



FLORISSANT CITY COUNCIL AGENDA

**City Hall
955 rue St. Francois
Monday, June 26, 2017
7:30 PM**

Karen Goodwin, MMC/MRCC



I. PLEDGE OF ALLEGIANCE

II. ROLL CALL OF MEMBERS

III. APPROVAL OF MINUTES

- Meeting Minutes and Executive Session of June 12, 2017

IV. SPECIAL PRESENTATION

- Presentation by Trailnet
- Tim Green, Legislative update

V. HEARING FROM CITIZENS

(Speaker cards are available at the entrance to the Council Chambers)

VI. COMMUNICATIONS

None

VII. PUBLIC HEARINGS

17-06-016 (Ward 9) Application Staff Rpt Plans	Request to amend B-5 Ordinance No. 6697 to allow for a building addition for the property located at 2505 N. Highway 67. (Planning and Zoning Commission recommended approval on 6/5/17)	John Sawyer
--	---	-------------

VIII. OLD BUSINESS

A. SECOND READINGS

S9285	Ordinance to amend B-5 Ordinance No. 6792 to allow for an ice machine kiosk in the parking lot for the property located at 350 Howdershell Road.	2 nd Reading Eagan
-------	--	----------------------------------

IX. NEW BUSINESS

A. BOARD APPOINTMENTS

B. BILLS FOR FIRST READING

9287	Ordinance to amend B-5 Ordinance No. 6697 to allow for a building addition for the property located at 2505 N. Highway 67.	Siam
9288	Ordinance re-adopting a procedure to disclose potential conflict of interest and substantial interest for certain officials as set forth in title 1, section 105.130 "Compliance With State Conflict Of Interest" law in the Florissant code of ordinances.	Council as a whole
9289 Memo Agreement	Ordinance establishing a trust agreement for the City Of Florissant Employees' Pension Plan.	Council as a whole
9290 Agreement	Ordinance authorizing the Mayor to enter into an exclusive license agreement with Meridian Waste Missouri, LLC for solid waste collection services for the residents of the City of Florissant.	Council as a whole
9291	Ordinance to enable the city of Florissant, Missouri to join Show Me Pace, pursuant to sections §67.2800 to §67.2835, RSMo, the "Property Assessment Clean Energy Act," and stating the terms under which the city will conduct activities as a member of such district.	Council as a whole

X. COUNCIL ANNOUNCEMENTS

XI. MESSAGE FROM THE MAYOR

XII. ADJOURNMENT

THIS AGENDA WAS POSTED AT THE FLORISSANT CITY HALL JUNE 23, 2017 AT 12:00 PM ON THE BULLETIN BOARD OUTSIDE THE COUNCIL CHAMBERS. ANY ONE WISHING TO ATTEND THE COUNCIL MEETING WHO HAS SPECIAL NEEDS SHOULD CONTACT THE CITY CLERK'S OFFICE AT 839-7630 OR TDD 839-5142 BY NOON ON MONDAY, JUNE 26, 2017.

CITY OF FLORISSANT



COUNCIL MINUTES

June 12, 2017

The Florissant City Council met in regular session at Florissant City Hall, 955 rue St. Francois on Monday, June 12, 2017 at 7:30 p.m. with Council President Pagano presiding. The Chair asked everyone in attendance to stand and join in the Pledge of Allegiance.

On Roll Call the following Councilmembers were present: Pagano, Parson, Siam, Lee, Jones, Eagan, Caputa, Schildroth and Henke. Also present was Mayor Thomas P. Schneider, City Attorney John Hessel and City Clerk Karen Goodwin. A quorum being present the Chair stated that the Council Meeting was in session for the transaction of business.

Councilman Lee moved to approve the Meeting Minutes and the Executive Minutes of May 22, 2017, seconded by Eagan. Motion carried.

Council President Pagano stated that the next item on the agenda was the election of Council officers. Councilman Lee nominated Councilwoman Pagano for the position of President, seconded by Eagan. Motion carried. Motion carried. Councilwoman Pagano nominated Councilman Caputa for the position of Vice President, seconded by Henke. Council President Pagano asked if there were any additional nominations. Seeing none, Councilpersons Pagano and Caputa accepted the nominations and the Council voted unanimously to approve the positions of the Council officers.

The Chair stated the next item on the agenda was Hearing from Citizens.

Paul Higdon, 2320 N. Waterford Dr., stated that although he loves living in Florissant, he has now experienced his second sewer backup in 16 months. He felt that rather than addressing the long term sewer project solution to this problem, MSD (Metropolitan Sewer District), continues to "band aid" the cause of the backup. He appealed to the Council and Mayor to use their influence to exert pressure on the sewer district to solve the problem permanently.

The Mayor stated that soon MSD will be announcing their upcoming plans to make considerable headway on this sewer backup problem. They will also be scheduling three separate meetings for those residents most affected by the flooding.

John Engelmeyer, 1281 Graham Rd., expressed his concern about the multiple legal issues that the city is involved in. He also stated that he has sent multiple requests to the Council and staff regarding various issues, to which he has received no response. He is especially concerned about the lack of transparency regarding the Weber Building (court building).

Council President Pagano informed Mr. Engelmeyer that they would be discussing the court building at Monday's public Work Session.

Don Albert, 1245 Swan Dr., expressed his concern about rental property and rental property owners. He displayed pictures of various violations in his neighborhood that are not being addressed.

The next item on the Agenda is a Proclamation commending Joy Rouse for her 32 years of service to the Ferguson-Florissant School District and her accomplishments as an outstanding educator and civic leader.

The next item on the Agenda was the Beautiful Home Awards.

Deborah Bryant, member of the Citizens Participation Committee, Mayor Schneider, and Councilmembers presented the awards:

Beautiful Home Awards

Ward 1	1400 Madison Ln.	William Busby
Ward 2	21 Hammes Dr.	Brian & Karen McNatt
Ward 3	145 Albert Dr.	Lawrence & Christine McCullough
Ward 4	532 Rancho Ln.	Nancy Martin
Ward 5	4 Fountain Ct.	Cleve & Carol Tegtmeyer
Ward 6	1295 Fox Run Dr.	Michele & Steve Arthur
Ward 7	1415 Acredale	Peggy & James Ragland
Ward 8	3755 Estates Dr.	McKinley & Latanya Smith
Ward 9	3655 Meserta Ln.	James & Barb Herschbach

Mayor's Choice Award

Ward 9	12 Club Grounds Dr. N	Doug & Marlo Stuart
--------	-----------------------	---------------------

The next item on the Agenda was Communications of which there were none.

The City Clerk reported that Public Hearing #17-06-015 to be held this night on a request to amend B-5 Ordinance No. 6792 to allow for an ice machine kiosk in the parking lot for the property

located at 350 Howdershell Road had been advertised in substantially the same form as appears in the foregoing publication and by posting the property. The Chair declared the Public Hearing to be open and invited those who wished to be heard to come forward.

Roy Williams and Tim O'Toole, petitioners, appeared before the Council and stated that they had appeared before the Council several months ago with the same request, just a different address/site plan.

Mr. Eagan asked if the ice machine was located in the center of the parking lot, to which Mr. Williams stated it would be in a designated area of the parking lot. The traffic flow of the driving area will be *around* the machine. There will be bollards around the machine. Councilman Eagan expressed his concern about the kiosk location because the two other spaces in that strip mall have yet to be leased. He suggested moving the ice machine 10 feet, approximately the distance of one parking space. Mr. Williams agreed to the suggestion.

The Chair asked if there were any citizens who would like to speak on said public hearing. Being no citizens who wished to speak, Councilman Eagan moved to close P.H. #17-06-015, seconded by Jones. Motion carried.

Councilman Jones moved that Bill No. 9283 An Ordinance to authorize a Special Permit to Shackelford Associates, LLC, to allow for a shopping center ground sign for the property located at 1106-1148 Shackelford Road be read for a second time, seconded by Lee. Motion carried and Bill No. 9283 was read for a second time. Councilman Jones moved that Bill No. 9283 be read for a third time, seconded by Siam. Motion carried and Bill No. 9283 was read for a third and final time and placed upon its passage. Before the final vote all interested persons were given an opportunity to be heard. On roll call the Council voted: Pagano yes, Parson yes, Siam yes, Lee yes, Jones yes, Eagan yes, Caputa yes, Schildroth yes and Henke yes. Whereupon the Chair declared Bill No. 9283 to have passed and said Bill became Ordinance No. 8322.

Councilman Siam moved that Bill No. 9284 An Ordinance amending Section 220.040 "Containers-Specifications" by deleting the Section in its entirety and replacing it with a new Section and amending Section 405.245 "Screening and Berming" by adding "R-5" and "R-6" Zoning Districts for the purpose of modifying regulations regarding commercial dumpsters be read for a second time, seconded by Parson. Motion carried and Bill No. 9284 was read for a second time. Councilman Siam moved that Bill No. 9284 be read for a third time, seconded by Henke. Motion carried and Bill No. 9284 was read for a third and final time and placed upon its passage. Before the final vote all interested

persons were given an opportunity to be heard. On roll call the Council voted: Pagano yes, Parson yes, Siam yes, Lee yes, Jones yes, Eagan yes, Caputa yes, Schildroth yes and Henke yes. Whereupon the Chair declared Bill No. 9284 to have passed and said Bill became Ordinance No. 8323.

The next item on the agenda was Board Appointments.

Councilman Parson moved to accept the Mayor's appointment of Kristina Curnutt, 1825 Arundel, to the Environmental Quality Commission as a member from Ward 8 for a term expiring on 6/12/2020, seconded by Henke. Motion carried.

Councilman Parson moved to appoint Sandra Jackson, 3275 Longchamps Dr., to the Minimum Standard Board of Appeals as a member from Ward 8 for a term expiring on 6/12/2020, seconded by Caputa. Motion carried.

Councilman Eagan introduced Bill No. 9285 An Ordinance amending B-5 Ordinance No. 6792 to allow for an ice machine kiosk in the parking lot for the property located at 350 Howdershell Road and said Bill was read for the first time by title only.

Councilwoman Pagano introduced Bill No. 9286 An Ordinance to amend the Miscellaneous Revenue Acct. No. 03-40330 in the amount of \$25,276 and appropriate the same amount from the General Revenue Fund to Acct. No. 03-6149 "Capital Additions" for the replacement of a totaled police car and said Bill was read for the first time. Councilman Lee moved that Bill No. 9286 be read for a second time, seconded by Schildroth. Motion carried and Bill No. 9286 was read for a second time. Councilman Schildroth moved that Bill No. 9286 be read for a third time, seconded by Lee. On roll call the Council voted: Pagano yes, Parson yes, Siam yes, Lee yes, Jones yes, Eagan yes, Caputa yes, Schildroth yes and Henke yes. Having received the unanimous vote of all members present Bill No. 9286 was read for the third and final time and placed upon its passage.

Before the final vote all interested persons were given an opportunity to be heard. Being no other persons who wished to be heard, on roll call the Council voted: Pagano yes, Parson yes, Siam yes, Lee yes, Jones yes, Eagan yes, Caputa yes, Schildroth yes and Henke yes. Whereupon the Chair declared Bill No. 9286 to have passed and said Bill became Ordinance No. 8324.

The next item on the Agenda was Council Announcements.

Councilwoman Pagano congratulated the Mayor on receiving the Buzz Westfall Award for Life Time Achievement and his excellence in local government from the Municipal League. She reminded residents that there will be a city wide BBQ on June 14 at the Eagan Center, "Neighbors Meeting

Neighbors.” The rain-out location will be at the JJE ice rink. Ms. Pagano announced a Work Session Meeting on Monday, June 19th at the Eagan Center at 7 p.m. which is open to the public.

Councilman Eagan announced that Friday, June 16th will be Food Truck Night at the Shrine in Old Town. *Race to the Shrine* is scheduled for October 21st. Atonement Lutheran Church will be hosting a BBQ this weekend.

Councilman Schildroth asked all the residents to continue having patience with the construction work being completed on Graham Road.

Councilman Jones stated that MSD will be making an announcement soon regarding the flooding issues within the City. He also encouraged all residents to volunteer/donate to T.E.A.M. Within the next 3-4 weeks, construction work on Shackelford Road will switch sides.

Councilman Siam informed residents of Ward 9 that a survey questionnaire will be mailed out soon. He encouraged everyone to fill them out and return them as soon as possible.

Councilman Henke stated that residents can bring canned goods to the Food Truck Night to be given to T.E.A.M.

Councilman Caputa encouraged residents to secure their firearms and not leave them in their vehicles. All residents should leave their porch lights on for added security. He encouraged everyone to become members of their local Neighborhood Watch – it works. In honor of Flag Day, he read a poem about the American Flag.

The next item on the Agenda was Mayor Announcements.

The *Fiesta in Florissant* will be held on June 24th and 25th. The next *Wednesday Night Out* will be held on June 28th at Korte’s Framing in Old Town which will include a plaque dedication ceremony in front of Click Heating and Cooling, honoring Mr. Pat Click.

Splish Splash Summer Bash will be held on July 7th. Chief Lowery would like to remind everyone that shooting off fireworks is illegal everywhere in the city. The city hosts a wonderful Fourth of July celebration at the Eagan Center. The Mayor expressed his concerns about the “Better Together” study being sponsored by the City of St. Louis and St. Louis County.

The next City Council Meeting is scheduled for Monday, June 26, 2017 at 7:30 pm.

Councilman Siam moved to adjourn the meeting, seconded by Henke. Motion carried. The meeting was adjourned at 8:30 p.m.

156

157

158

159

160

161

The following Bills were signed by the Mayor:

162

163

Bill No. 9283

Ord. 8322

164

Bill No. 9284

Ord. 8323

165

Bill No. 9286

Ord. 8324

166

167

Karen Goodwin, City Clerk

**CITY OF FLORISSANT
CITY COUNCIL**

OPEN EXECUTIVE SESSION

June 12th, 2017



The City Council of the City of Florissant met in open Executive Session on Monday, June 12th, 2017 at 7:00 pm. in the Council Conference Room at the Florissant City Hall, 955 rue St. Francois, with Council President Jackie Pagano presiding. On Roll Call the following Council members were present: Caputa, Schildroth, Henke, Pagano, Parson, Siam, Lee, Jones and Eagan. Also present was Mayor Schneider, City Clerk Karen Goodwin and City Attorney John Hessel.

Councilman Eagan moved to call for a closed meeting to confer with the City Attorney regarding litigation pursuant to Section 610.021(1) of the Revised Statutes of Missouri, seconded by Caputa. On Roll Call the Council voted: Jones yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes, Pagano yes, Parson yes, Siam yes and Lee yes. Motion carried.

The Council conferred with the City Attorney regarding litigation.

Councilman Schildroth moved to open the closed executive session, seconded by Eagan. On roll call the Council voted: On Roll Call the Council voted: Jones yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes, Pagano yes, Parson yes, Siam yes and Lee yes. Motion carried.

There being no further business to discuss, Councilwoman Pagano motioned to adjourn, seconded by Caputa. Motion carried and the meeting adjourned at 7:25 pm.

Karen Goodwin
City Clerk

CITY OF FLORISSANT



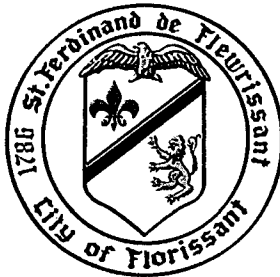
PUBLIC HEARING NOTICE

Notice is hereby given in accordance with Section 405.135 of the Florissant City Code, the Zoning Ordinance, as amended, that a Public Hearing will be held by the City Council of the City of Florissant, St. Louis County, Missouri, in the Council Chambers, 955 rue St. Francois, on Monday, June 26, 2017 at 7:30 P.M. on the following proposition, to wit:

To issue an amendment to B-5 Ordinance No. 6697 to allow for a building addition for the property located at 2505 N. Highway 67 (legal description to govern). Citizens and parties of interest will have the opportunity to be heard at said public hearing. Anyone with special needs should contact the City Clerk at least 5 days before said public hearing by calling 839-7630 or TDD 839-5142.

Karen Goodwin, MMC City Clerk.

FLORISSANT PLANNING & ZONING COMMISSION APPLICATION



City Of Florissant – Public Works
314-839-7648

Application is hereby made to the Building Commissioner of the Department of Public works Office at the City of Florissant, Missouri, to appear before the Planning & Zoning Commission

Please Print or Type The Following Information

Property Address: 2505 North Highway 67
Property Owners Name: Aldi, Inc Phone #: 636-397-4710
Property Owners Address: PO Box 8800 O'Fallon, MO 63366
Business Owners Name: Aldi, Inc Phone #: _____
Business Owners Address: PO Box 8800 O'Fallon, MO 63366
DBA (Doing Business As) ALDI
Authorized Agents Name: John Sawyer CO. Name: Sawyer Engr
(Authorized Agent to Appear Before The Commission)
Agents Address: PO BOX 157 Gillespie, IL 62033 Phone #: 314-800-5914
Request Amend existing ordinance for building expansion.

State complete request (print or type only).

IF A TRAFFIC STUDY IS REQUIRED FOR CERTAIN DEVELOPMENTS AND USES THE COST OF THE TRAFFIC STUDY SHALL BE PAID BY THE APPLICANT. PLEASE SUBMIT FOLDED PLANS

John Sawyer
Applicant's Signature

5-19-17
Date

Received by: dl Receipt # 601864 OFFICE USE ONLY Amount Paid: 125.00 Date: 5/19/17

STAFF REMARKS: _____

DATE APPLICATION REVIEWED: 5/31/17
Phyllis Schaefer
SIGNATURE OF STAFF WHO REVIEWED APPLICATION

COMMISSION ACTION TAKEN:

Planning & Zoning Application
Page 1 of 1 – Revised 9/28/10

RECOMMENDED APPROVAL
PLANNING & ZONING
CHAIRMAN

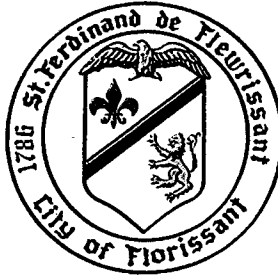
SIGN.

Paul J. [Signature]

DATE:

6/5/17

APPLICATION TO THE CITY OF FLORISSANT PLANNING AND ZONING
COMMISSION TO AMEND THE PROVISIONS OF AN EXISTING B-5
PLANNED COMMERCIAL DISTRICT ORDINANCE



PLANNING & ZONING ACTION:

Address of Property:

2505 North Highway 67

RECOMMENDED APPROVAL
PLANNING & ZONING
CHAIRMAN

Council Ward 9 Zoning B-5

SIGN:

DATE:

6/5/17

Initial Date Petitioner Filed _____
Building Commissioner to complete
ward, zone & date filed

PETITION TO AMEND B-5 ORDINANCE # 6697

Enter ordinance number or number requesting to amend.

1) Comes Now Aldi, Inc.

(Individual's name, corporation, partnership, etc.)

Enter name of petitioner. If a corporation, state as such. If applicable include DBA (Doing Business As).

and states to the Planning and Zoning Commission that he (she) (they) has (have) the following legal
interest in the tract of land located in the City of Florissant, State of Missouri, described on page 3 of this petition.

Legal interest in the Property owner of property

State legal interest in the property. (i.e., owner of property, lease); also submit copy of deed or lease or letter of
authorization from owner to seek a special use.

- A. The petitioner (s) hereby states that he (she) (they) is (are) submitting a description of the property for which
the Permit is petitioned by giving bearings & distances (metes and bounds). Not required if description is
identical to "B".
- B. The petitioner (s) hereby states that he (she) (they) is (are) submitting a survey or plat of the property drawn
to a scale of 100 feet or less to the inch, referenced to a point easily located on the ground as street
intersection, centerline of creek having a generally known name, etc., showing dimensions, bearings and
distances of the property, north arrow and scale.
- C. Acreage to nearest tenth of an acre of the property for which rezoning is petitioned 3.24 acres
2. The petitioner(s) hereby further state(s) that the property herein described in this petition is presently zoned in
a B-5 District and is presently being used for Retail Grocery Store

State current use of property, (or, state: vacant).

3. The petitioner(s) hereby state(s) the following reasons to justify the amendment to the existing B-5 ordinance:

Amend existing ordinance for building expansion.

List reason for the amendment request.

4. The petitioner(s) further states(s) that they (he) (she) can comply with all of the requirements of the City of Florissant, including setback lines and off-street parking.
5. The petitioner(s) further state(s) that they (he) (she) further represent(s) and warrants that they (he) (she) has (have) not made any arrangement to pay any commission, gratuity or consideration, directly or indirectly, to any official employee or appointee of the City of Florissant, with respect to this application.

PRINT PETITIONER'S NAME Louis Ross

Print Name

PETITIONER(S) SIGNATURE (S) Louis Ross

FOR Aldi, Inc.

(company, corporation, partnership)

Print and sign application. If applicant is a corporation or partnership signature must be a CORPORATE OFFICER or PARTNER. NOTE: Corporate officer is an individual named in corporate papers.

6. I (we) hereby certify that (indicate one of the following):
- () I (we) have a legal interest in the herein above described property.
- (X) I am (we are) the duly appointed agent(s) of the petitioner (s), and that all information given here is true and a statement of fact.

Petitioner may assign an agent to present petition to the Commission and Council. The agent must sign the petition in this section, and provide address and telephone number

SIGNATURE John Sawyer

ADDRESS PO Box 157 Gillespie IL 62033

STREET CITY STATE ZIP CODE

TELEPHONE NUMBER 314-800-5914

BUSINESS

I (we) the petitioner (s) do hereby appoint John Sawyer as

Print name of agent.

my (our) duly authorized agent to represent me (us) in regard to this petition.

John Sawyer
Signature of Petitioner(s) or Authorized Agent

NOTE: Be advised when the petitioner and/or his duly authorized agent appears before the Planning and Zoning Commission and make the presentation, the same individuals must also appear before the City Council for that presentation. Also if the descriptions of plats or surveys are incorrect, or if the petition form is not correctly and completely filled out it will be returned for corrections and may have to be re-submitted.

Please fill in applicable information requested.

Name Aldi, Inc.

Address 2505 North Highway 67

Property Owner Aldi, Inc.

Location of property NW corner of North Hwy 67 and Brown Lane

Dimensions of property 277' x 447'

Property is presently zoned B-5 per ordinance # 6697

Current & Proposed Use of Property Retail (current) Retail (proposed)

Type of Sign No new signs proposed. Height n/a

Type of Construction Brick Number Of Stories 1

Square Footage of Building 16,405 Number of Curb Cuts No new curb cuts.

