



**CITY OF WELDON SPRING  
BOARD OF ALDERMEN MEETING  
ON THURSDAY, FEBRUARY 27, 2020, AT 7:30 P.M.  
WELDON SPRING CITY HALL  
5401 INDEPENDENCE ROAD  
WELDON SPRING, MISSOURI 63304**

**\*\*\*\*AGENDA\*\*\*\***

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL and DETERMINATION OF A QUORUM**
- 4. APPROVAL OF MINUTES**
  - A. February 11, 2020 – Regular Board Meeting Minutes
- 5. CITIZENS COMMENTS**
- 6. CITY TREASURER** – Paid Bills (2-6-20 – 2-20-20) & Unpaid Bills (2-12-20 – 2-27-20)
- 7. UNFINISHED BUSINESS**
  - A. Bill #1139 - An Ordinance Amending Ordinance 96-12 of the City of Weldon Spring, Missouri, By Changing the Type of Fence Constructed Along Independence Road – **Alderman Clutter**
- 8. NEW BUSINESS**
  - A. Walking Trail Final Preliminary Plan – **Cochran Engineering**
  - B. Change Order #4 for Independence Road Phase 4 – **Cochran Engineering**
  - C. An Ordinance Renewing an Existing Franchise Agreement with Cuivre River Electric Cooperative, Inc. - **Alderman Schwaab**
  - D. An Ordinance Formally Adopting Standard Operating Procedures for the City of Weldon Spring, Missouri Regarding Private Infrastructure Dedication - **Alderman Martisus**
  - E. City Monument Sign Design & Build Bid Results – **City Administrator**
  - F. City Engineering Services – **City Administrator**
  - G. City Planner Services – **City Administrator**
- 10. REPORTS & COMMITTEES**
  - A. City Administrator
  - B. City Attorney
  - C. Planning & Zoning Commission
  - D. Finance Committee
  - E. Parks & Recreation
  - F. ARC Reappointments
- 11. RECEIPTS & COMMUNICATIONS**
- 12. WORK SESSION**
- 13. CLOSED SESSION:**

In Accordance with RSMo Section 610.021, the Board of Aldermen will go into Closed Session during this meeting to discuss matters of Personnel under Section 610.021(3).
- 14. ADJOURNMENT**

Copies of all ordinances proposed to be introduced for consideration by the Board of Aldermen, and any other items included in the Board of Aldermen's Board Packet are available for public inspection on the City of Weldon Spring website or at the Office of the City Clerk. The City Clerk can be contacted at [bhanks@weldonspring.org](mailto:bhanks@weldonspring.org) or 636-441-2110.



This notice was posted at 5401 Independence Road on 2-21-20 at 10:55am by W C Clutter.

**CITY OF WELDON SPRING  
REGULAR MEETING OF THE BOARD OF ALDERMEN  
FEBRUARY 11, 2020**

**CALL TO ORDER:** The regular meeting of the Board of Aldermen of the City of Weldon Spring was held on Tuesday, February 11, 2020 at approximately 7:30 PM. The meeting was held at the Weldon Spring City Hall, which is located at 5401 Independence Road. Mayor Donald Licklider called the meeting to order.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.

**ROLL CALL AND DETERMINATION OF QUORUM:** On a roll call, the following members were present:

Ward 1:	Alderman Clutter	
Ward 2:	Alderman Schwaab	Alderman Kolb
Ward 3:	Alderman Martiszus	

Alderman Baker and Alderman Hillmer was absent from the meeting. A quorum was declared.

**MINUTES: January 14, 2020 Board Minutes** - Alderman Clutter moved to approve the minutes as written from the January 14, 2019 regular meeting, seconded by Alderman Schwaab. **Motion carried** with 4 ayes.

**PUBLIC COMMENTS:**

**Mary Jo Hodel, 743 Blairbeth Drive:** She voiced her concern about the speeding issue in the Highlands Subdivision. She wants the City to consider the possibility of implementing a double fine zone in the Highlands Subdivision.

**TREASURER'S REPORT:** Alderman Clutter made a motion to accept the Treasurer's packet of paid bills from January 7, 2020 to January 14, 2020, unpaid bills from January 15, 2020 to January 23, 2020, and the paid bills from January 15, 2020 to February 5, 2020. The motion was seconded by Alderman Kolb. **Motion carried** with 4 ayes.

