



AGENDA
CITY COUNCIL MEETING
Chesterfield City Hall
690 Chesterfield Parkway West
Wednesday, January 8, 2025
7:00 PM

- I. CALL TO ORDER** - Mayor Bob Nation
- II. PLEDGE OF ALLEGIANCE** - Mayor Bob Nation
- III. MOMENT OF SILENT PRAYER** - Mayor Bob Nation
- IV. ROLL CALL** - City Clerk Vickie McGownd
- V. APPROVAL OF MINUTES** - Mayor Bob Nation
 - A. City Council Meeting Minutes - December 2, 2024**
 - B. Executive Session Meeting Minutes - December 2, 2024**
- VI. INTRODUCTORY REMARKS** - Mayor Bob Nation
 - A. Thursday, January 9, 2025 – Planning & Public Works (5:30pm)**
 - B. Tuesday, January 21, 2025 – City Council (7:00pm)**
- VII. COMMUNICATIONS AND PETITIONS** - Mayor Bob Nation
- VIII. APPOINTMENTS** - Mayor Bob Nation
- IX. COUNCIL COMMITTEE REPORTS**
 - A. Planning and Public Works Committee – Chairperson Dan Hurt, Ward III**
 - 1. Proposed Bill No. 3530 – P.Z. 07-2024 (314, 326, 330 N Eatherton Rd):** An ordinance amending the Unified Development Code of the City of Chesterfield by changing the boundaries of the “NU” Non-Urban District to the “PI” Planned Industrial District for a 19.489-acre tract of land located east of Eatherton Road and south of Wings Corporate Drive (18W410059, 18W410048, 18W430200). **(First**

Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval.

2. Next Meeting – January 9, 2025 (5:30pm)

- B. Finance and Administration Committee – Chairperson Barb McGuinness, Ward I**
- C. Parks, Recreation and Arts Committee – Chairperson Gary Budoor, Ward IV**
- D. Public Health and Safety Committee – Chairperson Aaron Wahl, Ward II**

X. REPORT FROM THE CITY ADMINISTRATOR - Mike Geisel

- A. Bid Recommendation – City of Chesterfield CVAC Bullpen Project - Recommendation to authorize the City Administrator to execute an agreement with Byrne and Jones in an amount not to exceed \$519,000 for construction of 16 bullpens and to execute a Purchase Order to the Perfect Mound in the amount of \$40,284 for the purchase of eight mounds to be used within the new bullpens on fields C1-4. (Roll Call Vote) Department of Parks Recreation and Arts recommends approval.**
- B. Bid Recommendation – Aquatic Risk Management Services – Recommendation to authorize the City Administrator to accept Jeff Ellis and Associates for the Risk Management Services for a base fee amount of \$9,430 which is budgeted from 119-086-5277. (Roll Call Vote) Department of Parks Recreation and Arts recommends approval.**

XI. OTHER LEGISLATION

- A. Proposed Bill No. 3524 – An ordinance of the City of Chesterfield, Missouri establishing the Downtown Chesterfield Special Business District; making certain findings in connection therewith; authorizing certain actions by City Officials and Officers; and containing a severability clause. (NO ACTION REQUIRED at this meeting; Second Reading held until January 2025)**

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. ADJOURNMENT

NOTE: City Council will consider and act upon the matters listed above and such other matters as may be presented at the meeting and determined to be appropriate for discussion at that time.

Notice is hereby given that the City Council may also hold a closed meeting for the purpose of dealing with matters relating to one or more of the following: legal actions, causes of action, litigation or privileged communications between the City's representatives and its attorneys (RSMo 610.021(1) 1994; lease, purchase or sale of real estate (RSMo 610.021(2) 1994; hiring, firing, disciplining or promoting employees with employee groups (RSMo 610.021(3)1994; Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups (RSMo 610.021(9) 1994; and/or bidding specification (RSMo 610.021(11) 1994.

PERSONS REQUIRING AN ACCOMMODATION TO ATTEND AND PARTICIPATE IN THE CITY COUNCIL MEETING SHOULD CONTACT CITY CLERK VICKIE MCGOWND AT (636)537-6716, AT LEAST TWO (2) WORKDAYS PRIOR TO THE MEETING.



RECORD OF PROCEEDING

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

DECEMBER 2, 2024

The meeting was called to order at 7 p.m.

Mayor Bob Nation led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

A roll call was taken with the following results:

PRESENT

ABSENT

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

APPROVAL OF MINUTES

The minutes of the November 18, 2024 City Council meeting were submitted for approval. Councilmember Moore made a motion, seconded by Councilmember Hansen, to approve the November 18, 2024 City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The minutes of the November 18, 2024 Budget Public Hearing were submitted for approval. Councilmember Moore made a motion, seconded by Councilmember Monachella, to approve the November 18, 2024 Budget Public Hearing minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The minutes of the November 18, 2024 Executive Session were submitted for approval. Councilmember Moore made a motion, seconded by Councilmember Budoor, to approve the November 18, 2024 Executive Session minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nation announced that Candidate Filing opens Tuesday, December 10, at 8 a.m.

Mayor Nation announced that City Hall will be closed at noon on Tuesday, December 24, in observance of Christmas Eve, and all day on Wednesday, December 25, in observance of Christmas Day.

Mayor Nation announced that Candidate Filing closes Tuesday, December 31, at 5 p.m.

Mayor Nation announced that City Hall will be closed on Wednesday, January 1, in observance of New Year's Day.

Mayor Nation announced that the next meeting of City Council is scheduled for Monday, January 6, at 7 p.m.

COMMUNICATIONS AND PETITIONS

Mr. Tim Lowe, representing The Staenberg Group, spoke in support of the Chesterfield Village Mall site development concept plan and indicated he was available to answer any questions.

APPOINTMENTS

Bill No. 3529 Re-appoints Christopher Graville as City Attorney for a one-year term **(First and Second Reading)**

Councilmember McGuinness made a motion, seconded by Councilmember Budoor, for the first and second readings of Bill No. 3529. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3529 was read for the first and second time. A roll call vote was taken for the passage and approval of Bill No. 3529 with the following results: Ayes – Monachella, Hansen, Wahl, Moore, Mastorakos, McGuinness, Budoor and Hurt. Nays – None. Whereupon Mayor Nation declared Bill No. 3529 approved, passed it and it became **ORDINANCE NO. 3316**.

COUNCIL COMMITTEE REPORTS AND ASSOCIATED LEGISLATION

Planning & Public Works Committee

Bill No. 3526 Pertains to the acceptance of a portion of Chesterfield Ridge Center Drive in Alexander Woods as a public street in the City of Chesterfield **(Second Reading) Planning & Public Works Committee recommends approval**

Councilmember Dan Hurt, Chairperson of the Planning & Public Works Committee, made a motion, seconded by Councilmember Monachella, for the second reading of Bill No. 3526. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3526 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3526 with the following results: Ayes – McGuinness, Wahl, Hurt, Mastorakos, Moore, Monachella, Budoor and Hansen. Nays – None. Whereupon Mayor Nation declared Bill No. 3526 approved, passed it and it became **ORDINANCE NO. 3317**.

Bill No. 3527 Amends Article 4 of the Unified Development Code for modification to the City's Tree List **(Second Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval**

Councilmember Hurt made a motion, seconded by Councilmember Hansen, for the second reading of Bill No. 3527. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3527 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3527 with the following results: Ayes – Hurt, Wahl, Hansen, Budoor, Mastorakos, Monachella, Moore and McGuinness. Nays – None. Whereupon Mayor Nation declared Bill No. 3527 approved, passed it and it became **ORDINANCE NO. 3318**.

Councilmember Hurt made a motion, seconded by Councilmember Hansen, to approve the site development concept plan, landscape plan and lighting plan for Downtown Chesterfield with the condition that the re-designed staircase be submitted for review and approval prior to granting any municipal zoning approval for vertical construction. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt announced that the next meeting of this Committee is scheduled for Thursday, December 5, at 5:30 p.m.

Finance & Administration Committee

Councilmember Barbara McGuinness, Chairperson of the Finance & Administration Committee, indicated that there were no action items scheduled on the agenda for this meeting.

Parks, Recreation & Arts Committee

Councilmember Gary Budoor, Chairperson of the Parks, Recreation & Arts Committee, indicated that there were no action items scheduled on the agenda for this meeting.

Public Health & Safety Committee

Councilmember Aaron Wahl, Chairperson of the Public Health & Safety Committee, indicated that there were no action items scheduled on the agenda for this meeting, and announced that the next meeting of this Committee is scheduled for Monday, December 16, at 4:00 p.m.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Geisel reported that The Lumiere of Chesterfield, located at 16255 Chesterfield Parkway West, has requested a new liquor license for retail sale of all kinds of intoxicating liquor, to be consumed on premise and Sunday sales. Mr. Geisel reported that, per City policy, this application has been reviewed and is now recommended for approval by both the Police Department and Planning & Development Services. Councilmember Monachella made a motion, seconded by Councilmember Budoor, to approve issuance of a new liquor license to The Lumiere of Chesterfield. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Budoor made a motion, seconded by Councilmember Moore, to authorize the City Administrator to acquire right of way parcel nine for reconstruction of Wilson Avenue, at a cost not to exceed \$33,115 and to execute all necessary documents associated therewith. A roll call vote was taken with the following results: Ayes – Monachella, Moore, Hurt, Budoor, Hansen, Wahl, McGuinness and Mastorakos. Nays – None. Mayor Nation declared the motion passed.