Number of Parking Spaces 114 Sidewalk Length No new sidewalks.

Landscaping: No. of Trees No Additional Landscaping Diameter N/A

No. of Shrubs No Additional Landscaping Size N/A

Fence: Type No Proposed Fencing Length _____ Height _____

PLEASE SUBMIT NINE (9) FOLDED COPIES OF THE FOLLOWING:

1. Plan or drawing showing zoning of adjoining properties.
2. Plan or drawing showing location of property in relation to major streets and all adjoining properties.
3. Drawing showing measurement of tract and overall area of tract.
4. Plan or drawing showing proposed parking layout, landscaping, parking lighting, signage and trash enclosure.

PROVIDE LEGAL DESCRIPTION OF PROPERTY PERTAINING TO THIS PETITION

(Close legal description with acreage to the nearest tenth of an acre).

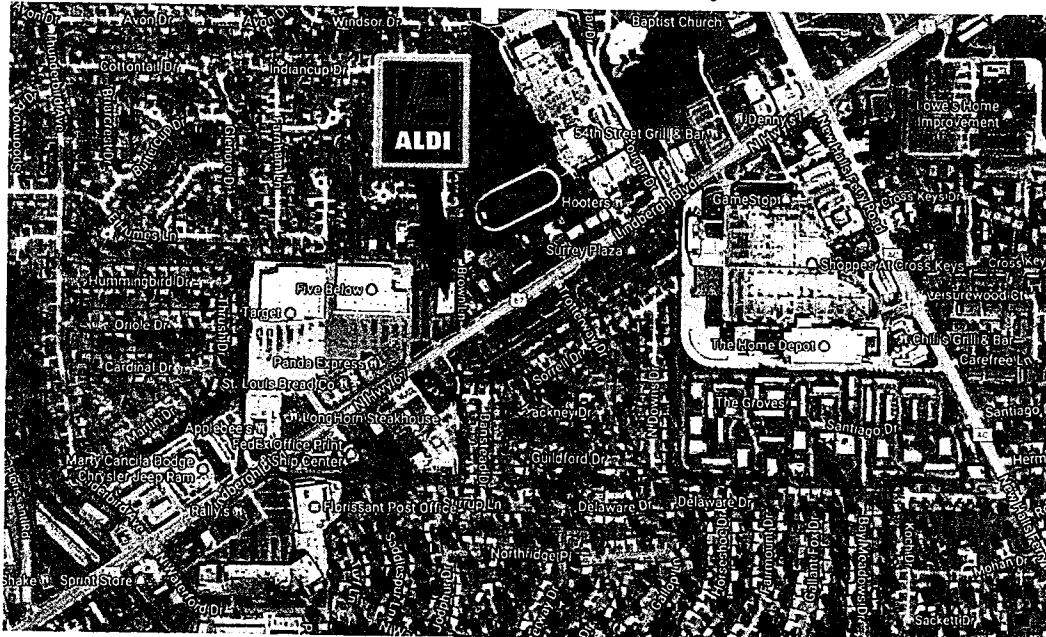
Provide a legal description of the property. If part of a shopping center list address and state part of what shopping center (i.e.: 351 N. Highway 67 part of Florissant Meadows Shopping Center). If property is a single lot, list full written legal description with bearings and distances.

A tract of land being a part of Lot 1 of the Subdivision of Lot 33 of the Commons of St. Ferdinand, located in the City of Florissant, St. Louis County, Missouri and being more particularly described as follows:

Beginning at the intersection of the east line of said Lot 1, with the northwest line of Lindbergh Boulevard, variable width; thence north 01 degrees 33 minutes west for a distance of 410.73 feet to a point; thence North 89 degrees 18 minutes west for a distance of 277.92 feet to a point; thence south 01 degrees 33 minutes west for a distance of 609.80 feet to a point on the aid northwest line of Lindbergh Boulevard; thence along said northwest line being a curve to the right have a radius of 34,422.49 feet, and an arc length of 216.26 feet to a point; thence north 56 degrees 45 minutes east along said northwest line for a distance of 127.99 feet to the point of beginning and containing 3.24 acres.

PROVIDE LOCATION MAP SHOWING AREA INVOLVING THIS PETITION

Provide a drawing of a location map showing the nearest major intersection or include on plans.



Please check the box for the appropriate type of operation then fill in applicable section (a), (b) or (c). Corporations are to submit copy of Missouri corporate papers with registration papers.

1) Type of Operation: Individual: ☐ Partnership: ☐ Corporation: ☒

(a) If an individual:

- (1) Name and Address _____
- (2) Telephone Number _____
- (3) Business Address _____
- (4) Date started in business _____
- (5) Name in which business is operated if different from (1) _____
- (6) If operating under a fictitious name, provide the name and date registered with the State of Missouri, and a copy of the registration.

(b) If a partnership:

- (1) Names & addresses of all partners _____
- (2) Telephone numbers _____
- (3) Business address _____
- (4) Name under which business is operated _____
- (5) If operating under fictitious name, provide date the name was registered with the State of Missouri, and a copy of the registration.

(c) If a corporation:

- (1) Names & addresses of all partners N/A
- (2) Telephone numbers (636) 397-4710
- (3) Business address PO Box 8800 O'Fallon, Missouri 63366-8800
- (4) State of Incorporation & a photocopy of incorporation papers attached
- (5) Date of Incorporation 2/4/1980
- (6) Missouri Corporate Number Illinois Corporation
- (7) If operating under fictitious name, provide the name and date registered with the State of Missouri, and a copy of registration. N/A
- (8) Name in which business is operated Aldi, Inc.
- (9) If the property location is in a strip center, give dimensions of your space under square footage and do not give landscaping information.

1

MEMORANDUM



2
3
4
5
6
7
8
9
10
11
12
13
14

CITY OF FLORISSANT- BUILDING DEPARTMENT

"Preserve and improve the health, safety, and welfare of our residents, businesses and the general public in the City of Florissant; while at the same time maintaining property values and improving the quality of life in the City of Florissant."

To: Planning and Zoning Commissioners

Date: May 31, 2017

From: Philip E. Lum, AIA-Building Commissioner c:

Louis B. Jearls, Jr. - P.E.,
PWL Director Public Works
Deputy City Clerk
Applicant
File

Subject: Request Recommended Approval to amend an existing B-5 "Planned Commercial District" to allow for an addition at 2505 N. Highway 67 (ALDI).

15
16
17
18
19
20
21

STAFF REPORT
CASE NUMBER PZ-060517-1

22
23

I. PROJECT DESCRIPTION:

24 This is a request for Recommended Approval to amend an existing B-5 "Planned Commercial District" to allow for an addition.

25
26
27
28

II. SITE CONDITIONS:

29 The existing property at 2505 N. Highway 67 is an existing Aldi Grocery establishment, under Ord. # 6697, attached, which was limited to 16,800 square feet and a sitework.

30
31
32 Staff has determined that the setbacks are met by the facilities proposed which will bring the footprint to 19,596 new square feet.

33
34
35
36

III. SURROUNDING PROPERTIES:

37 The adjacent Lot is development at 2393 N. Highway 67 to the West of this proposed development in a 'B-5' Zoning District. The property to the North is the cellular tower property 2470 N Hwy 67 in a 'B-5' Zoning District. The property to the East is a Taco Bell, 2525 N. Highway 67, in a 'B-5' Zoning District.

42
43 **IV. STAFF ANALYSIS:**
44

45 1. The application is accompanied by professionally completed architectural plans Landscape
46 drawings PZ dated 4/28/17 by Aldi, Inc. and TRI architect's plan and elevations dated 5/12/17.
47 Elevations are not to scale. Ordinance no. 6697 also was amended by ordinance 5924, a Special
48 Use Permit for a cellular tower in the rear of the property at 2470 N Hwy 67.
49

50 2. Existing Building: The existing building is a 2003 masonry structure of 16,047 s.f. per
51 County record with flat roof, occupied and in good condition. The existing trash area exists
52 behind the North side of the building.
53

54 3. Sign. There is one Post sign existing for this property near the highway.
55

56 4. Parking and traffic. With a current ratio for Food Markets over 5000 s.f. is 4.5/1000 in the
57 newer parking code with 1 Loading Space 10x40 required, the development would meet the
58 parking requirement with already 116 on-site. Proposed on-site is to keep 116 parking stalls (72
59 required). According to the current parking ordinance, a reduction in parking can be considered
60 to bring the development within 110% of required parking (79 maximum).
61

62 If Aldi has a cross parking agreement with the adjacent site that may only affect the total parking
63 if there was a shortage on the adjacent site.
64

65 5. Parking lighting: The existing parking lot lighting is proposed to remain.
66

67 6. The permitted uses in this B-5 development are limited to a grocery store and the cellular
68 tower. The height, area and bulk regulations are met in the "B-5" District are as follows:
69

- 70 a. Minimum lot area. None.
- 71 b. Maximum story. Three (3) stories- Buildings comply.
- 72 c. Maximum height. Forty-five (45) feet- Buildings comply.
- 73 d. Minimum depth (front yard). Forty (40) feet- Buildings comply.
- 74 e. Minimum depth (rear yard). Forty (40) feet- Buildings comply.
- 75 f. Minimum width (side yard). Thirty-five (35) feet- Buildings comply, applies only when
76 the yard abuts or is adjacent to an "R" residential District.

77 7. Performance Standards. In addition to all other requirements, uses within the District shall
78 conform to the most restrictive performance standards as cited in the city code for Vibration,
79 Odor, Smoke, Toxic gases, Emission of dirt, dust, fly ash and other forms of particulate matter,
80 Radiation, Glare, Sound transmission loss and Fencing Regulations.
81

82 8. Landscaping and Screening: Existing landscaping is proposed to remain, however, Alterations
83 to the existing landscaping with additional tree plantings are required to meet the previous
84 ordinance. There are only 5 flowering trees in the front parking lot islands, 16 were originally
85 approved. There are 89 shrubs shown on the plan, however, the addition creates the need for a
86 total of 126. Therefore, 11 flowering trees and 37 new shrubs are required by section 405.245 of
87 the City Code.
88

89 9. Trash screening: One trash container is shown in the relatively same position proposed to
90 return behind the North side of the building. Screening of trash containers are to conceal view
91 from residentially zoned property or from the right-of-way. The trash container is concealed by
92 the paving elevation, lower than the loading dock.

93
94
95
96
97
98
99

10. Masonry: The existing building is slab on grade with masonry walls shown for the addition portion of the building and dock area. The new materials are proposed to be constructed of brick.

VI. STAFF RECOMMENDATIONS:

100
101
102
103
104
105

Suggested Motion:

I move to recommend approval to amend a 'B-5' Ord. # 6697, to allow for an addition at **2505 N. Highway 67 (ALDI)** in a 'B-5' Zoning District in accord with plans submitted: Landscape drawings PZ dated 4/28/17 by Aldi, Inc. and TRI architect's plan and elevations dated 5/12/17 as follows :

106
107
108
109

Restore site to contain a total of 16 flowering trees in landscaped areas of the front parking lot, per Attachment 'A' of ordinance no. 6697. Landscape Plan shall be as approved by the Building Commissioner.

110
111
112

Amend Ordinance no. 6697 as follows:

Section 2, paragraph 2 to be amended to reflect new area of 19,596 s.f.

113
114

Section 2, paragraph 6, sub para. g., add the following paragraph:

115
116
117

(4) Provide a total of 126 shrubs for building perimeter planting, per the requirements of the Landscape ordinance, section 405.245.

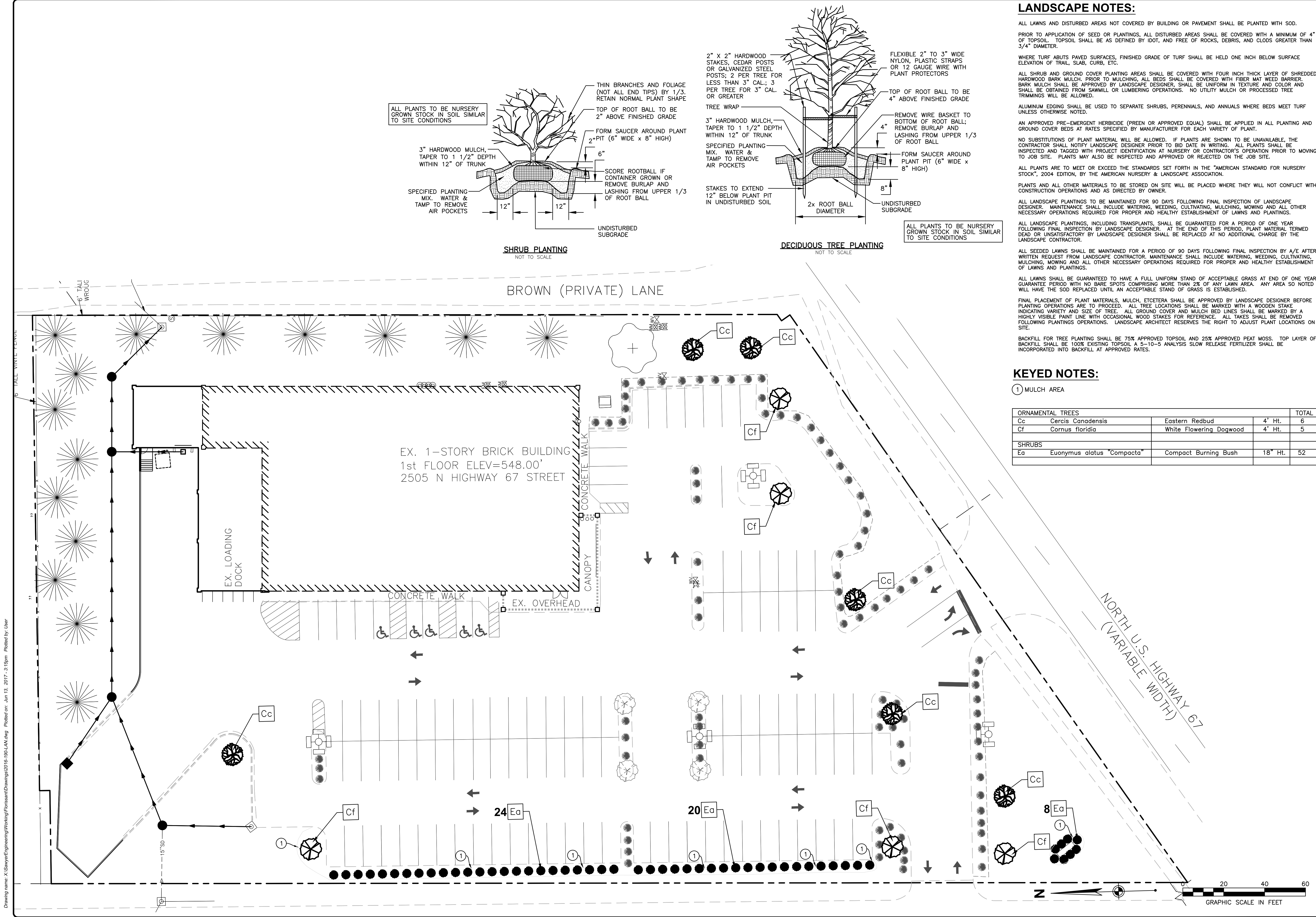
118
119
120
121
122

1st - Stock
2nd - Shrub

(end report)

add
1) Please architect provide landscaping plan.
2) 180 day - Completion

Drawing name: X:\Sawyer\Engineering\Working\Florissant\Drawings\2016-180-LAN.dwg Plotted on: Jun 13, 2017 - 3:15pm Plotted by: User



ISSUE	REMARKS/DATE
Added 8 Shrubs Near Sign (6/13/17)	

Aldi, Inc.
475 Pearl Drive
OFallon, Missouri 63376
Ph. (636) 278-4700

SAWYER ENGINEERING, INC.
10 Auburn Court
Highland, Illinois 62249
Ph (314) 800-5914
Fax (618) 882-6113
www.SawyerEngr.com

**ALDI
FLORISSANT, MO**
2505 North Highway 67, Florissant, Missouri 63033

LANDSCAPE PLAN

Professional Engineer's seal and signature affixed to this sheet applies only to the material and items shown on this sheet. All drawings, instruments and other documents not exhibiting this seal and signature shall not be considered prepared by this engineer, and the engineer expressly disclaims any and all responsibility for such plans, drawings or documents not exhibiting this seal and signature.

JOHN P. SAWYER
NUMBER E-2001031672
Civil Engineer

Date: 4/28/2017
John P. Sawyer, PE
License No. E-2001031672
Civil Engineer

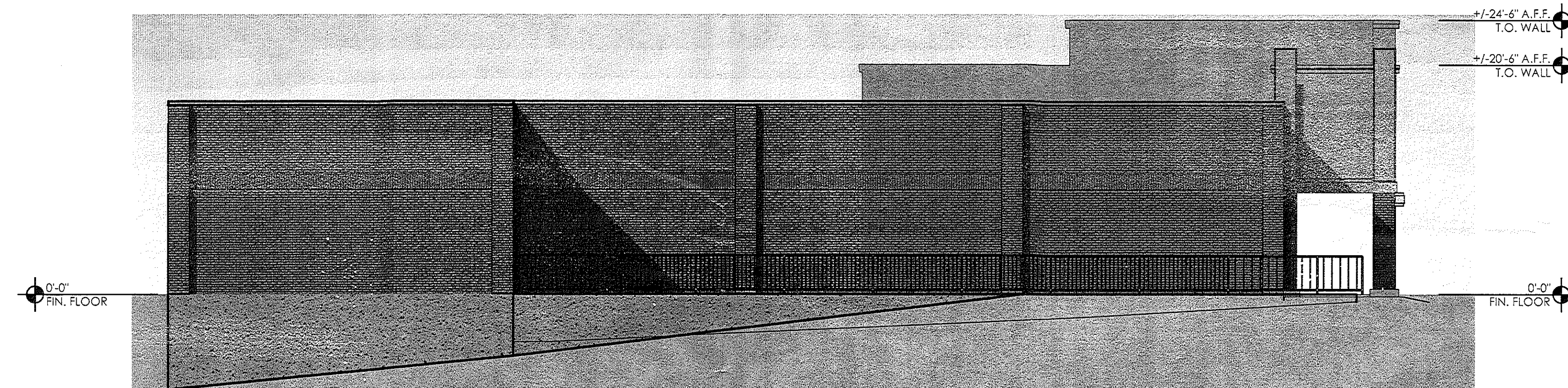
Job Number: 2016-190
Date: 6/8/2017
Designed: swu
Drawn: swu
Checked: JPS

Sheet: C600



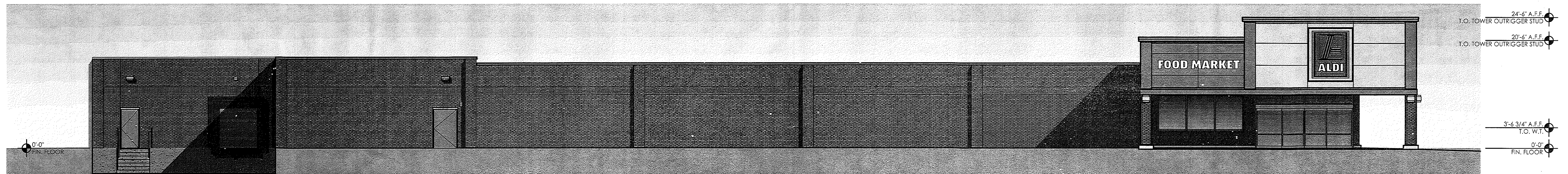
SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



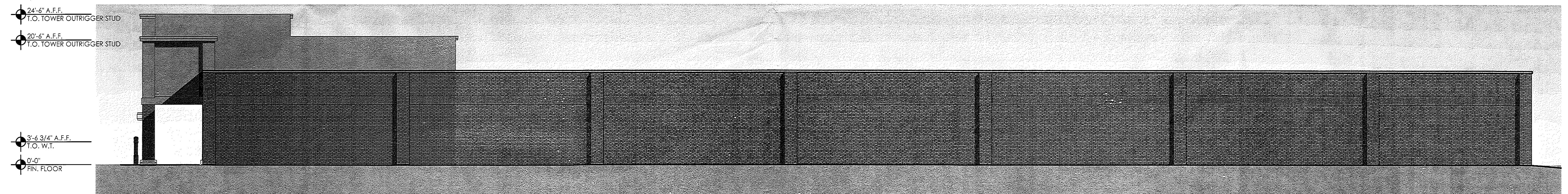
NORTH ELEVATION

SCALE: 1/8" = 1'-0"



