

6. Verification of DBE Participation: Prior to final payment by the Local Agency, the Engineer shall file a list with the Local Agency showing the DBEs used and the services performed. The list shall show the actual dollar amount paid to each DBE that is applicable to the percentage participation established in this Agreement. Failure on the part of the Engineer to achieve the DBE participation specified in this Agreement may result in sanctions being imposed on the Commission for noncompliance with 49 C.F.R. Part 26 and/or Section 1101(b) of TEA-21. If the total DBE participation is less than the goal amount stated by the MoDOT's External Civil Rights Division, liquidated damages may be assessed to the Engineer.

Therefore, in order to liquidate such damages, the monetary difference between the amount of the DBE goal dollar amount and the amount actually paid to the DBEs for performing a commercially useful function will be deducted from the Engineer's payments as liquidated damages. If this Agreement is awarded with less than the goal amount stated above by MoDOT's External Civil Rights Division, that lesser amount shall become the goal amount and shall be used to determine liquidated damages. No such deduction will be made when, for reasons beyond the control of the Engineer, the DBE goal amount is not met.

7. Documentation of Good Faith Efforts to Meet the DBE Goal: The Agreement goal is established by MoDOT's External Civil Rights Division. The Engineer must document the good faith efforts it made to achieve that DBE goal, if the agreed percentage specified is less than the percentage stated. The Good Faith Efforts documentation shall illustrate reasonable efforts to obtain DBE Participation. Good faith efforts to meet this DBE goal amount may include such items as, but are not limited to, the following:

- A. Attended a meeting scheduled by the Department to inform DBEs of contracting or consulting opportunities.
- B. Advertised in general circulation trade association and socially and economically disadvantaged business directed media concerning DBE subcontracting opportunities.
- C. Provided written notices to a reasonable number of specific DBEs that their interest in a subconsultant agreement is solicited in sufficient time to allow the DBEs to participate effectively.
- D. Followed up on initial solicitations of interest by contacting DBEs to determine with certainty whether the DBEs were interested in subconsulting work for this Agreement.
- E. Selected portions of the services to be performed by DBEs in order to increase the likelihood of meeting the DBE goal (including, where appropriate, breaking down subconsultant agreements into economically feasible units to facilitate DBE participation).
- F. Provided interested DBEs with adequate information about plans, specifications and requirements of this Agreement.
- G. Negotiated in good faith with interested DBEs, and not rejecting DBEs as unqualified without sound reasons, based on a thorough investigation of their capabilities.
- H. Made efforts to assist interested DBEs in obtaining any bonding, lines of credit or insurance required by the Commission or by the Engineer.
- I. Made effective use of the services of available disadvantaged business organizations, minority contractors' groups, disadvantaged business assistance offices, and other organizations that provide assistance in the recruitment and placement of DBE firms.

8. Good Faith Efforts to Obtain DBE Participation: If the Engineer's agreed DBE goal amount as specified is less than the established DBE goal given, then the Engineer certifies that good faith efforts were taken by Engineer in an attempt to obtain the level of DBE participation set by MoDOT's External Civil Rights.

**Attachment F – Fig. 136.4.15**  
**Conflict of Interest Disclosure Form for LPA/Consultants**  
Local Federal-aid Transportation Projects

**Firm Name (Engineer):** SC Engineering, LLC dba Cochran

**Project Owner (LPA):** City of Ste. Genevieve

**Project Name:** St. Mary's Road Trail Project

**Project Number:** TAP-

As the LPA and/or Engineer for the above local federal-aid transportation project, I have:

1. Reviewed the conflict of interest information found in Missouri's Local Public Agency Manual (EPG 136.4)
2. Reviewed the Conflict of Interest laws, including 23 CFR § 1.33, 49 CFR 18.36.

And, to the best of my knowledge, determined that, for myself, any owner, partner or employee, with my firm or any of my sub-consulting firms providing services for this project, including family members and personal interests of the above persons, there are:

- No real or potential conflicts of interest  
If no conflicts have been identified, complete and sign this form and submit to LPA
- Real conflicts of interest or the potential for conflicts of interest  
If a real or potential conflict has been identified, describe on an attached sheet the nature of the conflict, and provide a detailed description of Engineer's proposed mitigation measures (if possible). Complete and sign this form and send it, along with all attachments, to the appropriate MoDOT District Representative, along with the executed engineering services contract.

LPA

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

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Engineer

Printed Name: DAVID CHRISTENSEN

Signature: 

Date: 1/4/23

**BILL NO. 4526**

**ORDINANCE NO.**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROPOSAL FOR PROFESSIONAL SERVICES WITH COCHRAN ENGINEERING FOR WATER MAIN IMPROVEMENTS**

**WHEREAS**, Cochran Engineering has submitted the attached proposal (Exhibit A) to provide professional design services for water main improvements on Rozier St., Claymont St., Ninth St. and Oakwood Drive in an amount of \$59,960.00; and

**WHEREAS**, this water project was presented and approved by the Board of Aldermen on October 8, 2020, in the five year supervised water plan presented by Cochran Engineering and representatives of Alliance Water Resources; and

**WHEREAS**, the Board of Aldermen believe it to be in the best interests of the City of Ste. Genevieve to accept the attached proposal (Exhibit A) attached hereto 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 1.** The Board of Aldermen hereby authorize and direct the Mayor to execute and deliver the attached proposal on behalf of the City with Cochran Engineering of Union, Missouri; the proposal hereby accepted and approved in substantially the form of Exhibit "A" attached hereto.

**Section 2.** The portions of this ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the Board of Aldermen would have enacted the valid portions within the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

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

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

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

PASSED AND APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_, 2023 BY A  
ROLL CALL VOTE OF THE BOARD OF ALDERMEN AS FOLLOWS:

	VOTE
Aldерwoman Kristi Cleghorn	_____
Aldерwoman Susan Johnson	_____
Aldерman Bob Donovan	_____
Aldерman Mike Jokerst	_____
Aldерman Jeff Eydmann	_____
Aldерman Mike Raney	_____
Aldерwoman Ashley Armbruster	_____
Aldерman Joe Prince	_____

\_\_\_ 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



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

January 6, 2023

Mr. Happy Welch  
City of Ste. Genevieve  
165 S. Fourth Street  
Ste. Genevieve, MO 63670

SENT VIA: Email  
(hwelch@stegenevieve.org)  
(swilson@alliancewater.com)

RE: Work Order No. 4  
Water Main Improvements

Dear Mr. Welch:

Thank you for giving Cochran the opportunity to submit this work order to provide professional services for the above-referenced project. In accordance with our discussions we offer the following professional services:

**ITEM NO. 1: TOPOGRAPHIC SURVEY**

SCOPE OF WORK:

1. Acquire deeds, surveys, and plats for the subject right of way and the adjoining properties.
2. Search for and locate monuments (iron rods, iron pipes, stones, etc.) and evidence of possession.
3. Resolve the right of way along the design corridors.
4. Obtain ground elevations to generate contours at 1-foot intervals on the design corridors approximately 60 feet in width and a combined length of approximately 3,550' in length as depicted on the master improvement map exhibit.
5. Locate existing improvements inside of the design corridors.
6. Locate existing public utilities from observed evidence together with markings by "Missouri One Call" in the topo corridors.
7. Establish a benchmark on each site, (NAVD 1988).
8. Prepare the base drawing in ACAD/Civil 3D format for incorporation into design plans.