City Administrator Geisel reminded City Council of the unresolved Metropolitan St. Louis Sewer District (MSD) issue as Director of Public Works Jim Eckrich explained during agenda review. Councilmember Hansen made a motion, seconded by Councilmember Monachella, to accept the change order proposal from Aspire Construction Services LLC and to authorize the City Administrator to enter into an agreement in an amount not to exceed \$805,000 for the construction of additional restroom facilities at the Amphitheater, and to approve a budget transfer from the Parks Fund – Fund Reserves. A roll call vote was taken with the following results: Ayes – Hurt, McGuinness, Mastorakos, Hansen, Wahl, Budoor, Monachella and Moore. Nays – None. Mayor Nation declared the motion passed.

OTHER LEGISLATION

Bill No. 3524 Establishes the Downtown Chesterfield Special Business District; making certain findings in connection therewith; authorizing certain actions by City Officials and Officers; and containing a severability clause **(Second Reading held until January 2025)**

City Administrator Geisel indicated that no action is required pertaining to Bill No. 3524 at this meeting. The second reading is scheduled for January 2025 due to statutory requirements.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda for this meeting.

NEW BUSINESS

There was no new business.

ADJOURNMENT

There being no further business to discuss, Mayor Nation adjourned the meeting at 7:19 p.m.

Mayor Bob Nation

ATTEST:

Vickie McGownd, City Clerk

APPROVED BY CITY COUNCIL: _____

Memorandum

Department of Planning



To: City Council

From: Justin Wyse, Director of Planning

Date: January 6, 2025

RE: **P.Z. 07-2024 (314, 326, 330 N Eatherton Rd)**: A request to rezone from “NU” Non-Urban District to a “PI” Planned Industrial District for a 19.489-acre tract of land located east of Eatherton Road and south of Wings Corporate Drive (Ward 4).

Summary

Stock & Associates Consulting Engineers, Inc., on behalf of India Sports Association, LLC, has submitted a request to rezone a 19.489-acre tract of land zoned “NU” Non-Urban District to “PI” Planned Industrial District. The change is in preparation for a multi-sport complex east of Eatherton Road. Proposed site features on the Preliminary Development Plan (PDP) include an existing house to be renovated and repurposed as a clubhouse, an area for parking, and athletic sports fields and courts.

A Public Hearing was held on October 14, 2024 and at that time concerns were raised regarding the future parking requirements for the sports complex. The applicants intent to meet Code requirements has been confirmed and has been included in the Attachment A, and the parking details have been updated on the Preliminary Development Plan for clarity. The Planning Commission reviewed the petition again on November 25, 2024. During the meeting, the Commission asked if there might be a second access point to the property. Staff explained the Preliminary Development Plan was only conceptual, but the plan does include an opportunity for second access off Buzz Westfall Drive, if necessary. The Planning Commission made a recommendation to approve, as presented. The motion passed by a vote of 7-0.

The Planning and Public Works Committee reviewed the petition on December 5, 2024, and at that time the Committee made a recommendation for approval to City Council as presented. The motion passed by a vote of 4-0.

BILL NO. 3530

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF THE “NU” NON-URBAN DISTRICT TO THE “PI” PLANNED INDUSTRIAL DISTRICT FOR A 19.489-ACRE TRACT OF LAND LOCATED EAST OF EATHERTON ROAD AND SOUTH OF WINGS CORPORATE DRIVE (18W410059, 18W410048, 18W430200).

WHEREAS, the petitioner, Stock & Associates Consulting Engineers, Inc., on behalf of India Sports Association, LLC, has requested to rezone an existing “NU” Non-Urban District to a “PI” Planned Industrial District for a 19.489-acre tract of land located east of Eatherton Road and south of Wings Corporate Drive (Ward 4).

WHEREAS, a Public Hearing was held before the Planning Commission on October 14, 2024; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the change in zoning by a vote of 7-0; and,

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval of the change in zoning by a vote of 4-0; and,

WHEREAS, the City Council, having considered said request, voted to approve the change in zoning.

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

Section 1. The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps which are a part thereof, are hereby amended to change the zoning of a 19.489-acre tract of land located east of Eatherton Road and south of Wings Corporate Drive zoned “NU” Non-Urban District to a “PI” Planned Industrial District:

LEGAL DESCRIPTION

A TRACT OF LAND BEING PART OF U.S. SURVEY 362, TOWNSHIP 45 NORTH, RANGE 3 EAST, LOCATED IN THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SAID U.S. SURVEY 362 WITH THE SOUTH LINE OF WINGS CORPORATE ESTATES, A SUBDIVISION THEREOF AS RECORDED IN PLAT BOOK 356, PAGE 79 OF THE ST. LOUIS COUNTY RECORDS; THENCE ALONG THE EAST LINE OF SAID U.S. SURVEY 362, SOUTH 12 DEGREES 31 MINUTES 38 SECONDS EAST, 789.27 FEET TO THE NORTH LINE OF A TRACT OF LAND AS CONVEYED TO ST. LOUIS COUNTY BY INSTRUMENT RECORDED IN BOOK 9444, PAGE 611 OF ABOVE SAID RECORDS; THENCE ALONG SAID NORTH LINE, SOUTH 78 DEGREES 13 MINUTES 26 SECONDS WEST, 149.03 FEET TO THE NORTHWEST CORNER THEREOF; THENCE ALONG THE WEST LINE OF SAID ST. LOUIS COUNTY TRACT, SOUTH 11 DEGREES 43 MINUTES 24 SECONDS EAST, 8.39 FEET TO THE SOUTH LINE OF ADJUSTED LOT 1 OF THE ELCO-FOLLMER BOUNDARY ADJUSTMENT PLAT AS RECORDED IN PLAT BOOK 371, PAGE 344 OF ABOVE SAID RECORDS; THENCE ALONG SAID SOUTH LINE, SOUTH 78 DEGREES 19 MINUTES 17 SECONDS WEST, 1,077.92 FEET TO ITS INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF EATHERTON ROAD, VARIABLE WIDTH; THENCE ALONG SAID RIGHT-OF-WAY LINE, NORTH 11 DEGREES 40 MINUTES 43 SECONDS WEST, A DISTANCE OF 363.34 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND AS CONVEYED TO DENNINGER PROPERTIES, LLC BY INSTRUMENT RECORDED IN BOOK 20884, PAGE 2413 OF SAID RECORDS; THENCE ALONG SAID SOUTH AND EAST LINES OF SAID DEININGER PROPERTIES, LLC TRACT THE FOLLOWING: LINE, NORTH 78 DEGREES 17 MINUTES 30 SECONDS EAST, 284.04 FEET AND NORTH 08 DEGREES 26 MINUTES 24 SECONDS WEST, 445.37 FEET TO THE SOUTH LINE OF ABOVE SAID WINGS CORPORATE ESTATES; THENCE ALONG SAID SOUTH LINE, NORTH 78 DEGREES 58 MINUTES 26 SECONDS EAST, 906.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 848,950 SQUARE FEET OR 19.489 ACRES, MORE OR LESS, ACCORDING TO CALCULATIONS PERFORMED BY STOCK & ASSOCIATES CONSULTING ENGINEERS, INC DURING SEPTEMBER 2024.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the Attachment “A” and preliminary plan, which is attached hereto and made a part of.

Section 3. The City Council, pursuant to the petition filed by the petitioner, in P.Z. 07-2024, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after a public hearing, held by the Planning Commission on the 14th day of October 2024, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri, authorizing the City Council to exercise legislative power pertaining to planning and zoning.

Section 4. This ordinance and the requirements thereof are exempted from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

Section 5. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2025

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie McGownd, CITY CLERK

FIRST READING HELD: 01/06/2025

ATTACHMENT A

All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified herein.

I. SPECIFIC CRITERIA

A. PERMITTED USES

1. The uses allowed in this “PI” Planned Industrial District shall be:
 - a. Athletic courts and fields
 - b. Gymnasium
 - c. Industrial sales, service, and storage
 - d. Mail order sales warehouse
 - e. Office, general
 - f. Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facility
 - g. Professional and technical service facility
 - h. Recreation facility
 - i. Warehouse, general
2. Hours of Operation.
 - a. Hours of operation for this “PI” District shall not be restricted.
 - b. Hours of operation for any lighting source for a recreation facility shall adhere to the Lighting Standards of the City of Chesterfield Code.
3. Telecommunication siting permits may be issued for wireless telecommunications facilities per the requirements of the City Code.

B. HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS

1. Height
 - a. The maximum height of a structure shall not exceed sixty (60) feet, exclusive of roof screening and athletic field lighting.
2. Building Requirements
 - a. A minimum of 35% open space is required for this development.

- b. This development shall have a maximum F.A.R. of fifty-five hundredths (0.55).

C. SETBACKS

1. Structure Setbacks

No building or structure, other than: a freestanding project identification sign, light standards, or flag pole will be located within the following setbacks as shown on the Preliminary Development Plan:

- a. Thirty (30) feet from the right-of-way of Eatherton Road.
- b. Thirty (30) feet from the east boundary of this PI District.
- c. Fifteen (15) feet from the west, north, and south boundaries of this PI District.

2. Parking Setbacks

No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks as shown on the Preliminary Development Plan:

- a. Thirty (30) feet from the right-of-way of Eatherton Road.
- b. Twenty-five (25) feet from the east boundary of this PI District.
- c. Ten (10) feet from the west, north, and south boundaries of this PI District.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. No construction related parking shall be permitted within right of way or on any existing roadways. All construction related parking shall be confined to the development.
3. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The development shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Chesterfield Planning Commission.
2. Installation of Landscaping and Ornamental Entrance Monument or Identification Signage construction shall be reviewed by the City of Chesterfield/St. Louis County Department of Transportation for sight distance consideration and approved prior to installation or construction.

G. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. A street light will be required to be installed on N. Eatherton Road.
3. The mounting height of all field lighting shall not exceed seventy (70) feet and is subject to Spirit of St. Louis Airport approval. All other lighting shall adhere to City code and is subject to Spirit of St. Louis Airport approval.