WEST ELEVATION

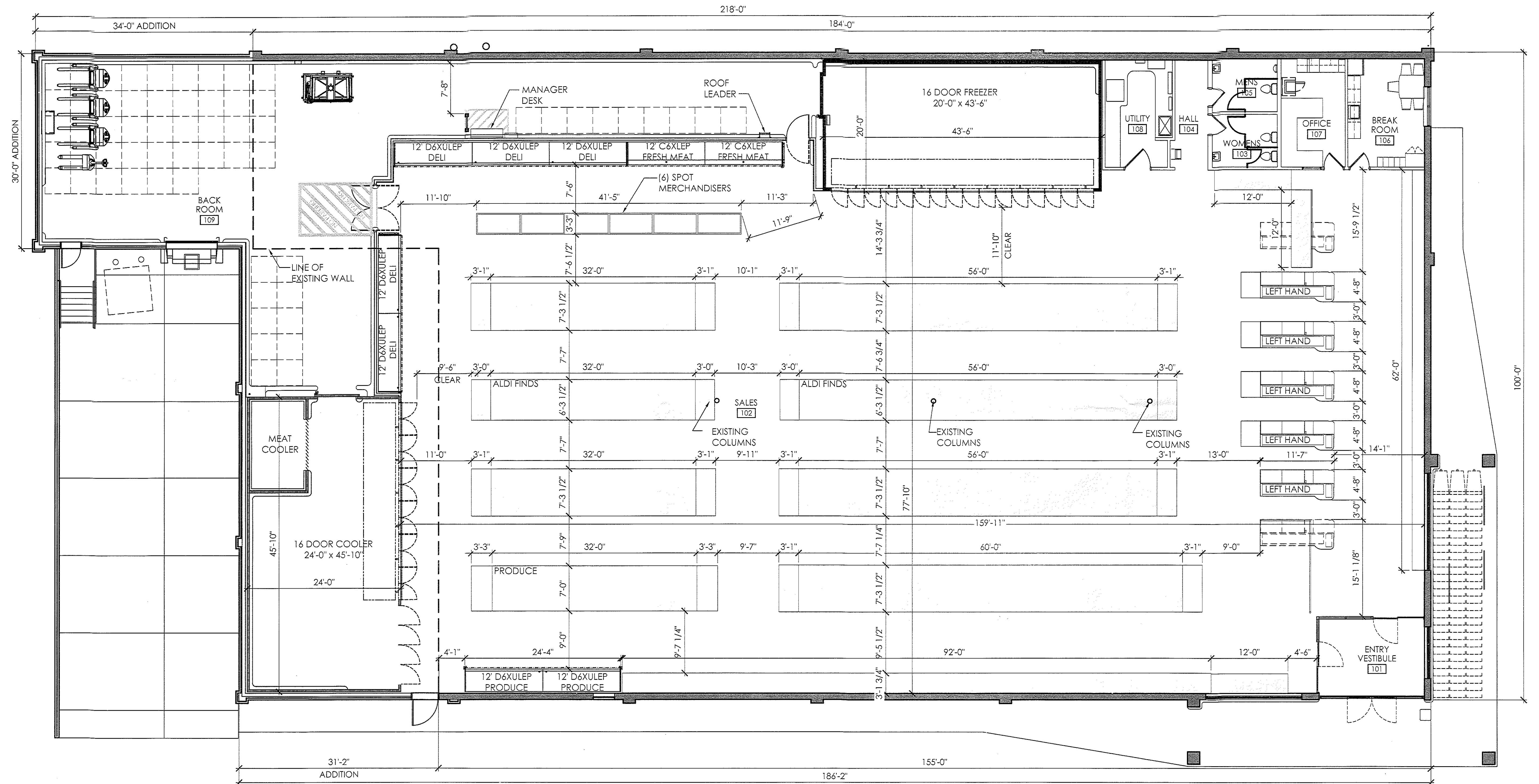
SCALE: 1/8" = 1'-0"



EAST ELEVATION

SCALE: 1/8" = 1'-0"

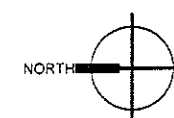
NOTE:
NON-STANDARD EXISTING
BUILDING SIZE.
REMODEL TEMPLATE V2.07



REAR DOCK AREA SUMMARY				
OCCUPANCY USE	ROOM NAME	EXISTING SQUARE FOOTAGE	V2.07 EXPANSION SQUARE FOOTAGE	V2.07 TEMPLATE SQUARE FOOTAGE
MERCANTILE	SALES / ENTRY VESTIBULE		13,236	11,453
	OFFICE		165	204
	BREAK ROOM		198	234
	MEN'S ROOM		82	95
	WOMEN'S ROOM		82	112
	HALL		90	79
	SUBTOTAL (MERCANTILE)	9,898	13,853	12,177
STORAGE / STOCK	BACKROOM		2,803	2,699
	COOLER		1,054	1,054
	FREEZER		818	690
	SUBTOTAL (STORAGE / STOCK)	5,972	4,675	4,443
MECH. EQUIP. ROOM	UTILITY ROOM		169	187
SUBTOTAL (OCCUPANCIES)			18,697	16,087
EXTERIOR / INTERIOR WALLS / UNOCCUPIED SPACE			899	888
BUILDING SQUARE FOOTAGE			19,596	17,695
EXTERIOR CANOPY			846	857
TOTAL SQUARE FOOTAGE (INCLUDING CANOPY)			20,442	18,552

OPTION 6.0 FLOOR PLAN

SCALE: 1/8" = 1'-0"



ALDI - STORE #32

V2.07 - 100x186 EXPANSION - BSW/BR/RD
BASED ON 93x156 EXPANSION - BSW

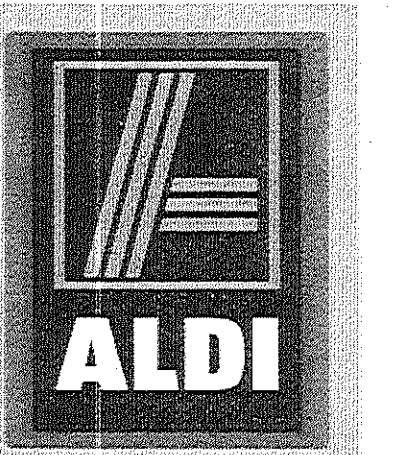
FLORISSANT (NORTH),
16-095

MISSOURI
05-12-17

REAR DOCK OPERATIONS DATA		
ITEM	FLORISSANT, MO PLAN	V2.07 TEMPLATE
LINEAR FOOTAGE OF BASE (PRODUCE INCLUDED)	950'-4"	824'-0"
ASSUMED PALLET STORAGE	61	63
BUILDING DIMENSIONS	100'-0" x 186'-2"	93'-0" x 177'-8"
SALES FLOOR DIMENSIONS	77'-10" x 159'-11"	73'-10" x 150'-3"
LENGTH OF MULTI-DECK	108'	108'
COOLER MILK DOORS	4	4
COOLER GENERAL DOORS	12	12
FREEZER GENERAL DOORS	16	16
SPOT MERCHANDISERS	6	6
CART STORAGE	(87) MODEL 563W	-



Architects of the Possible®
9812 Manchester Road
St. Louis, Missouri 63119
© Copyright 2017



1 INTRODUCED BY COUNCILMAN EAGAN
2 JUNE 26, 2017

3
4 SUBSTITUTE BILL NO. 9285

ORDINANCE NO.

5
6 **AN ORDINANCE AMENDING B-5 ORDINANCE NO. 6792 TO ALLOW**
7 **FOR AN ICE MACHINE KIOSK IN THE PARKING LOT FOR THE**
8 **PROPERTY LOCATED AT 350 HOWDERSHELL ROAD.**
9

10 WHEREAS, the shopping center for this address was previously annexed from St. Louis
11 County and placed into a B-5, "Planned Commercial District" designation within the City of
12 Florissant; and

13 WHEREAS, the City Council passed and approved Ordinance No. 6792 and authorized a
14 planned commercial development at 350 Howdershell Road; and

15 WHEREAS, as a part of this B-5 development, the owners of Family Video have
16 requested authorization to install an ice machine kiosk in the parking lot at 350 Howdershell
17 Road; and

18 WHEREAS, the Planning and Zoning Commission of the City of Florissant has
19 recommended to the City Council at their meeting of May 15, 2017 that Ordinance No. 6792 be
20 further amended to allow for the addition of an Ice Machine Kiosk in the parking lot located at
21 350 Howdershell Road; and

22 WHEREAS, due and lawful notice of a public hearing no. 17-06-015 on said proposed
23 change was duly published, held and concluded on the 12th day of June, 2017 by the Council of
24 the City of Florissant; and

25 WHEREAS, the Council, following said public hearing, and after due and careful
26 deliberation, has concluded that the amendment of Ordinance No. 6792, as hereinafter set forth,
27 to be in the best interest of the public health, safety and welfare of the City of Florissant; and

28
29 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
30 FLORISSANT, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:
31

32
33 Section 1: B-5 Ordinance No. 6792 is hereby amended to allow ice machine equipment
34 located at 350 Howdershell Road (Family Video) in a B-5 Zoning District with the following
35 additional requirements:

1. Finished pipe bollards will be installed to protect the installation and customers, as approved by the Building Commissioner.
2. Location of the equipment shall be as shown on the Revised Site Plan 1 of 1, received 6/20/17 dated 12/27/16 by Picket, Ray & Silver, Inc. Civil Engineer and attached hereto.
3. Permanent trash can to be placed in or around the machine.

PROJECT COMPLETION.

Construction shall start within 60 days of the issuance of building permits and the construction shall be completed in accordance with the plans within 100 days of start of construction.

Section 2: Except as herein amended Ordinance No. 6792 shall remain in full force and effect.

Section 3: This ordinance shall become in full force and effect immediately upon its passage and approval.

Adopted this _____ day of _____, 2017.

Jackie Pagano
President of the Council

Approved this _____ day of _____, 2017.

Thomas P. Schneider
Mayor, City of Florissant

ATTEST:

Karen Goodwin, MMC/MRCC
City Clerk

1 INTRODUCED BY COUNCILMAN EAGAN
2 JUNE 12, 2017

3
4 BILL NO. 9285

ORDINANCE NO.

5
6 **AN ORDINANCE AMENDING B-5 ORDINANCE NO. 6792 TO ALLOW**
7 **FOR AN ICE MACHINE KIOSK IN THE PARKING LOT FOR THE**
8 **PROPERTY LOCATED AT 350 HOWDERSHELL ROAD.**
9

10 WHEREAS, the shopping center for this address was previously annexed from St. Louis
11 County and placed into a B-5, "Planned Commercial District" designation within the City of
12 Florissant; and

13 WHEREAS, the City Council passed and approved Ordinance No. 6792 and authorized a
14 planned commercial development at 350 Howdershell Road; and

15 WHEREAS, as a part of this B-5 development, the owners of Family Video have
16 requested authorization to install an ice machine kiosk in the parking lot at 350 Howdershell
17 Road; and

18 WHEREAS, the Planning and Zoning Commission of the City of Florissant has
19 recommended to the City Council at their meeting of May 15, 2017 that Ordinance No. 6792 be
20 further amended to allow for the addition of an Ice Machine Kiosk in the parking lot located at
21 350 Howdershell Road; and

22 WHEREAS, due and lawful notice of a public hearing no. 17-06-015 on said proposed
23 change was duly published, held and concluded on the 12th day of June, 2017 by the Council of
24 the City of Florissant; and

25 WHEREAS, the Council, following said public hearing, and after due and careful
26 deliberation, has concluded that the amendment of Ordinance No. 6792, as hereinafter set forth,
27 to be in the best interest of the public health, safety and welfare of the City of Florissant; and

28
29 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
30 FLORISSANT, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:
31

32
33 Section 1: B-5 Ordinance No. 6792 is hereby amended to allow ice machine equipment
34 located at 350 Howdershell Road (Family Video) in a B-5 Zoning District with the following
35 additional requirements:

1. Finished pipe bollards will be installed to protect the installation and customers, as approved by the Building Commissioner.
2. Location of the equipment shall be as shown on Site Plan 1 of 1, dated 12/27/16 by Picket, Ray & Silver, Inc. Civil Engineer.
3. Permanent trash can to be placed in or around the machine.

PROJECT COMPLETION.

Construction shall start within 60 days of the issuance of building permits and the construction shall be completed in accordance with the plans within 100 days of start of construction.

Section 2: Except as herein amended Ordinance No. 6792 shall remain in full force and effect.

Section 3: This ordinance shall become in full force and effect immediately upon its passage and approval.

Adopted this _____ day of _____, 2017.

Jackie Pagano
President of the Council

Approved this _____ day of _____, 2017.

Thomas P. Schneider
Mayor, City of Florissant

ATTEST:

Karen Goodwin, MMC/MRCC
City Clerk

CITY OF FLORISSANT



PUBLIC HEARING NOTICE

Notice is hereby given in accordance with Section 405.135 of the Florissant City Code, the Zoning Ordinance, as amended, that a Public Hearing will be held by the City Council of the City of Florissant, St. Louis County, Missouri, in the Council Chambers, 955 rue St. Francois, on Monday, June 12, 2017 at 7:30 P.M. on the following proposition, to wit:

To issue an amendment to B-5 Ordinance No. 6792 to allow for an ice machine kiosk in the parking lot for the property located at 350 Howdershell Road (legal description to govern). Citizens and parties of interest will have the opportunity to be heard at said public hearing. Anyone with special needs should contact the City Clerk at least 5 days before said public hearing by calling 839-7630 or TDD 839-5142.

Karen Goodwin, MMC City Clerk.

SITE PLAN **FAMILY VIDEO - ICE KIOSK** LOT 102 & 103 OF CREST AIRE PLAT 2 CITY OF FLORISSANT, ST. LOUIS COUNTY, MISSOURI



NOTE
 Underground utilities and structures have been plotted from available information and are shown as approximate only. It is the responsibility of the individual contractors to notify the utility companies before actual construction.

*Rec'd
 6/30/17
 @man
 Revised plans*



- GENERAL NOTES**
1. CURRENT TRACT: 24.17 PLANNED COMMERCIAL DISTRICT
 2. PROPERTY ADDRESS: 350 HOWARDSHELL RD FLORISSANT, MO 63031
 3. PROPERTY OWNER: FAMILY VIDEO MOBILE CLUB FLORISSANT, MO 63031
 4. ST. LOUIS COUNTY LOCATOR NUMBER: 07L4894, 07L34883, 07L34898
 5. AREA OF TRACT: 2.11 ACRES
 6. PROPOSED USE: COMMERCIAL DEVELOPMENT
 7. THIS TRACT IS IN OR SERVED BY:
 - A. FIRE DISTRICT: FLORISSANT VALLEY FIRE DISTRICT
 - B. WATER: MISSOURI AMERICAN WATER CO.
 - C. SEWER: FLORISSANT SEWER DISTRICT
 - D. ELECTRIC: AMERICAN ELECTRIC COMPANY
 - E. GAS: FLORISSANT GAS COMPANY
 8. REGULATIONS AND PERFORMANCE STANDARDS:
 - MINIMUM LOT AREA: 0.75 AC
 - MINIMUM LOT WIDTH: 30' MIN.
 - MINIMUM LOT DEPTH: 30' MIN.
 - MINIMUM LOT AREA: 0.75 AC
 - MINIMUM LOT WIDTH: 30' MIN.
 - MINIMUM LOT DEPTH: 30' MIN.
 9. HEIGHT REQUIREMENTS: 45 MAX OR THREE (3) STORES
 10. ALL UTILITIES SHALL BE LOCATED UNDERGROUND
 11. BUILDING AND SITE SHALL BE IN COMPLIANCE WITH THE AMERICAN DISABILITIES ACT REGULATIONS
 12. SIGNAGE SHALL BE GREATER THAN 31. ALL DISTURBED AREAS SHALL BE RESTORED

PARKING CALCULATION

EXISTING USE: COMMERCIAL RETAIL CENTER

PARKING REQUIREMENT: FOUR (4) SPACE FOR EVERY ONE THOUSAND (1,000) SQUARE FEET OF GROSS FLOOR AREA.

PARKING REQUIRED: 12,000 SQ FT OF BUILDING FLOOR AREA
 52 PARKING SPACES REQUIRED

PARKING PROVIDED: 120 SPACES INCLUDES 4 H/C PARKING SPACES (3 VAN ACCESSIBLE SPACES)



DATE	DATE
12/27/16	12/27/16
CHECKED	DATE
12/27/16	12/27/16
PROJECT #	TASK #
16055 FAHO.00R	001
FIELD	DATE
X	

FAMILY VIDEO ICE KIOSK

SHEET 1 OF 1

MSD BASMAP 07L-3 MSD PAX-XX

PICKETT, RAY & SILVER, INC.
 CIVIL ENGINEERING, LAND SURVEYING, AND NATURAL RESOURCES SERVICES
 811, Parkway
 22 Richmond Center Court
 110 Walnut Street, Suite 201
 St. Louis, MO 63101
 Phone: (314) 387-1111
 Fax: (314) 387-1114
 www.prsinc.com
 1-800-708-8818

SITE PLAN
 FAMILY VIDEO ICE KIOSK
 ST. LOUIS, MISSOURI
 PREPARED FOR: FAMILY VIDEO
 ADDRESS: 350 HOWARDSHELL RD
 FLORISSANT, MO 63031
 CONTACT: MR. RAY WILLIAMS, III
 PHONE: (314) 308-1028

FLORISSANT PLANNING & ZONING COMMISSION APPLICATION



City Of Florissant – Public Works
314-839-7648

Application is hereby made to the Building Commissioner of the Department of Public works Office at the City of Florissant, Missouri, to appear before the Planning & Zoning Commission

Please Print or Type The Following Information

Property Address: 350 Howdershell
Property Owners Name: Family Video Phone #: 847-904-9000
Property Owners Address: 2500 Lehigh Av. Glenview, Ill. 60026
Business Owners Name: Highland Pure Water and Ice Phone #: 847-904-9000
Business Owners Address: Same
DBA (Doing Business As) Highland Pure Water + Ice
Authorized Agents Name: Roy Williams / Tim Ofoole CO. Name: HAWI
(Authorized Agent to Appear Before The Commission)
Agents Address: 710 Eaglebrook Dr. Ballwin, 63024 Mo. Phone #: 314-308-1258
Request Amend B-5 Ordinance # 6792
to place Ice/Water Machine in Parking lot.
State complete request (print or type only).

IF A TRAFFIC STUDY IS REQUIRED FOR CERTAIN DEVELOPMENTS AND USES THE COST OF THE TRAFFIC STUDY SHALL BE PAID BY THE APPLICANT. PLEASE SUBMIT FOLDED PLANS

Applicant's Signature

Date

4-13-17

Received by: CT

Receipt # 1001160

OFFICE USE ONLY

Amount Paid: 125

Date: 4/13/17

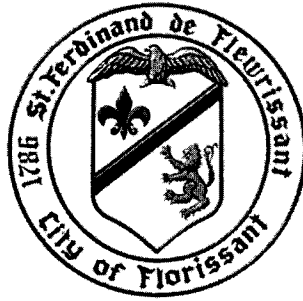
STAFF REMARKS: see staff report

DATE APPLICATION REVIEWED: 4.25.17

COMMISSION ACTION TAKEN:

SIGNATURE OF STAFF WHO REVIEWED APPLICATION

APPLICATION TO THE CITY OF FLORISSANT PLANNING AND ZONING
COMMISSION TO AMEND THE PROVISIONS OF AN EXISTING B-5
PLANNED COMMERCIAL DISTRICT ORDINANCE



PLANNING & ZONING ACTION:

Address of Property:

350 Howdershell Road

Council Ward 4 Zoning B-5

Initial Date Petitioner Filed _____

**Building Commissioner to complete
ward, zone & date filed**

PETITION TO AMEND B-5 ORDINANCE # _____

6192

Enter ordinance number or number requesting to amend.

1) Comes Now Family Video Movie Club

(Individual's name, corporation, partnership, etc.)

Enter name of petitioner. If a corporation, state as such. If applicable include DBA (Doing Business As).

and states to the Planning and Zoning Commission that he (she) (they) has (have) the following legal interest in the tract of land located in the City of Florissant, State of Missouri, described on page 3 of this petition.

Legal interest in the Property owner

State legal interest in the property. (i.e., owner of property, lease); also submit copy of deed or lease or letter of authorization from owner to seek a special use.

- A. The petitioner (s) hereby states that he (she) (they) is (are) submitting a description of the property for which the Permit is petitioned by giving bearings & distances (metes and bounds). Not required if description is identical to "B".
- B. The petitioner (s) hereby states that he (she) (they) is (are) submitting a survey or plat of the property drawn to a scale of 100 feet or less to the inch, referenced to a point easily located on the ground as street intersection, centerline of creek having a generally known name, etc., showing dimensions, bearings and distances of the property, north arrow and scale.
- C. Acreage to nearest tenth of an acre of the property for which rezoning is petitioned 2.11 Acres
2. The petitioner(s) hereby further state(s) that the property herein described in this petition is presently zoned in a B-5 District and is presently being used for Family Video store with associated parking lot

State current use of property, (or, state: vacant).

3. The petitioner(s) hereby state(s) the following reasons to justify the amendment to the existing B-5 ordinance:
For the addition of an Ice Kiosk to the parking lot, as shown.

List reason for the amendment request.

4. The petitioner(s) further states(s) that they (he) (she) can comply with all of the requirements of the City of Florissant, including setback lines and off-street parking.
5. The petitioner(s) further state(s) that they (he) (she) further represent(s) and warrants that they (he) (she) has (have) not made any arrangement to pay any commission, gratuity or consideration, directly or indirectly, to any official employee or appointee of the City of Florissant, with respect to this application.

PRINT PETITIONER'S NAME Mr. Roy Williams, III

Print Name

PETITIONER(S) SIGNATURE (S) _____

FOR Family Video Movie Club

(company, corporation, partnership)

Print and sign application. If applicant is a corporation or partnership signature must be a CORPORATE OFFICER or PARTNER. NOTE: Corporate officer is an individual named in corporate papers.

6. I (we) hereby certify that (indicate one of the following):
- (☒) I (we) have a legal interest in the herein above described property.
 - (☒) I am (we are) the duly appointed agent(s) of the petitioner (s), and that all information given here is true and a statement of fact.

Petitioner may assign an agent to present petition to the Commission and Council. The agent must sign the petition in this section, and provide address and telephone number

SIGNATURE _____

ADDRESS 22 Richmond Center Court St. Peters MO 63376
STREET CITY STATE ZIP CODE

TELEPHONE NUMBER 636-397-1211

BUSINESS

I (we) the petitioner (s) do hereby appoint Doug Tiemann, PE, Pickett, Ray, and Silver, Inc. as
my (our) duly authorized agent to represent me (us) in regard to this petition.

Print name of agent.

Signature of Petitioner(s) or Authorized Agent

NOTE: Be advised when the petitioner and/or his duly authorized agent appears before the Planning and Zoning Commission and make the presentation, the same individuals must also appear before the City Council for that presentation. Also if the descriptions of plats or surveys are incorrect, or if the petition form is not correctly and completely filled out it will be returned for corrections and may have to be re-submitted.

Please fill in applicable information requested.

Name Family Video Movie Club

Address 1022 East Adams St. Springfield, IL 62703

Property Owner Family Video Movie Club

Location of property SouthEast corner of Howdershell Road and Keeven Lane

Dimensions of property Approx. 325' wide by 280' deep, see attached

Property is presently zoned B-5 per ordinance # _____

Current & Proposed Use of Property Family Video Retail Store

Type of Sign _____ Height _____

Type of Construction Ice Kiosk Number Of Stories 1

Square Footage of Building 13,000 Number of Curb Cuts _____

Number of Parking Spaces _____ Sidewalk Length _____

Landscaping: No. of Trees _____ Diameter _____

No. of Shrubs _____ Size _____

Fence: Type _____ Length _____ Height _____

PLEASE SUBMIT NINE (9) FOLDED COPIES OF THE FOLLOWING:

1. Plan or drawing showing zoning of adjoining properties.
2. Plan or drawing showing location of property in relation to major streets and all adjoining properties.
3. Drawing showing measurement of tract and overall area of tract.
4. Plan or drawing showing proposed parking layout, landscaping, parking lighting, signage and trash enclosure.