FEE:

The total amount of fee to be paid for the professional services outlined in **Item No. 1** of this proposal shall be a lump sum fee of **\$9,800.00**. This fee is good for a period of thirty (30) days from the date of this proposal.

**ITEM NO. 2: DESIGN**

SCOPE OF WORK:

1. Replace approximately 760 lineal feet of 4-inch water with new 6-inch water main. The new water main will run along Rozier Street from Cedar Lane to Park Drive. This project is listed as Item No. 3 in the City's Prioritized List of Water System Improvements included in the City's Supervised Program.
2. Replace approximately 242 lineal feet of 4-inch water with new 6-inch water main. The new water main will run along Claymont Street from Parkwood Drive to the end of Claymont Street. This project is listed as Item No. 5 in the City's Prioritized List of Water System Improvements included in the City's Supervised Program.

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

[www.cochraneng.com](http://www.cochraneng.com)

Initials \_\_\_\_\_

3. Replace approximately 397 lineal feet of 4-inch water with new 6-inch water main. The new water main will run along Ninth Street from Washington Street to Jefferson Street. This project is listed as Item No. 7 in the City's Prioritized List of Water System Improvements included in the City's Supervised Program.
4. Replace approximately 1,858 lineal feet of 4-inch water with new 6-inch water main. The new water main will run along Oakwood Drive from Brookdale Drive. This project is listed as Item No. 8 in the City's Prioritized List of Water System Improvements included in the City's Supervised Program.
5. Prepare conceptual, 30%, 60%, and 90% plans for owner review and approval. Plans will include plan and profile sheets and construction details.
6. Prepare Project Manual for use in bidding and construction. The project manual will contain contract documents (front end documents) and technical specifications.
7. Prepare final engineer's cost estimate. Participate and assist in pre-bid meeting, bid openings, contractor selection, and pre-construction meeting. Cochran will also prepare a bid tabulation and contractor recommendation letter.

FEE:

The total amount of fee to be paid for the professional services outlined in **Item No. 2** of this proposal shall be a lump sum fee of **\$28,350.00**. This fee is good for a period of thirty (30) days from the date of this proposal.

**ITEM NO. 3: CONSTRUCTION ADMINISTRATION & INSPECTION**

SCOPE OF WORK:

The Engineer will serve as the City's representative for administering the terms of the construction contract between the City and their contractor. Engineer will endeavor to protect the City against defects and deficiencies in workmanship and materials in work by the Contractor. However, the furnishing of such project representation will not make Engineer responsible for the construction methods and procedures used by Contractor or for the Contractor's failure to perform work in accordance with the contract documents. Engineer's services will include more specifically as follows:

1. Cochran will provide site visits to observe the Contractor's progress and quality of work, and to determine if the work conforms to the contract documents. The Engineer will accompany City representatives on visits to the project site as requested.
2. Reject work not conforming to the project documents.
3. Prepare change orders for issuance by the City as necessary and assure that proper approvals are made prior to work being performed.
4. Review shop drawings and submittals, wage rates, pay applications, and other related items called for in the contract documents.
5. Be present during critical construction operations.
6. Water Line Installation Inspection (part-time).
7. Water Line Pressure Test Inspection.
8. An inspector will be on-site daily to measure payment quantities for solid rock excavation.
9. Participate in final inspection and provide Punchlist.

FEE:

The total amount of fee to be paid for the professional services outlined **Item No. 3** of this proposal shall be a lump sum fee of **\$21,810.00**. Fees are based on a 90 calendar day contract and an average of 16 hours of inspection per week. This fee is good for a period of thirty (30) days from the date of this proposal.

SERVICES NOT INCLUDED:

1. Environmental/Geotechnical/Wetlands Studies or Reports
2. Recording and Permit Fees
3. Easement Document Preparation and Acquisition
4. Construction Stakeout
5. Preparation of Boundary Surveys for Individual Parcels or Resolution of Side Parcel Lines
6. Subdivision platting
7. ALTA/NSPS Land Title Surveys
8. Full-Time Construction Inspection
9. As-Built Drawings

TOTAL FEE:

The total amount of fee to be paid for the professional services outlined in this proposal shall be as summarized in the following table. This fee is good for a period of thirty (30) days from the date of this proposal.

ITEM NO. 1 – TOPOGRAPHIC SURVEY	\$ 9,800.00
ITEM NO. 2 – DESIGN	\$28,350.00
ITEM NO. 3 – CONSTRUCTION ADMIN & INSPECTION	\$21,810.00
<b>TOTAL</b>	<b>\$59,960.00</b>

GENERAL:

Additional terms of this agreement are stipulated in the Master Agreement signed on June 23, 2022.

If you would like to authorize Cochran to perform the professional services outlined in this work order, please indicate your acceptance by signing in the space provided below **AND** initializing **ALL** other pages. Return one (1) copy for our contract files.

If you have any questions or changes regarding this supplemental agreement, please contact me at 636-584-0540. Thank you.

Sincerely,



David Van Leer, P.E.  
Cochran

Acceptance:  
City of Ste. Genevieve

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**BILL NO. 4527**

**ORDINANCE NO.**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REVISED MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION MUNICIPAL AGREEMENT FOR PUBLIC IMPROVEMENTS ALONG ROUTE 32 & 61. (Job No. J9P3392)**

**WHEREAS**, the Missouri Department of Transportation (“MoDOT”) wishes to make improvements to Routes 32 & 61 in the city limits of the City of Ste. Genevieve (“City”); and

**WHEREAS**, these improvements will improve driving conditions in the city; and

**WHEREAS**, the Board of Aldermen believe it to be in the best interests of its residents to approve the agreement for the improvements with MoDOT.

**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 approves the execution of an agreement with Missouri Highways and Transportation Commission for improvements along Route 61 & 32 inside the City Limits that will consist of coldmilling and resurfacing lanes and shoulders, signal work, and drainage improvements.

SECTION 2. The improvements located in the City are on Route 32 beginning just East of Shultze Lane log mi. 280.638 and running to just North of Gerard Street log mi. 282.677 and the Route 61 improvements begin West of the intersection of Route 32 log mi.228.898 run in generally an easterly direction to east of the intersection of Route 32 log mi 282.677.

SECTION 3. The Mayor is hereby authorized to execute such agreement (Attached as exhibit “A”) and the City Clerk to attest to such execution and to affix the official seal of the City of Ste. Genevieve.

SECTION 4: The City Administrator of the City of Ste. Genevieve is hereby authorized to execute all other documents necessary for this project on behalf of the City of Ste. Genevieve.