**OLD BUSINESS:**

**Bill #1137 - An Ordinance Authorizing the Execution of an Amended Agreement with Lashley & Bear P.C. Regarding Prosecuting Attorney Legal Services:** Alderman Kolb moved to take Bill #1137 off the table and read Bill #1137 for its second reading and final time, seconded by Alderman Clutter. On a roll call vote, the Bill #1137 was placed as Ordinance 20-02 as followed:

AYES: 4 – Clutter, Kolb, Martiszus, and Schwaab  
NOES: 0 -  
ABSENT: 2 – Baker and Hillmer

**Bill #1138 - An Ordinance of the City of Weldon Spring, Missouri, to Establish a Procedure to Disclose Potential Conflicts of Interest and Substantial Interest for Certain Officials:** Alderman Schwaab moved to take Bill #1138 off the table and read Bill #1138 for its second



reading and final time, seconded by Alderman Clutter. On a roll call vote, the Bill #1138 was placed as Ordinance 20-03 as followed:

AYES: 4 – Clutter, Kolb, Martiszus, and Schwaab  
NOES: 0 -  
ABSENT: 2 – Baker and Hillmer

**Camelot Subdivision Fence Request:** This topic was discussed later in the meeting.

### **NEW BUSINESS:**

**Right-of-Way Mowing Services Bid Results:** Alderman Clutter stated he is strongly against contracting out these services entirely because he feels some of the right-of-way mowing along Independence and Wolfrum Roads should be done in-house to save money. Alderman Kolb stated the Board should award the Bid as is because staff has already developed a project scope, established specifications and gone through the bidding process. A heated discussion ensued.

Mr. Padella (City Administrator) informed the Board that it is staff's recommendation to award the contract to SureCut Solutions for right-of-way mowing services for 2020. He continued by explaining in order for the City to take on the right-of-way mowing services in-house the City would need to purchase more mowing equipment, hire additional manpower, including seasonal/temporary help and potentially purchase another city work truck in order to effectively undertake these responsibilities with city personnel. Also, Mr. Padella noted the City's liability would increase due to the potential exposure to worker comp claims and the employer portion of payroll and unemployment taxes would increase as well. Mr. Padella stated based upon staff's analysis comparing the low bidder's figures with the necessary equipment and personnel expenses the City would have to expend it would be more cost effective to outsource the right-of-way mowing services at this time. Alderman Clutter vehemently disagreed with the City Administrator's research and analysis. Additional discussion followed.

Alderman Martiszus made a motion to award the \$12,600.00 bid to SureCut Solutions for right-of-way mowing services in 2020. The motion was seconded by Alderman Schwaab. **Motion carried** with 3 ayes. Alderman Clutter voted no.

**Right-of-Way Ground Maintenance Bid Results:** Alderman Martiszus made a motion to award the \$5,895.00 bid from TruGreen Commercial for right-of-way ground maintenance. The motion was seconded by Alderman Schwaab. **Motion carried** with 4 ayes.

**City Monument Sign Design & Build Bid Results:** This was tabled till the next Board meeting.

**PRAC's Recommendation to Rename the City Park:** Alderman Clutter made a motion to formally change the name of the City Park to Weldon Spring City Park. The motion was seconded by Alderman Kolb. **Motion carried** with 4 ayes.

**Trash Receptacle Bid Summary:** Alderman Clutter made a motion for the City to make a purchase not to exceed \$1,100 for 3 trash receptacles. The motion was seconded by Alderman Kolb. **Motion carried** with 4 ayes.

**Ehlmann Farms Final Escrow Release:** Alderman Clutter made a motion to release the final escrow for the Ehlmann Farms Subdivision Development. The motion was seconded by Alderman Martiszus. **Motion carried** with 4 ayes.

**An Ordinance Amending Ordinance 96-12 of the City of Weldon Spring, Missouri, By Changing the Type of Fence Constructed Along Independence Road:** Alderman Schwaab moved to introduce Bill # 1139 for its first reading. Alderman Martiszus seconded the motion and the **motion carried**.

