effectuating the terms of this Agreement. IDC shall hold harmless and indemnify City for any claims arising out of its use or presence on the Property, or for the actions of any representative of IDC, including but not limited to Smith & Company Engineers, in their use or presence on the Property.

6. **COMPLETE AGREEMENT:** This Agreement supersedes all prior agreements and understandings between the Parties and may not be modified, changed or altered by any premise or statement by whomsoever made and may only be modified by further written agreement signed by all Parties hereto.

7. **SEVERABILITY AND GOVERNING LAW FOR IDC:** Each of the provisions in this Agreement shall be enforceable independently of any other provision of this Agreement and independent of any other claim or cause of action. In the event of any dispute arising under this Agreement, it is agreed between the Parties that the laws of the State of Missouri will govern the interpretation, validity and effect of this Agreement without regard to the place of execution or place of performance thereof. The Parties consent to the jurisdiction of Ste. Genevieve County Circuit Court as the proper venue for any disputes arising out of this Agreement.

8. **REPORTS OF SMITH & COMPANY ENGINEERS:** IDC shall furnish at least one (1) copy of all reports from Smith & Company Engineers as it relates to the Property, including, but not limited to, all surveys, geotechnical reports, design reports, site plans and environmental reports, with a proper seal from a licensed engineer.

9. **CITY'S REIMBURSEMENT OF IDC'S EXPENSES:** The City shall reimburse IDC for the unreimbursed expenses associated with the engineering work as set forth in the Letter Agreement from Smith & Company Engineers dated September 7, 2022 upon the City selling or conveying the last of its interest in the Property. If any of the Property is subdivided, then one fourth of the payment from the City shall be due upon the sale or conveyance of the equivalent of one-fourth of the Property; one half of the payment from the City shall be due upon the sale or conveyance of the equivalent of one half the Property; three quarters of the payment from the City shall be due upon the sale or conveyance of the equivalent of three quarters of the property; and the last payment shall be due consisting of the balance due to IDC upon the sale or conveyance of the last of the City's interest in the Property. No interest shall accrue with regard to the payment for reimbursement of this expense. If the IDC receives funding from another source, either

pursuant to a grant or from another source of funding, then the City is only responsible for the unreimbursed expenses incurred by the IDC for the services described in this Agreement.

**IN WITNESS WHEREOF** the Parties have executed this Agreement effective as of the day and year first above written.

CITY OF STE. GENEVIEVE, MISSOURI

By: \_\_\_\_\_  
Paul Hassler, Mayor

The above signed, Paul Hassler, Mayor, on behalf of the City of Ste. Genevieve, Missouri, personally appeared before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, and being duly sworn upon their oath state that they are parties in the above stated matter and that the facts stated above are true and accurate according to their best information, knowledge and belief.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

(SEAL)

**IN WITNESS WHEREOF** the Parties have executed this Agreement effective as of the day and year first above written.

STE. GENEVIEVE INDUSTRIAL  
DEVELOPMENT CORPORATION

By: \_\_\_\_\_  
Tom Keim, President

The above signed, Tom Keim, President, on behalf of the Ste. Genevieve Industrial Development Corporation, personally appeared before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, and being duly sworn upon their oath state that they are parties in the above stated matter and that the facts stated above are true and accurate according to their best information, knowledge and belief.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

(SEAL)

**BILL NO. 4514**

**ORDINANCE NO.**

**AN ORDINANCE APPROVING A MEMORANDUM OF AGREEMENT WITH ALLIANCE WATER RESOURCES, INC., A MISSOURI CORPORATION TO MODIFY THE INITIAL PROFESSIONAL SERVICE AGREEMENT DATED AUGUST 12, 2010.**

**WHEREAS**, the City of Ste. Genevieve, Missouri has a need to modify the original agreement with Alliance Water Resources, Inc. as modified in the attached “Memorandum of Agreement” (Exhibit “A”); and

**WHEREAS**, the cost to the City for entering the agreement with Alliance Water Resources shall be budgeted from sources in the Water Fund Line Item #8750 and the Sewer Fund Line Item #8750, the Park Fund Line Item #8750 & Street Fund Line Item #8750 in the City of Ste. Genevieve’s 2023 FY Budget.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF STE. GENEVIEVE, MISSOURI AS FOLLOWS:**

**SECTION 1.** The Board of Aldermen hereby authorize and direct the Mayor to approve the modification to the Memorandum of Agreement with Alliance Water Resources, Inc. dated August 12, 2010 pursuant to the Agreement as attached hereto (Exhibit “A”) and made a part of this ordinance, and pursuant to the terms as set forth in said agreement.

**SECTION 2. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its date of passage by the Board of Aldermen.

**SECTION 3. REPEALER.** All ordinances and parts thereof that are in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4. SEVERABILITY.** The invalidity of any section, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

**DATE OF FIRST READING:** \_\_\_\_\_

**DATE OF SECOND READING:** \_\_\_\_\_

**PASSED AND APPROVED BY THE BOARD OF ALDERMEN OF THE CITY OF STE. GENEVIEVE, MISSOURI THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020 BY A ROLL CALL VOTE AS FOLLOWS:**

VOTE

- Alderwoman Kristi Cleghorn
- Alderwoman Susan Johnson
- Alderman Bob Donovan
- Alderman Mike Jokerst
- Alderman Mike Raney
- Alderman Jeff Eydmann
- Alderman Joe Prince
- Alderwoman Ashley Armbruster

\_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

Absent

Approved as to form:

\_\_\_\_\_  
Paul Hassler, Mayor

\_\_\_\_\_  
Mark Bishop, City Attorney

SEAL

Reviewed by:

\_\_\_\_\_  
Pam Meyer, City Clerk

\_\_\_\_\_  
Happy Welch, City Administrator



**MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement has been entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by and between the City of Ste. Genevieve, MO, a municipal corporation ("City"), and Alliance Water Resources, Inc., and its successors and assigners ("Alliance").

Pursuant to Section 3.6, this Memorandum of Agreement shall modify the Professional Services Agreement dated August 12, 2010, between the City and Alliance as follows:

Section 5.1 is hereby modified as follows (changes shown in bold text):

5.1 Alliance Base Fee compensation under this Agreement shall be **\$122,156.00** per month from October 1, **2022** through September 30, **2023**. The Repair Limit for this period shall be \$54,500.00.

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

Authorized Signature

Authorized Signature

\_\_\_\_\_  
Alliance Water Resources, Inc.  
President

\_\_\_\_\_  
Mayor  
City of Ste. Genevieve

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

ATTEST:

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
City Clerk