SECTION 5. All ordinances and parts of ordinances which are in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6. This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

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

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

**PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY A ROLL CALL VOTE AS FOLLOWS:**

**VOTE**

**ALDERWOMAN KRISTI CLEGHORN  
ALDERWOMAN SUSAN JOHNSON  
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

CCO Form: DE11  
Approved: 04/93 (CEH)  
Revised: 12/21 (BDG)  
Modified:

Municipal Agreement  
Route: 32 & 61  
County: Ste. Genevieve  
Job No.: J9P3392

## MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION MUNICIPAL AGREEMENT

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Ste. Genevieve, Missouri, a municipal corporation (hereinafter, "City").

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) IMPROVEMENT DESIGNATION: The public improvement designated as Route 32, Ste. Genevieve County, Job No. J9P3392 shall consist of coldmilling and resurfacing lanes and shoulders, signal work, and drainage improvements.

(2) IMPROVEMENT WITHIN CITY: The improvement within the City is located as follows:

Route 32 Improvements: Beginning just east of Shultze Lane, log mi. 280.638 run in generally an easterly direction to just North of Gerard Street, log mi. 282.677.

Route 61 Improvements: Beginning west of the intersection of Route 32, log mi. 228.898 run in generally an easterly direction to east of the intersection of Route 32, log mi. 282.677.

(3) EXTENT OF AGREEMENT: This Agreement shall apply only to the portion of the improvement lying within the city limits as they exist on the date this Agreement is executed by the City.

(4) LOCATION: The general location of the public improvement is shown on an attached sketch marked "Exhibit A" and made a part of this Agreement. The detailed location of the improvement is shown on the plans prepared by the Commission for the above-designated route and project.

(5) PURPOSE: It is the intent of this Agreement to outline the parties' responsibilities with respect to the construction and maintenance of those improvements to the State Highway System located within the City limits described in paragraphs (1) and (2) above and designated as Commission Job No. J9P3392.

(6) RIGHT-OF-WAY USE: The City grants the right to use the right-of-way of public roads, streets, alleys and any other property owned by the City as necessary for construction and maintenance of said public improvement.

(7) CLOSE AND VACATE: The City shall temporarily close and vacate all streets or roads, or parts thereof, which may be necessary to permit the construction of the project in accordance with the detailed plans.

(8) UTILITY RELOCATION:

(A) The Commission and the City shall cooperate to secure the temporary or permanent removal, relocation, or adjustment of public utilities or private lines, poles, wires, conduits, and pipes located on the right-of-way of existing public ways as necessary for construction of the improvement and the cost shall be borne by such public utilities or the owners of the facilities except where the City is by existing franchise or agreement obligated to pay all or a portion of such cost, in which case the City will pay its obligated portion of the cost.

(B) The Commission shall secure the removal, relocation, or adjustment of any public or private utilities located upon private easements and shall pay any costs incurred therein.

(C) It is understood and agreed by the parties to this Agreement that no city-owned utility facilities will require relocation or adjustment in connection with this improvement, but that should utility facilities be discovered at any time during development or construction of this improvement, relocation or adjustment of the same will be done and performed under a supplemental agreement covering the subject, and in accordance with Commission policy then in effect on division of costs for adjustment of utility facilities.

(D) In cases of public utilities owned by the City which must be moved, adjusted, or altered to accommodate construction of this improvement, and such city-owned utilities, poles, wires, conduits, and pipes are located within the present city limits and located on an existing city street, not state highway right-of-way, but being taken over by the Commission as a part of its highway right-of-way, the City will perform the necessary removal, adjustment, alterations and relocation, and the Commission will reimburse the City except as otherwise provided. The City shall perform the removal, adjustment, alterations and relocation in accordance with the detail plans, estimates of costs and bills of materials prepared by the City in accordance with Federal Aid Policy Guide, Title 23 CFR Subchapter G, Part 645, Subpart A (FAPG 23 CFR 645A), dated December 9, 1991 and any revision of it, and approved by the Commission's District Engineer, and shall perform all work and keep the records of the costs in accordance with FAPG 23 CFR 645A and its revisions. Upon the completion of any such work and on receipt by the Commission of the original and four copies of a bill for the actual costs incurred by the City in making any such removal, adjustment, alteration and relocation, the Commission shall reimburse the City for the actual cost necessitated by construction

of this public improvement. The Commission's obligation toward the cost of any such removal, adjustment, alteration and relocation shall extend only to those costs incurred in accordance with FAPG 23 CFR 645A and its revisions.

(E) Should it be necessary to alter, relocate or adjust any city-owned utility facilities outside the present city limits on public right-of-way or on state highway right-of-way within or outside the city limits or within the right-of-way of a public way other than a city street or alley, the alteration, relocation, or adjustment shall be made by the City at its cost.

(F) The City agrees that any installation, removal, relocation, maintenance, or repair of public or private utilities involving work within highway right-of-way included in this project shall be done only in accordance with the general rules and regulations of the Commission and after a permit for the particular work has been obtained from the Commission's District Engineer or his authorized representative. Similarly, the City will allow no work on the highway right-of-way involving excavation or alteration in any manner of the highway as constructed, including but not limited to driveway connections, except in accordance with the rules and regulations of the Commission and only after a permit for the specific work has been obtained from the Commission's District Engineer or his authorized representative. The City shall take whatever actions that are necessary to assure compliance with this Subsection.

(9) TRAFFIC CONTROL DEVICES: The installation, operation and maintenance of all traffic signals, pavement markings, signs, and devices on the improvement, including those between the highway and intersecting streets shall be under the exclusive jurisdiction and at the cost of the Commission. The City shall not install, operate, or maintain any traffic signals, signs or other traffic control devices on the highway or on streets and highways at any point where they intersect this highway without approval of the Commission.

(10) PERMITS: The Commission shall secure any necessary approvals or permits from the Surface Transportation Board, the Public Service Commission of Missouri, or any other state or federal regulating authority required to permit the construction and maintenance of the highway.

(11) COMMENCEMENT OF WORK: After acquisition of the necessary right-of-way, the Commission shall construct the highway in accordance with final detailed plans approved by the Federal Highway Administration (or as they may be changed from time to time by the Commission with the approval of the FHWA) at such time as federal and state funds are allocated to the public improvement in an amount sufficient to pay for the federal and state government's proportionate share of construction. The obligation of the Commission toward the actual construction of the public improvement shall be dependent upon the completion of plans in time to obligate federal funds for such construction, upon approval of the plans by the FHWA, upon the award by the Commission of the contract for the construction, and upon the approval of the award by the FHWA.

(12) MAINTENANCE:

(A) Except as provided in this Agreement, upon completion of the public improvement, the Commission will maintain all portions of the improvement within the Commission owned right-of-way. Maintenance by the Commission shall not in any case include maintenance or repair of sidewalks whether new or used in place, water supply lines, sanitary or storm sewers (except those storm sewers constructed by the Commission to drain the highway), city-owned utilities within the right-of-way or the removal of snow other than the machine or chemical removal from the traveled portion of the highway.