H. ARCHITECTURAL

1. The development shall adhere to the Architectural Review Standards of the City of Chesterfield Code.
2. Trash enclosures: All exterior trash areas will be enclosed with a minimum six (6) foot high sight-proof enclosure complemented by adequate landscaping. The location, material, and elevation of any trash enclosures will be as approved by the City of Chesterfield on the Site Development Plan.

I. ACCESS/ACCESS MANAGEMENT

1. Access to this development shall substantially conform to the Preliminary Development Plan provided, as directed by the City of Chesterfield, the Missouri Department of Transportation and St. Louis County Department of Transportation, as applicable.
2. Provide cross access easements and temporary slope construction license or other appropriate legal instruments or agreements guaranteeing permanent access between this development and all adjacent properties as directed by the City of Chesterfield.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide a 5-foot-wide sidewalk, conforming to ADA standards, along the North Eatherton Road frontage. The sidewalk shall provide for future connectivity to

adjacent developments and/or roadway projects. The sidewalk may be located within right-of-way controlled by another agency, if permitted by that agency, or on private property within a 6-foot-wide private sidewalk easement dedicated for public use.

2. Sidewalk is not required along the Buzz Westfall Drive frontage.
3. Additional right-of-way and road improvements shall be provided, as required by the Missouri Department of Transportation, St. Louis County Department of Transportation, and/or the City of Chesterfield.

K. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield and/or St. Louis County Department of Transportation. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.

L. POWER OF REVIEW

1. The development shall adhere to the Power of Review Requirements of the City of Chesterfield Code.

M. STORM WATER

1. Storm water shall be as approved by the City of Chesterfield, the Metropolitan St. Louis Sewer District, and the Monarch Chesterfield Levee District, as appropriate.
2. The site must provide positive stormwater drainage and be in accordance with the Chesterfield Valley Master Stormwater Plan. All required easements for the construction and maintenance of the Chesterfield Valley Master Stormwater Channels must be acquired by the developer.

N. SANITARY SEWER

1. Sanitary sewers shall be as approved by the City of Chesterfield and the Metropolitan St. Louis Sewer District.

O. GEOTECHNICAL REPORT

1. Prior to Site Development Plan approval, provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State

of Missouri, as directed by the Department of Public Works. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all Site Development Plans and Improvement Plans.

P. MISCELLANEOUS

1. All utilities will be installed underground.
2. Plan approval or a no objection letter will be required from the Petroleum Pipeline owner.
3. An opportunity for recycling shall be provided in accordance with Chapter 235 of City Code.
4. The developer is advised that utility companies will require compensation for relocation of their facilities within public road right-of-way. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.
5. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development as directed by the City of Chesterfield and St. Louis County Department of Transportation. Delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

II. GENERAL CRITERIA

A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

The Site Development Plan shall include, but not be limited to, the following:

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Outboundary plat and legal description of property.
3. Density calculations.
4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide openspace percentage for overall development including separate percentage for each lot on the plan.

6. Provide Floor Area Ratio (F.A.R.).
7. A note indicating all utilities will be installed underground.
8. A note indicating signage approval is a separate process.
9. Depict the location of all buildings, size, including height and distance from adjacent property lines, and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed freestanding monument signs.
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, significant natural features, such as wooded areas and rock formations, and other karst features that are to remain or be removed.
15. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
16. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/approvals from the appropriate Fire District, Monarch Levee District, Spirit of St. Louis Airport, Metropolitan St. Louis Sewer District (MSD) and St. Louis County Department of Transportation.
22. Compliance with Sky Exposure Plane.
23. Compliance with the current Metropolitan St. Louis Sewer District Site Guidance as adopted by the City of Chesterfield.

B. TRUST FUND CONTRIBUTION

1. The developer shall be required to contribute a Traffic Generation Assessment (TGA) to the City of Chesterfield. Allowable credits for required improvements will be awarded as directed by the City of Chesterfield. This contribution shall be established by the City of Chesterfield Trust Fund Rate Schedule.
2. The Traffic Generation Assessment (TGA) contribution shall be made prior to the issuance of a Municipal Zoning Approval (MZA) by the City of Chesterfield.
3. Prior to Special Use Permit issuance by the St. Louis County Department of Transportation, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit, must be established with St. Louis County Department of Transportation to guarantee completion of the required roadway improvements.
4. The amount of all required contributions for storm water and primary water line improvements, if not submitted by January 1, 2024, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the St. Louis County Department of Transportation.

5. WATER MAIN

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$1,058.23 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

The primary water line contribution shall be deposited with the St. Louis County Department of Transportation. The deposit shall be made before St. Louis County approval of the Site Development Plan or Concept Plan unless otherwise directed by the St. Louis County Department of Transportation. Funds shall be payable to Treasurer, St. Louis County/City of Chesterfield.

6. STORM WATER

The storm water contribution is based on gross acreage of the development land area. These funds are necessary to help defray the cost of engineering and construction improvements for the collection and disposal of storm water from Chesterfield Valley in accordance with the Master Plan on file with and the jointly approved by St. Louis County and the Metropolitan St. Louis Sewer District. The amount of the storm water contribution will be computed based on District. The amount of the storm water contribution will be computed based on \$3,357.52 per acre for the total area as approved on the Site Development Plan.

The storm water contributions to the Trust Fund shall be deposited with the St. Louis County Department of Transportation. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by St. Louis County Department of Transportation or prior to the issuance of building permits in the case where no Special Use Permit is required. Funds shall be payable to Treasurer, St. Louis County/City of Chesterfield.

7. SANITARY SEWER

The sanitary sewer contribution is collected as the Caulk Creek impact fee.

The sanitary sewer contribution within Chesterfield Valley area shall be deposited with the Metropolitan St. Louis Sewer District as required by the District.

IV. RECORDING

1. Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

V. ENFORCEMENT

1. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Plan approved by the City of Chesterfield and the terms of this Attachment A.
2. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
3. Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.
4. Waiver of Notice of Violation per the City of Chesterfield Code.
5. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.

Memorandum

Department of Public Works



TO: Michael O. Geisel, P.E.
City Administrator

FROM: James A. Eckrich, P.E. *JA*
Public Works Dir. / City Engineer

DATE: December 13, 2024

RE: CVAC Bullpens

As you know, the 2025 Budget contains \$560,000 in Account 111-072-5498 for the construction of 16 bullpens adjacent to the C and F Fields at the Chesterfield Valley Athletic Complex (CVAC). As detailed in the attached memorandum from Superintendent of Sports and Wellness Ethan Collier, we have secured proposals and bids to construct these amenities. Specifically, we have received a proposal from Byrne and Jones, through the TIPS cooperative procurement program, to construct the bullpens and fencing at a cost of 504,000. Additionally, we have secured bids for eight mounds, with The Perfect Mound submitting the low bid of \$40,284. Additional information, including the benefits of the project, and explanation of the TIPS program, and the proposal/bid are included in the memorandum from Ethan Collier.

In order to move forward with this project, the Chesterfield City Council will need to take the following actions:

- 1) Authorize the City Administrator to execute an Agreement with Byrne and Jones in an amount not to exceed \$519,000 for construction of 16 bullpens. This includes the cost of the proposal from Byrne and Jones and a modest contingency to account for change orders that may become necessary.
- 2) Authorize the City Administrator to execute a Purchase Order to The Perfect Mound in the amount of \$40,284 for the purchase of eight mounds to be used within the new bullpens on Fields C1-4.

Action Recommended

This matter should be forwarded to the City Council for consideration. Should City Council concur with Staff's recommendation it should authorize the City Administrator to take the actions delineated above in order to construct the bullpen project, which will be managed by the Department of Public Works.

Concurrence:

JS Kelly
Jeanette Kelly, Finance Director



Memorandum

To: James A. Eckrich, Director of Public Works

From: Ethan Collier, Superintendent of Sports and Wellness

Date: December 13, 2024

Subject: Bullpens for C and F Fields at CVAC

The Parks, Recreation and Arts Department proposes the installation of bullpens on fields C1-4 and F1-4 at the CVAC. Each field would feature two bullpens, one adjacent to each dugout, resulting in a total of 16 bullpens for the project. Currently, the CVAC lacks dedicated bullpen spaces, leaving pitchers to warm up in open areas near the dugouts. The proposed bullpens will provide a secure, designated warm-up area for each team. The bullpens will be fully enclosed with ten-foot fencing on all sides to minimize the risk of injury from errant throws by pitchers or catchers during warm-up activities. This will make the CVAC safer for both players and spectators.

I obtained a quote from Byrne and Jones for the construction of 16 bullpens through the TIPS program. TIPS is a cooperative procurement program whereby participants can utilize prior bids previously approved through the TIPS program. TIPS has previously been approved by City Council and adheres to the City's purchasing requirements. As you know, Byrne and Jones previously installed the turf infields on the C and F fields, giving them valuable familiarity with the site and City requirements. Several dugouts feature drainage systems for the turf fields near areas where the bullpens will be constructed. Engaging a contractor with in-depth knowledge of the existing drainage layout is a significant advantage. Additionally, Byrne and Jones has a proven track record of exemplary work at the CVAC and has consistently provided prompt and effective responses to field-related issues. Byrne and Jones has provided the attached proposal at a total cost of \$504,500.

While Byrne and Jones will construct the bullpens, we will separately need to purchase eight mounds for Fields C1-4. These fields are primarily used for baseball (players aged 13 and older), making pitching mounds essential. In contrast, fields F1-4 are used for softball and youth baseball (12 and under). Because these mounds are not in the TIPS program, I have secured three bids for the mounds, as shown on the summary on the next page. I recommend

purchasing the mounds directly from the low bidder, The Perfect Mound, at a cost of \$40,284. The Perfect Mound provided the 4-piece mounds currently in use at the CVAC. These mounds offer significant advantages over other mound systems, including ease of movement / relocation and repair. The low bid from The Perfect Mound is attached.