Please check the box for the appropriate type of operation then fill in applicable section (a), (b) or (c).
Corporations are to submit copy of Missouri corporate papers with registration papers.

1) Type of Operation: Individual: ☒ Partnership: ☒ Corporation: ☒

(a) If an individual:

- (1) Name and Address _____
- (2) Telephone Number _____
- (3) Business Address _____
- (4) Date started in business _____
- (5) Name in which business is operated if different from (1) _____
- (6) If operating under a fictitious name, provide the name and date registered with the State of Missouri, and a copy of the registration.

(b) If a partnership:

- (1) Names & addresses of all partners _____
- (2) Telephone numbers _____
- (3) Business address _____
- (4) Name under which business is operated _____
- (5) If operating under fictitious name, provide date the name was registered with the State of Missouri, and a copy of the registration.

✓ (c) If a corporation:

- Keith Housland - President*
1125 Long Valley
Glenview, Ill. 60025
- (1) Names & addresses of all partners _____
 - (2) Telephone numbers *847-904-9000*
 - (3) Business address *2500 Lehigh Ave. Glenview, Ill. 60026*
 - ✗ (4) State of Incorporation & a photocopy of incorporation papers *Illinois*
 - ✗ (5) Date of Incorporation *1985*
 - ✗ (6) Missouri Corporate Number *(See attached)*
 - ✗ (7) If operating under fictitious name, provide the name and date registered with the State of Missouri, and a copy of registration. *See attached*
 - (8) Name in which business is operated *Family Video*
 - (9) If the property location is in a strip center, give dimensions of your space under square footage and do not give landscaping information.

**PROVIDE LEGAL DESCRIPTION OF PROPERTY PERTAINING TO THIS
PETITION**

(Close legal description with acreage to the nearest tenth of an acre).

Provide a legal description of the property. If part of a shopping center list address and state part of what shopping center (i.e.: 351 N. Highway 67 part of Florissant Meadows Shopping Center). If property is a single lot, list full written legal description with bearings and distances.

Lot 102 and 103 of Crest Aire
Plat 2

PROVIDE LOCATION MAP SHOWING AREA INVOLVING THIS PETITION

Provide a drawing of a location map showing the nearest major intersection or include on plans.

See attached.

Note: address of Family Video - 350 Howdershell



INTRODUCED BY COUNCILWOMAN DEBO
OCTOBER 28, 2002

BILL NO. 7664

ORDINANCE NO. 6792

AN ORDINANCE AMENDING APPENDIX B OF THE FLORISSANT CITY CODE, THE ZONING ORDINANCE, AS AMENDED, BY REZONING THE FOLLOWING DESCRIBED PROPERTY, GENERALLY KNOWN AND NUMBERED AS 2035 KEEVEN LANE, 2055 KEEVEN LANE, AND 2075 KEEVEN LANE FROM R-3, SINGLE FAMILY DISTRICT, TO A B-5 PLANNED COMMERCIAL DISTRICT DEVELOPMENT AND AMENDING A PART OF 300 HOWDERSHELL TO BE INCLUDED IN THE B-5 PLANNED COMMERCIAL DEVELOPMENT DISTRICT UNDER THE ORDINANCES OF THE CITY OF FLORISSANT.

WHEREAS, Appendix B of the Florissant City Code, known as the Zoning Ordinance of the City Code of the City of Florissant, as set out in Ordinance No. 1625, as amended, provides for the establishment of a B-5 Planned Commercial District; and

WHEREAS, an application has been filed by Family Video Movie Club, Inc. d/b/a Family Video for the rezoning and development, as a B-5 Planned Commercial District, of a tract of land hereinafter described, which is zoned R-3, Single Family District, and B-5 Planned Commercial District; and

WHEREAS, the Planning and Zoning Commission of the City of Florissant has recommended that such rezoning and the B-5 Planned Commercial District be approved by the Florissant City Council subject to certain conditions; and

WHEREAS, due notice of a public hearing on said application to be held on the 14th day of October, 2002 was published and such hearing was duly held and concluded; and

WHEREAS, the Council, following said public hearing and after due and careful consideration has concluded that the rezoning of the property hereinafter described as a B-5 Planned Commercial District would be in the best interest of the City of Florissant.

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

Section 1: The Zoning Code of the City of Florissant, as heretofore amended, is hereby further amended, with respect to certain property heretofore zoned as a R-3 Single Family District and B-5 Planned Commercial Development District, to establish a B-5 Planned Commercial District, for the location and development of a planned commercial development on the following described property:

A tract of land being Lots 102, 102 and 104 of "Crest Aire Plat Two" as recorded in Plat Book 124 Pages 12 and 13 of the St. Louis County Records and in Surveys 164 and 165 of the Commonfields of St. Ferdinand, in Township 47 North - Range 6 East, St. Louis County, Missouri.

Section 2: The authority and approval embodied in this Ordinance is granted subject to all ordinances of the City of Florissant and on condition that the development and plan for the B-5 Planned Commercial District be carried out in accordance with the preliminary plans filed with the Planning & Zoning Commission of the City of Florissant and forwarded by said Planning & Zoning Commission to the Florissant City Council, and as further revised and depicted on the Preliminary Development Plan and Concept Plan dated 9/3/02, and the Elevation Plan dated 10/7/02, all of which are attached hereto and jointly referred to as Exhibit "A", which plans, except as otherwise provided herein, are hereby approved, adopted and incorporated herein by reference as if fully set out in this ordinance and made a part of this ordinance, subject to the following conditions:

1. PERMITTED USES

The uses permitted in the B-5 Planned Commercial District shall be for the development of a video store, medical office and all permitted uses in a B-3 Extensive Commercial District.

2. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS

- a. Total gross floor area of the building shall be 13,000 square feet, with the video store comprising 7,000 square feet and the medical offices comprising 6,000 square feet.
- b. The building shall be of single story, masonry (as defined by Florissant City Code) construction, at a height of 22 feet with the exception of a sign band and mansard area, and with a 24 foot glass tower located in the façade.

3. PERFORMANCE STANDARDS

Uses within the B-5 Planned Commercial District identified herein shall conform to the most restrictive performance standards as set forth in Section 20 of the Florissant Zoning Ordinance.

4. PLAN SUBMITTAL REQUIREMENTS

Within ninety (90) days of the effective date of this ordinance, and prior to issuance of any building or occupancy permit, the petitioner shall submit the Final Site Development Plan to the Planning & Zoning Commission for review and approval in accordance with Section 14.5, subsection 10 (D) of the Florissant Zoning

Ordinance. Where due cause is shown by the developer, this time interval may be extended by the Planning & Zoning Commission. The existing and proposed contours, profile, ingress and egress shall be established as illustrated, per the plans submitted.

5. SITE DEVELOPMENT PLAN GENERAL CRITERIA:

The above Site Development Plan shall include the following :

- a. Location and size, including height of all buildings and structures, landscaping and general use of the building.
- b. Gross square footage of buildings.
- c. Existing and proposed roadways, drives, and walkways on and adjacent to the property in question.
- d. Location and size of parking areas and internal drives.
- e. Building and parking setbacks.
- f. Curb cut locations.
- g. Existing and proposed contours at intervals of not more than two (2) feet.
- h. Preliminary stormwater and sanitary sewer facilities.
- i. Identification of all applicable cross access and cross-parking easements or agreements.

6. SITE DEVELOPMENT PLAN DESIGN CRITERIA

The above Final Site Development Plan shall adhere to the following specific design criteria:

a. Structure Setbacks.

- 1) The building shall be located 70 feet from the residential property, 155 feet from Keeven Lane, and at least 86 feet from Howdershell.
- 2) An 8 foot 6 inch tall by 6 inch wide monument sign shall be at least 20 feet from the property line mounted on a four foot masonry base with a total height of 12 feet 6 inches.
- 3) All other setbacks shall be as approved by the Planning & Zoning Commission.

b. Parking, Loading and Internal Drives Setbacks.

- 1) Parking, loading spaces, internal drives and roadways shall be located in accordance with the Plans attached as Exhibit "A".
- 2) All other setbacks shall be as approved by the Planning & Zoning Commission.

c. Minimum Parking/Loading Space Requirements.

- 1) Parking requirements shall be as required by Section 14.5, subsection 5, and Section 17 of the Florissant Zoning Ordinance, except as otherwise varied herein. There shall be 107 parking spaces. Handicapped parking spaces shall be provided as required by Florissant City Code.
- 2) An appropriate parking/loading space distribution shall be provided as determined by the Planning & Zoning Commission.

d. Road Improvements, Access and Sidewalks.

- 1) Access to the property shall be substantially as shown on Exhibit "A".
- 2) A cross access agreement satisfactory to the City Attorney shall be obtained from the owner of the adjacent Dairy Queen property prior to the issuance of building permits.

e. Lighting Requirements.

The parking lot light standards shall comply with the Photometric Plan dated 8/19/02, which must be revised to meet the maximum 1/2 foot candle at the property line.

f. Sign Requirements.

All signs shall comply with the Florissant City Code, including sign and zoning ordinances. Additional traffic signage shall be approved by the Director of Public Works unless otherwise approved by this ordinance.

g. Landscape Plan.

Landscaping shall be installed in general accordance with the Landscape Plan dated 7/11/02 attached hereto as Exhibit "B" or as otherwise approved by the Planning and Zoning Commission.

- 1) Landscaping shall be provided in parking areas in sufficient quantity to at least meet the minimum requirements specified in Section 17 (9) of the Florissant Zoning Ordinance.

- 2) Landscaping shall be maintained in good condition and shall be subject to review by the Director of Public Works. In the event that such landscaping is not maintained in accordance herewith and with directives of the Director of Public Works of maintenance thereof, renewal of the business license for the property may be refused until, or conditioned on, correction of the maintenance problems, as determined by the Director of Public Works.

h. Stormwater.

Stormwater and drainage facilities shall comply with the following standards and requirements:

- 1) Any required stormwater detention for the property shall be constructed to be below ground and be adequately maintained.
- 2) Written approval of any below ground stormwater detention by the Metropolitan St. Louis Sewer District shall be filed with the Department of Public Works
- 3) A recorded copy of any easements for the stormwater and drainage facilities and/or improvements or alterations thereto shall be filed with the Department of Public Works.

i. Miscellaneous Design Criteria.

- 1) All applicable parking, circulation, sidewalks, and all other site design features shall comply with the Florissant City Code.
- 2) The minimum yard requirements shall be as shown on the preliminary site plan attached hereto and incorporated herein as Exhibit "A" with the exception that the eight employee parking spaces located on the southeast edge of the lot be eliminated, allowing for a grass area of 25 feet in width to extend across the back of the parking line and create a 25 foot setback and that a white vinyl, 6 foot wide sight-proof fence be installed along the rear of the property, in accordance with drawings dated 9/2/02. An internal traffic plan indicating signage and striping shall be submitted to the Department of Public Works for approval prior to issuance of Building Permits.
- 3) The building and trash enclosure shall be constructed of brick masonry.
- 4) The dumpster shall be screened in accordance with the preliminary site plan attached hereto as Exhibit "A".
- 5) All stormwater and drainage facilities shall be constructed, and all landscaping shall be installed, prior to the use of the property, unless remitted by the Director of Public Works due to weather related factors.

- 6) Unless and except to the extent otherwise specifically provided herein, the Final Site Development Plan shall comply and be in accordance with all other ordinances of the City of Florissant.
- 7) The Planning & Zoning Commission may permit recontouring and reconfiguration of parking areas to coordinate with developments on adjacent properties.
- 8) Mechanical Equipment Screening: All mechanical equipment shall be screened. Such screening shall be approved by the Planning and Zoning Commission.

7. VERIFICATION PRIOR TO FINAL SITE DEVELOPMENT PLAN APPROVAL.

Prior to the approval of the Final Site Development Plan, the petitioner shall:

a. Stormwater.

- 1) Submit to the Planning & Zoning Commission a preliminary engineering plan showing that adequate handling of the stormwater drainage of the site is provided and that the Preliminary Engineering Plan has been approved by the Metropolitan Sewer District and is in accordance with accepted engineering standards.
- 2) No increase in surface water runoff to adjacent property shall result. Documentation shall be provided to the Director of Public Works for verification, if requested.
- 3) Curbing shall be constructed to deflect water runoff from adjacent properties.

b. Layout Plan.

A layout plan shall be submitted, reviewed and approved by the Public Works Department prior to the commencement of any and all pavement marking. The layout plan shall include proper striping and signing of fire lanes. Fire lanes shall be established by separate ordinance after approval by the Fire District and Director of Public Works, pursuant to Section 15-9, 15-311 and 15-505 of the Florissant City Code.

c. Cross Access Agreement.

The cross access agreement shall be submitted to the Department of Public Works and approved and recorded prior to issuance of the building permits.

8. RECORDING

Within sixty (60) days of approval of the Final Site Development Plan by the Planning & Zoning Commission, the approved plan shall be recorded with the St. Louis County Recorder of Deeds.

9. VERIFICATION PRIOR TO BUILDING PERMITS

After approval of the Final Site Development Plan and prior to the issuance of any building permit, the following verifications shall be provided:

a. Sanitary Sewers.

Written verification of sanitary sewer plan approval from the Metropolitan St. Louis Sewer District and the Department of Public Works.

b. Stormwater Sewers.

Written verification of stormwater plan approval from the Metropolitan St. Louis Sewer District and the department of public works.

c. Landscaping/Screening Bonds or Escrows.

If the estimated cost of new landscaping and/or screening indicated on or forming part of the Final Site Development Plan, as required by the Planning & Zoning Commission, exceeds an estimated cost of one thousand dollars (\$1,000.00), as determined by the Director of Public Works, a bond, escrow or letter of credit shall be furnished so as to be a sufficient amount to guarantee the installation of said landscaping and/or screening.

d. Street Improvement/Parking/Curbing Signs/Pavement Marking/Sidewalks/Traffic Signals, Bond or Escrows.

The petitioner shall furnish a two (2) year bond, escrow or letter of credit, sufficient in amount, as determined by the Director of Public Works, to guarantee the street improvements, if necessary, parking lot pavement, curbing, sidewalks, signs and pavement markings, lighting and fire lanes.

e. Filing a Recorded Site Development Plan.

Two (2) copies of such recorded Final Site Development Plan, showing book, page, and recording date, shall be filed with the director of public works.

f. Notification of the Department of Public Works.

Prior to the issuance of foundation or building permits, all approvals from the Metropolitan St. Louis Sewer District, MODOT and other appropriate organizations must be received by the Department of Public Works unless otherwise approved by the Director of Public Works.

10. VERIFICATION PRIOR TO OCCUPANCY PERMIT

- a. Required roadway improvements shall be completed prior to the issuance of any final occupancy permit.
- b. Underground stormwater detention shall be completed prior to the issuance of any occupancy permit.
- c. All fencing and/or landscaping intended as screening properties shall be completed prior to the issuance of any occupancy permit, unless remitted by the Director of Public Works due to weather related factors.

11. GENERAL DEVELOPMENT CONDITIONS

- a. Adequate surfaced temporary off-street parking for construction employees shall be provided.
- b. Unless, and except to the extent, otherwise specifically provided herein, development shall be effected only in accordance with all ordinances of the City of Florissant.
- c. The Department of Public Works shall enforce the conditions of this ordinance in accordance with the Final Site Development Plan approved by the Planning & Zoning Commission and all other ordinances of the City of Florissant.

12. PROJECT COMPLETION

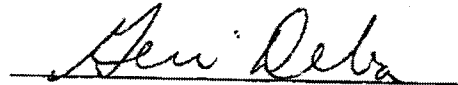
Construction shall start within ninety (90) days of the issuance of building permits, and completion of the planned commercial development, in accordance with the approved Final Site Development Plan, shall be effected within two hundred (200) days of the start of construction.

Section 3: The application and preliminary plans are returned to the Planning and Zoning Commission for consideration of a Final Site Development Plan, pursuant to Section 14.5, subsection 10 (4), of the Florissant Zoning Ordinance.

Section 4: Failure to develop the said Planned Commercial District in accordance with the above-described procedures and restrictions shall be cause for revision of the zoning of said property back to a B-3 Extensive Commercial District, in accordance with Section 14.5, subsection 13, of the Florissant Zoning Ordinance.

Section 5: This ordinance shall become in full force and effect immediately upon its passage and approval.

Adopted this 25 day of November, 2002.



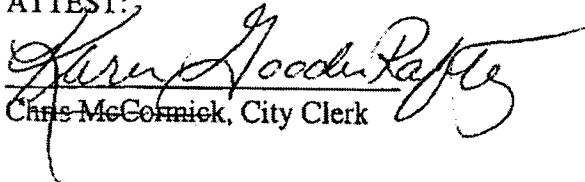
Geri Debo
President of the Council
City of Florissant

Approved this 26th day of November, 2002.



Robert G. Lowery, Sr.
Mayor, City of Florissant

ATTEST:

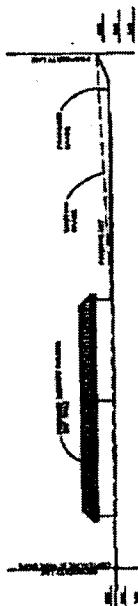

Chris McCormick, City Clerk

FAMILY VIDEO

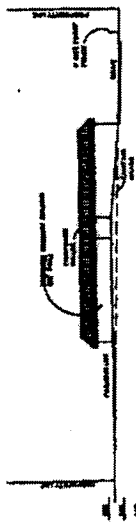
A TRACT OF LAND BEING LOTS 102, 102 AND 104 OF "CREST AIRE PLAT TWO" AS RECORDED IN PLAT BOOK 124 PAGES 12 AND 13 OF THE ST. LOUIS COUNTY RECORDS AND IN SURVEYS 164 AND 165 OF THE COMMONFIELDS OF ST. FERDINAND, IN TOWNSHIP 47 NORTH - RANGE 6 EAST, ST. LOUIS COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS:

familyVideo
MARQUEE SIGN
FOR THE
FAMILY VIDEO STORE
AT THE
ST. LOUIS COUNTY RECORDS

NOTE: NO MARKS OR DIMENSIONS
SHOWN ON THIS PLAN



SECTION AA
SCALE 1\"/>

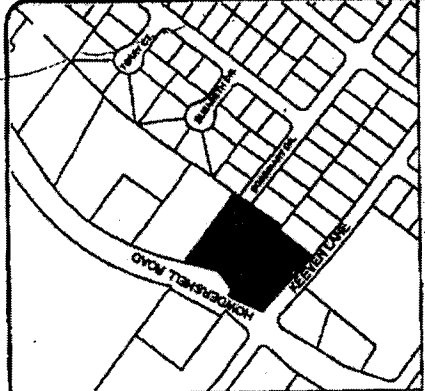


SECTION B-B
SCALE 1\"/>

THE FOLLOWING IS A SUMMARY OF THE INFORMATION CONTAINED IN THE PLAT AND THE RECORDS OF THE ST. LOUIS COUNTY RECORDS AND IN SURVEYS 164 AND 165 OF THE COMMONFIELDS OF ST. FERDINAND, IN TOWNSHIP 47 NORTH - RANGE 6 EAST, ST. LOUIS COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS:

- 1. AREA OF TRACT 3.14 ACRES
- 2. SURVEYED BY J. M. HARRIS
- 3. PLAT BOOK 124 PAGES 12 AND 13
- 4. SURVEYED BY J. M. HARRIS
- 5. SURVEYED BY J. M. HARRIS
- 6. SURVEYED BY J. M. HARRIS
- 7. SURVEYED BY J. M. HARRIS
- 8. SURVEYED BY J. M. HARRIS
- 9. SURVEYED BY J. M. HARRIS
- 10. SURVEYED BY J. M. HARRIS
- 11. SURVEYED BY J. M. HARRIS
- 12. SURVEYED BY J. M. HARRIS
- 13. SURVEYED BY J. M. HARRIS
- 14. SURVEYED BY J. M. HARRIS
- 15. SURVEYED BY J. M. HARRIS
- 16. SURVEYED BY J. M. HARRIS
- 17. SURVEYED BY J. M. HARRIS
- 18. SURVEYED BY J. M. HARRIS
- 19. SURVEYED BY J. M. HARRIS
- 20. SURVEYED BY J. M. HARRIS
- 21. SURVEYED BY J. M. HARRIS
- 22. SURVEYED BY J. M. HARRIS
- 23. SURVEYED BY J. M. HARRIS
- 24. SURVEYED BY J. M. HARRIS
- 25. SURVEYED BY J. M. HARRIS
- 26. SURVEYED BY J. M. HARRIS
- 27. SURVEYED BY J. M. HARRIS
- 28. SURVEYED BY J. M. HARRIS
- 29. SURVEYED BY J. M. HARRIS
- 30. SURVEYED BY J. M. HARRIS
- 31. SURVEYED BY J. M. HARRIS
- 32. SURVEYED BY J. M. HARRIS
- 33. SURVEYED BY J. M. HARRIS
- 34. SURVEYED BY J. M. HARRIS
- 35. SURVEYED BY J. M. HARRIS
- 36. SURVEYED BY J. M. HARRIS
- 37. SURVEYED BY J. M. HARRIS
- 38. SURVEYED BY J. M. HARRIS
- 39. SURVEYED BY J. M. HARRIS
- 40. SURVEYED BY J. M. HARRIS
- 41. SURVEYED BY J. M. HARRIS
- 42. SURVEYED BY J. M. HARRIS
- 43. SURVEYED BY J. M. HARRIS
- 44. SURVEYED BY J. M. HARRIS
- 45. SURVEYED BY J. M. HARRIS
- 46. SURVEYED BY J. M. HARRIS
- 47. SURVEYED BY J. M. HARRIS
- 48. SURVEYED BY J. M. HARRIS
- 49. SURVEYED BY J. M. HARRIS
- 50. SURVEYED BY J. M. HARRIS
- 51. SURVEYED BY J. M. HARRIS
- 52. SURVEYED BY J. M. HARRIS
- 53. SURVEYED BY J. M. HARRIS
- 54. SURVEYED BY J. M. HARRIS
- 55. SURVEYED BY J. M. HARRIS
- 56. SURVEYED BY J. M. HARRIS
- 57. SURVEYED BY J. M. HARRIS
- 58. SURVEYED BY J. M. HARRIS
- 59. SURVEYED BY J. M. HARRIS
- 60. SURVEYED BY J. M. HARRIS
- 61. SURVEYED BY J. M. HARRIS
- 62. SURVEYED BY J. M. HARRIS
- 63. SURVEYED BY J. M. HARRIS
- 64. SURVEYED BY J. M. HARRIS
- 65. SURVEYED BY J. M. HARRIS
- 66. SURVEYED BY J. M. HARRIS
- 67. SURVEYED BY J. M. HARRIS
- 68. SURVEYED BY J. M. HARRIS
- 69. SURVEYED BY J. M. HARRIS
- 70. SURVEYED BY J. M. HARRIS
- 71. SURVEYED BY J. M. HARRIS
- 72. SURVEYED BY J. M. HARRIS
- 73. SURVEYED BY J. M. HARRIS
- 74. SURVEYED BY J. M. HARRIS
- 75. SURVEYED BY J. M. HARRIS
- 76. SURVEYED BY J. M. HARRIS
- 77. SURVEYED BY J. M. HARRIS
- 78. SURVEYED BY J. M. HARRIS
- 79. SURVEYED BY J. M. HARRIS
- 80. SURVEYED BY J. M. HARRIS
- 81. SURVEYED BY J. M. HARRIS
- 82. SURVEYED BY J. M. HARRIS
- 83. SURVEYED BY J. M. HARRIS
- 84. SURVEYED BY J. M. HARRIS
- 85. SURVEYED BY J. M. HARRIS
- 86. SURVEYED BY J. M. HARRIS
- 87. SURVEYED BY J. M. HARRIS
- 88. SURVEYED BY J. M. HARRIS
- 89. SURVEYED BY J. M. HARRIS
- 90. SURVEYED BY J. M. HARRIS
- 91. SURVEYED BY J. M. HARRIS
- 92. SURVEYED BY J. M. HARRIS
- 93. SURVEYED BY J. M. HARRIS
- 94. SURVEYED BY J. M. HARRIS
- 95. SURVEYED BY J. M. HARRIS
- 96. SURVEYED BY J. M. HARRIS
- 97. SURVEYED BY J. M. HARRIS
- 98. SURVEYED BY J. M. HARRIS
- 99. SURVEYED BY J. M. HARRIS
- 100. SURVEYED BY J. M. HARRIS

ADDITIONAL NOTES:
1. PROPOSED SIGNAGE IS TO BE APPROVED BY THE METROPOLITAN ST. LOUIS SEWER DISTRICT.
2. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ORDINANCES OF THE CITY OF ST. LOUIS, MISSOURI, AND THE ST. LOUIS SEWER DISTRICT.
3. THE CITY OF ST. LOUIS, MISSOURI, AND THE ST. LOUIS SEWER DISTRICT SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE SIGNAGE.
4. THE SIGNAGE SHALL BE MAINTAINED IN GOOD CONDITION AND SHALL BE REPLACED OR REPAIRED AS NECESSARY.
5. THE SIGNAGE SHALL BE MAINTAINED IN ACCORDANCE WITH THE ORDINANCES OF THE CITY OF ST. LOUIS, MISSOURI, AND THE ST. LOUIS SEWER DISTRICT.