(B) When it is necessary to revise or adjust city streets, the right-of-way acquired for these adjustments and connections will be deeded to the City.

(13) ACCEPTED WITHIN HIGHWAY SYSTEM: Effective upon execution of this Agreement, the Commission temporarily accepts the portion of the City street system described in this Agreement as part of the State Highway System for the purposes of this project. However, during the construction period contemplated in this Agreement:

(A) The Commission will assume no police or traffic control functions not obligatory upon Commission immediately prior to the execution of this Agreement, and

(B) The City shall perform or cause to be performed normal maintenance on the project site.

(14) CITY TO MAINTAIN: Upon completion of construction of this improvement, the City shall accept control and maintenance of the improved City street that was temporarily accepted as part of the State Highway System for the purposes of this project pursuant to paragraph (16) above and shall thereafter keep, control, and maintain the same as, and for all purposes, a part of the City street system at its own cost and expense and at no cost and expense whatsoever to the Commission. All obligations of the Commission with respect to the City street system under this Agreement shall cease upon completion of the improvement.

(15) POLICE POWERS: It is the intent of the parties to this Agreement that the City shall retain its police powers with respect to the regulation of traffic upon the improvement contemplated. However, the City will enact, keep in force, and enforce only such ordinances relating to traffic movement and parking restrictions as may be approved by the Commission and as are not in conflict with any regulations for federal aid. The Commission shall not arbitrarily withhold approval of reasonable traffic regulations, signs, and markings which will permit the movement of traffic in accordance with accepted traffic regulation practices.

(16) RESTRICTION OF PARKING: Since the improvement is being designed and constructed to accommodate a maximum amount of traffic with a minimum amount of right-of-way, the City shall take whatever actions that are necessary to prevent parking

upon the highway or any part of the area of the highway right-of-way within the limits of the improvement.

(17) OUTDOOR ADVERTISING: No billboards or other advertising signs or devices or vending or sale of merchandise will be permitted within the right-of-way limits of the project and the City shall take whatever actions that are necessary to enforce this Section.

(18) WITHHOLDING OF FUNDS: In the event that the City fails, neglects, or refuses to enact, keep in force or enforce ordinances specified or enacts ordinances contrary to the provisions in this Agreement, or in any other manner fails, neglects or refuses to perform any of the obligations assumed by it under this Agreement, the Commission may, after serving written request upon the City for compliance and the City's failure to comply, withhold the expenditure of further funds for maintenance, improvement, construction, or reconstruction of the state highway system in the City.

(19) FEDERAL HIGHWAY ADMINISTRATION: This Agreement is entered into subject to approval by the Federal Highway Administration and is further subject to the availability of federal and state funds for this construction.

(20) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(21) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment approved and signed by representatives of the City and Commission, respectively, each of whom being duly authorized to execute the contract amendment on behalf of the City and Commission, respectively.

(22) COMMISSION REPRESENTATIVE: The Commission's Southeast District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(23) CITY REPRESENTATIVE: The City's City Administrator is designated as

the City's representative for the purpose of administering the provisions of this Agreement. The City's representative may designate by written notice other persons having the authority to act on behalf of the City in furtherance of the performance of this Agreement.

(24) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

(A) To the City:  
Happy Welch, City Administrator  
City of Ste. Genevieve  
165 S. 4<sup>th</sup> Street  
Ste. Genevieve MO 63670

Facsimile No:573-883-5400

(B) To the Commission:  
Mark Croarkin, District Engineer  
Missouri Department of Transportation, Southeast District  
2675 North Main Street  
Sikeston MO 63801

Facsimile No:573-472-5341

or to such other place as the parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(25) ASSIGNMENT: The City shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(26) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of the contract.

(27) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(28) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the City.



(29) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

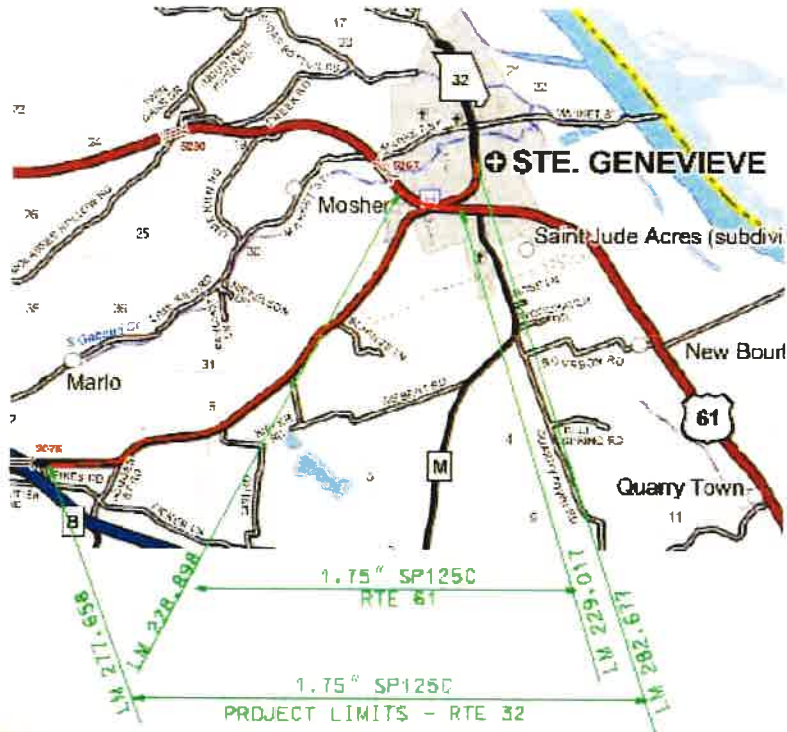
(30) SECTION HEADINGS: All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

*[remainder of page intentionally left blank]*

Exhibit A

ROUTE 32 BEGINNING OF PROJECT	217.000
END OF PROJECT	218.677
ROUTE 61 BEGINNING OF PROJECT	228.000
END OF PROJECT	229.017
TOTAL LENGTH OF PROJECT	5.12 MILES

# STE. GENEVIEVE



### EXHIBIT A

MUNICIPAL AGREEMENT  
 ROUTE 32, STE. GENEVIEVE COUNTY  
 JOB NO. J9P3392

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City on \_\_\_\_\_ (Date).

Executed by the Commission on \_\_\_\_\_ (Date).

MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION

CITY OF STE. GENEVIEVE

By: \_\_\_\_\_

DocuSigned by:  
By: Pat Ihle  
86DCE48714754B2

Title: \_\_\_\_\_

Title: Mayor

ATTEST:

ATTEST:

\_\_\_\_\_  
Secretary to the Commission

By: \_\_\_\_\_  
Title: city clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

\_\_\_\_\_  
Commission Counsel

DocuSigned by:  
By: Mark Bishop  
DBA16FDB501484  
Title: City Attorney

Ordinance Number \_\_\_\_\_

**Staff Report**

January 12, 2023

To: Board of Aldermen  
From: Happy Welch  
Re: Marijuana Tax Issue



**Issue:**

The Missouri Constitution allows for the collection of sales taxes for adult use marijuana by taxing authorities. We do not have an entity to tax at this point but we can place this question on the ballot in April to prepare for the possibility in the future. This tax is only for sales of adult use marijuana products.