The Perfect Mound – \$40,284
Beacon Athletics - \$42,952
Pro Sports Equip - \$46,000

The proposals for bullpens and mounds yield a total cost of \$544,784. This is within the \$560,000 budgeted for this improvement in Account 111-072-5498. In order to move forward with this project, the City will need to:

- 1) Execute a contract with Byrne and Jones in an amount not to exceed \$519,000 for construction of 16 bullpens. This includes the cost of the proposal and a modest contingency to account for change orders which may become necessary.
- 2) Authorize a Purchase Order to The Perfect Mound in an amount not to exceed \$40,284 for the purchase of eight mounds to be used on Fields C1-4.

Please let me know if you have any questions. Otherwise, I request that this matter be forwarded to City Council. If approved construction can commence this winter.





**Byrne & Jones
CONSTRUCTION**
13940 St. Charles Rock Rd.
St. Louis, Missouri 63044
(314) 567-7997
www.byrneandjones.com

ASPHALT | CONCRETE | STABILIZATION | MICROSURFACING | SPORTS



AMERICAN
SPORTS BUILDERS
ASSOCIATION
MEMBER

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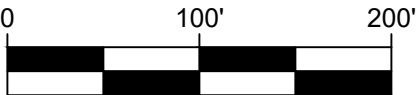
CVAC
ATHLETIC IMPROVEMENTS
CHESTERFIELD, MO
SITE LAYOUT

JOB #: #####

DATE: 08-23-2024

DRAWN BY:
DMM

SHEET
C1.0



SCALE: 1" = 100'

CONCEPTUAL DESIGN NOT FOR CONSTRUCTION PURPOSES



CVAC
ATHLETIC IMPROVEMENTS
CHESTERFIELD, MO
SITE LAYOUT

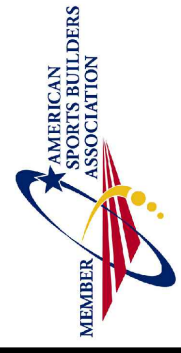
JOB #: #####

DATE: 08-23-2024

DRAWN BY:
DMM

SHEET
C1.1

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Byrne & Jones

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ST. LOUIS, MO 63044
PHONE: (314) 567-7997
FAX: (314) 567-1828

WWW.BYRNEANDJONES.COM/sports

PROJECT	CVAC Bullpens	DATE	12/10/24
TO	Chesterfield Valley Athletic Complex	FROM	Per B&J C1.0-C1.1 dated 08/23/24
FROM	Rachel Wakeman	SPECS	ASBA Standards

QUALIFICATIONS

- Starting in 1976, B&J has completed over **700 running tracks, 600 athletic fields, and 350 courts.**
- Byrne & Jones is a member of the American Sports Builders Association (**ASBA**) since 2009
- Byrne & Jones has **EIGHT** ASBA Certified Synthetic Turf Field Builders on Staff (CFB-S)
- Byrne & Jones has **ONE** ASBA Certified Field Builders on Staff (CFB)
- Byrne & Jones has **THREE** ASBA Certified Track Builders on Staff (CTB)
- Byrne & Jones Sports General Manager, Jameson Sheley serves on the **Board of Directors** of the ASBA
- Byrne & Jones has been honored with **SIXTEEN** ASBA Excellence Awards

GENERAL CONDITIONS

- Provide project renderings, shop drawings, and detailed drawings for owners approval prior to construction
- Pre-construction meeting to be held prior to mobilization to the site
- Secure applicable permits required include City, County, and State
- Owner shall provide reasonable access to the jobsite for construction, material deliveries, and material laydown
- Mobilization of necessary material, equipment and labor to the job site
- Provide dedicated on-site project superintendent and office/field project manager
- Provide on-site supervision of all staging area, material and equipment delivery
- In-House Professional Surveying provided for layout of our work
- Provide portable restrooms, dumpsters, and construction fencing as needed
- Provide as-built drawings upon completion
- Conduct final walkthrough with owner for project acceptance
- Provide maintenance manual and training of owner personnel
- B&J's proposal includes all necessary items to complete the detailed scope of work. No additional costs will be incurred unless the owner elects to add scope to the project or through unforeseen circumstances.
- Our proposal only includes known/foreseeable circumstances or conditions. Unforeseen circumstances or items not listed in this proposal are not included. Any work provided outside of the scope of work listed in this proposal can be provided for an additional cost by a mutually agreed to change order.



FIELDS | TRACKS | COURTS | PARKS & REC



Byrne & Jones

SPORTS CONSTRUCTION

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INSTALL (1) PAIR OF SINGLE LANE BULLPENS AT QUAD C FIELDS (8 BULLPENS TOTAL)

ADD: \$266,500

- Excavate to subgrade for the bullpen areas as shown on C1.0
 - Bullpens are 75' long x 10' wide
- Furnish, grade, and compact 4" of base stone for each bullpen area
- Install 4" fiber reinforced concrete for each bullpen area
- Furnish and install non-infill synthetic turf system over 4" concrete for each bullpen area
- Furnish and install 10' black vinyl fence around (3) sides of each bullpen
 - Assumes existing 10' fence to remain and to be used as perimeter on (1) side of each bullpen
- Restore all areas disturbed by B&J during construction

INSTALL (1) PAIR OF SINGLE LANE BULLPENS AT QUAD F FIELDS (8 BULLPENS TOTAL)

ADD: \$238,000

- Excavate to subgrade for the bullpen areas as shown on C1.1
 - Bullpens are 55' long x 10' wide
- Furnish, grade, and compact 4" of base stone for each bullpen area
- Install 4" fiber reinforced concrete for each bullpen area
- Furnish and install non-infill synthetic turf system over 4" concrete for each bullpen area
- Furnish and install 10' black vinyl fence around (3) sides of each bullpen
 - Assumes existing 10' fence to remain and to be used as perimeter on (1) side of each bullpen
- Restore all areas disturbed by B&J during construction
- Includes 12 total replacement panels with velcro system for pitching areas on F Quad

SCHEDULE

- Estimated Project Duration: 35 days
-



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Byrne & Jones

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NOTES/EXCLUSIONS

1. Price does not include any work not specified in the above proposal.
2. Price includes prevailing wage.
3. Price includes payment and performance bond.
4. Includes mobilization in (1) phase.
5. Price based on normal working hours and days.
6. Price based on mutually agreeable contract language.
7. Price based on tax exempt pricing.
8. Price based on complete access to the jobsite.
9. Price does not include any rock breaking, blasting, excavation, or removals.
10. Price does not include the testing for, removal or disposal of contaminated or unsuitable soils.
11. Any modification to rock, asphalt, and material type must be mutually agreed upon.
12. Price does not include any pavement repairs due to construction traffic.
13. Unless otherwise noted, Soil Stabilization is not included in this proposal.
14. B&J has five TIPS Cooperative Purchasing Contracts including Sports Fields, Courts, or Tracks; Paving; and General Trades, Labor and Materials. Contract #'s: 23010401, 23010402, 23020101, 23020102, and 200602
15. This proposal falls under contract #: 23020101
16. Net 30 payment terms.
17. Pricing is good for 30 days.

If you have any questions, please feel free to contact me.

Sincerely,

Rachel Wakeman
Project Manager

ACCEPTED BY :

Print Name, Title

Signature

Date



FIELDS | TRACKS | COURTS | PARKS & REC



Order Details

Account Name	Chesterfield Valley Athletic Complex	Created Date	12/11/2024
		Quote Number	00001865

Contact Information

Prepared By	Nick Krietemeyer	Contact Name	Chad Ledbetter
Email	nick@thepperfectmound.com	Email	cledbetter@chesterfield.mo.us

Address Information

Bill To Name	Chesterfield Valley Athletic Complex	Ship To Name	Chesterfield Valley Athletic Complex
Bill To	17925 North Outer 40 Road Chesterfield, MO 63005	Ship To	17925 North Outer 40 Road Chesterfield, MO 63005 United States

Quote Line Items

Product	Sales Price	Quantity	Total Price
Mound (Youth) - AV RED	\$5,595.00	8.00	\$44,760.00
DISCOUNT (Dealer -R)	-\$4,476.00	1.00	-\$4,476.00

Totals

Subtotal	\$40,284.00
Total Price	\$40,284.00
Shipping and Handling	\$0.00
Grand Total	\$40,284.00

Estimates are valid for 15 days. Payment terms are net15 *upon delivery*. Failure to pay within the 15-day period will result in a 2% late fee or a \$50 charge, whichever is smaller. Orders exceeding \$20,000, require a 50% deposit.

We appreciate your business and look forward to serving you!





Memorandum

To: Mike Geisel, City Administrator

From: Kari Johnson, Superintendent of Recreation *KJ*

Date: December 30, 2024

Subject: Aquatic Risk Management Services

The Parks, Recreation and Arts Department solicited proposals from qualified firms for Aquatic Risk Management Services for the City's Chesterfield Family Aquatic Center. The services include a Lifeguard Training Program, Aquatic Safety Operational Audits, Accident Investigation, and Litigation Support. Additionally, services provided include an ongoing consulting relationship; un-announced aquatic safety operational audits of each facility; lifeguard and lifeguard instructor training; consultation to reduce or eliminate identified risk exposure and assistance in cases involving accident investigation and resulting legal issues.

The City, through the services of the successful vendor, annually trains approximately fifty (50) new lifeguards. Of those trained each year, approximately twenty (20) are returning lifeguards and there is typically one (1) returning instructor. The City maintains three Lifeguard Instructor Certifications in order to train lifeguards and to perform in-service training 4 times a month during the season. Two firms submitted proposals to the Parks, Recreation and Arts Department.