LOCATION MAP
NOT TO SCALE

PREPARED FOR:
ROCKFORD CONSTRUCTION COMPANY, INC.
9166 GRAPHIC DRIVE, NE
BELMONT, MICHIGAN 48308
PHONE: (810) 886-8833
FAX: (810) 886-8267

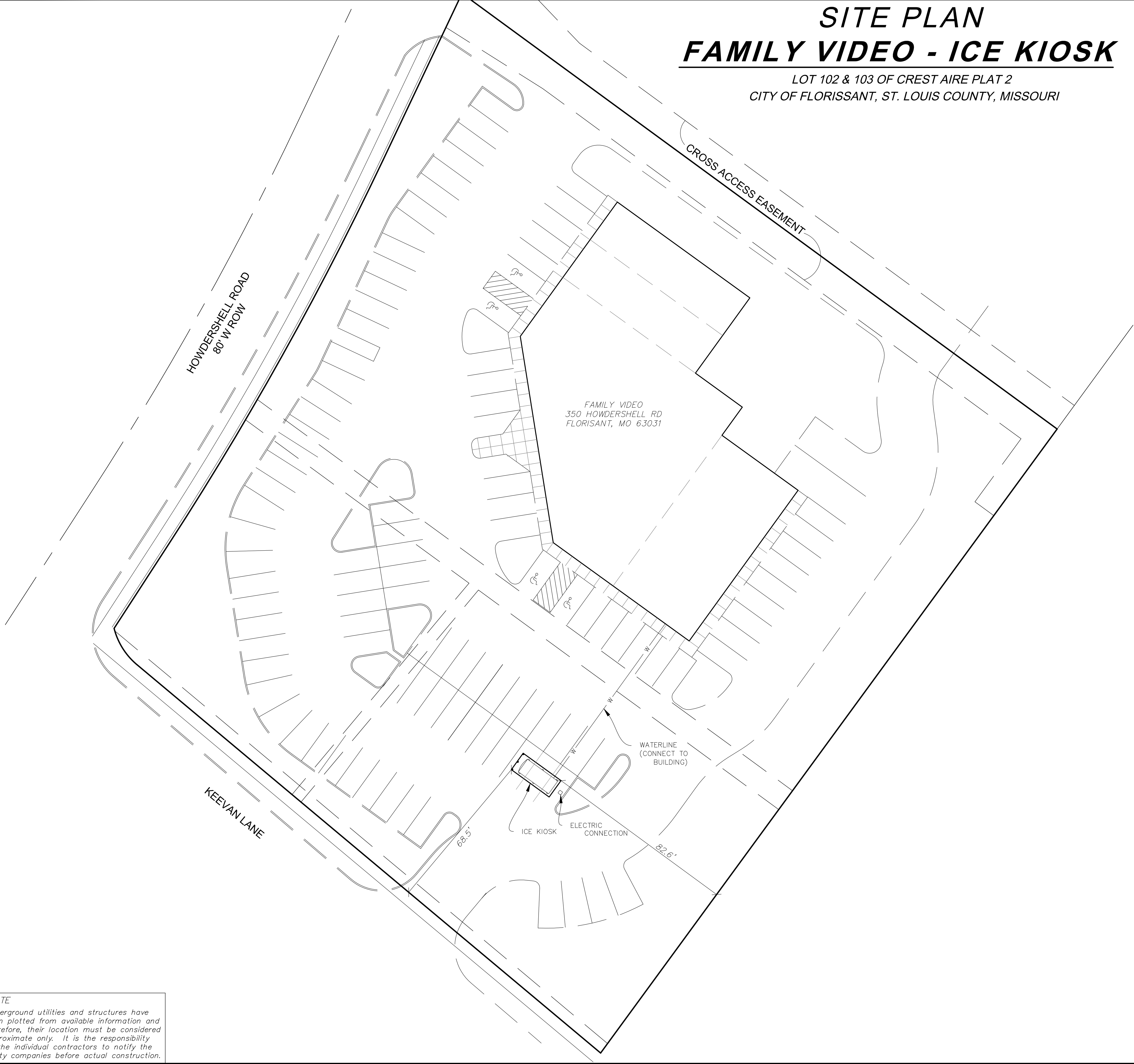
OWNERS:
ROGERS FAMILY LLC
LOCATOR NUMBER 071 34 0541 (PART OF)
FRANKLIN D. NORRIS
LOCATOR NUMBER 071 34 0552
HELENA R. BROWN
LOCATOR NUMBER 071 34 0254
ANCHILLE J. MUCCHERSSO JR.
LOCATOR NUMBER 071 34 0223



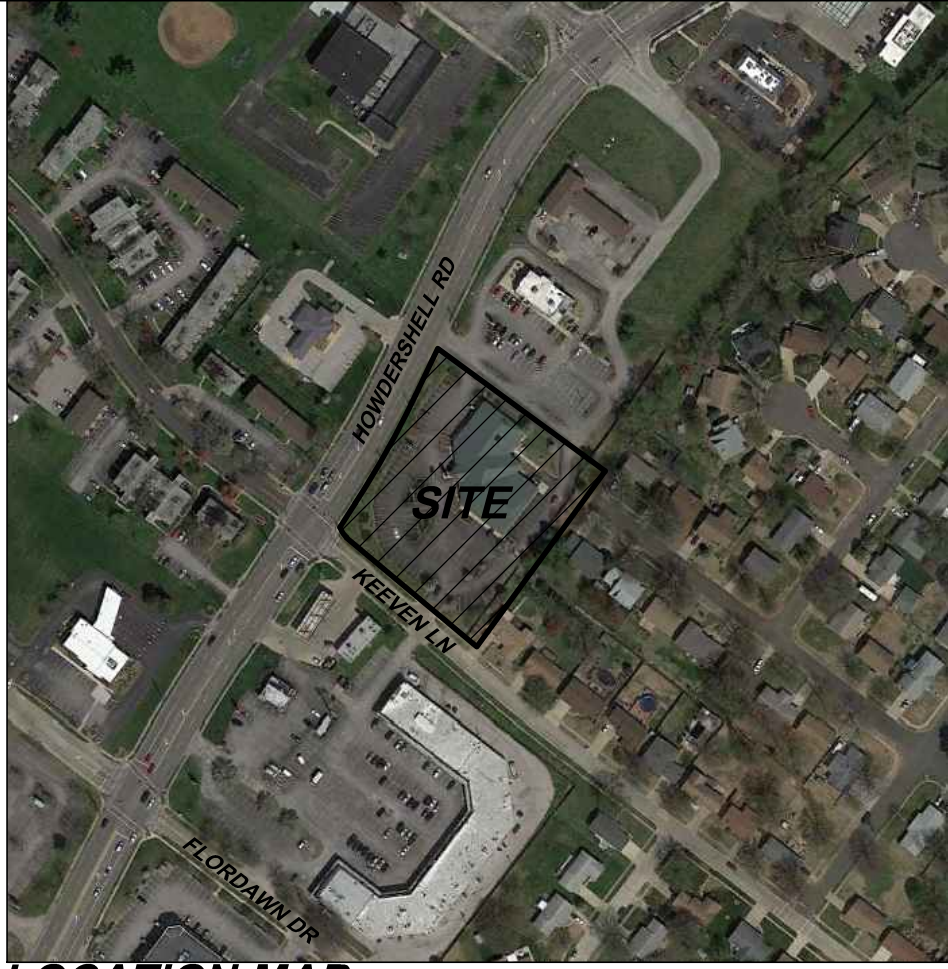
Exhibit A " 1 of 3

SITE PLAN
FAMILY VIDEO - ICE KIOSK

LOT 102 & 103 OF CREST AIRE PLAT 2
CITY OF FLORISSANT, ST. LOUIS COUNTY, MISSOURI



NOTE
Underground utilities and structures have been plotted from available information and therefore, their location must be considered approximate only. It is the responsibility of the individual contractors to notify the utility companies before actual construction.



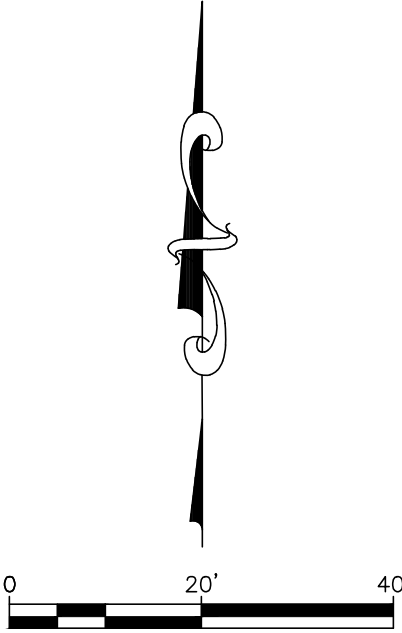
LOCATION MAP
N.T.S.

GENERAL NOTES

- CURRENT ZONING: "B-5", PLANNED COMMERCIAL DISTRICT
- PROPERTY ADDRESS: 530 HOWDERSHELL, 2055 KEEVEN LN, 2075 KEEVEN LN, FLORISSANT, MO 63031
- PROPERTY OWNER: FAMILY VIDEO MOVIE CLUB, 1022 EAST ADAMS STREET, SPRINGFIELD, IL 62703
- ST LOUIS COUNTY LOCATOR NUMBER 07L340894, 07L340883, 07L340906
- AREA OF TRACT: 2.11 ACRES
- PROPOSED USE: COMMERCIAL DEVELOPMENT
- THIS TRACT IS IN OR SERVED BY:
 - A. FIRE DISTRICT: FLORISSANT VALLEY FIRE DISTRICT
 - B. SEWER: MSD
 - C. WATER: MISSOURI AMERICAN WATER CO.
 - D. TELEPHONE: CENTURYTEL
 - E. ELECTRIC: AMEREN UE
 - F. GAS: LACLEDE GAS COMPANY
- REGULATIONS AND PERFORMANCE STANDARDS:
 - MINIMUM SITE AREA: NONE
 - MINIMUM LOT WIDTH: 0 FEET
 - FRONT: 40' MIN.
 - SIDE: 35' MIN. (ONLY APPLIES WHEN ABUTTING A RESIDENTIAL DISTRICT)
 - REAR: 35' MIN.
 - HEIGHT REQUIREMENTS: 45' MAX OR THREE (3) STORIES
- MAXIMUM LOT COVERAGE DICTATED BY OTHER AREA AND PERFORMANCE REQUIREMENTS.
- ALL UTILITIES SHALL BE LOCATED UNDERGROUND.
- BUILDING AND SITE SHALL BE IN COMPLIANCE WITH THE AMERICAN DISABILITIES ACT REGULATIONS.
- NO SLOPE SHALL BE GREATER THAN 3:1. ALL DISTURBED AREAS SHALL BE RESTORED.

PARKING CALCULATION

EXISTING USE:	COMMERCIAL RETAIL CENTER
PARKING REQUIREMENT:	FOUR (4) SPACE FOR EVERY ONE THOUSAND (1,000) SQUARE FEET OF GROSS FLOOR AREA.
PARKING REQUIRED:	12,966 SQ FT OF BUILDING $4 * (12,966/1000) = 51.86$ 52 PARKING SPACES REQUIRED
PARKING PROVIDED:	101 SPACES, INCLUDES 4 H/C PARKING SPACES (2 VAN ACCESSIBLE SPACE)



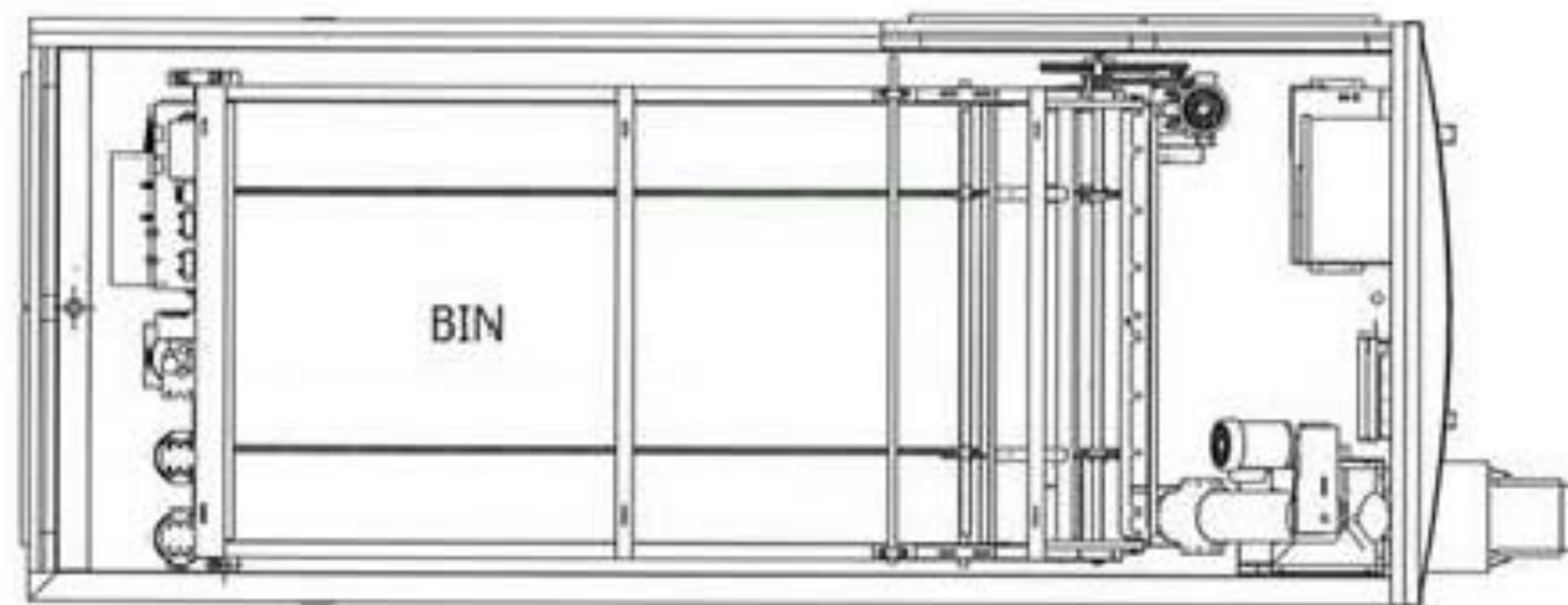
PICKETT, RAY & SILVER INC.
CIVIL ENGINEERING, LAND SURVEYING,
AND NATURAL RESOURCES SERVICES
St. Peters
22 Richmond Center Court
St. Peters, MO 63376
Phone (636) 397-1211
www.prs3.com
Branson
110 West Adams Suite 201
Branson, MO 65616
Fax (636) 397-1104
1-800-708-3918

SITE PLAN
FAMILY VIDEO
ICE KIOSK
ST LOUIS, MISSOURI
Contact: Mr. Ray Williams, III
Address: 710 East Adams Drive
Baltimore, MD 21201
Phone: (314) 308-1258
PREPARED FOR:
FAMILY VIDEO

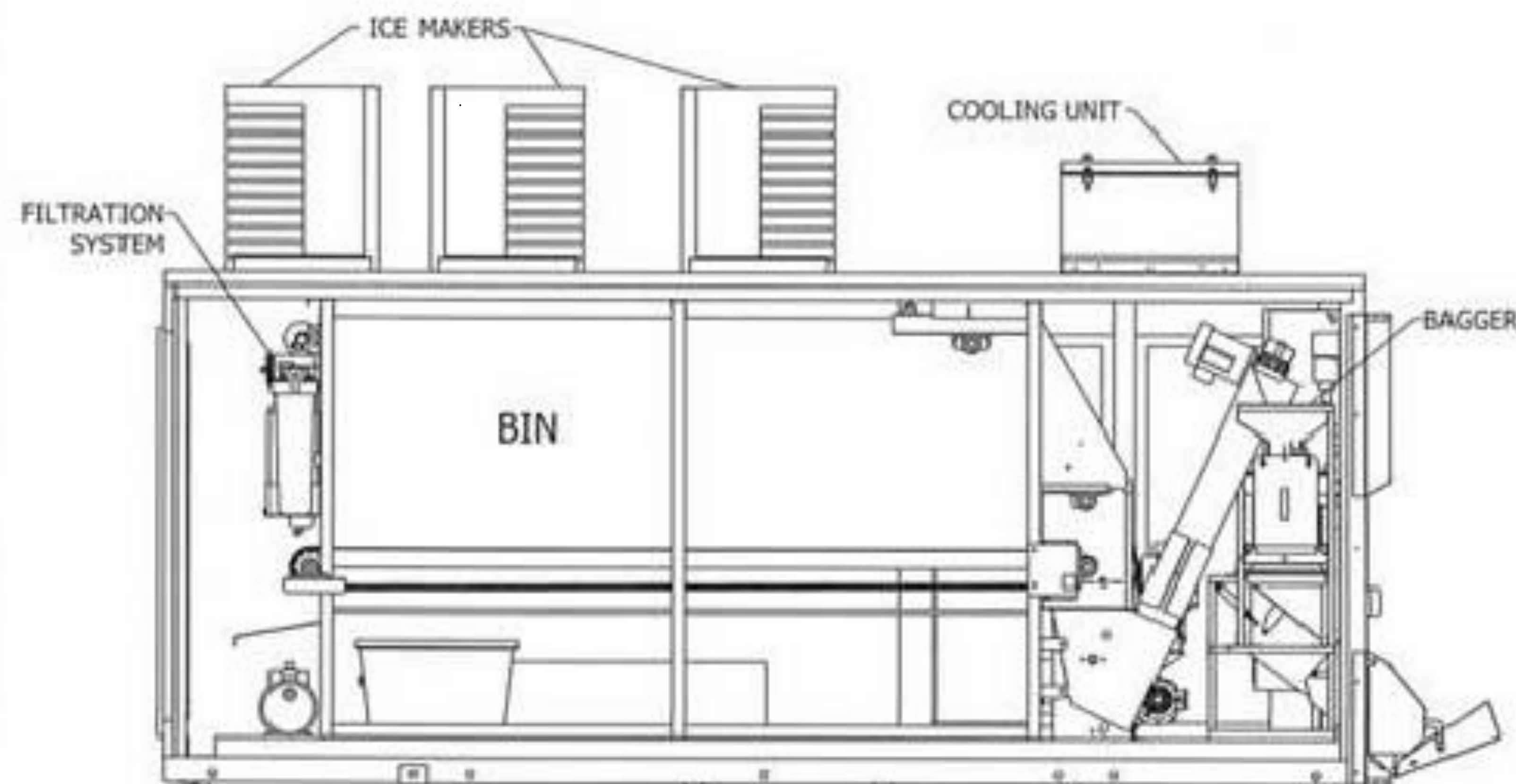
ENGINEER'S AUTHENTICATION
THE RESPONSIBILITY FOR PROFESSIONAL ENGINEERING LIABILITY ON THIS PROJECT IS HEREBY LIMITED TO THE SET OF PLANS AUTHENTICATED BY THE SEAL, SIGNATURE, AND DATE HEREINAFTER ATTACHED. RESPONSIBILITY IS DISCLAIMED FOR ALL OTHER ENGINEERING PLANS INVOLVED IN THIS PROJECT AND SPECIALLY EXCLUDES REVISIONS AFTER THIS DATE UNLESS REAUTHENTICATED.
PICKETT, RAY & SILVER, INC. - NO LICENSE 2000325
KARL ANTHONY SCHOENIKE
PROFESSIONAL ENGINEER
04-12-17
Karl A. Schoenike, P.E. ELECTRONIC SEAL
PROFESSIONAL ENGINEER - LICENSE 2003015039