Mayor Licklider asked Alderman Clutter if any of the fence would be in the public right-of-way. Alderman Clutter told him yes. Alderman Clutter explained the exceptions for that part of the fence in the part right-of-way, which is stated in the Ordinance.

Mr. Wohler (City Attorney) reminded the Board that staff made a requirement on the initial application that all the fence must be placed on private property. He believes the City would be setting a precedence with the passing of this Ordinance. He stated the Board should think about this before the next Board meeting because the reasons for the exceptions needs to be justified in the meeting. A brief discussion took place

Bill # 1139 was tabled in accordance with City Code.

**Laserfiche (Archiving Software):** Alderman Clutter made a motion to award the \$3,049.81 bid from SHI International, Corp. The motion was seconded by Alderman Schwaab. **Motion carried** with 4 ayes.

**2020 Municipal Election Update:** Mr. Hanks (City Clerk) informed the Board that the City has no contested races for the upcoming Municipal Election and the only candidates that filed were the incumbents.

**St. Charles County Municipal League Update:** A brief discussion about Senator Bill Eigel's proposal to eliminate personal property tax on vehicles took place.

#### **REPORTS AND COMMITTEES:**

**City Administrator:** Mr. Padella (City Administrator) briefly summarized his report.

**City Attorney:** No report given.

**Planning and Zoning Commission:** Alderman Martiszus made a motion to approve Mayor Licklider's nomination of Tom Heyl to the Planning & Zoning Commission, seconded by Alderman Clutter. **Motion carried** with 4 ayes.

Alderman Schwaab made a motion to approve Mayor Licklider reappointment of Larry Halbrook to the Planning & Zoning Commission, seconded by Alderman Clutter. **Motion carried** with 4 ayes.

**Finance Committee:** No report given.

**CERT Committee:** No report given.

**PRAC Committee:** Nick Baldecchi, the Chairman for the Parks & Recreation Advisory Committee, gave a brief update on the walking trail project in the City Park and along Wolfrum Rd.. He stated ABCreative presented to the committee the 2<sup>nd</sup> phase of a proposed playground



expansion project, but the Committee needs more clarification on some of the items/details presented.

**RECEIPTS & COMMUNICATIONS:**

**Alderman Clutter:** He mentioned the idea of having Cochran Engineering make some modifications to the Wolfrum Walking Trail plans with an effort to reduce cost for the project.

**ADJOURNMENT:**

Alderman Kolb moved to adjourn the meeting at 8:31 PM and Alderman Clutter seconded the motion. **Motion carried** with 4 ayes.

Respectfully submitted,

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William C. Hanks  
City Clerk

**PAID BILLS TO BE APPROVED  
FEBRUARY 6, 2020 -- FEBRUARY 20, 2020**

EXCEPT FOR THE ITEMS NOTED, THE ATTACHED LIST IS APPROVED BY THE BOARD OF ALDERMAN FOR PAYMENT. APPROVED THIS  
27th DAY OF FEBRUARY 2020 \_\_\_\_\_, MAYOR