<u>Management Company</u>	<u>Base Fee</u>	<u>Instructor Certification (if additional ones needed)</u>
Jeff Ellis and Associates	\$9,430	\$425
Star guard	\$8,900	\$450

Additional services the City uses are Basic Life Support, CPR, First Aid and AED Certification. This allows for us to train our city staff and police officers in CPR/AED as well as offer our Community CPR classes and Babysitting 101.

Community CPR/AED Certification

Jeff Ellis and Associates	\$9
Star guard	\$30

After carefully reviewing both proposals, I recommend that the City accept the proposal as submitted by Jeff Ellis and Associates. Jeff Ellis and Associates has successfully provided these services to the City for the last six years. We have found Jeff Ellis and Associates to be a highly professional and reliable partner for these critical lifesaving services. Each year our seasonal life guard staff perform dozens of rescues. Continuity of the training program and our ongoing relationship is of obvious importance, the value of which certainly exceeds the minor cost differential in the base fee of the two proposals. Transitioning to a new firm, with a different program, would require all three of our instructors to complete the Instructor Certification class, resulting in additional costs associated with the increased number of instructor certifications for the new program. Additionally, there would be further expenses related to training City staff.

Accordingly, staff recommends Jeff Ellis and Associates for the Risk Management Services for a base fee amount of \$9,430 which are budgeted within the 119-086-5277 Training and Continuing Education.

Please forward to Council for approval at your earliest convenience

If you have any other questions or require additional information, please advise.



JEFF ELLIS & ASSOCIATES
INTERNATIONAL AQUATIC SAFETY & RISK MANAGEMENT CONSULTANTS

Proposal to provide
**Aquatic Risk Management Services
to the City of Chesterfield, Missouri**

Project Assignment

Ellis & Associates, Inc. (E&A) is excited to once again submit for consideration a proposal to the City of Chesterfield for Aquatic Risk Management Services. We understand that the City of Chesterfield may come to a decision on proposal acceptance on or around February 20, 2025. With this in mind, we are happy to extend the offers made in this proposal through March 1, 2025.

For the purposes of this proposal and if awarded, Shelly Rucinski will continue to be your contact and is committed to promptly be available to the City of Chesterfield aquatics staff, to assist with their needs, in line with the scope of service E&A provides. If Shelly is not available, another E&A staff member (as shown on page 3) will be temporarily assigned to assist until such time that Shelly is available.

Along with being the liaison between E&A and Chesterfield, Shelly oversees client management of E&A client facilities and training centers in the central United States. Shelly works closely with other key E&A staff to implement programs and services such as regional instructor courses, the annual International Aquatic Safety School, and the Aquatic Safety Operational Audit program. Shelly has over 25 years' experience in the industry and is highly qualified to provide excellent service to the aquatics staff at the City of Chesterfield.

Shelly may be contacted as provided below:

Jeff Ellis & Associates/Shelly Rucinski
500 Winderley Place, Ste 116, Maitland, FL 32751
Phone: 608-576-1702
Email: shelly.rucinski@jellis.com

Brief History

Ellis & Associates, Inc. (E&A) was founded in 1983 with the express purpose of reducing the loss of life due to drowning. Since that time our Mission statement has progressed toward “elimination of drowning events through Proactive Aquatic Risk Management”. This began through the creation of a unique lifeguard training, today known as the International Lifeguard Training Program™ (ILTP®). Over the years, we have built upon the implementation of this training and developed the Comprehensive Aquatic Risk Management Program (CARMP). The CARMP program utilizes the ILTP® Training as a foundation for the overall aquatic safety protection systems deployed at our client facilities. We value the long-standing relationship we have maintained with The City of Chesterfield and are eager to continue this for years to come. The content within this proposal was designed to meet The City of Chesterfield’s requested information regarding our services and programs. If additional information is needed, we will be happy to provide it accordingly.

Staff Overview

The following provides a breakdown of the primary staff that may offer direct or indirect support of this project. Our primary E&A staff members each have experience in direct operations of aquatic facilities, ranging from park & recreation pools, indoor & outdoor waterparks, theme parks, resorts, beaches, and international destinations. This is coupled with many additional years of directly working with such organizations in aquatics risk management consulting including lifeguard training, instructor training, staff training, safety & health training, facility inspections; attraction inspections; and auditing, among other functions.

E&A Staff Member	Support Tasks	Industry Experience
Shelly Rucinski	Primary Chesterfield contact; Day-to-day Needs	25 years
Steve Miller	Client Director	30 years
Keith Fontenot	Client Director	31 years
Jennifer Barber	Client Manager	18 years
Sarhece Serna	Client Manager	25 years
Joe Stefanyak	Senior Director	39 years
Rac Carroll	COO	41 years

This team is joined each year by a cadre of auditors who conduct operational safety audits at client facilities. Before beginning the summer audit season, each of our auditors completes approximately 65 hours of training which includes an in-depth review of our entire program, including audit criteria, scoring, special situations, scenario creation, document review, and other essential content and skills. After this training, auditors work one-on-one with experienced auditors and E&A staff to complete a series of mentor audits to reinforce and confirm the auditor's readiness to begin their assigned audit visits. Above and beyond this annual training, all E&A auditors are required to be active ILTP instructors with experience as lifeguards and supervisors at E&A client facilities. This means that each of our auditors can speak to both lifeguard and operational issues from recent, first-hand knowledge.

Examples of Innovation

As noted previously, E&A's success over the years is due in part to our willingness to embrace new ideas and technologies. The following offers an overview of just a few of these innovations:

Innovation	Impact
The "Make it Work!" Philosophy	While training includes standards and benchmarks for lifeguard candidates to accomplish, the objectives and outcomes are what really matter. Procedure and routine that is not necessary are removed with lifeguards encouraged to adjust and problem solve to meet those objectives.
Objective Driven Program That Focuses on What a Specific Facility Needs	E&A does not use a "cookie cutter" approach to training. While core skills are taught in all E&A lifeguard classes, the prime focus is on skills which will actually be used at the aquatics facility the lifeguard is to eventually be employed. For example, if a lifeguard is going to be working in shallow water, deep water skills are not needed, nor is advanced swimming. This common-sense mentality not only allows lifeguards to focus on critical skills, but it also expands the hiring pool.
Accountability After Training	Everyone will perform at their best when training is supported with a system of accountability. Instructors and lifeguards complete training and are issued licenses that highlight their commitment to maintain knowledge and skills at a "test ready" level. E&A was the first to provide Unannounced Aquatic Safety Operational Audits, designed to confirm that "test ready" ability and offer support when issues are found.
Rescue Tubes	E&A's lifeguard course was the first to incorporate the rescue tube into its rescues. Years later, other training programs such as the American Red Cross likewise adopted the rescue tube as the key tool for safe rescues. Today all swimming pool and waterpark training includes the rescue tube (regardless of the training agency), resulting in over 30 years of enhanced safety for lifeguards in avoidance of potentially dangerous body contact rescues.

Supplemental Oxygen Support	E&A pioneered the regular use of supplemental oxygen systems by lifeguards as part of their emergency response. The basic, common-sense concept is that an individual who is submerged in water and subsequently rescued will need oxygen to maximize resuscitation efforts. Many lives have been saved using this critical emergency measure.
Automated External Defibrillators (AED)	In the late 1990s and early 2000s, AEDs were becoming available for use by non-EMS responders. E&A immediately embraced the technology and began determining protocols for its use in aquatic environments. As laws caught up with the innovation, E&A began mandating that AEDs be included in training and operation, just as we had previously with Oxygen. The first wide-spread use of AEDs at pools and waterparks, were E&A facilities. AEDs are now expected to be available in buildings and locations where people gather, ranging from airports, stores, schools, and naturally - public swimming pools, amusement parks, waterparks, and resorts.

Client Support

The E&A approach to our consulting service is centered on strong client support. We provide the following resources and support to our Comprehensive Aquatic Risk Management Program (CARMP™) clients, which we hope to also provide to the City of Chesterfield:

- Annual instructor courses (three in Missouri) and the International Aquatic Safety School®.
- The **PECTORA™** Education and Training Management System.
- Access to internationally recognized, industry leading training and education courses.
- All courses are accredited through International Association for Continuing Education and Training (IACET) with available CEUs (<https://www.iacet.org/>).
- Interactive templates, logs, and reports.
- Guidance documents, including the Risk Management Resource Guide.
- Instructor resources, handouts, lesson plans, handbooks, and guides.
- 24/7/365 emergency reporting.
- Assigned direct contact for routine assistance via email, phone, or video conferencing.
- Annual updates and round tables for E&A clients in region attached to local instructor class.
- Unannounced Operational Aquatic Safety Audits with written reports and supporting video.
- Facility inspection services, if requested.
- Accident investigation & litigation support services, if requested.

E&A is also an advocate for its clients, actively working with organizations such as IAAPA and WWA to establish and promote best practices that benefit the industry. E&A has been actively involved in the process that has led to the CDC's Model Aquatic Health Code (MAHC). E&A championed common-sense provisions and questioned requirements that were impractical or burdensome whenever possible. E&A was the first in the industry to offer regular updates and key issue education involving the MAHC to its clients, making them the best prepared for future MAHC impacts on them both nationally and locally.

E&A is committed to ensuring all our course content is incorporates the latest technical and medical understanding and guidance. This includes having research staff attend seminars and educational sessions when available and continuous monitoring for updates in Emergency Cardiac Care, Basic Life Support, and First Aid guidelines offered by International Liaison Committee on Resuscitation.