Since we have the municipal election coming up in April I wanted to give the board the option to approve this to go on the ballot. The Proposition must be submitted to the County Clerk by January 24, 2023.

**Recommendation:**

Approve the ordinance to place the tax question on the ballot.

**AN ORDINANCE IMPOSING A SALES TAX AT A RATE OF THREE PERCENT ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF ADULT USE MARIJUANA SOLD WITHIN THE CITY OF STE. GENEVIEVE, MISSOURI, PURSUANT TO ARTICLE XIV, SECTION 2.6(5) OF THE MISSOURI CONSTITUTION SUBJECT TO THE APPROVAL BY THE VOTERS OF THE CITY AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 4, 2023; DESIGNATING THE FORM OF BALLOT; AND DIRECTING THE CITY CLERK TO PROVIDE NOTICE OF SAID ELECTION.**

**WHEREAS**, on November 8, 2022, the electors of the State of Missouri approved Amendment 3 to the Missouri Constitution enacting Section 2 of Article XIV of the Missouri Constitution effective December 8, 2022; and

**WHEREAS**, the newly enacted Article XIV, section 2.6(5) of the Missouri Constitution authorizes the City of Ste. Genevieve, Missouri to impose, by ordinance, an additional sales tax in amount not to exceed three percent (3%) on all tangible personal property retail sales of adult use marijuana sold in such political subdivision subject to approval by voters of the City of Ste. Genevieve, Missouri; and

**WHEREAS**, the Board of Aldermen find that it is in the best interests of the citizens of the City of Ste. Genevieve, Missouri to impose a sales tax of three percent (3%) on all tangible personal property retail sales of adult use marijuana sold in the City of Ste. Genevieve, Missouri and to submit the same to the voters of the City for approval by a majority of those voting at the general municipal election to be held on April 4, 2023.

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

**SECTION 1 – ADULT USE MARIJUANA SALES TAX.** A sales tax at the rate of three percent (3%) on all tangible personal property retail sales of adult use marijuana sold in the City of Ste. Genevieve, Missouri, as authorized by Article XIV, section 2.6(5) of the Missouri Constitution, is hereby imposed. The tax imposed hereunder shall be in addition to any and all other sales taxes allowed by law.

**SECTION 2 – EFFECTIVE DATE.** The sales tax imposed by this Ordinance shall not be effective unless approved by a majority of the votes cast by the qualified voters voting thereon at the General Municipal Election to be held on April 4, 2023, at which election a proposal to authorize the Board of Aldermen of the City of Ste. Genevieve, Missouri, to impose the tax herein provided for shall be submitted to the voters of the City of Ste. Genevieve.

**SECTION 3 – FORM OF BALLOT.** The ballot to be used in such election shall contain the following question:

**Proposition M**

Shall the City of Ste. Genevieve, Missouri, impose a sales tax of three percent (3%) on all retail sales of adult use marijuana sold in the City of Ste. Genevieve, Missouri?

Yes

No

**SECTION 4 – NOTICE OF ELECTION.** The City Clerk is hereby directed to notify the County Clerk of Ste. Genevieve County, Missouri, of the enactment of this Ordinance no later than 5:00 p.m. on Tuesday, January 24, 2023, in accordance with the Comprehensive Election Act, Chapter 115 of the Revised Statutes of Missouri, as amended.

**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**

**ALDERMAN GARY SMITH  
ALDERWOMAN SUSAN JOHNSON  
ALDERMAN BOB DONOVAN  
ALDERMAN MIKE JOKERST  
ALDERMAN JOE PRINCE  
ALDERMAN JEFF EYDMANN  
ALDERMAN MIKE RANEY  
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

**AN ORDINANCE REPEALING SECTION 135.175**

**WHEREAS**, the City of Ste. Genevieve adopted Section 135.175 to opt out of the state imposed sales tax holidays; and

**WHEREAS**, the Missouri Legislature has recently amended Section 144.049 RSMo., which exempts certain sales from state and local sales taxes, without providing a process for municipalities to opt out of those sales tax holidays; and

**WHEREAS**, the City of Ste. Genevieve has determined that is necessary to repeal Section 135.175 to remain in compliance with state law.

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

**SECTION 1.** Section 135.175 shall be repealed in its entirety.

**SECTION 2.** This ordinance shall be codified.

**SECTION 3.** This ordinance shall be in full force and effect from and after its date of passage and approval.

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

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

**PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY A ROLL CALL VOTE OF THE BOARD OF ALDERMEN AS FOLLOWS:**

VOTE

- ALDERWOMAN KRISTI CLEGHORN
- ALDERWOMAN SUSAN JOHNSON
- ALDERMAN BOB DONOVAN
- ALDERMAN MIKE JOKERST
- ALDERMAN JEFFREY EYDMANN
- ALDERMAN MICHAEL 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

---

**AN ORDINANCE ADOPTING SECTION 700.010  
DISCLOSURE OF UTILITY BILLING RECORDS**

---

**WHEREAS**, the City of Ste. Genevieve maintains certain records, including individual financial information, regarding utility bills and payments for those utility bills; and

**WHEREAS**, Section 610.021 RSMo. has been amended to add Paragraph (25) which allows for a municipality to establish individually identifiable customer usage and billing records, for customers of a municipally owned utility, as closed records pursuant to the Sunshine Law; and

**WHEREAS**, the City of Ste. Genevieve desires to enact this ordinance to make a determination that those individually identifiable customer usage and billing records, for customers of the municipally owned utilities of the City of Ste. Genevieve, be closed records and to provide a consistent policy with regard to the disclosure of those records.

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

**SECTION 1.** The City of Ste. Genevieve enacts and adopts Section 700.010, which shall read as follows:

**SECTION 700.010 Individually Identifiable Customer Usage and Billing Records**

Individually Identifiable Customer Usage and Billing Records for Customers of the utilities of the City of Ste. Genevieve shall be considered to be closed records pursuant to Section 610.021 RSMo. Unless the records are requested by the customer, or authorized for release by the customer, no records shall be made available to the public, except for the customer's name, billing address, location of service and the dates of service provided. Any authorization by the customer to release information to a third party must be made in writing and signed by the customer. The City Administrator, or his or her designee, is authorized to use a standardized form release to be used by the City of Ste. Genevieve to facilitate customer release authorizations.

**SECTION 2.** If any provisions of this ordinance, or the application thereof to anyone or any circumstances, are held invalid, the remainder of this ordinance and the application of such provisions shall not be affected thereby.