# CLAIMS REPORT

Check Range: 2/01/2020- 2/20/2020

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
AFLAC	MONTHLY INSURANCE PAID BY EMP		66.40	11290586	2/01/20
ANTHEM LIFE	EMPLOYEE INS GROUP A37265		92.50	16067	2/20/20
BILL SCHNELL	MILEAGE REIMB		36.80	16068	2/20/20
BUILDINGSTARS OPERATIONS INC	MONTHLY HOUSEKEEPING		240.00	16057	2/07/20
DELTA DENTAL OF MISSOURI	0419-1811 DENTAL INSURANCE		221.82	16069	2/20/20
DUCKETT CREEK SANITARY DISTRICT	QTR SEWER FEE		65.25	16058	2/07/20
HAROLD BELZER	OUTSIDE ENGINEER INDEP 4		350.00	16059	2/07/20
LAW ENFORCEMENT SYSTEMS, INC	MISSOURI UNIFORM CITATIONS		344.00	16070	2/20/20
MACA	APPL CERTIFIED PROS CLERK		65.00	16060	2/07/20
MICHAEL PADELLA	MILEAGE EXPENSE		301.74	16061	2/07/20
MISSOURI DEPT OF REVENUE	CRIME VICTIM 56 CASES \$7.13 EA		396.41	16071	2/20/20
MISSOURI LAWYERS MEDIA	PUBLIC NOTICES- RFQ FOR PA		34.00	16062	2/07/20
MO DEPT OF PUBLIC SAFETY	POST STATE \$1 EA OF 57 CASES		57.00	16072	2/20/20
NEOPOST USA INC	INK FOR POSTAGE MACHINE		139.73	16077	2/20/20
PURITAN SPRING WATER	BOTTLE WATER		24.77	16074	2/20/20
SAFEGUARD	DEPOSIT SLIPS - MAIN ACCT		82.35	16063	2/07/20
SHERIFF'S RETIREMENT SYSTEM	COURT FEES 57 CASES \$3 EACH		171.00	16075	2/20/20
ST CHARLES COUNTY GOVT	ANIMAL CAPTURE CONTRACT 2020		7,345.76	16064	2/07/20
UNITED HEALTHCARE	EMPLOYEE HEALTH INS LB		4,298.58	16091	2/20/20
URETEK USA, INC	WRENWYCK PLACE BOX CULVERT I		7,040.00	16076	2/20/20
WEX BANK	FLEET GAS CARD		93.91	16065	2/07/20
Accounts Payable Total			21,467.02		

**UNPAID BILLS TO BE APPROVED  
FEBRUARY 12, 2020 -- FEBRUARY 27, 2020**

EXCEPT FOR THE ITEMS NOTED, THE ATTACHED LIST IS APPROVED BY THE BOARD OF ALDERMAN FOR PAYMENT. APPROVED THIS  
271th DAY OF FEBRUARY 2020 \_\_\_\_\_, MAYOR



CLAIMS REPORT  
Check Range: 2/27/2020 - 2/27/2020

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
ST CHARLES ENGINEERING	City Engineer		1,575.00	16090	2/27/20
	Accounts Payable Total		=====		
			1,575.00		

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**AN ORDINANCE AMENDING ORDINANCE 96-12 OF THE CITY OF  
WELDON SPRING, MISSOURI, BY CHANGING THE TYPE OF FENCE  
CONSTRUCTED ALONG INDEPENDENCE ROAD**

\*\*\*\*\*

**WHEREAS**, the “Camelot” Subdivision Plat was approved by the Board of Aldermen on February 22, 1996;

**WHEREAS**, the “Camelot” Subdivision Plat was recorded with the St. Charles County Recorder of Deeds on February 27, 1996;

**WHEREAS**, the City of Weldon Spring agreed to amend Ordinance 96-12 to allow for a black wrought iron looking fence made out of aluminum along Independence Road in exchange of the needed easements and vacation of the pedestrian path, which is associated with the Independence Road Phase IV.

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI, AS FOLLOWS:**

**SECTION 1:** The plat requirement for white ranch type fence is hereby replaced by black wrought iron looking fence made out of aluminum for property of landowners along Independence Road. All parts of the fence shall be on private property except as noted in the following.

- A. Perpendicular fence used to connect to existing fences installed by City of Weldon Spring as part of the Independence road Phase 4 project are permissible.
- B. City to approve allowing fence to be installed at a minimum distance of 5 feet, 6 inches from back of the concrete curb on Independence Road behind homes along Enchanted Drive (Lots 167-170) and the parcel located at 5338 Enchanted Drive with one possible easement or property transfer behind Lot 167 located at 5324 Enchanted Drive, where the corner property marker is measured to be located 6 feet 7 inches from the back of the curb.
- C. City to approve allowing fence to be installed at a minimum distance of 6 feet 1 inch from the back of the concrete curb on Independence Road behind the homes on Enchanted Court (Lots 163-166).