CARMP Service Overview

The following chart provides details to the general Scope of Services items we offer:

Item	Details
Summary of Organizations & Facilities using E&A Programs & Services	E&A works with many organization and facility types which are eager to enhance their staff training and/or overall aquatics safety protection systems with our programs and services. These include municipal park & recreation departments, park & recreation districts, county/regional park & recreation, public schools, police departments, home owners, associations, community associations, country clubs, YMCA branches, YMCA regional groups (with national recognition of our training), Boys & Girls clubs, swim schools, open water/beach fronts, pool management companies, indoor waterparks & resorts, outdoor waterparks & theme parks, and destination resorts & hotels. While most of the organizations we work with are in the United States, we have an ever-increasing presence internationally, with a presence on four continents.
Annual Retainer	The annual retainer covers the use of E&A programs, courses, and routine consulting resources for the year to which it applies. E&A assigns qualified staff members to provide support via phone, email, and video conference on an "As Needed" basis. This project is currently assigned to Shelly Rucinski, as noted on page 1. This also includes access to all documentation, tools, and resources available in our PECTORA system, such as the Risk Management Resource Guide.
Aquatics Safety Operational Audits: Scope Overview	Each audit will include the following overall elements: 1) Clandestine video observations of randomly selected lifeguards and supervisors performing their duties at each facility; 2) Evaluation of at least one team EAP response and at least one individual skill; 3) Review of administrative and facility items at each facility. The outcomes of the audit will be reviewed with an individual designated by Chesterfield, typically on the same day the audit is conducted. Audit reports are subsequently loaded onto the PECTORA system for a period of time, for future review by Chesterfield staff.

Aquatics Safety Operational Audits: Timeline	E&A provides three audits corresponding to Chesterfield's aquatic facilities summer season operational schedule. With the operational schedule in mind, we will typically conduct audits at some point, within the following time frames – Audit 1: Late May - Early July; Audit 2: Late June – end of July; Audit 3: Late July - August. While events outside of our control (such as: weather, facility closures, end of season closing, etc.) may affect when these audits are conducted, we will provide adequate date space between audit visits. However, it is critical to the success, integrity, and ultimately, the value of the audit process to the City of Chesterfield that we are allowed to randomly determine these visits. We request that Chesterfield provide to us its schedule, along with any changes as they may occur throughout the operating year and summer season to aid in the efficient planning of our audit program.
If Problems Are Found	If a problem is found during the audit process, the auditor will alert the client contact during the review and discuss strategies to aid in the item(s) to be rectified. For skill related items, the auditor will attempt to rectify as they are encountered, with in-service, followed by re-evaluation. For Individual lifeguard performance issues, specific in-service may be needed to be performed by Chesterfield instructors with the guard(s) following the audit. Temporary license suspensions will be remedied by these in-services. If an overall failure occurs, follow up with the Primary Contact will occur within 24 hours of the audit review date to discuss corrective strategies and establish a timeline for those strategies to be implemented. When Chesterfield staff is ready, a follow up audit will be scheduled, typically to occur within two weeks of the client indicating they are "ready" for the follow up, with all items needing to be addressed, completed. The follow up audit will focus on those items and reviewed with the designated representative from Chesterfield, in a similar manner as a standard audit. The goal of the follow up audit is to establish that all items have been officially corrected, demonstrating and documenting due diligence. The follow up audit fee is provided on page 9.

Staff Training

The following chart provides an overview of items related to aquatics staff training provided with CARMP:

Item	Details
Training Overview	In order for the Comprehensive Aquatic Risk Management Program to be effective, the following training is required: 1) ILTP Instructor – a minimum of one on staff, three or more are highly recommended; 2) Each lifeguard actively working has successfully completed and original or renewal ILTP course for the type and depth of water for which he/she works; 3) At least one supervisor on staff during operational hours with the vanGUARD Aquatics Leadership course (MAHC requirement). Instructors receive this credential as part of the Instructor Training course; 4) In-service requirements be maintained as provided for in the Risk Management Resource Guide; 5) AFO/CPO trained staff member (MAHC requirement).
ILTP® Instructor Training: Availability	E&A typically provides three instructor courses in Missouri, plus regional courses in Iowa and Illinois. One instructor course is offered every spring in the St. Louis area, conducted by a local Instructor Trainer and/or another trainer designated by E&A.
ILTP® Instructor Training: Scope	Instructor courses include the following training: 1) Train the Trainer; 2) vanGUARD Aquatic Leadership Training; 3) Aquatic rescue technology; 4) Victim recognition training; 5) Spinal Injury management/extrication; 6) Prevention/scanning technology training; 7) Lifeguard development; 8) HCP level BLS, AED, and Oxygen Administration for all ages; 9) Standard First Aid; 10) OSHA compliant Blood Borne Pathogens (BBP) training. Successful candidates will be assigned a lifeguard instructor license; S&H Instructor Trainer authorization (instructors may train instructors in standalone S&H courses); S&H certs: HCP BLS, Standard First Aid, and BBP. Instructors are immediately authorized to teach corresponding classes. Instructor authorization is two years from final date of training.

Lifeguard Training: Scope	The International Lifeguard Training Program™ includes the following: Why lifeguards are needed, lifeguard professionalism, accountability, 10/20 Protection Standard, recognizing a guest in distress, the downing process and related concepts, customer service, maintaining vigilance and avoiding distractions, EAP fundamentals, water rescues for responsive and unresponsive guests, suspected spinal injury response, health care provider level CPR & AED for all ages, supplemental oxygen Support, standard first aid, preventing bloodborne pathogens, and open water lifeguarding. Successful candidates in our lifeguard course receive (in addition to the a forementioned lifeguard license): Healthcare Provider Level Basic Life Support certificate; Standard First Aid certificate; Preventing Bloodborne Pathogens certificate (license and credentials valid for 1 year from date of training). The 2024 ILTP Update Meets or Exceeds: Model Aquatic Health Code, OSHA BBP standard, and the 2020-2024 ILCOR Emergency Cardiac Care and First Aid Guidelines, YMCA national training requirements. The course is fully accredited by the International Association for Continuing Education and Training.
vanGUARD Aquatics Leadership	Recognizing the need to provide basic leadership training to line supervisors working at the unique environments found at aquatics facilities, E&A developed the vanGUARD Aquatics Leadership training. This course is offered in a variety of formats that allows each of our client facilities to offer a comprehensive leadership course to any individual who will be serving in a leadership or supervisory role at the aquatic facility. Complimenting the lifeguard course, vanGUARD extends our high standard professional philosophy to all areas of leadership that an individual supervisor may need to become familiar with. This course fully meets the requirements of the Model Aquatic Health Code for supervisor training and can be conducted by any licensed ILTP Instructor.
Safety & Health courses	Instructors in our program are authorized to conduct standalone Safety & Health courses for purposes of training of non-aquatics staff and offering community courses to offer for revenue generation and other purposes. Safety & Health titles such as Community CPR and AED, Standard First Aid, Health Care Provider Level Basic Life Support, and others provide added value to working with us by being able to provide internationally recognized courses without having to send instructors elsewhere for additional training or needing to outsource for the training to be provided. As an additional value, all our licensed Instructors are able to train qualified candidates as standalone Safety & Health instructors, which further expands the value and allows employees in various departments to take advantage of our services through inhouse training that can be set up to meet the needs of the organization. See page 11 for fees.

Additional Items

The following chart provides details to the additional items provided or available.

Item	Details
PECTORA™	E&A was the first training organization to provide clients with an online system to track training and credentials. While other organization have since adopted such systems, E&A has constantly improved our system based upon feedback and experiences of our clients, instructors and students. This quest for improvement has resulted in our PECTORA system. It combines easy access to all the tools and resources our clients and instructors need, together with a state-of-the-art system to track and manage staff training. It also houses a Learning Management System for our clients to utilize blended and standalone eLearning courses to supplement more traditional delivery of content. Students who participate in E&A classes conducted by our client facilities can likewise track their own training and credentials, accessing as needed without having to come to instructors or aquatics staff for help. Technical support is included, along with detailed how to articles on how to maximize the user experience. This system and its features are provided to our clients and training centers at no additional fee.
Risk Management Tools	E&A provides participants in the CARMP with industry leading resources, including tools and guides to aid in maintaining high standards for safety. These include the core components of the Vigilance Awareness Training Program® which establishes a training protocol for lifeguards following their initial lifeguard class and the creation of Zone of Protection areas using our Zone Validation system. E&A also provide documents that provide guidance and best practices for the management of risks associated with aquatic facility operation.

Facility Inspections	E&A provides facility and attraction inspections for E&A clients. If a new facility or attraction is opened in subsequent years, we may provide this service as needed and as requested by the City. The fee for this service is on page 9 of this document. Out of pocket expenses associated with performing the service will also be charged back to the City.
Accident Investigation & Litigation Support	In the event of a major aquatic incident, E&A will provide the following services if requested by the City of Chesterfield: 1) Make records and documentation available; 2) Provide accident investigation at no additional charge provided that the City of Chesterfield, in E&A's sole determination, was otherwise following International Lifeguard Training Program (ILTP) standards and E&A's consulting recommendations. 3) Litigation support. The additional consulting fee provided on page 9 may be assessed if E&A determines that City of Chesterfield was not following ILTP standards or E&A's consulting recommendations. In all cases, any travel & incidental expenses associated with Accident Investigation/Litigation support will be charged back to the City of Chesterfield.
Insurance Coverage	E&A is committed to maintaining insurance coverage at levels needed for us to conduct our business operations. This coverage includes the following Liability Insurance: Professional Liability, Contractual Liability, Excessive Liability, (\$2,000,000 /occurrence; \$2,000,000 aggregate – Excessive Liability: \$3,000,000/occurrence; \$3,000,000 aggregate); Workers Compensation (\$1,000,000/accident), Automobile (\$1,000,000/accident).
Non-Discrimination	Jeff Ellis & Associates Inc is committed to the principles of equal employment. We are committed to complying with all federal, state, and local laws providing equal employment opportunities, and all other employment laws and regulations. It is our intent to maintain a work environment that is free of harassment, discrimination, or retaliation because of an individual's membership, or perceived membership, in a protected class. For purposes of this policy, protected classes include: age (40 or older), sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related conditions), race (including hair texture, hair type, or a protective hairstyle commonly or historically associated with race, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps), national origin, disability, creed, religion, genetic information, ancestry, marital status, military or veteran status, or any other status protected by federal, state, or local laws. The Company is dedicated to the fulfillment of this policy in regard to all aspects of employment, including but not limited to recruiting, hiring, placement, transfer, training, promotion, rates of pay, and other compensation, termination, and all other terms, conditions, and privileges of employment.