DRAWN KAS	DATE 12/27/16
CHECKED DST	DATE 12/27/16
PROJECT # 16055.FAV0.00R	FIELD BOOK X

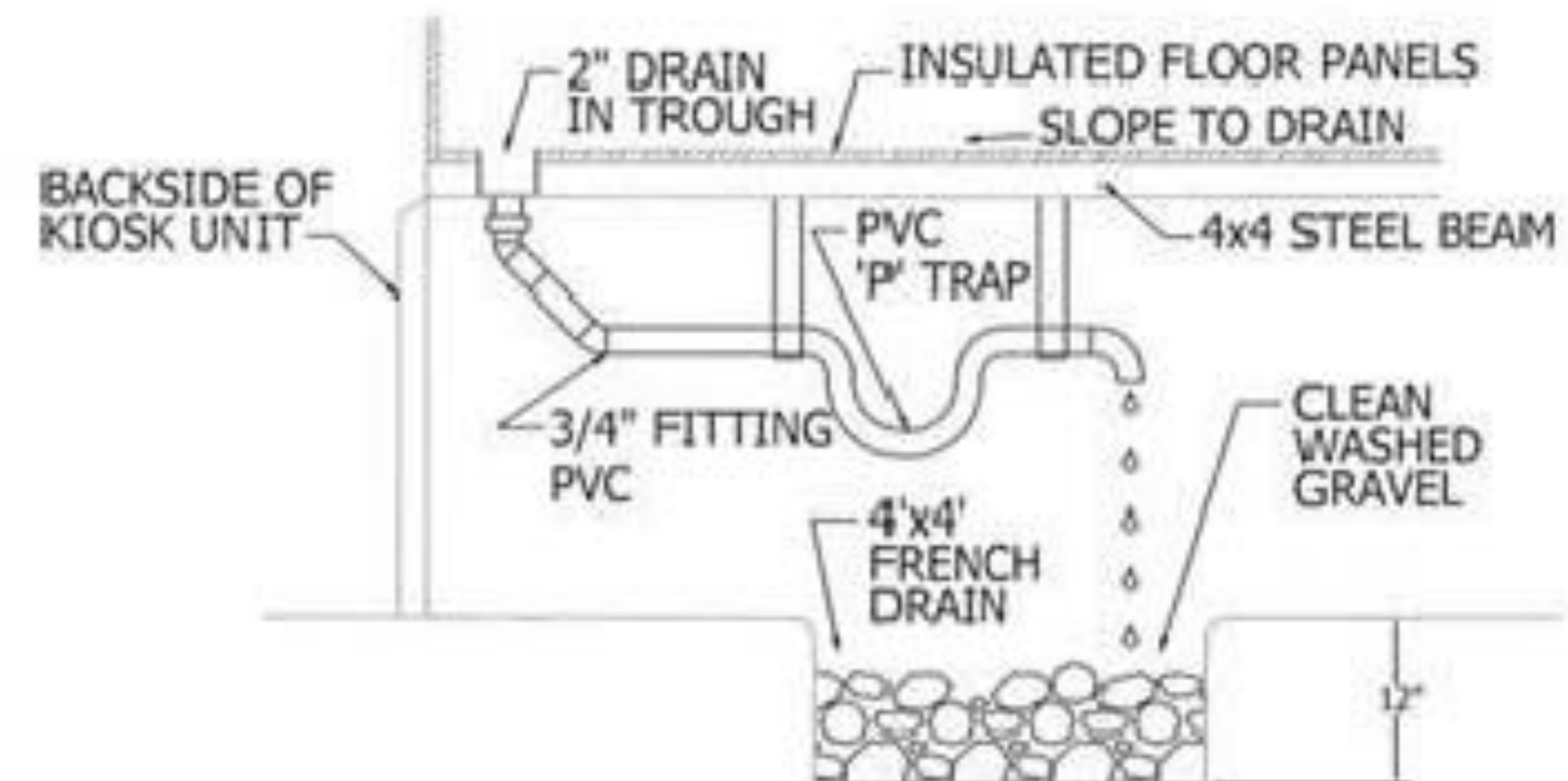
FAMILY VIDEO
ICE KIOSK
SHEET 1 OF 1
© Copyright 2017 by Pickett, Ray & Silver Inc.



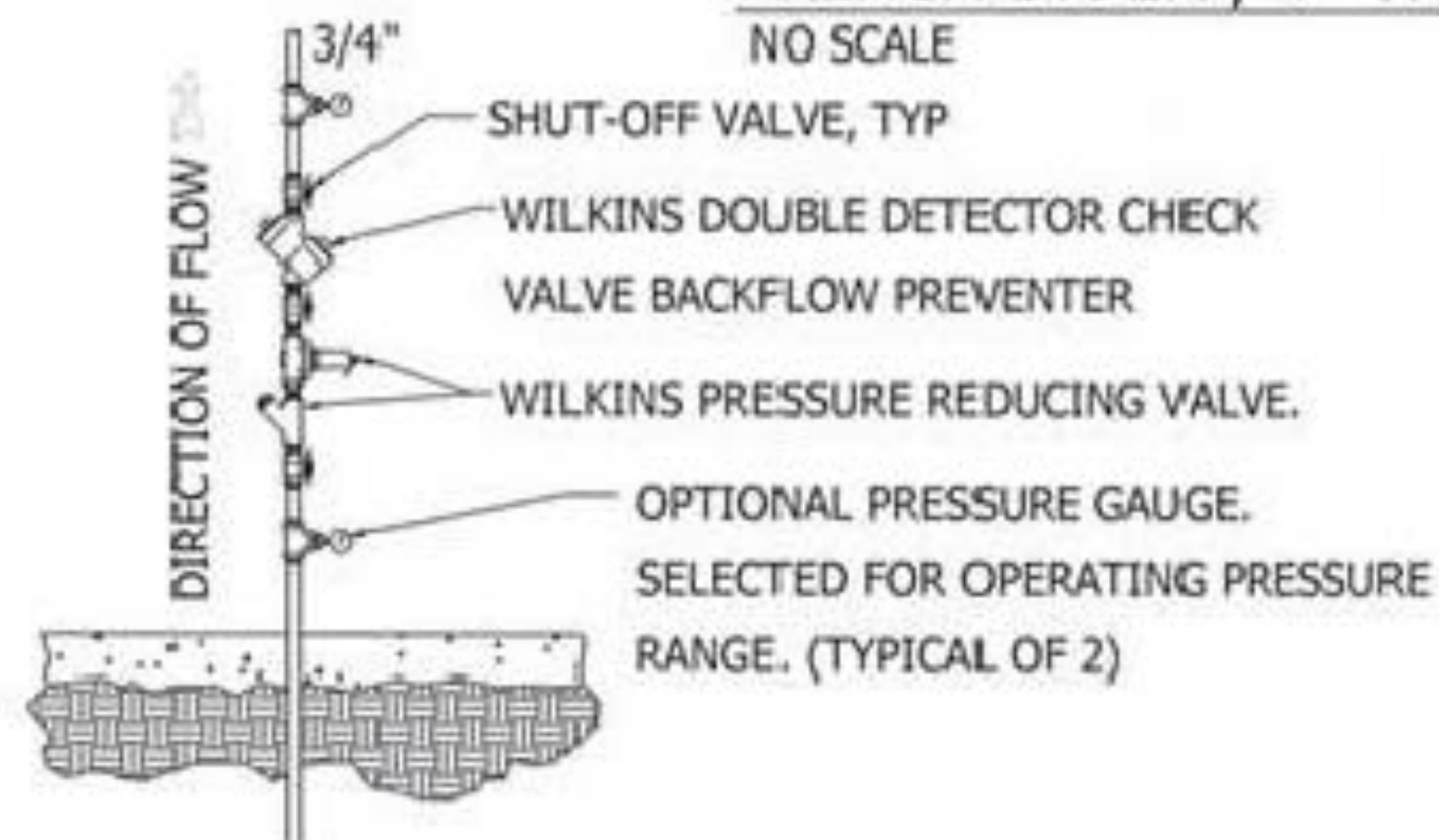
PLAN VIEW
SCALE 1 / 15



ELEVATION VIEW
SCALE 1 / 15



FRENCH DRAIN / 'P' TRAP DIAGRAM
NO SCALE



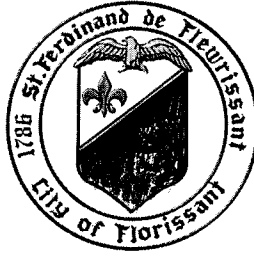
3/4" DOMESTIC WATER SERVICE LINE
FROM METER
WATER SERVICE DETAIL
NO SCALE

March Adams & Associates Consulting Engineers 310 Dodds Ave. P.O. Box 3689 Chattanooga, Tennessee 37404 PH: (423) 698-6675 MAA #: 16-280	ICE HOUSE AMERICA 1597 The Greens Way Jacksonville Beach, Florida 32250 904-241-7535	
	EQUIPMENT INFORMATION 16' KIOSK	Missouri EQ-1

DATE: 08/04/2016

1

MEMORANDUM



2
3
4
5
6
7
8
9
10
11
12
13
14

CITY OF FLORISSANT- BUILDING DEPARTMENT

"Preserve and improve the health, safety, and welfare of our residents, businesses and the general public in the City of Florissant; while at the same time maintaining property values and improving the quality of life in the City of Florissant."

To: Planning and Zoning Commissioners

Date: April 25, 2017

From: Philip E. Lum, AIA-Building Commissioner c:

Louis B. Jearls, Jr. - P.E.,
PWL Director Public Works
Deputy City Clerk
Applicant
File

Subject: Request Recommended Approval of **Ice Machine Equipment at 350 Howdershell (Family Video)** in a 'B-5' Zoning District.

15
16
17
18

STAFF REPORT

19
20
21
22

CASE NUMBER PZ-050117-2

23
24
25
26
27
28
29

I. PROJECT DESCRIPTION:

This is request for recommended approval to amend the 'B-5' ordinance to allow for Ice Machine Equipment in a B-5 District. The current video store is within a 'B-5' District within the City of Florissant. There is an existing ordinance no. 6792 that describes permitted uses, which include retail as amended for restaurant, however, since the existing Video Establishment wishes to expand their business with new exterior changes, it requires an amendment to the ordinance.

30
31
32
33
34
35

II. EXISTING SITE CONDITIONS:

The existing property at 350 Howdershell is owned by Family Video Movie Club per County records. The existing retail space is a video store. The existing building total area is 13,040 s.f. The building consists of masonry walls and metal roofing.

The parking ordinance has been changed since the establishment of this 'B-5' Zoning District.

36
37
38
39
40

III. SURROUNDING PROPERTIES:

41 The adjacent property to the North is 300 Howdershell (a Dairy Queen) in a 'B-5'
42 Planned Commercial District. There are 2 contiguous properties to the South which
43 comprise the South parking lot for this establishment. They appear in the County record
44 as 2055 and 2075 Keeven. Properties to the East are 2015 Keeven, 2025 and 2030
45 Bobbinray, all in the 'R-4' Single Family Dwelling District.

46
47 **IV. STAFF ANALYSIS:**
48

49 The application is accompanied by a photo, Site Plan 1 of 1 dated 12/27/16 by Pickett,
50 Ray & Silver, Inc. Civil Engineer. Staff highlights review comments as follows:

- 51 1. The City Attorney has advised in the past that ownership of contiguous properties
52 on record at County shall not hinder the applicant from amending the ordinance.
- 53 2. Site Plan indicates location of proposed equipment in excess of 40 feet from the
54 property lines: 68.5' from Keeven and 82.6' from the neighbor to the East at 2015
55 Keeven.
- 56 3. There were several ordinances connected to the property:
 - 57 a. No. 7217 for Steak Out restaurant, (which is no longer in use).
 - 58 b. No. 8304 for St. Louis Fish and Chicken in place of the Steak Out.
 - 59 c. No. 7356 for Little Caesar's Pizza.
 - 60 d. No. 6792 'B-5' Rezoning for Family Video.
- 61 4. Parking: existing parking lot is 101 spaces. New calculations by the Civil
62 Engineer shows 52 required parking at 4/1000 s.f. which is approximately correct.
63 There may be 1 or 2 more parking required for the restaurants spaces both under
64 1500 s.f., but the point is moot.
- 65 5. Signs: The largest sign can be the ice sign on the side = 88 s.f. if the photo of the
66 ice cubes is considered a part of the sign. All other signs are less than 40 s.f.
- 67 6. The machine dispenses ice cubes and reverse osmosis water at reduced prices. No
68 block ice is sold. Proposed is 24 hour operation.
- 69 7. The unit proposed is about 16'x8' and will have a security system with cameras
70 and owner's remote operation by cell phone. Maintenance or Police can be called
71 24/7 if there is a problem.
- 72 8. The unit is permanently bolted to the ground and is designed to resist 170 mph
73 winds.
- 74 9. A finished skirt around the lower portion will be provided to conceal utility
75 connections.
- 76 10. The unit has recessed can lights in the top canopy so as not to shine light upon
77 neighboring property and to reduce glare.
- 78 11. Noise at close range 10-15' is about the same level as a window air conditioner.

79
80 **VI. STAFF RECOMMENDATIONS:**
81

82 After a public hearing considering the exact proposal at another location, see the
83 **Suggested Motion:**
84

85 I move to recommend approval to amend a Special Use, ordinance 6792 to allow
86 **Ice Machine Equipment at 350 Howdershell (Family Video)** in a 'B-5' Zoning
87 District with the following additional requirements:
88

- 89 1. Finished pipe bollards will be installed to protect the installation and
90 customers, as approved by the Building Commissioner.
- 91 2. Location of the equipment shall be as shown on Site Plan 1 of 1 dated
92 12/27/16 by Picket, Ray & Silver, Inc. Civil Engineer.

93 3. *Permanent trash can in/around machine.*
94 **PROJECT COMPLETION.**

95 Construction shall start within 30 days of the issuance of building permits, and
96 the structure shall be completed in accordance with the plans within 100 days
97 of start of construction.
98

99 (End report and suggested motion)

1 INTRODUCED BY COUNCILMAN SIAM
2 JUNE 26, 2017

3
4 BILL NO. 9287

ORDINANCE NO.

5
6 **ORDINANCE TO AMEND B-5 ORDINANCE NO. 6697 TO ALLOW FOR**
7 **A BUILDING ADDITION FOR THE PROPERTY LOCATED AT 2505 N.**
8 **HIGHWAY 67.**
9

10 WHEREAS, the City Council passed and approved Ordinance No. 6697 and authorized a
11 planned commercial development at 2505 N. Hwy 67; and

12 WHEREAS, the Planning and Zoning Commission of the City of Florissant has
13 recommended to the City Council at their meeting of June 5, 2017 that Ordinance No. 6697 be
14 amended to allow for a building addition for the property located at 2505 N. Highway 67; and

15 WHEREAS, due and lawful notice of a public hearing no. 17-06-016 on said proposed
16 change was duly published, held and concluded on the 26th day of June, 2017 by the Council of
17 the City of Florissant; and

18 WHEREAS, the Council, following said public hearing, and after due and careful
19 deliberation, has concluded that the amendment of Ordinance No. 6697, as hereinafter set forth,
20 to be in the best interest of the public health, safety and welfare of the City of Florissant; and

21
22 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
23 FLORISSANT, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:
24
25

26 Section 1: An addition at 2505 N. Highway 67 (ALDI) in a B-5 Zoning District
27 is hereby authorized in accordance with plans submitted: Landscape drawings, P & Z dated
28 4/28/17 by ALDI, Inc. and TRI Architect's plan and elevations dated 5/12/17 as follows:
29

30 1. Restore site to contain a total of 16 flowering trees in landscaped areas of the front
31 parking lot, per Attachment 'A' of Ordinance No. 6697. Landscape Plan shall be as
32 approved by the Building Commissioner.
33

34 2. Amend Ordinance No. 6697 as follows:
35

36 Section 2, paragraph 2, be amended to reflect new area of building 19,596 square
37 feet.
38

39 Section 2, paragraph 6, sub paragraph (g), add the following paragraph:

40 (4) Provide a total of 126 shrubs for building perimeter planting, per the
41 requirements of the Landscape Ordinance, Section 405.245.

3. Have the architect provide a landscaping plan before appearing before the City Council.

PROJECT COMPLETION

Construction shall be completed within 180 days of the issuance of building permits.

Section 2: Except as herein amended Ordinance No. 6697 shall remain in full force and effect.

Section 3: This ordinance shall become in full force and effect immediately upon its passage and approval.

Adopted this _____ day of _____, 2017.

Jackie Pagano
President of the Council

Approved this _____ day of _____, 2017.

Thomas P. Schneider
Mayor, City of Florissant

ATTEST:

Karen Goodwin, MMC/MRCC
City Clerk

1 INTRODUCED BY COUNCIL AS A WHOLE
2 JUNE 26, 2017

3
4 BILL NO. 9288

ORDINANCE NO.

5
6 **AN ORDINANCE RE-ADOPTING A PROCEDURE TO DISCLOSE**
7 **POTENTIAL CONFLICT OF INTEREST AND SUBSTANTIAL**
8 **INTEREST FOR CERTAIN OFFICIALS AS SET FORTH IN TITLE 1,**
9 **SECTION 105.130 “COMPLIANCE WITH STATE CONFLICT OF**
10 **INTEREST” LAW IN THE FLORISSANT CODE OF ORDINANCES.**

11
12 WHEREAS, pursuant to Ordinance No. 5275 the Council of the City of Florissant
13 established a procedure to disclose potential conflicts of interest and substantial interest for
14 certain public officials and readopted same with the adoption of Ordinance Nos. 5524, 5639,
15 5753, 5876, 6143, 6290, 6568, 7440, 7615, 7806, 7980.

16 WHEREAS, the Ethics Commission has determined that cities must readopt the
17 procedure pertaining to disclosure of private financial or other interests in matters affecting the
18 City every other year.

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

21
22 Section 1: The Council of the City of Florissant hereby re-adopts a procedure to
23 disclose potential conflict of interest and substantial interest for certain officials as set forth in
24 Title 1, section 105.130 “Compliance with State Conflict of Interest Law” with such section
25 reading as follows:

26 Sec. 105.130. Compliance with State Conflict of Interest Law.

27
28 (a) All elected and appointed officials as well as employees of the city must
29 comply with the applicable provisions of section 105.450-105.498 of the
30 Missouri Revised Statutes on conflicts of interest as well as any other state
31 law governing official conduct.

32
33 (b) Any city officer, board member, council member, commission member or
34 employee who has a substantial financial interest, direct or indirect, or by
35 reason of ownership or stock in any corporation, any contract with the city for
36 the sale of land, material, supplies or services to the city or to a contractor
37 supplying the city, shall make known that interest and shall refrain from
38 voting upon or otherwise participating as a city officer, board member,
39 council member, commission member or employee in the making of such
40 contract. Any person who is a city officer, board member, council member,
41 commission member or employee who willfully conceals such a substantial
42 financial interest or willfully violates the requirements of this subsection shall
43 be guilty of malfeasance in office or position and shall forfeit such person’s
44 office or position. Violation of this subsection with the knowledge, expressed

or implied, of the person or corporation contracting or making a sale to the city shall render the contract or sale voidable by the Mayor.

- (c) Any member of the governing body of the city who has a “substantial or private interest” in any measure, bill, order or ordinance proposed or pending before such governing body must disclose that interest to the city clerk and such disclosure shall be recorded in the appropriate journal of the city. For the purposes of this section, substantial or private interest is defined as ownership by the individual, his spouse, or his dependent children, whether singularly or collectively, directly or indirectly of:

(1) 10% or more of any business entity; or

(2) an interest having a value of \$10,000 or more; or

(3) the receipt of a salary, gratuity, or other compensation or remuneration of \$5,000 or more, per year from any individual, partnership, organization, or association within any calendar year.

- (d) Each elected official, the mayor as the chief administrative officer, the chief purchasing officer as identified in section 105.483 (11) of the Missouri Revised Statutes, and the full-time general counsel, if any, shall disclose the following information by May 1 if any such transactions occurred during the previous calendar year:

(1) For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the city, other than compensation received as an employee or payment of any tax, fee or penalty due to the city, and other than transfers for no consideration to the city.

(2) The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the city, other than payment of any tax, fee or penalty due to the city or transactions involving payment for providing utility service to the city, and other than transfers for no consideration to the city.

(3) The mayor as the chief administrative officer and the chief purchasing officer also shall disclose by May 1 for the previous calendar year the following information:

(A) The name and addresses of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;

(B) The name and addresses of each sole proprietorship that he owned, the name, address and the general nature of the business conducted of each general partnership and name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, addresses and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten (10%) percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two (2%) percent or more of any class of outstanding stock, limited partnership units or other equity interests;

(C) The name and addresses of each corporation for which such person served in the capacity of a director, officer or received.

(e) The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year.

(1) Every person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending immediately preceding December 31; provided that any member of the city council may supplement the financial interest statements to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.

(2) Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment.

Reports shall be filed with the city clerk and the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

Section 2: A certified copy of this ordinance shall be sent within ten (10) days of its adoption to the Missouri Ethics Commission.

Section 3: This ordinance shall become in full force and effect from and after the date of its passage as provided by law.

Adopted this _____ day of _____, 2017.

JACKIE PAGANO
President of the Council
City of Florissant

138
139
140
141
142
143
144
145
146
147
148
149
150
151
152

Approved this _____ day of _____, 2017.

Thomas P. Schneider.
Mayor, City of Florissant

ATTEST:

Karen Goodwin, MMC/ MRCC
City Clerk

1 INTRODUCED BY COUNCIL AS A WHOLE

2 JUNE 26, 2017

4 BILL NO. 9289

Ordinance No.