**SECTION 2:** That this ordinance shall be in full force and effect immediately upon its enactment and approval.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF  
WELDON SPRING, MISSOURI, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

\_\_\_\_\_  
Donald D. Licklider, Mayor

Attest:

\_\_\_\_\_  
William C. Hanks, City Clerk

To approve Bill

Motioned: \_\_\_\_\_

Seconded: \_\_\_\_\_

	<u>Aye</u>	<u>Nay</u>	<u>Abstention</u>		<u>Aye</u>	<u>Nay</u>	<u>Abstention</u>
Clutter	___	___	___	Hillmer	___	___	___
Schwaab	___	___	___	Kolb	___	___	___
Martiszus	___	___	___	Baker	___	___	___
Licklider	___	___	___				

Absent: \_\_\_\_\_



BILL NO. \_\_\_\_\_

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

AN ORDINANCE RENEWING AN EXISTING FRANCHISE AND GRANTING FOR A PERIOD OF TWENTY (20) YEARS TO CUIVRE RIVER ELECTRIC COOPERATIVE, INC., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE, RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXCAVATE FOR, PLACE, MAINTAIN, OPERATE, AND USE ITS POLES, TOWERS, WIRES, CONDUITS, CONDUCTORS, MANHOLES, UNDERGROUND VAULTS, AND OTHER EQUIPMENT, AND APPLIANCES IN CONNECTION THEREWITH, IN, ALONG, ACROSS, OVER AND UNDER THE STREETS, ROADS, ALLEYS, SIDEWALKS, SQUARES, BRIDGES AND OTHER PUBLIC PLACES IN THE CITY OF WELDON SPRING AND AREAS DEDICATED TO THE CITY FOR PUBLIC UTILITY USE, FOR THE PURPOSE OF TRANSMITTING, FURNISHING AND DISTRIBUTING ELECTRICITY FOR LIGHT, HEAT, POWER AND OTHER PURPOSES WITHIN AND THROUGH SAID CITY, PRESCRIBING THE TERMS AND CONDITIONS OF SUCH GRANT, IMPOSING CERTAIN OBLIGATIONS UPON THE GRANTEE, ITS SUCCESSORS AND ASSIGNS, SUCCESSIVELY, IN CONNECTION THEREWITH, AND PROVIDING FOR A 5 PERCENT (5%) FRANCHISE CHARGE UPON THE GROSS RECEIPTS OF ELECTRICITY DELIVERED BY CUIVRE RIVER ELECTRIC COOPERATIVE, INC. WITHIN THE CORPORATE LIMITS OF THE CITY, AND PROVIDING THAT THIS ORDINANCE SHALL NOT BE EFFECTIVE UNLESS AND UNTIL SUCH GRANT BE APPROVED BY THE BOARD OF ALDERMEN OF THE CITY.

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI, AS FOLLOWS:**

**SECTION 1:** The franchise, right permission and authority is hereby granted to, and renewed and vested in Cuivre River Electric Cooperative, Inc., a Missouri corporation, its successors and assigns, hereinafter called "Company", to construct, reconstruct, excavate for, place, maintain, operate and use all necessary or appropriate poles, towers, wires, conduits, conductors, manholes, underground vaults, and other equipment, with all necessary or appropriate appurtenances and appliances in connection therewith, in, along, across, over and under the streets, roads, alleys, sidewalks, squares, bridges, and other public places within the corporate limits of the City Of Weldon Spring, hereinafter called "City," as now fixed and as hereafter extended, and areas dedicated to the City for public utility use, for the purpose of furnishing and distributing electricity for light, heat, power and other purposes within said City, and in territory adjacent to said City, and for the purpose of transmitting electricity through said City; all such equipment, appliances and apparatus to be installed and maintained with due regard to and the rightful use by other persons, with vehicles or otherwise, of the streets, roads, alleys, sidewalks, squares, bridges and other public places and areas dedicated to the City for public utility use, and Company's exercise of the rights, permission and authority hereby granted shall at all times be subject to proper regulation by the City in the exercise of its police powers.

**SECTION 2:** As consideration for the rights and privileges conferred by the Ordinance, and in lieu of any payments required by said City's Ordinance No. 8, Company shall pay to said City on or before the last day of the first month following the month that this franchise is accepted by the Company, and monthly thereafter, an amount equal to 5 percent (5%) of its gross receipts, as herein defined, from sales of electricity delivered by it within the corporate limits of said City; subject, however, to a maximum monthly charge of \$5.00 per residential customer, hereinafter referred to as the Maximum Monthly Residential Charge may be adjusted (the "adjustment") from time to time during the term of this franchise by City ordinance adopted: (a) Within sixty (60) days after the first anniversary date of the effective date of this ordinance; and (b) Thereafter within sixty (60) days after every succeeding second anniversary date