**SECTION 3.** This ordinance shall be codified.

**SECTION 4.** This ordinance shall be in full force and effect from and after its date of passage and approval.

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

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

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY A ROLL CALL VOTE OF THE BOARD OF ALDERMEN AS FOLLOWS:

VOTE

ALDERWOMAN KRISTI CLEGHORN  
ALDERWOMAN SUSAN JOHNSON  
ALDERMAN BOB DONOVAN  
ALDERMAN MIKE JOKERST  
ALDERMAN JEFFREY EYDMANN  
ALDERMAN MICHAEL 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

**BILL NO. 4531**

**ORDINANCE NO.**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR VIO PROPERTIES, LLC THAT WILL ALLOW GUEST LODGING AT 320 WASHINGTON STREET**

**WHEREAS**, VIO Properties, LLC. is requesting a Special Use Permit that will allow Guest Lodging at 320 Washington Street, which is currently located in an R-2 General Residential Zone District; and

**WHEREAS**, the Planning & Zoning Commission recommended approval (5-Yes 0-No 3-Absent) at the January 5, 2023 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 VIO Properties, LLC that will allow guest lodging at 320 Washington Street 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: VIO Properties LLC

ADDRESS: 320 Washington, Ste. Genevieve, MO 63670

BRIEF DESCRIPTION OF SPECIAL USE REQUEST: To operate a guest lodging establishment

DATE OF REQUEST: December 21, 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. Prior to Occupancy, the dwelling may not be occupied until any applicable building permits and occupancy permit are issued. The Occupancy Permit shall be renewed annually and shall include a property inspection under the City-adopted International Property Maintenance Code. Occupancy inspections prior to each guest arrival are not required.
2. Owners shall maintain a business license with the City of Ste. Genevieve under Municipal Code Chapter 605 Business Licensing. Owners shall be current on all City lodging tax payments.
3. Owners shall provide in a conspicuous location within the lodging unit at all times an operable ABC 5 lb. fire extinguisher.
4. Owners shall insure prior to each guest arrival, that exterior lighting at the entry door and stairway is operable.
5. No amplified music shall be played outside after 10 pm.
6. Owners shall post in a conspicuous location within the dwelling rules and conditions posted herein for guests to observe. It shall contain emergency telephone numbers of the Owners, the Police Department and Fire Department. It shall include a copy of the current Occupancy Permit. Owners shall provide phone number and address of the City of Ste. Genevieve's Building Department for any complaints about the condition of the property or services provided incident to the guests' stay.

7. Owner shall provide empty and clean trash receptacles at the property on the first day of each booked guest period for guest use. Owner shall legally dispose of guest trash and recyclables within 24 hours of any guest departure. Legal disposal includes storage of accumulated trash in approved receptacles or containers in such manner as not to create a nuisance. Trash receptacles shall not be placed at the street curb except on designated days by the Solid Waste hauler.

8. Signage identifying the guest lodging home shall be small and simple in nature and be attached to the structure so as to easily identify the entrance to the unit.

9. The applicant is to provide not less than one (1) off-street parking space for use by guests.

10. The exterior yard shall be maintained at all times.

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	<u>X</u>	---	---	---
Carl Kinsky	<u>X</u>	---	---	---
Joseph Prince, Alderman	---	---	<u>X</u>	---
Anthony Grass	<u>X</u>	---	---	---
Amanda Hutchings	---	---	<u>X</u>	---
Gina Bryant	<u>X</u>	---	---	---
Justin Donovan	<u>X</u>	---	---	---
Kathleen Waltz	---	---	<u>X</u>	---

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

1-5-23  
 \_\_\_\_\_  
 Date



## STAFF REPORT

January 5, 2022

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

**SPECIAL USE PERMIT**  
320 Washington

**SPECIAL USE PERMIT:** To operate a guest lodging establishment at 320 Washington, a single family residential structure.

R-2 General Residential District

Owner: VIO Properties LLC  
14933 Walker Road  
Ste. Genevieve, MO 63670

Applicant: VIO Properties  
14933 Walker Road  
Ste. Genevieve, MO 63670



**Legal Description:** See attached.

**Size of Lot:** 0.04 acre, 1,800Sq. Ft. (+/-) / South line 30' (+/-), West line 60' (+/-), North line 30' (+/-) East line 60' (+/-).

### REQUEST:

To receive a Special Use Permit to operate a guest lodging establishment.

### BACKGROUND

- The property is located in an R-2 General Residential Zone District.
- The property is bordered on the south, east, & west sides by residential lots with single family homes within the R-2 General Residential District. The property is bordered on the north side by Washington Street and other residential structures on the opposite side of the street that are also within the R-2 General Residential District.
- The property is a contributing structure within the Ste. Genevieve National Register Boundary and sits within the Ste. Genevieve National Landmark District. The original portion of the structure was built c. 1850 – 1875.
- The structure's current use is as a single family residence.
- The parcel is located within the FEMA-identified Zone A floodplain.
- There is no off-street parking available on this parcel. The applicant has provided an off-street parking location on a neighboring parcel to the south (John Vonder Harr, 166 N 3<sup>rd</sup> St.) to allow for off-street parking of his guests. Applicant has provided a map and signed document with his application. The off-street parking space provided is approximately 20' x



10' and is approximately 30' from the applicant's parcel and 80' from the entrance to the proposed guest lodging structure.

- **Municipal Code Section 405.060 (A) (1) (d) (2) R-2** – General Residential District Regulations provides: (1) Use Regulations. A building or premises shall be used only for the following purposes: (d) Following uses with special use permit only: (2) Rooming house, boarding house or guest lodging.
- **Municipal Code Section 405.020** DEFINITIONS defines Guest Lodging as: A lodging establishment renting guest rooms or units only to transient guests and having fewer than ten (10) guest rooms; and defines Transient Guest as: Any person who rents and occupies a guest room in a guest lodging establishment for period of less than thirty-one (31) days during any twelve (12) month period.
- **Municipal Code Section 405.170 (A) (14)** Off Street Parking Regulations states (A) 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. (14) Rooming or Lodging Home or Guest Lodging. One (1) parking space for each two (2) sleeping rooms. This structure has one (1) bedroom and would require a minimum of one (1) parking space.
- **Municipal Code Section 405.200 (A)** 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
- **Municipal Code Section 405.200 (D) (23)** 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 405.205 (F)** Table Summary of Permitted Signs allows Guest Lodging signs within an R-2 District.

### **PROJECT DESCRIPTION**

The applicant, VIO Properties LLC, wishes to operate a guest lodging establishment, commonly known as a "VRBO" or "AirBNB", within the single family residential structure at 320 Washington Street.