6 **AN ORDINANCE ESTABLISHING A TRUST AGREEMENT FOR THE**
7 **CITY OF FLORISSANT EMPLOYEES' PENSION PLAN**

9 WHEREAS, the City received notification that the third party administrator of the
10 defined benefit pension plan would no longer be providing services for the plan as of September
11 30, 2017; and

12 WHEREAS, since this notification the Finance Department has worked to identify
13 alternatives to transition the various services provided by the third party administrator; and

14 WHEREAS, to facilitate the transition of the pension plan assets, the City must establish
15 a trust under which the assets, earnings and contributions paid over by the City for the benefit of
16 the plan participants are to be held, and

17
18 NOW THEREFORE, BE IT ORDAINTED BY THE CITY COUNCIL OF THE CITY OF
19 FLORISSANT , MISSOURI, AS FOLLOWS:

20
21 Section 1. The Mayor of the City of Florissant is hereby authorized to sign and
22 execute a Trust Agreement for the City of Florissant Employees' Pension Plan as attached
23 hereto.

24
25 Section 2. This ordinance shall be in full force and effect from and after the date of
26 its passage by the City Council.

27
28 Adopted this _____ day of _____, 2017.

29 _____
30 Jackie Pagano
31 President of the City Council

32
33 Approved this _____ day of _____, 2017.

34
35 _____
36 Thomas P. Schneider
37 Mayor

38 ATTEST:

39 _____
40 Karen Goodwin, MMC/MRCC
41 City Clerk

TRUST AGREEMENT
FOR CITY OF FLORISSANT EMPLOYEES PENSION PLAN

**TRUST AGREEMENT
FOR CITY OF FLORISSANT EMPLOYEES PENSION PLAN**

TABLE OF CONTENTS

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I	Definitions	1
	(a) Code	1
	(b) Effective Date	1
	(c) Investment Manager	1
	(d) Plan Administrator	2
	(e) Trust	2
	(f) Trustee	2
	(g) Trust Fund	2
II	Name of the Trust and Establishment of the Trust Fund	2
	(a) Name of the Trust	2
	(b) Establishment of the Trust Fund	2
III	Trust Administration	2
	(a) Receipt of Contributions	2
	(b) Trustee Duties	2
	(c) Prohibited Transactions	3
	(d) Written Directions	3
	(e) Records and Accounts	4
	(f) Resignation and Removal	4
	(g) Periodic Accounting	4
	(h) Funding Policy	4
	(i) Allocation of Responsibility	4
IV	Investment Managers	5
	(a) Appointment	5
	(b) Written Acceptance	5
	(c) Resignation and Removal	5
V	Investment of the Trust Fund	5
	(a) Investment Decisions	5
	(b) Execution of Investment Decisions	5
	(c) Trustee or Investment Manager Investment Powers	6
	(d) Written Instruments	6

VI	Expenses of Administration of the Plan and the Trust Fund	7
	(a) Expenses of Administration	7
	(b) Payment of Trustee	7
VII	Amendment and Termination	7
	(a) Amendment and Termination of Trust	7
	(b) Restrictions on Amendment.....	7
VIII	Miscellaneous	7
	(a) Merger or Consolidation	7
	(b) Alienation.....	8
	(c) Mistake of Fact	8
	(d) Governing Law	8
	(e) Action by the City.....	8
	(f) Alternative Actions	8
	(g) Headings and Captions	8
	(h) Gender.....	9

**TRUST AGREEMENT
FOR THE CITY OF FLORISSANT EMPLOYEES PENSION PLAN**

THIS TRUST AGREEMENT FOR THE CITY OF FLORISSANT EMPLOYEES PENSION PLAN ("Agreement") is adopted by the City of Florissant, Missouri (the "City") effective as of _____.

WITNESSETH:

WHEREAS, the City heretofore established a defined benefit pension plan (the "Plan") effective December 1, 1967, known as City of Florissant Employees' Pension Plan, in recognition of the contribution made to its successful operation by its employees and for the exclusive benefit of its eligible employees and the most recent amendment and restatement of the Plan was effective December 1, 2011; and

WHEREAS, heretofore the Plan was funded with insurance contracts and was fully insured; and

WHEREAS, the insurer, Empower Retirement, advised the City on February 16, 2017 that it would no longer provide insurance contracts to fund the Plan as of September 30, 2017; and

WHEREAS, the City has determined that, in view of this development, it is in the best interests of the Plan participants and beneficiaries to establish a trust as permitted under the Plan.

NOW, THEREFORE, the City, in accordance with the provisions of the Plan pertaining to establishment of a trust hereby provides as follows:

ARTICLE I

DEFINITIONS

Unless a different meaning is clearly required by the context or except as may be otherwise indicated below, capitalized terms shall have the meaning stated in Article I of the Plan. As used in this Agreement, the following terms shall have the meaning hereinafter set out:

(a) **"Code"** means the Internal Revenue Code of 1986, as amended or replaced from time to time.

(b) **"Effective Date"** of this Agreement shall mean _____.

(c) **"Investment Manager"** shall mean the individual, individuals, partnership, corporation or other entity, if any, appointed as contemplated by Missouri law, including but not limited to Sections 105.687 and 105.688 of the Missouri Revised Statutes, by the Plan Administrator to manage all or any portion of the assets of the Plan. Any Investment Manager shall be (1) registered as an investment advisor under the Investment Advisors Act of 1940; (2) a bank as defined in such Act; or (3) an insurance company qualified to perform the services of an investment manager under the laws of the State of Missouri. Any such Investment Manager shall

acknowledge to the Trustee and the Plan Administrator in writing that it accepts such appointment and that it is a fiduciary with respect to the Plan and the Trust Fund. The Plan Administrator shall provide the Trustee with a copy of the written agreement with the Investment Manager.

(d) **“Plan Administrator”** shall mean the Plan Administrator designated in the Plan, which is the City of Florissant, Missouri. The individual who is serving as the Director of Finance for the City of Florissant, Missouri has been appointed to perform the duties of Plan Administrator on behalf of the City of Florissant, Missouri.

(e) **“Trust”** shall mean the trust as herein set forth, and as amended from time to time.

(f) **“Trustee”** shall mean the individuals serving as Mayor of the City of Florissant, Missouri and as Director of Finance of the City of Florissant, Missouri.

(g) **“Trust Fund”** shall mean the trust fund established under this Agreement to which contributions shall be made as provided in the Plan, from which the benefits provided for by the Plan are to be paid or are to be funded, to which the proceeds of liquidated insurance contracts previously held by the Plan shall be paid, together with earnings thereon.

ARTICLE II

NAME OF THE TRUST AND ESTABLISHMENT OF THE TRUST FUND

(a) **Name of the Trust.** The trust created in accordance with the terms hereof shall be known as the “City of Florissant Employees’ Pension Plan Trust.”

(b) **Establishment of the Trust Fund.** The City hereby establishes, pursuant to the Plan, a trust comprised of money and property as shall from time to time be paid or delivered to the Trustee, the earnings and profits thereon and any assets into which such funds are converted. The Trust Fund shall be held by the Trustee in trust and dealt with in accordance with the provisions hereof. Except as otherwise permitted by law, in no event shall any part of the principal or income of the Trust Fund be used for or diverted to any purpose whatsoever other than for the exclusive benefit of the Participants and their beneficiaries.

ARTICLE III

TRUST ADMINISTRATION

(a) **Receipt of Contributions.** The Trustee shall receive from the City the payments made as the City’s contributions under the Plan. The Trustee shall have no right or duty to inquire into the amount of any contribution made by City or the method used in determining the amount of any such contribution, or to collect the same, but the Trustee shall be accountable only for funds actually received by it.

(b) **Trustee Duties.** The Trustee shall perform such duties as are specified under the Plan and in this Agreement. The Trustee shall discharge its assigned duties and responsibilities

with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

(1) The Trustee shall:

(i) Manage all or part of the assets of the Plan in accordance with Article V; and

(ii) Shall (and any Investment Managers appointed hereunder shall) consult with the Plan Administrator regarding the short and long term liquidity needs of the Plan in order that the Trustee (or appointed Investment Manager) can exercise investment discretion in a manner designed to accomplish specific objectives; and

(iii) Value the Trust Fund; and

(iv) Make transfers, payments and deliveries to or for the account of Participants or their Beneficiaries as directed by the Plan Administrator.

(2) The Trustee is authorized to:

(i) Settle, compromise or submit to arbitration any claims, debts or damages due or owing to or from this Trust, commence or defend suits or legal or administrative proceedings and represent the Trust in all suits and legal and administrative proceedings; and

(ii) Employ suitable agents and counsel (who may be counsel for the City), and pay their reasonable expenses and compensation; and

(iii) Appoint custodians, subcustodians or subtrustees as to part or all of the Trust Fund; and

(iv) ~~Make, execute and deliver as Trustee, with provisions for no individual responsibility, all instruments in writing necessary or appropriate for the exercise of any of its powers of administration; and~~

(v) Do all such acts and exercise all such rights and privileges, although not specifically mentioned herein, as the Trustee may deem necessary to carry out the purposes of the Trust.

(c) **Prohibited Transactions.** The Trustee shall not engage in any prohibited transaction within the meaning of the Code.

(d) **Written Directions.** In determining the benefits payable from the Trust to the respective Plan Participants and/or Beneficiaries, the Trustee shall rely entirely on the written direction of the Plan Administrator.

(e) **Records and Accounts.** The Trustee shall keep accurate and detailed accounts on all investments, receipts, disbursements and other transactions hereunder. All accounts, books and records relating to this Trust shall be open to inspection and audit at all reasonable times by any person designated by the Plan Administrator or the City.

(f) **Resignation and Removal.**

(1) The City may at any time remove any Trustee acting hereunder by providing written notice to such Trustee, which removal shall take effect on the date therein specified; and any Trustee acting hereunder may at any time resign by providing the City and the Plan Administrator with a written resignation, which resignation shall take effect on the date therein specified, but not less than thirty (30) days from the date of the giving of such notice unless the Plan Administrator shall agree to an earlier date. In such events, the City may appoint a corporation or an individual or individuals to be successor Trustee hereunder in the place of any removed or resigned Trustee. Any notice required or permitted by this subparagraph shall be deemed given upon hand delivery or the mailing thereof to the appropriate person by certified or registered U.S. mail, return receipt requested, in a properly addressed envelope, postage prepaid.

(2) After the effective date of the removal or resignation, the removed or resigning Trustee shall transfer, pay over and deliver the Trust Fund to the successor Trustee, without any responsibility upon the removed or resigning Trustee for any misapplication or to see to the further application or disposition of the Trust Fund by any successor Trustee. Except to the extent required by law, no successor Trustee shall be liable for any act or omission which occurred prior to assuming the position.

(g) **Periodic Accounting.** Within one hundred twenty (120) days after the end of each Plan Year, and within sixty (60) days after removal or resignation, the Trustee shall furnish the Plan Administrator with an accounting of the Trust Fund for such Plan Year, or for the portion thereof ending with the date of such removal or resignation, which accounting shall include a record of receipts and disbursements, changes in investments and realized appreciation and depreciation for such year or period, and a statement of assets (showing both book value and fair market value) and liabilities on hand as of the end of such year or period.

(h) **Funding Policy.** The Plan Administrator shall establish in writing a funding policy and method for the Plan and this Trust, which policy shall be reviewed at least once each year. A copy of the funding policy and method and any amendments thereto shall be provided to the Trustee.

(i) **Allocation of Responsibility.**

(i) The Plan Administrator shall have the sole responsibility for the administration of the Plan.

(ii) The Trustee shall have the sole responsibility of management of the assets held under the Trust, all as specifically provided herein.

(iii) Any directions given, information furnished, or action taken by the Trustee shall be in accordance with the provisions of this Agreement, authorizing or providing for such direction, information or action.

(iv) It is intended under the Plan that each named fiduciary shall be responsible for the proper exercise of its own powers, duties, responsibilities and obligations under the Plan as specified or allocated herein. The Trustee may rely upon any direction, information or action of another Plan fiduciary as being proper and is not required under the Plan to inquire into the propriety of any such direction, information or action.

(v) No Trustee shall guarantee the Trust Fund in any manner against investment loss or depreciation in asset value.

ARTICLE IV

INVESTMENT MANAGERS

(a) **Appointment.** The Plan Administrator may appoint one or more Investment Managers to manage all or part of the assets of the Plan in accordance with the provisions of this Agreement, including Article V. Each such appointment shall specify the particular assets of the Trust Fund to be managed by such Investment Manager.

(b) **Written Acceptance.** Before any such appointment becomes effective, any Investment Manager so appointed shall accept such designation in writing and, as part of such acceptance, shall acknowledge that it is a fiduciary with respect to the Plan and Trust.

(c) **Resignation and Removal.** The Plan Administrator may at any time remove an Investment Manager acting hereunder, and any Investment Manager acting hereunder may at any time resign, in each case in such manner as may be or may have been agreed by the Plan Administrator and the Investment Manager. The Plan Administrator may appoint a successor Investment Manager hereunder in the place of any removed or resigned Investment Manager.

ARTICLE V

INVESTMENT OF THE TRUST FUND

(a) **Investment Decisions.** The Trustee shall be responsible for establishing the investment policy for the Plan and Trust. The responsibility for all investment decisions with respect to the assets of the Trust shall be that of the Trustee, unless one or more Investment Managers have been appointed, in which event the responsibility for investment decisions shall be allocated between the Trustee and the Investment Managers in accordance with the written direction of the Plan Administrator. Each Investment Manager shall have no responsibility for another Investment Manager's investment decisions. In the event that an Investment Manager has been delegated full discretion and bears liability for management of Trust assets, the Trustee shall be responsible for ongoing monitoring of the Investment Manager.

(b) **Execution of Investment Decisions.** Investment decisions made by any Investment Manager shall be communicated to the Trustee and the Plan Administrator, and shall

be carried out forthwith either by the Investment Manager or its agent or by the Trustee acting upon the direction of the Investment Manager or the Plan Administrator.

(c) **Trustee or Investment Manager Investment Powers.** Subject to the other provisions of this Article V, in carrying out their duties hereunder, each Investment Manager, if any, (with respect to making and carrying out its investment decisions) and the Trustee (with respect to carrying out the decisions of an Investment Manager or, to the extent there is none, with respect to making and carrying out investment decisions) are authorized and empowered to:

- (1) sell, redeem, or otherwise realize the value of any assets of the Trust Fund;
- (2) invest and reinvest all or any part of the Trust Fund, the income therefrom and the increment thereof in any common or preferred stocks, bonds, mortgages, secured or unsecured notes, secured or unsecured debentures, mutual funds, other securities or commodities; any common or commingled trust fund of a bank or trust company supervised by a state or federal agency or property of any kind or nature whatsoever, real, personal or mixed property, including mortgaged real property, without regard to any rule of law or statute designating securities to be held for trust funds; and to hold cash uninvested (or in deposits bearing a reasonable rate of interest, in a bank or other similar institution supervised by the United States or a state) at any time and from time to time;
- (3) without limitation on the foregoing, buy and sell listed options and/or sell covered options and repurchase the same;
- (4) vote upon any stocks, bonds or other securities of any corporation or other issuer held in the Trust, and otherwise consent to or request any action on the part of such corporation or other issuer, and give general or special proxies or powers of attorneys with or without power of substitution; and
- (5) become a party to the reorganization, consolidation or merger of any corporation, and for such purposes execute any agreements or consents, or participate in or take any steps to effectuate the same, whether or not any specific plans have been formulated therefor and in connection therewith, deposit any such securities, with creditors or stockholders' committees, bodies or other protective groups, and surrender or exchange any such securities for such debentures, certificates, receipts, agreements or proceeds as may be issued or paid by such committees, bodies or groups, or reorganized, consolidated or merged corporations, and generally exercise all the rights and powers, whether herein enumerated or not, as may be lawfully exercised by persons holding similar property in their own right.

(d) **Written Instruments.** The Trustee and each Investment Manager shall make, execute and deliver, as Trustee or Investment Manager, as the case may be, all instruments in writing necessary for the exercise of any of the foregoing powers.

ARTICLE VI

EXPENSES OF ADMINISTRATION OF THE PLAN AND THE TRUST FUND

(a) **Expenses of Administration.** Unless otherwise paid or provided by the City, the assets of the Trust Fund shall be used to pay all expenses of the administration of the Plan and the Trust Fund, including the compensation of any Investment Manager, the expenses incurred by the Plan Administrator and/or the Trustee in discharging their duties, all income or other taxes of any kind whatsoever that may be levied or assessed under existing or future laws upon or in respect of the Trust Fund, and any interest that may be payable on money borrowed by the Trustee for the purpose of the Trust.

(b) **Payment of Trustee.** No individual person serving as Trustee who is already receiving full-time pay from the City or is an elected official of the City shall receive compensation from the Trust Fund (except for the reimbursement of expenses properly and actually incurred). For its services, any corporate (or other entity) trustee shall be entitled to receive reasonable compensation in accordance with its rate schedule in effect from time to time for the handling of a retirement trust.

ARTICLE VII

AMENDMENT AND TERMINATION

(a) **Amendment and Termination of Trust.** This Trust may be amended or terminated by the City in accordance with the terms of the Plan and this Trust. In the event the City decides to amend or terminate this Trust, such decision shall be evidenced in writing by action of the City Council.

(b) **Restrictions on Amendment.** Notwithstanding the foregoing, no amendment of the Trust shall cause or permit any property held subject to the terms of this Trust to be diverted to purposes other than the exclusive benefit of the Plan Participants and their Beneficiaries or for the administration expenses of the Plan Administrator and this Trust; or shall increase the duties or liabilities of the Trustee without the Trustee's written consent.

ARTICLE VIII

MISCELLANEOUS

(a) **Merger or Consolidation.** This Trust may not be merged or consolidated with, and the assets or liabilities of this Trust may not be transferred to, any other plan or trust unless each Plan participant would receive a benefit immediately after the merger, consolidation or transfer if the plan and trust then terminated that is equal to or greater than the benefit the Plan Participant would have received immediately before the merger, consolidation or transfer if the Plan and this Trust had then terminated.

(b) **Alienation.**

(1) Except as provided in Subparagraph (2) and Code Section 401(a)(13)(C) (relating to certain judgments, orders, decrees, and settlements), no Plan Participant or Beneficiary of a Plan Participant shall have any right to assign, transfer, appropriate, encumber, commute, anticipate or otherwise alienate his interest in the Plan or the Trust or any payments to be made thereunder; no benefits, payments, rights or interests of a Plan Participant or Beneficiary of a Plan Participant of any kind or nature shall be in any way subject to legal process to levy upon, garnish or attach the same for payment of any claim against the Plan Participant or Beneficiary of a Plan Participant; and no Plan Participant or Beneficiary of a Plan Participant shall have any right of any kind whatsoever with respect to the Trust, or any estate or interest therein, or with respect to any other property or right, other than the right to receive such distributions as are lawfully made out of the Trust, as and when the same respectively are due and payable under the terms of the Plan and the Trust.

(2) Notwithstanding the provisions of Subparagraph (b)(1), the Plan (and this Trust pursuant to the direction of the Plan Administrator) permits distributions pursuant to a Qualified Domestic Relations Order and the Plan Administrator shall direct the Trustee to make payments pursuant to a Qualified Domestic Relations Order as defined in Section 414(p) of the Code.

(c) **Mistake of Fact.** In the event the City shall make an excessive contribution under a mistake of fact pursuant to Act Section 403(c)(2)(A), the City may demand repayment of such excessive contribution at any time within one (1) year following the time of payment and the Trustee shall return such amount to the City within the one (1) year period. Earnings of the Plan attributable to the contributions may not be returned to the City but any losses attributable thereto must reduce the amount so returned.

(d) **Governing Law.** This Agreement shall be administered, construed and enforced according to the laws of the State of Missouri, except to the extent such laws have been expressly preempted by federal law.

(e) **Action by the City.** Unless otherwise provided herein, whenever the City under the terms of this Agreement is permitted or required to do or perform any act, it shall be evidenced in a writing executed by the appropriate representative of the City as designated by the City Council.

(f) **Alternative Actions.** In the event it becomes impossible for the City, the Plan Administrator, or the Trustee to perform any act required by this Agreement, then the City, the Plan Administrator, or the Trustee, as the case may be, may perform such alternative act that most nearly carries out the intent and purpose of this Agreement.

(g) **Headings and Captions.** The headings and captions herein are provided for reference and convenience only, shall not be considered part of the Agreement, and shall not be employed in the construction of the Agreement.

(h) **Gender.** Throughout this Agreement, and whenever appropriate, the masculine gender shall be deemed to include the feminine and neuter; the singular, the plural; and vice versa.

IN WITNESS WHEREOF, the parties have executed this Agreement this ____ day of _____, _____.

CITY OF FLORISSANT, MISSOURI

By: _____

Name: _____

Title: President, City Council, City of Florissant,
Missouri

TRUSTEE

By: _____

Name: _____

Title: Mayor of the City of Florissant, Missouri

By: _____

Name: _____

Title: Director of Finance of the City of Florissant,
Missouri

FLORISSANT CITY COUNCIL

AGENDA REQUEST FORM

Date: June 19, 2017

Mayor's Approval:

Agenda Date Requested: June 26, 2017

Description of request: Approval of a Trust Agreement under which assets of the City's defined benefit pension plan will be held. See attached memo for further information.

Department: Finance

Recommending Board or Commission: N/A

Type of request:

Ordinances	X	Other	X
Appropriation		Liquor License	
Transfer		Hotel License	
Zoning Amendment		Special Presentations	
Amendment		Resolution	
Special Use Transfer		Proclamation	
Special Use		Subdivision	
Budget Amendment		Other	X
	Y/N		Y/N
Public Hearing needed: Yes / No	No	3 readings? : Yes / No	No

Back up materials attached:	Back up materials needed:
Minutes	Minutes
Maps	Maps
Memo	X Memo
Draft Ord.	Draft Ord.

Note: Please include all attachments necessary for documents to be generated for inclusion on the Agenda. All agenda requests are to be turned in to the City Clerk by 5pm on Tuesday prior to the Council meeting.