of the effective date of this Ordinance, provided, however, that any such adjustment shall not become effective until the first day of the second calendar month after its adoption. All payments made hereunder will be reduced by the total of payments made by Company for the applicable periods of time or portions thereof on account of any tax levied or imposed by said City upon the business of selling electricity or upon the proceeds of sales of electricity or upon the right or privilege of engaging in such business within said corporate limits, whether said tax be designated as an occupation tax, a license tax, or otherwise; but not including a sales tax levied or imposed pursuant to the City Sales Tax Act. With each franchise payment hereunder, Company shall file with the City Clerk of said City a sworn statement of the gross receipts for applicable period and also a sworn statement of all payments made by it for such period on account of any of the taxes enumerated above in the Section. The term "gross receipts" means the aggregate amount of all sales and charges from the business of supplying electricity or electric service made by Company in said City during any period less discounts, credits, refunds, sales taxes and uncollectible accounts. Gross receipts derived from the furnishing of such service to the City shall not be included in gross receipts nor shall the franchise payment be due on such gross receipts.

**SECTION 3:** All facilities of Company in said City shall be installed and maintained in accordance with the applicable rules and regulations of the Missouri Public Service Commission, and any applicable City ordinances.

**SECTION 4:** In order for Company to render efficient and continuous electrical service it will be necessary for Company to trim the trunks and branches of trees along or over the streets, sidewalks, alleys, avenues, squares, bridges and other public places in said City, and areas dedicated to the City for public utility use, wherever the same are likely to come in contact with its equipment; therefore, Company is hereby granted the right to trim such trees, including the trunk branches and all parts thereof, so as to enable it to erect and maintain its equipment in a regular and consistent form and manner and to enable it to provide the most efficient and continuous service that the circumstances will permit; provided, however, that Company shall exercise proper care and discretion in cutting and trimming said trees and all parts thereof.

**SECTION 5:** The rights, privileges and authority hereby granted shall inure to and be vested in Company, its successors and assigns, successively, subject to all of the terms, provisions and conditions herein contained, and each of the obligations hereby imposed upon Company shall devolve and be binding upon its successors and assigns, successively, in the same manner.

**SECTION 6:** This Ordinance shall confer no right, privilege or authority on Company, its successors, licensees, transferees or assigns unless company shall within ninety (90) days after due notice to the Company of the enactment of this Ordinance, file with the City Clerk an acceptance of the terms and provisions hereof; provided, however, that if such acceptance be not so filed within said period of ninety (90) days, all rights, privileges, and authority herein granted shall become null and void.

**SECTION 7:** This Ordinance and Franchise, upon its enactment and its acceptance by Company, as hereinbefore provided, shall continue and remain in full force and effect for a period of twenty (20) years from the filing of Company's acceptance.

**SECTION 8:** The City acknowledges that Company is vested in rights, permissions and authority independent of this Ordinance. Neither acceptance of this Ordinance nor compliance with its provisions shall impair in any way or waive any right, permission or authority which Company may have independent of this Ordinance. In addition, neither use by Company of public property or places as authorized by this Ordinance nor service rendered by Company in said City shall be treated as use solely of the rights, permission and authority provided for by this Ordinance and in no way shall indicate non-use of any right, permission or authority vested in the Company independent of this Ordinance.

**SECTION 9:** All ordinances and parts of ordinances in conflict with this Ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

**SECTION 10:** This Ordinance shall not relieve Company of the obligation to comply with any ordinance now existing in the City or enacted in the future requiring Cooperative to obtain written permits or other approval from the City prior to commencement of construction of facilities within the streets thereof, except Company shall not be required to obtain permits or other approval from the City for the maintenance and repair of its facilities.