### **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.
7. Offers off-street parking on a neighboring lot.

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: "Motion to **APPROVE** Special Use Permit 002-23 with the conditions listed in the staff report":

Conditions:

1. Prior to Occupancy, the dwelling may not be occupied until any applicable building permits and occupancy permit are issued. The Occupancy Permit shall be renewed annually and shall include a property inspection under the City-adopted International Property Maintenance Code. Occupancy inspections prior to each guest arrival are not required.
2. Owners shall maintain a business license with the City of Ste. Genevieve under Municipal Code Chapter 605 Business Licensing. Owners shall be current on all City lodging tax payments.
3. Owners shall provide in a conspicuous location within the lodging unit at all times an operable ABC 5 lb. fire extinguisher.
4. Owners shall insure prior to each guest arrival, that exterior lighting at the entry door and stairway is operable.
5. No amplified music shall be played outside after 10 pm.
6. Owners shall post in a conspicuous location within the dwelling rules and conditions posted herein for guests to observe. It shall contain emergency telephone numbers of the Owners, the Police Department and Fire Department. It shall include a copy of the current Occupancy Permit. Owners shall provide phone number and address of the City of Ste. Genevieve's Building Department for any complaints about the condition of the property or services provided incident to the guests' stay.
7. Owner shall provide empty and clean trash receptacles at the property on the first day of each booked guest period for guest use. Owner shall legally dispose of guest trash and recyclables within 24 hours of any guest departure. Legal disposal includes storage of accumulated trash in approved receptacles or containers in such manner as not to create a nuisance. Trash receptacles shall not be placed at the street curb except on designated days by the Solid Waste hauler.
8. Signage identifying the guest lodging home shall be small and simple in nature and be attached to the structure so as to easily identify the entrance to the unit.
9. The applicant is to provide not less than one (1) off-street parking space for use by guests.

10. The exterior yard shall be maintained at all times.

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

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

SUP002-023

FEE: \$50.00  
PAID:

RECEIVED  
DEC 21 2022  
BY:

PLEASE PRINT OR TYPE (BLACK INK ONLY)

**SECTION A.**

- Street Address of Tract or Tracts:  
320 Washington Street Ste. Genevieve MO 63670
- Names and Addresses of **All** legal owners of tract(s).  
VIO Properties LLC - 14933 Walker Road Ste. Genevieve MO 63670
- Current Zoning Classification:

- |   |   |
|---|---|
| A (Agricultural) <input type="checkbox"/>                     | I-1 (Light Industrial) <input type="checkbox"/>   |
| MH (Mobil Home Park) <input type="checkbox"/>                 | I-2 (Heavy Industrial) <input type="checkbox"/>   |
| R-1 (Single Family Residential) <input type="checkbox"/>      | C-1 (General Commercial) <input type="checkbox"/> |
| R-2 (General Residential) <input checked="" type="checkbox"/> | C-2 (Central Business) <input type="checkbox"/>   |
| C-4 (Neighborhood Commercial) <input type="checkbox"/>        |   |

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

5. Signatures of **All** persons listed in Item #2.

<u>Zachary C Viox</u> PRINTED OR TYPED NAME	<u>Zachary Viox</u> SIGNATURE
_____ PRINTED OR TYPED NAME	_____ SIGNATURE

6. Contact for Application:

Name: Zachary C Viox  
Address: 14933 Walker Road Ste. Genevieve MO 63670  
Phone: 573-883-0817

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) 883-5100 Fax (573) 883-8105

**Special Use Permit Application**

PLEASE PRINT OR TYPE (BLACK INK ONLY)

Zachary C. Viox

Applicant's Signature

**SECTION B.**

1. Legal description of tract(s)

1.5-story residential-use building

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.**

John Vonder - 166 N 3rd St. Ste. Genevieve MO 63670

Daniel Evans - 1511 Stony Brook trail Ste. Genevieve MO 63670

Thomas Stanley - 2885 Waverly Falls Ct Jacksonville 32224

Steven Wallen - 8984 Bluegrass Lane Bloomsdale MO 63627

CITY OF STE.GENEVIEVE, MISSOURI

165 S. Fourth Street

Ste. Genevieve, MO 63670

Phone (573) 883-5100 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.

Short term rental VRBO / Airbnb

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: Trash and Garbage  
will be generated by visitors staying in the house and  
will be disposed of within 12 hours of guests departure.

4. What other uses will exist on the premises? N/A

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.

N/A

**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)**

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**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.

If granted, this special use permit will allow a new place  
for visitors of Ste. Genevieve to stay in close proximity to  
downtown. I believe the more options visitors have to stay will  
in turn create more revenue for the small businesses in Ste Genevieve.

CITY OF STE.GENEVIEVE, MISSOURI

165 S. Fourth Street

Ste. Genevieve, MO 63670

Phone (573) 883-5100 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:

320 WASHINGTON

Applicant Name:

V10 PROPERTIES LLC

Date of Planning and Zoning Meeting:

1/5/23

Planning and Zoning Commission:

Approved  Denied

Date of Board of Alderman Meeting:

1/12/23

Approved  Denied

Received By:

DB

Date & Time

12/21/22



CITY OF STE. GENEVIEVE, MISSOURI  
167 S. Fourth Street  
Ste. Genevieve, MO 63070  
Phone (573) 883-5400 Fax (573) 883-8105  
Special Use Permit Application

SUP002-023

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:

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

\_\_\_\_\_  
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

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

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

NONE

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



Fire Chief's Signature

12/28/27

Date

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167 S. Fourth Street  
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Phone (573) 883-5400 Fax (573) 883-8105  
Special Use Permit Application

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**POLICE CHIEF'S REVIEW:**

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

( ) YES (Please Explain Below)

NO

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

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LT. T. R. [Signature]

Police Chief's Signature

12/28/22

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:

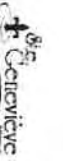
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Fire Chief's Signature