For City Clerk Use Only:

Introduced by: _____

PH Speaker: _____

City of Florissant, Missouri
Memorandum

To: Mayor Thomas P. Schneider
From: Randy McDaniel, Director of Finance
Subject: Defined Benefit Pension Plan Trust Document
Date: June 20, 2017

MM
06/20/17

Since January 1, 2001 when the City established the defined contribution pension plan for all active employees, the City has maintained a defined benefit pension plan which was closed to new participants using a third party administrator (TPA). On February 17, 2017 the City received notification from the TPA that effective September 30, 2017 they would no longer provide any services to the plan. Services provided include the following:

- Plan Administration
- Actuarial Services
- Benefit Calculation Services
- Benefit Payment Services
- Plan Document Services
- Group Annuity Contract

Since receiving notification the Finance Department has worked to identify alternatives to transition the various services. As a result of this process the Finance Department has determined the following:

- Actuarial and benefit calculation services will be handled by a local company that specializes in these types of services.
- Plan administration, benefit payment and plan document services will be handled in-house by City staff.
- Investment services are to be handled through a third party.

To facilitate the transition of the pension plan assets the City must establish a trust under which the assets, earnings and contributions paid over by the City for the benefit of plan participants are to be held.

To accomplish this, I respectfully request that the attached *Trust Agreement for the City of Florissant Employees' Pension Plan* be duly adopted by the City Council with first reading at the June 26, 2017 meeting and final reading and adoption at the July 10, 2017 meeting. The trust agreement needs to be in place by August 1, 2017 as the transition is scheduled for mid-August.

1 INTRODUCED BY COUNCIL AS A WHOLE
2 JUNE 26, 2017
3

4 BILL NO. 9290

Ordinance No.

5
6 **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN**
7 **EXCLUSIVE LICENSE AGREEMENT WITH MERIDIAN WASTE MISSOURI,**
8 **LLC FOR SOLID WASTE COLLECTION SERVICES FOR THE RESIDENTS**
9 **OF THE CITY OF FLORISSANT.**
10

11 WHEREAS, the City issued a Request for Proposal in 2008 soliciting bids for contracts to
12 provide solid waste collection services for residential properties within the City; and

13 WHEREAS, the City determined that it was in the best interests of the City and its residents to
14 enter into an Agreement with Meridian; and

15 WHEREAS, pursuant to Ordinance 7569, the City entered into an Agreement with Meridian in
16 2009 and, pursuant to Ordinance 7771, the City entered into an Addendum with Meridian to the
17 Agreement in 2011 extending the Agreement through March 31, 2014; and

18 WHEREAS, Meridian proposed to enter into a new agreement with the City in 2013 and the City
19 determined that it was in the best interests of the City and its residents to enter into such an Agreement
20 with Meridian; and

21 WHEREAS, pursuant to Ordinance 7968, the City entered into an Agreement DATED May 13,
22 2013 with Meridian for a period of three (3) years beginning April 1, 2014 and ending March 31, 2017
23 with two (2) one (1) year options to extend the Agreement through March 31, 2018 and March 31, 2019,
24 respectively, hereinafter ("May 13, 2013 Agreement"); and

25 WHEREAS, the City exercised the first one (1) year option extending the Agreement through
26 March 31, 2018; and

27 WHEREAS, the City Council has determined that it is in the best interests of the City to enter
28 into a new Agreement with Meridian in accordance with the terms and conditions set forth herein.
29

30 NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
31 FLORISSANT, MISSOURI, AS FOLLOWS:
32

33 Section 1. The Mayor of the City of Florissant is hereby authorized to enter in to and
34 exclusive license agreement with Meridian Waste Missouri, LLC for the purpose of providing solid waste
35 collection services for residential properties within the City, a copy of such contract is attached hereto and
36 incorporated by reference herein.

37 Section 2. This ordinance shall be in full force and effect from and after the date of its
38 passage by the City Council.
39

40 Adopted this _____ day of _____, 2017.

41 _____
42 Jackie Pagano
43 President of the City Council
44

45 Approved this _____ day of _____, 2017.

46 _____
47 Thomas P. Schneider
48 Mayor
49

50 ATTEST:

51 _____
52 Karen Goodwin, MMC/MRCC
53 City Clerk

**EXCLUSIVE RESIDENTIAL SOLID
WASTE COLLECTION SERVICES AGREEMENT**

THIS AGREEMENT ("Agreement") is entered into this ____ day of _____, 2017, by and between the CITY OF FLORISSANT, a municipal corporation located in St. Louis County, Missouri ("City"), and MERIDIAN WASTE MISSOURI LLC, a Missouri Limited Liability Corporation, ("Meridian").

WHEREAS, the City issued a Request for Proposal in 2008 soliciting bids for contracts to provide solid waste collection services for residential properties within the City; and

WHEREAS, the City determined that it was in the best interests of the City and its residents to enter into an Agreement with Meridian; and

WHEREAS, pursuant to Ordinance 7569, the City entered into an Agreement with Meridian in 2009 and, pursuant to Ordinance 7771, the City entered into an Addendum with Meridian to the Agreement in 2011 extending the Agreement through March 31, 2014; and

WHEREAS, Meridian proposed to enter into a new agreement with the City in 2013 and the City determined that it was in the best interests of the City and its residents to enter into such an Agreement with Meridian; and

WHEREAS, pursuant to Ordinance 7968, the City entered into an Agreement DATED May 13, 2013 with Meridian for a period of three (3) years beginning April 1, 2014 and ending March 31, 2017 with two (2) one (1) year options to extend the Agreement through March 31, 2018 and March 31, 2019, respectively, hereinafter ("May 13, 2013 Agreement"); and

WHEREAS, the City exercised the first one (1) year option extending the Agreement through March 31, 2018; and

WHEREAS, the City Council has determined that it is in the best interests of the City to enter into a new Agreement with Meridian in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements herein set forth and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The exclusive Residential Solid Waste Collection Services Agreement dated January 14, 2009, together with the Addendum thereto, which was due to expire on March 31, 2014, was reaffirmed and restated in the May 13, 2013 Agreement, and it is further agreed and understood that, except as otherwise set forth herein, such terms and conditions are reaffirmed and restated, as if fully set forth herein, granting to Meridian an exclusive agreement for the collection, transportation, processing and disposal of solid waste for all residential properties within the corporate limits of the City of Florissant for an additional term of three (3) years, but commencing on the execution of this Agreement (“Effective Date”) and ending March 31, 2020 with two one (1) year options that could extend the Agreement through March 31, 2022 and March 31, 2023, respectively, at the mutual agreement of the City and Meridian in accordance with the terms set forth herein. In order to exercise either one (1) year option, the Mayor, with the consent and approval of the City Council, must send Meridian written notification of its intent to exercise its option at least six (6) months prior to the expiration of the term.

2. Meridian shall provide the services described in and in accordance with the terms and conditions of the January 14, 2009 Agreement and the Request for Proposal dated July 7, 2008 (“RFP”), together with the Addendum thereto, as agreed upon by the parties, and the terms and conditions of the May 13, 2013 Agreement, including the description of services and the

prices set forth therein and attached as “A” and “B” respectively (hereinafter the “Contract Documents”), except as follows:

- (a) Rates commencing on the Effective Date of this Agreement and ending on March 31, 2020 shall be:
 - (i) Trash and Recycle - \$15.50 per month;
 - (ii) Yard Waste:
 - \$8.15 per month for unlimited collection if service provided all year;
 - \$8.50 per month if service is provided 3 months at a time, with the service limited to 210 gallons per pick-up;
 - (iii) Bulk pick-up is available on the third pick-up of the month when scheduled with Meridian in advance, and shall be free for 2 items of 60 lbs. or less during the calendar year with such service commencing on the Effective Date;
 - (iv) Bulk items in addition to the 2 items set forth above or bulk items in excess of 60 lbs. shall be \$15.00 per item;
 - (v) White Goods are on a call basis shall be at \$20.00 per item;
 - (vi) Christmas Trees pick-up at curb shall be at no charge, plus both parks for the month of January;
 - (vii) 96 gallon roll-out cart charge is \$3.50 per month, but Meridian shall supply a waste cart at no charge for all residential customers by April 1, 2018 and will notify customers and offer various size carts in January, 2018 with distribution of carts commencing in March/April, 2018. If additional carts are needed by a customer, there will be a monthly charge of \$3.50 for such roll-out cart with a 50% discount for all seniors;
 - (viii) Carts and pick-up/disposal for Valley of Flowers and Fall Festival shall be at no charge; and
 - (ix) Seniors will receive a 50% discount on all charges for service.
- (b) “Seasonal yard waste pick-ups” will be provided the 2nd pick-up of the month during April, July, November and December (up to 300 gallons, approximately 10 bags) at no charge to residents without yard waste service. This service shall commence on the Effective Date;
- (c) All City facilities will receive service at no charge commencing on the date of the Effective Date and upon notification from the City to Meridian;
- (d) On the Effective Date and upon notification from the City to Meridian, Meridian shall pick up and transport all roll-off dumpsters at no charge, but City will pay the tonnage fee for disposal;
- (e) April 1, 2021 – March 31, 2023, if options are exercised:

- (i) Trash and Recycle - \$15.97 per month;
- (ii) All other pricing shall be as set forth above and seniors continue to receive a 50% discount on all charges for services.
- (f) Meridian is entitled to add a fuel surcharge to the subsequent residential billing cycle if, and only if, fuel costs exceed \$3.25 provided that:
 - (i) Meridian provides documentation to the City of the average Monthly/Quarterly fuel consumption in gallons for residential services;
 - (ii) Meridian provides documentation showing their actual fuel cost per gallon has exceeded \$3.25 per gallon;
 - (iii) The cost exceeding \$3.25 per gallon will be multiplied by the average number of gallons used per Month/Quarter; and
 - (iv) The cost of \$3.25 per gallon will be divided by the number of residential customers.

For example, 700 gal of fuel used per month x's three months = 21,000 gallons of fuel for the quarter. The increase is .25 (21,000 x .25 = \$5,250.00). \$5,250.00 divided by 17,250 residents = .31 per-home fuel surcharge.

The surcharge shall be removed at such time as fuel cost drops below the \$3.25 per gallon.

3. Meridian shall provide and maintain the Certificate of Insurance and the Performance Bond or Letter of Credit, as required in the Contract Documents.

4. The rights and privileges granted hereunder are granted solely to Meridian, and cannot, in any event, be sold, transferred, leased, assigned or disposed of, in whole or part, either by forced or involuntary sale or by a voluntary sale, merger, consolidation or otherwise without prior consent of the City Council of the City, but such consent shall not be unreasonably withheld.

5. This Agreement shall be binding upon Meridian and all of its successors, lessors and/or assignees, as may be approved by the City.

6. This Agreement and the Contract Documents constitute the entire Agreement between the parties but these terms are subject to the provisions of Chapter 220 of the City of Florissant Code of Ordinances, and any amendments thereto, except as the terms and provisions of this Agreement and/or the Contract Documents are inconsistent with the provisions of

Chapter 220, in which event the provisions of this Agreement and/or Contract Documents shall control. Nothing herein shall be construed as an abrogation by the City of its police powers.

7. In addition to the terms set forth in the Contract Documents, City reserves the right to immediately terminate this Agreement and revoke the rights and privileges of Meridian in the event that Meridian:

(a) Violates any material provision of this Agreement, Contract Documents or City Ordinances, including, but not limited to, the Meridian's failure to provide collection services specified in the Contract Documents for any consecutive three (3) day period; or

(b) Fails to provide or maintain in full force and effect, the liability indemnification coverages or performance bond as required herein; or

(c) Violates any reasonable orders or rulings of any regulatory body having jurisdiction over Meridian relative to the collection, disposal or processing of solid waste unless such orders or rulings are being contested by Meridian as authorized by law; or

(d) Meridian becomes insolvent, is placed in receivership, is unable or unwilling to pay its debts, is adjudged bankrupt, or any bankruptcy proceedings are filed by or against Meridian.

8. Meridian agrees, by its acceptance of this Agreement, that it will hold the City, its officers, employees, and elected officials harmless for and indemnify and defend the City against any and all claims, causes of action, damages, liabilities and expenses, including, but not limited to, damages, investigative fees, attorney fees, court costs, interest and penalties, arising out of any act or omission of the Meridian, its employees or agents; in the performance or failure to perform under this Agreement and the Contract Documents.

9. Meridian shall bill and collect from the residents the amounts specified in Exhibit A of the Contract Documents in the manner and at such times as set forth therein.

10. If any section, subsection, sentence, clause, phrase or portion of this Agreement is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

11. Any notice, demand or request required to be given under this agreement shall be personally delivered or sent by U.S. Certified or Registered mail, return receipt requested, postage prepaid, addressed to:

City: City of Florissant
Attn: Mayor Thomas P. Schneider
955 Rue St. Francois
Florissant, MO 63031

Contractor: MERIDIAN WASTE MISSOURI LLC
Attn: Mr. Charles E. Barcom, Jr.
12864 Pennridge Drive
Bridgeton, MO 63044

IN WITNESS WHEREOF, the parties hereto execute this Agreement the day and year first above written.

CITY OF FLORISSANT

By: _____
Thomas P. Schneider
Mayor

(SEAL)

ATTEST:

Karen Goodwin
City Clerk

MERIDIAN WASTE MISSOURI LLC

By: _____

Title: _____

(SEAL)

ATTEST:

1 INTRODUCED BY COUNCIL AS A WHOLE
2 JUNE 26, 2017
3

4 BILL NO. 9291

ORDINANCE NO.

5 **AN ORDINANCE TO ENABLE THE CITY OF FLORISSANT,**
6 **MISSOURI TO JOIN SHOW ME PACE, PURSUANT TO SECTIONS**
7 **§67.2800 TO §67.2835, RSMO, THE “PROPERTY ASSESSMENT**
8 **CLEAN ENERGY ACT,” AND STATING THE TERMS UNDER**
9 **WHICH THE CITY WILL CONDUCT ACTIVITIES AS A MEMBER**
10 **OF SUCH DISTRICT.**

11 WHEREAS, the 95th General Assembly of the State of Missouri has adopted the
12 Property Assessment Clean Energy Act, Sections 67.2800 to 67.2835, Revised Statutes of
13 Missouri (the “PACE Act”); and

14 WHEREAS, it is in the best interests of the health, safety, and welfare of the City of
15 Florissant, Missouri and its residents to encourage the development, production, and efficient use
16 of clean energy and renewable energy, as well as the installation of energy efficiency
17 improvements to publicly and privately owned real property; and

18 WHEREAS, the primary intent of funding energy efficiency and renewable energy
19 improvements pursuant to the PACE Act is to promote the public purposes described above; and

20 WHEREAS, Section §67.2810.1, RSMo authorizes one or more Municipalities(as
21 defined in Section §67.2800.7, RSMO) to establish a Clean Energy Development Board to
22 initiate and administer a Property Assessed Clean Energy (“PACE”) Program so that owners of
23 qualifying property can access funding for energy efficiency improvements or renewable energy
24 improvements to the properties located in such Municipalities; and

25 WHEREAS, on June 15, 2015, a clean energy development board named Show Me
26 PACE was created with the intention that all Municipalities (as defined in the PACE Act) within
27 the State of Missouri would be eligible to join and participate by approving an appropriate
28 ordinance or resolution; and

29 WHEREAS, it is in the best interests of the City of Florissant, Missouri and its residents
30 to join and participate in Show Me PACE.

31 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
32 FLORISSANT, MISSOURI, AS FOLLOWS:

SECTION 1: The City of Florissant hereby approves and authorizes joining and participating in Show Me PACE based on the following:

A. Title and Definitions.

1. Title. This Ordinance shall be known and may be cited as “Florissant Missouri Property Assessed Clean Energy Ordinance.”

2. Definitions. Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings. Words and phrases defined in Section 67.2800.2 of the Missouri Revised Statutes, as amended, shall have their defined meanings when used in this Ordinance. As used in this Ordinance, the following words and phrases shall have the meanings indicated.

a. “Show Me PACE” or “District” means the Show Me PACE Clean Energy Development Board.

b. “PACE Assessment” means a special assessment made against qualifying property in consideration of PACE Funding.

c. “PACE Funding” means funds provided to the owner(s) of Qualifying Property by the District for an energy efficiency, water conservation or renewable energy improvement.

d. “Qualifying Property” means real property located in Florissant Missouri that satisfies the criteria set forth in the PACE Act.

B. Program Administration. Show Me PACE shall administer the functions of a PACE program within the City/County by:

1. providing property owners with an application to apply for PACE Funding;
2. developing standards for the approval of projects submitted by Qualifying Property owners;
3. reviewing applications and selecting qualified projects;
4. entering into Assessment Contracts with Qualifying Property owners;
5. providing a copy of each executed Notice of Assessment to the County Assessor and causing a copy of each such Notice of Assessment to be recorded in the real estate records of the Recorder of Deeds for the County;
6. authorizing and disbursing PACE Funding to the Qualifying Property owners;
7. receiving the PACE Assessment from the County Collector;
8. recording any lien, if needed, due to nonpayment of a PACE Assessment; and

9. exercising all powers granted by Section 67.28 10.2 of the Missouri Revised Statutes, as amended, including, but not limited to, the power to levy and collect the PACE Assessment pursuant to an Assessment Contract with a Qualifying Property owner.

C. Liability of the City of Florissant Officials: Liability of the City.

Notwithstanding any other provision of law to the contrary, officers and other officials of Florissant, Missouri shall not be personally liable to any person for claims, of whatever kind or nature, under or related to the City's participation in the PACE program, including, without limitation, claims for or related to uncollected PACE Assessments. Florissant, Missouri has no liability to a property owner for or related to energy savings improvements funded under a PACE Program. Pursuant to the PACE Act, the District is a separate political subdivision and is not a unit of the City.

D. Existing Laws Not Superseded. Any project or improvement at any Qualifying Property which is funded in whole or in part of PACE Funding shall be subject to all ordinances, rules and regulations in effect at that time.

E. Florissant as a Non-Party. Florissant, Missouri shall not be a party to any PACE Funding agreement, loan, or other commitment, however denominated, executed between the District and the owner(s) (or their representatives, together with any successors and assigns) of any Qualifying Property.

SECTION 2: Florissant, Missouri declares its intent that the provisions of this Ordinance shall be in conformity with federal and state laws. The County enacts this Ordinance pursuant to Sections 67.2800 to 67.2835 of the Missouri Revised Statutes, as amended.

SECTION 3: Florissant, Missouri does hereby request that it be approved by the Board of Directors of Show Me PACE as a duly authorized participant in the District. The City hereby approves the Show Me PACE Cooperative Agreement among the District and the participating Municipalities in substantially the form attached hereto as Exhibit A (the "Cooperative Agreement"). The Mayor of the City of Florissant is hereby authorized and directed to execute the Cooperative on behalf of the City.

SECTION 4: The election of Florissant, Missouri to join the District shall in no way constitute an obligation of the City necessitating any corresponding appropriation.

SECTION 5: The City Clerk is hereby authorized to deliver a duly executed copy of this Ordinance to the Board of Directors of the District or its designee, together with the

jurisdictional and geographic boundaries of the City for inclusion in the jurisdictional and geographic boundaries of the District.

SECTION 6: The officials and agents of the City of Florissant are hereby authorized and directed to, take such actions and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION 7: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED BY THE CITY COUNCIL THIS ____ DAY OF _____, 2016.

Jackie Pagano
Council President

APPROVED THIS ____ DAY OF _____, 2016.

Thomas P. Schneider
Mayor

Attest:

Karen Goodwin, MMC/MRCC
City Clerk

137 EXHIBIT A

138
139
140 SHOW ME PACE
141 COOPERATIVE AGREEMENT
142

143 THIS COOPERATIVE AGREEMENT (this “Cooperative Agreement”) is made and
144 entered into by Show Me PACE, a Missouri clean energy development board (“Show Me
145 PACE”) and the municipalities of the State of Missouri that, from time to time, may execute this
146 Cooperative Agreement (each, a “Municipality,” and together, the “Municipalities”).
147

148 RECITALS
149

150 WHEREAS, on (date), the (governing body) of [City/Village/County] adopted
151 Ordinance No. (____), creating Show Me PACE, pursuant to Sections 67.2800 to 67.2835 of
152 the Revised Statutes of Missouri (the “PACE Act”); and
153

154 WHEREAS, pursuant to Section 67.28 10 of the PACE Act, more than one municipality
155 may form a clean energy development board; and
156

157 WHEREAS, clean energy development boards serving more than one municipality are
158 in the best interest of the participating municipalities because it allows for economies of scale
159 and concentrations of expertise that will benefit the approval, financing and installation of energy
160 efficient and renewable energy improvements pursuant to the PACE Act; and
161

162 WHEREAS, other municipalities may participate in Show Me PACE by adoption of an
163 ordinance in accordance with the PACE Act and execution of this Cooperative Agreement.
164

165 AGREEMENT
166

167 NOW THEREFORE, in consideration of each municipality’s participation in Show Me
168 PACE, each Municipality hereby agrees as follows:
169

170 1. Representations. Each Municipality has taken all legislative actions necessary to
171 approve such Municipality’s participation in Show Me PACE.
172

173 2. Approval of Bylaws. The current bylaws of Show Me PACE (the “Bylaws”) have
174 been provided to the Municipality and the Municipality approves such Bylaws.
175

176 3. Board of Directors. The members of the Board of Directors of Show Me PACE shall
177 be appointed in the manner described in the Bylaws.

178
179 4. Clean Energy Development Board Powers. Each Municipality agrees that Show Me
180 PACE is authorized to exercise all clean energy development board powers permitted by the
181 PACE Act or other statute within the boundaries of the Municipality.

182
183 5. Counterparts. This Cooperative Agreement is intended to be signed in counterparts
184 as Municipalities, from time to time, elect to participate in Show Me PACE. No action from any
185 Municipality already participating in Show Me PACE shall be required for a new Municipality to
186 participate in Show Me PACE.

187
188 6. Withdrawal. No Municipality shall withdraw from participation in Show Me PACE
189 if such withdrawal will impact any existing property assessment clean energy financing
190 undertaken by Show Me PACE in the Municipality's boundaries. However, a Municipality may
191 request, in writing, that Show Me PACE no longer undertake clean energy financing in the
192 Municipality's boundaries.

193
194 IN WITNESS WHEREOF, Show Me PACE and the Municipalities have caused this
195 Cooperative Agreement to be executed as of the dates shown below:

196
197 Date: _____, 20____ SHOW ME PACE

198
199 By: _____
200 Josh Campbell, J.D., President

201
202 Date: _____, 20____ City/County of _____

203
204 Adopted Ordinance No. _____joining
205 Show Me PACE on _____ ' 20____

206
207 By: _____

208
209 Name: _____

210
211 Title: _____