**SECTION 11:** If any provision of this Ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

**SECTION 12:** This bill shall take effect and the rights, privileges and authority hereby granted and renewed shall vest in company upon its filing of an acceptance with the City Clerk according to the terms prescribed herein. The ordinance shall be subject to approval or disapproval of the voters of this City only upon the terms and conditions as provided in Mo., Rev. Stat. S 88.251 (1994). If the City Clerk does not receive within thirty days after the passing of this ordinance a petition sufficient in form and signed by the requisite number of voters, it shall be a valid and binding franchise of the City upon the filing of an acceptance by the Company according to the terms prescribed herein and shall remain in full force and effect and cannot be repealed or amended.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON  
SPRING, MISSOURI, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

\_\_\_\_\_  
Donald D. Licklider, Mayor

Attest:

\_\_\_\_\_  
William C. Hanks, City Clerk

To approve Bill

Motioned: \_\_\_\_\_

Seconded: \_\_\_\_\_

	<u>Aye</u>	<u>Nay</u>	<u>Abstention</u>
Clutter	___	___	___
Hillmer	___	___	___
Schwaab	___	___	___
Kolb	___	___	___
Martiszus	___	___	___
Baker	___	___	___
Licklider	___	___	___

Absent: \_\_\_\_\_



BILL NO. \_\_\_\_\_

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

\*\*\*\*\*

AN ORDINANCE FORMALLY ADOPTING STANDARD OPERATING PROCEDURES  
FOR THE CITY OF WELDON SPRING, MISSOURI, REGARDING PRIVATE  
INFRASTRUCTURE DEDICATION

\*\*\*\*\*

**WHEREAS**, the City of Weldon Spring, Missouri, realizes a need to establish procedures in an effort to assist applicant through the process; and

**WHEREAS**, the Board of Aldermen has a desire to streamline the process to give clear and concise guidelines; and

**WHEREAS**, the Board of Aldermen wishes to formally adopt the procedures, which is marked as "Exhibit A" regarding private infrastructure dedication requests.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI AS FOLLOWS:**

**SECTION 1:** That the Private Infrastructure Dedication Requests & Procedures for the City of Weldon Spring are hereby adopted more particularly describe in "Exhibit A." A copy of which is attached hereto and incorporated by reference herein.

**SECTION 2:** The Board of Aldermen has reviewed these procedures and deem that these procedures will help streamline the process for the applicant.

**SECTION 3: Severability.** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective, and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

**SECTION 4:** That this ordinance shall be in full force and effect upon its enactment and approval.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF  
WELDON SPRING, MISSOURI, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

\_\_\_\_\_  
Donald D. Licklider, Mayor

Attest:

\_\_\_\_\_  
William C. Hanks, City Clerk

To approve Bill

Motioned: \_\_\_\_\_

Seconded: \_\_\_\_\_

	<u>Aye</u>	<u>Nay</u>	<u>Abstention</u>
Clutter	_____	_____	_____
Hillmer	_____	_____	_____
Schwaab	_____	_____	_____
Kolb	_____	_____	_____
Martiszus	_____	_____	_____
Baker	_____	_____	_____
Licklider	_____	_____	_____

Absent: \_\_\_\_\_



### **Private Infrastructure Dedication Request & Procedure:**

The following is the process for any owner(s) of privately owned/maintained infrastructure to request dedication and conveyance of such improvements to the City of Weldon Spring, Missouri:

1. Owner(s) will complete an Application to Dedicate Private Infrastructure to the City of Weldon Spring form and submit it to the City Administrator (CA). Within the application form it will indicate the specific infrastructure systems such as streets, storm water collection systems or other infrastructure intended to be conveyed to the City.
  - a. Owner(s) should be specific and detailed in their request of what infrastructure is requested to be conveyed to the City.
  - b. Owner(s) must provide documentation verifying ownership or their rights of ownership to said infrastructure intended to be conveyed to the City.
  - c. If applicable, Owner(s) must provide a current/accurate copy of their Home Owners Association (HOA) Bylaws and/or Covenants and Restrictions.
  - d. Owner will include a non-refundable application fee of \$ \_\_\_\_\_ (\$ \_\_\_\_\_) intended to cover all legal and administrative expenses incurred by the City during their review of the request.
    - i. Note: If the initial fee is not adequate to cover all city expenses the City Treasurer (CT) will prepare an invoice to the Applicant requesting payment prior to further review and consideration by the City.
2. Upon receipt and payment of the Application and Fee by the Owner(s) the CA will request the City Attorney to review the Bylaws and/or Covenants and Restrictions and any other relevant documents. The purpose of this is to ensure the Owner(s) have the right to transfer and convey ownership of the defined infrastructure.
  - a. The City Attorney will submit a report of his/her findings to the CA and the CA will share the info with the Owner(s). Assuming the Owner(s) are found to be able to convey said infrastructure the process will continue.
3. The CA will request the City Engineer (CE) to review the Owner(s) request and provide a thorough cost estimate of his/her time and expenses to prepare/conduct:
  - a. Inspection of infrastructure
  - b. Provide initial report of findings detailing deficiencies to be corrected/repared and brought up to current City standards
  - c. Provide an operational maintenance/repair on an annual/ongoing cost basis of the proposed infrastructure to be dedicated so the City and Owner(s) understand to potential operational expense obligation.
4. The CE will submit the cost estimate to the CA. Upon receipt of the cost estimate the CA will share the information with the Owner(s).
  - a. The Owner(s) must then decide whether or not to proceed with the initial inspection and reporting by the CE. If the Owner(s) choose to proceed they must submit a letter certifying their intention to proceed and a down payment of 100% of the CE's cost estimate shall be made payable to the City of Weldon Spring.  
***Note: it is the Owner(s) responsibility to pay for and cover all expenses associated with the dedication process herein described.***