Local References

The following organizations currently use the E&A Comprehensive Aquatic Risk Management Program:

Client Name: Mansfield Park & Recreation
Address: PO Box 467 Mansfield, MO 65704
Contact: Nancy Conley
Title: City Clerk
Phone: 417-924-8340
Email: nconley@mansfieldcityhall.org
Client Name: Peoria Park District
Address: 1125 West Lake Ave, Peoria, IL 61614
Contact: Sue Wheeler
Title: Aquatics Director
Phone: 309-282-1520
Email: swheeler@peoriaparks.org
Client Name: Edina Parks & Recreation
Address: 4801 West 50 th St. Edina, MN 55424
Contact: Patty McGrath
Title: Aquatics Director
Phone: 952-833-9542
Email: pmcgrath@edinamn.gov

Cost Proposal

E&A understands that budgets are tight and that organizations need to maximize the value they are getting out of programs and services they are receiving from third parties. With this in mind, we would like to couple the services and programs discussed in this proposal with the following competitive flat fees for core CARMP services and fees for additional services. The flat fee covers each of the following items annually: Annual Client Retainer, Three Audits per year, and unlimited Lifeguard Training for staff of The City of Chesterfield (lifeguards needed for operation). Other CARMP related services not covered by the flat fee are detailed as well. Fees for standalone Safety & Health, Community, and Education courses are detailed on the page 11. All fees provided are based upon a three-year agreement participating in the Comprehensive Aquatic Risk Management Program.

Facility Fees:

Flat Fee 2025	\$9430
Flat Fee 2026 (based on license usage from 2025)	TBD
Flat Fee 2027 (based on license usage from 2026)	TBD

Facility/Attraction Inspection: Fee is per day and does not include related travel expenses (airfare, hotel, rental car, gas, food etc. which will be invoiced in addition to the fee indicated)	\$2500/day
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Accident Investigation: Investigation Services not included in the consulting agreement	\$325/hour
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Additional Hourly Consulting: Consulting Services not included in the consulting agreement	\$325/hour
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Failed Audit Follow Up Fee: Follow up site visit after failed audit	\$950
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Lifeguard Instructor Fees 2025 - 2027 - CARMP New Lifeguard Instructor License - CARMP Renewal Lifeguard Instructor License	\$425 <i>included</i> \$325
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Safety and Health Course Fees (optional)

*Per student

Course Title	Student Fee:
Community CPR/AED student material & certification	\$9.00
Standard First Aid student material & certification	\$9.00
Health Care Provider BLS student material & certifications	\$9.00
Community CPR/AED / First Aid student material & certifications – combined class	\$11.00
Health Care Provider BLS / First Aid student material & certifications – combined class	\$11.00

Aquatics Program Course Fees (optional)

*Per student

Course Title	Student Fee:
vanGUARD™ – Aquatic Leadership Training (classroom – leader led course)	\$30.00
vanGUARD™ – Aquatic Leadership Training (blended eLearning & leader led course)	\$35.00
vanGUARD™ – Aquatic Leadership Training (full eLearning course)	\$50.00
Water Slide Dispatch Operator™ (full eLearning course)	\$30.00
Vigilance Awareness Training® Program electronic content review (included in CARMP)	\$0.00
Train the Trainer (full eLearning course)	\$30.00
Water Safety Plus - water safety training for non-lifeguard staff (blended course)	\$30.00
ILTP® Course Completion Kit – New (non-licensed lifeguards not working at facility)	\$55.00
ILTP® Course Completion Kit – Renewal (non-licensed lifeguards not working at facility)	\$45.00

Conclusion

E&A welcomes the opportunity to work with the City of Chesterfield. If upon review, it's found or determined that additional information or clarification is needed, please contact Shelly Rucinski as indicated on page 1 of this proposal.

Remaining pages contain additional requested information or responses. The Non-Collusive Affidavit of Prime Form is attached in a separate document.

Firm's Name: Ellis & Associates

EXCEPTIONS FORM

Firm's signature on proposal certifies complete acceptance of the Agreement and Terms & Conditions in this solicitation, except as noted below (additional pages may be attached, if necessary).

Check one of the following responses to the Agreement and Terms & Conditions:

☐ **Firm takes no exceptions/deviations to the Agreement and Terms & Conditions.**
(Note: if none are listed below, it is understood that no exceptions/deviations are taken.)

☒ **Firm takes the following exceptions/deviations. All exceptions/deviations must be clearly explained and reference the corresponding paragraph/clauses to which you are taking exception/deviation. Clearly state if you are additional terms and conditions; provide details below or attach additional pages.**

Section/Page	Term/Condition	Exception/Deviation
Insurance pg. 12	General Liability	Ellis & Associates carries a Professional Liability policy with bodily injury inclusion. Ellis & Associates does not carry General Liability.
Insurance pg. 12	Professional Liability	Ellis & Associates Professional Liability policy has a \$2 million each claim/aggregate
Insurance pg. 12	Excess/Umbrella Liability	Ellis & Associates Professional Liability Excess/Umbrella policy has a \$3 million each claim/aggregate

Memorandum

Department of Planning

To: Michael O. Geisel, City Administrator

From: Justin Wyse, Director of Planning

Date: January 6, 2025

RE: **Special Business District** – An ordinance to establish the Downtown Chesterfield Special Business District and authorizing an election related thereto.

Summary

TSG Downtown Chesterfield Redevelopment, LLC has submitted a petition to establish a Special Business District (SBD) in accordance with the requirements of the approved Development Agreement between the City of Chesterfield and Downtown Chesterfield Redevelopment, LLC. The purpose of the SBD would be to provide a revenue source that would allow the City to provide additional services that it does not currently provide within the proposed district. This would include:

- A. Maintenance, repair and replacement of streets, street lighting, bike paths, and pedestrian pathways;
- B. Maintenance, repair and replacement of landscaped center medians within City accepted streets, including irrigation (to the extent they are separable from systems serving other areas not to be maintained by the City);
- C. Security;
- D. Maintenance, repair and replacement of the public parking garage;
- E. Maintenance, repair and replacement of the public park including programming for marketing and events;
- F. Legal, insurance, administration and financial oversight; and
- G. All other qualified and allowable expenditures of any other special district located within the City, established in accordance with the Special District Act.

Following the public hearing, City Council expressed interest in addressing the concerns raised by one of the property owners. Staff has met with representatives from Burkhill and TSG and discussed a phased implementation of the SBD tax. **A substitute Bill has been included** which, if the Bill is approved and the voters also approve the creation of the Special Business District, would base assessments off of land value only (i.e. not include improvements). In meeting with representatives from each party, this phased approach would help to ensure that existing properties do not pay a disproportionate sum while the redevelopment is occurring.

Attachments:

- 1) Substitute Bill establishing the SBD
- 2) Bill 3524



SUBSTITUTE BILL

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI
ESTABLISHING THE DOWNTOWN CHESTERFIELD SPECIAL
BUSINESS DISTRICT; MAKING CERTAIN FINDINGS IN
CONNECTION THEREWITH; AUTHORIZING CERTAIN ACTIONS
BY CITY OFFICIALS AND OFFICERS; AND CONTAINING A
SEVERABILITY CLAUSE.**

WHEREAS, the City of Chesterfield, Missouri (the “City”), is a political subdivision duly organized and existing under the Constitution and laws of the State of Missouri, and

WHEREAS, upon petition by one or more owners of real property on which is paid the ad valorem real property taxes within a proposed special business district, the governing body of the City may adopt a resolution of intention to establish a special business district pursuant to the Special Business Districts Act, Sections 71.790 to 71.808 of the Revised Statutes of Missouri, as amended (the “SBD Act”), and

WHEREAS, the City received a Petition to Establish the Downtown Chesterfield Special Business District (the “Petition”), filed by an owner of real property subject to real property taxes within the proposed boundaries of the Downtown Chesterfield Special Business District (the “District”), which Petition is attached hereto and incorporated herein by reference as Exhibit 1, and

WHEREAS, pursuant to Section 71.794.(1) of the SBD Act, on September 3, 2024, the City’s City Council (the “Council”) adopted Resolution No. 501, as the resolution of intention to establish the District, in accordance with the SBD Act (the “Original Intent Resolution”); then, on September 17, 2024 the Council adopted an amended Resolution No. 501, which amended the Original Intent Resolution by changing the date and time of the public hearing resolved in the Original Intent Resolution, and

WHEREAS, pursuant to Section 71.794 of the SBD Act, the Council held a public hearing to consider the establishment of the District on Monday, October 7, 2024 at 6:45 p.m. at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017 (the “Public Hearing”), and

WHEREAS, pursuant to Section 71.794 of the SBD Act, the Council caused notice of the Public Hearing to be published on two separate occasions in a newspaper of general circulation not more than fifteen days nor less than ten days before the Public Hearing, and

WHEREAS, pursuant to the SBD Act, the Council caused to be mailed a notice by United States certified mail, return-receipt requested of the Public Hearing to all owners of record of real property and licensed businesses located in the proposed District, and

WHEREAS, at the Public Hearing the Council heard all protests and received all evidence for or against the proposed action, all in accordance with the SBD Act, and

WHEREAS, pursuant to Section 71.792 of the SBD Act, the Council conducted a survey and investigation for the purposes of determining the nature of and suitable location for the District improvements, the approximate cost of acquiring and improving the land therefor, the area to be included in the District, the need for and cost of special services, and cooperative promotion activities, and the percentage of the cost of acquisition, special services, and improvements in the District which are to be assessed against the property within the District and that part of the cost, if any, to be paid by public funds, and

WHEREAS, a written report of the survey and investigation was filed in the Office of the City Clerk of the City of Chesterfield, Missouri, and was made available for public inspection (the "Report"), which Report is attached hereto and incorporated herein by reference as Exhibit 2, and

WHEREAS, the cost of the Report is included as a part of the cost of establishing the District, in accordance with the SBD Act, and

WHEREAS, the Council seeks to establish the District in accordance with the SBD Act.