Date

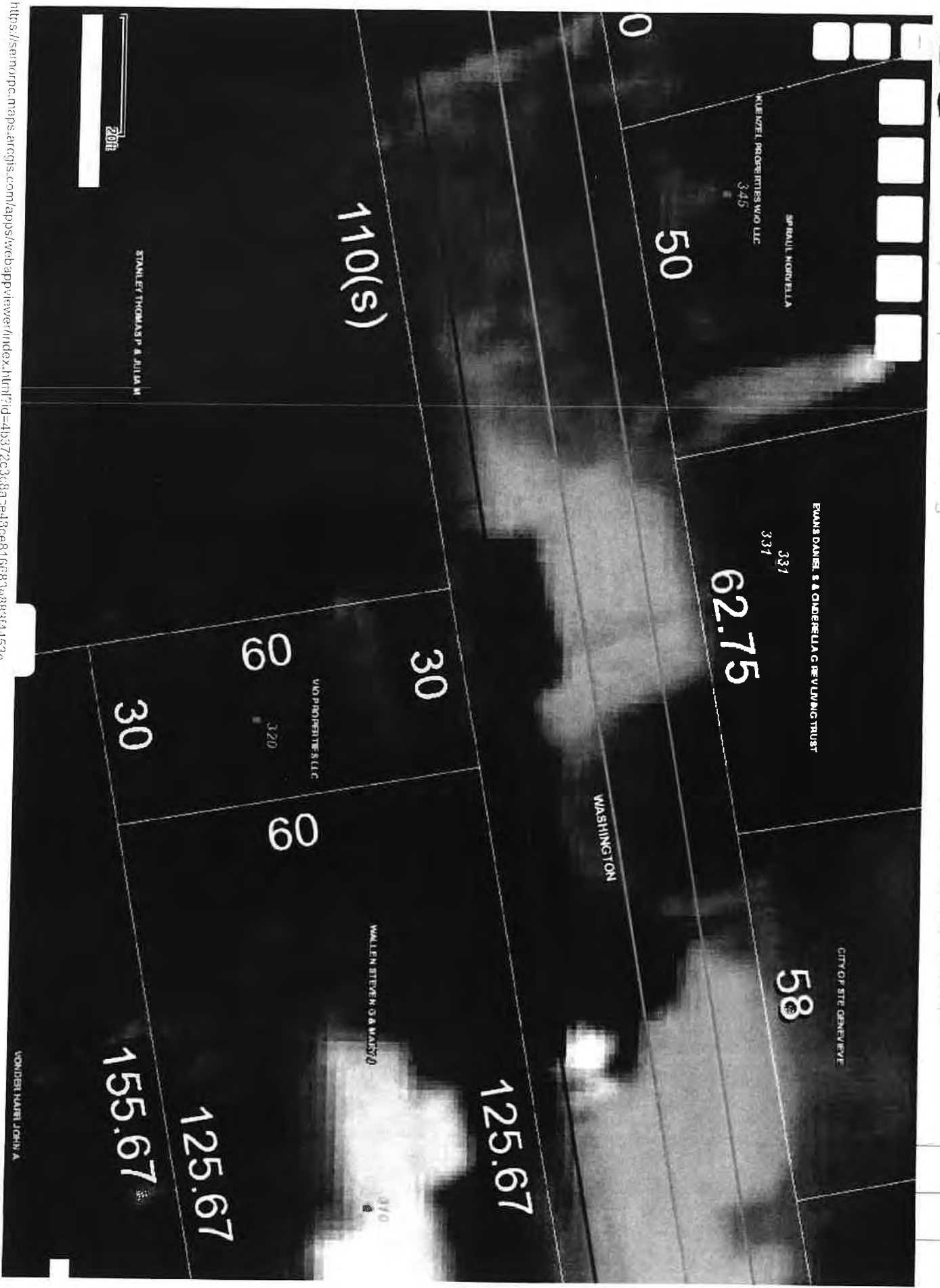


St. Gen City Composite for Editing

Washington

Washington

Washington



Parking will be provided on the driveway  
diagonal from the house.

A handwritten signature in black ink, appearing to read "John Redwood". The signature is written in a cursive style with a long, sweeping tail on the final letter.

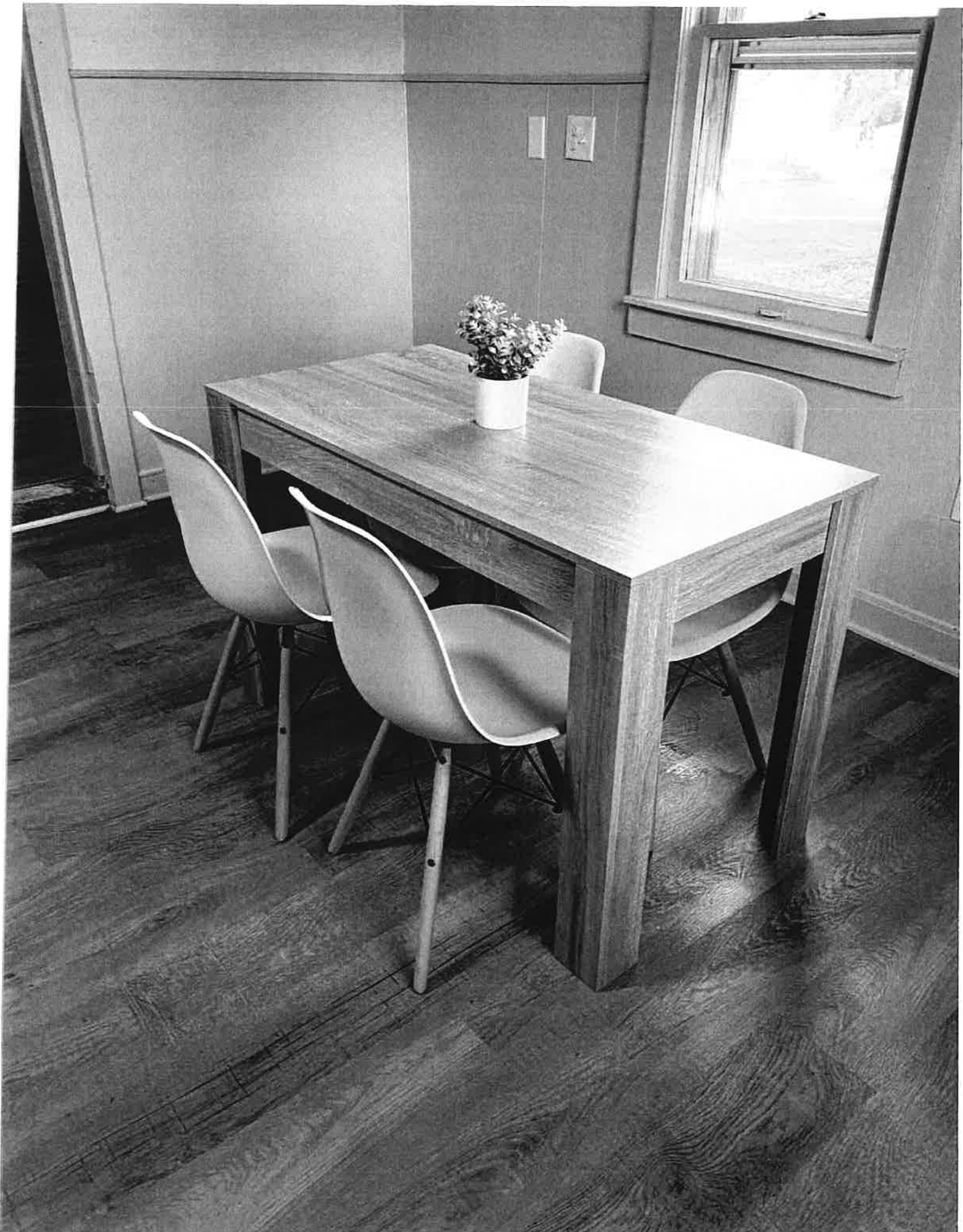
**Washington St**



**WALLEN  
STEVEN G  
& MARY J**

**Off street parking  
for visitors**

**VONDE  
HARR  
JOHN A**













## Adjoining Property Owners to 320 Washington

Thomas & Julia Stanley  
2885 Waverly Falls Court  
Jacksonville, FL 32224-5855

John Vonder Harr  
166 N 3<sup>rd</sup> St  
Ste. Genevieve, MO 63670

Steven & Mary Wallen  
8984 Bluegrass Lane  
Bloomsdale, MO 63627

Daniel & Cinderella Evans Rev. Living Trust  
1151 Stony Brook Trail  
Ste. Genevieve, MO 63670

Novella Spraul  
345 Washington  
Ste. Genevieve, MO 63670

### Renters

Monica Heob  
310 Washington  
Ste. Genevieve, MO 63670

Abigail Kern  
331 Washington  
Ste. Genevieve, MO 63670