- b. A full accounting of the down payment will be maintained by the City Treasurer (CT) and a project number assigned for tracking and control purposes.
- 5. The CE will proceed with initial inspection of said infrastructure. Upon completion of the inspection the CE will prepare a detailed report of findings and recommendation of the corrective action needed to bring the infrastructure up to current City standards; this shall include a cost estimate for the necessary repairs. The report will be shared with the Owner(s) and the CE will be available to meet with the Owner(s) and/or their designated representatives.
- 6. The CE will submit a 2<sup>nd</sup> cost estimate to the CA to include the following details:
  - a. Time and material to inspect construction efforts necessary to satisfy all corrective measures identified.
  - b. Time to prepare a final report and certification that all necessary repairs have been completed and are satisfactory.
  - c. Preparation of any needed survey work and/or preparation of legal descriptions necessary for the dedication and conveyance process.
- 7. Upon receipt of the cost estimate the CA will share the information with the Owner(s). The Owner(s) must decide whether or not they wish to proceed with implementing the identified repairs based upon the CE's findings and recommendations and indicate this in writing to the CA their desire to proceed.
  - a. If the Owner(s) choose to proceed they must submit a letter certifying their intention to proceed and a 2<sup>nd</sup> down payment of 100% of the CE's cost estimate shall be made payable to the City of Weldon Spring.
- 8. The Owner(s) must make arrangements to make any and all necessary repairs per the CE's findings and recommendation. These repairs must be completed in a timely manner but should not exceed twelve (12) months from the date of the CE's findings and recommendation letter. If not completed within the designated timeframe another inspection will be necessary and the Owner(s) will be required to pay for this per a CE cost estimate in advance.
- 9. Once the Owner(s) has completed all necessary corrective action and the CE has certified these findings in writing to the CA the following shall occur:
  - a. The CA will request the City Clerk and City Attorney prepare final dedication documents. The documents should include:
    - i. legal certification and conveyance of said infrastructure by the Owner(s) to the City
    - ii. a dedication and acceptance draft bill with a legal description exhibit attached for consideration by the Board of Aldermen
- 10. The CA will request the CT to review and prepare a final reconciliation of all related dedication expenses and payments made by the Owner(s).
  - a. If a positive account balance is determined, not exceeding 10% (for general administrative and legal expenses) a refund will be generated and sent to the Owner(s).
  - b. If a negative account balance is determined due to expenses exceeding the down payment made by the Owner(s) the CT will prepare a final invoice for reimbursement plus 10% to cover general administrative expenses shall be paid to the City by the Owner(s) prior to the scheduling of an agenda item before the Board of Aldermen for their consideration of the dedication.

11. The City Clerk shall place the proposed infrastructure dedication on the next available Board of Aldermen agenda for consideration.

- a. The Board of Aldermen reserves the right to accept, reject or modify any and all provisions and/or requests for dedication of infrastructure at their sole discretion.

***Note: The City does not accept the following infrastructure or maintenance responsibility for:***

- b. ***Storm water: detention basins, creeks/streams and/or open-air drainage channels***
- c. ***Street lights***
- d. ***Decorative street signage or other misc. improvements within the ROW.***