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

Section 1. Upon review of the Report and the Petition the Council finds that the establishment of the District is in the best interest of the City and that the property owners, businesses, and tenants in said District and the public in general will benefit from the establishment of said District and the increased level of services and improvements provided by the proposed additional tax revenues from said District. Therefore, pursuant to the SBD Act, the Downtown Chesterfield Special Business District is hereby established, and will continue to exist and function until dissolved by an ordinance of the Council. The District shall include the real property depicted in the Petition, and as legally described on Exhibit 3, attached hereto and incorporated herein by reference.

Section 2. Pursuant to Section 71.800.5 of the SBD Act, the Council hereby orders an election on the approval of a tax on owners of real property in the District in a sum not to exceed \$0.85 per \$100 assessed valuation on real property, tracts, lots, or parcels of real property in the District for the purpose of providing revenue to the District (the “Proposition”). Ballots on the Proposition shall be mailed by or on behalf of the City Clerk by March 4, 2025, with the election on the Proposition to occur on April 15, 2025. The procedures for the application of a ballot on the Proposition and the related election shall be governed by the SBD Act.

Section 3. Subject to the approval of the Proposition in accordance with the SBD Act and this Ordinance, the property in the District shall be subject to the provisions of the additional tax described in Section 2 of this Ordinance. The additional tax will have an initial rate of levy to be imposed on the property lying within the boundaries of the District of \$0.85 per \$100 assessed valuation on the real property, tracts, lots, or parcels of real property in the District, which assessed valuation shall not include improvements for the calendar years ending December 31, 2025, 2026, 2027, 2028, and 2029. Thereafter, starting with the calendar year ending December 31, 2030, the assessed valuation on the real property, tracts, lots, or parcels of real property in the District shall also include the value of the improvements thereon. Subject to the approval of the Proposition in accordance with the SBD Act and this Ordinance, the additional revenue generated by the additional tax will be put to the uses described in the Petition and in accordance with the SBD Act.

Section 4. The Downtown Chesterfield Special Business District Advisory Board (the “Board”) is hereby created by this Ordinance, and as set forth below.

- (a) The Mayor of the City, with the consent of the Council, will appoint the seven-member Board, which Board will make recommendations as to the uses of the District to the Council. Appointments to the Board will be made via a resolution of the Council, except for the initial appointments to the Board, which are set forth in this Ordinance.
- (b) Members of the Board must be at least 18 years of age.
- (c) Two of the seven members of the Board will be designees of TSG Downtown Chesterfield Redevelopment, LLC, a Missouri limited liability company, or its permitted successors or assigns in interest, as agreed to by the City. Five of the seven members of the Board will be designees of the City.
- (d) Each member of the Board will serve for a four-year term (except as provided herein with respect to the initial members), with terms

expiring as of December 31st of the designated year or when their successors are appointed as provided herein, whichever is later. The initial members will be appointed for the terms set forth as follows: (a) one member will be appointed for a term expiring December 31, 2025; (b) two members will be appointed for a term expiring December 31, 2026; (c) two members will be appointed for a term expiring December 31, 2027; and (d) two members will be appointed for a term expiring December 31, 2028.

- (e) The Mayor, with consent of the Council, may remove any member of the Board for misconduct or neglect of duty upon written charges and after a public hearing.
- (f) Vacancies on the Board occasioned by removal, resignation, expiration of term, or otherwise will be reported in writing to the City Administrator of the City by the Board. The vacancy will be filled in like manner as an original appointment, except that it will be done via a resolution of the Council. Appointments to fill vacancies will be for the unexpired portion of a term only.
- (g) The Council hereby authorizes and approves the Board to exercise those powers and fulfill such duties as are required or authorized for such Board under the SBD Act. The City shall exercise all administrative functions of the Board.
- (h) The Board shall, within thirty days of notice that the Proposition passed at an election held in accordance with the SBD Act, fix a time and place for its annual meeting. At each annual meeting, the Board shall adopt and then file with the Council a proposed annual budget for the District, which shall set forth the projected revenues and expenditures for the ensuing year; provided, however, that such proposal annual budget for the District is only a recommendation to the Council, and is not the final budget of the District unless approved by the Council.

Section 5. The Mayor hereby appoints and the Council hereby consents to the appointment of the below-listed individuals to the District's initial Board.

<u>Name</u>	<u>Initial Term</u> <u>Expiration Date</u>
City's Chief of Police, currently, Cheryl Funkhouser	December 31, 2025
City's Finance Director, currently, Jeannette Kelly	December 31, 2026
City's Director of Planning, currently, Justin Wyse	December 31, 2026

City's Director of Public Works, currently, James Eckrich	December 31, 2027
City's Director of Parks, currently, Mike Geisel	December 31, 2027
Michael H. Staenberg	December 31, 2028
Timothy S. Lowe	December 31, 2028

Section 6. Pursuant to the SBD Act, the Council shall have all the powers necessary to carry out any and all improvements relating to the District described in this Ordinance and the Petition, and as further described in Section 71.796 of the SBD Act.

Section 7. Pursuant to Section 71.808 of the SBD Act, the findings of the Council of the benefits to be derived by the District, as set out in this Ordinance and the Petition, shall be conclusive. Notwithstanding anything in this Ordinance and the Petition to the contrary, the Petition is approved by the Council subject to the Council's modification of the proposed ballot language contained in the Petition at Section 6; said ballot language shall instead be in substantially the form set forth on Exhibit 4 to this Ordinance.

Section 8. The WHEREAS clauses of this Ordinance are hereby incorporated herein by reference.

Section 9. The Mayor of the City or his designated representatives are hereby authorized to take any and all actions as may be necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the Council being necessary to authorize such action by the Mayor or his designated representatives.

Section 10. It is hereby declared to be the intention of the Council that each and every part, section, and subsection of this Ordinance shall be separate and severable from each and every other part, section, and subsection hereof and that the Council intends to adopt each said part, section, and subsection separately and independently of any other part, section, and subsection. In the event that any part, section, or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections, and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 11. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 202__.

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

FIRST READING HELD: 10/7/2024

Vickie McGownd, CITY CLERK

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EXHIBIT 1

Petition

(Attached hereto.)

**PETITION TO THE CITY OF CHESTERFIELD, MISSOURI
TO ESTABLISH THE
DOWNTOWN CHESTERFIELD SPECIAL BUSINESS
DISTRICT**

Submitted July 22, 2024

**PETITION TO ESTABLISH THE DOWNTOWN
CHESTERFIELD SPECIAL BUSINESS DISTRICT**

To: The City Council, City of Chesterfield, Missouri (the "City", and the "Council"):

The undersigned, being an owner of real property subject to real property taxes and within the proposed boundaries of the Downtown Chesterfield Special Business District (the "**SBD**"), do hereby petition and request that the Council establish the SBD as described herein, pursuant to Sections 71.790 through 71.808 of the Revised Statutes of Missouri, as amended (the "**Act**").

1. Description of the SBD

A. Map of SBD Boundaries

A map illustrating the SBD boundaries is attached hereto as **EXHIBIT A**, and incorporated herein by reference.

B. Name of SBD

The name of the proposed special business district, to be established pursuant to the Act, will be the "Downtown Chesterfield Special Business District".

2. Purposes of the SBD

The SBD may generally provide for certain services and public improvements listed in the Act. The SBD's revenues may be put to use for all qualified and allowable expenditures allowed under the Act including, but not limited to:

- A. maintenance, repair, and replacement of streets, street lighting, bike paths, and pedestrian pathways;
- B. maintenance, repair, and replacement of landscaped center medians within City accepted streets, including irrigation (to the extent they are separable from systems serving other areas not to be maintained by the City);
- C. security;
- D. maintenance, repair and replacement of the public parking garage;
- E. maintenance, repair and replacement of the public park including programming for marketing and events;
- F. legal, insurance, administration, and financial oversight; and
- G. all other qualified and allowable expenditures of any other special district located within the City, established in accordance with the Special District Act.

All of the foregoing qualified and allowable expenditures shall be spent exclusively within the boundaries of the SBD, provided, however, that legal, insurance, administration, and financial oversight expenditures may be spent outside the boundaries of SBD so long as they directly relate to the geographical area of the SBD.

Also, the SBD may:

- A. Cooperate with other public agencies and with any industry or business located within the SBD in the implementation of projects within the SBD.

- B. Enter into agreements with any other public agency, any person, firm, or corporation to effect any of the provisions contained in the Act.
- C. Contract and be contracted with.
- D. Accept gifts, grants, loans, or contributions from the City, the State of Missouri, political subdivisions, foundations, other public or private agencies, individuals, partnerships or corporations.
- E. Employ or contract engineering, legal, technical, clerical, accountant, and other assistance as it may deem advisable.

3. **Type of SBD**

The SBD is a political subdivision of the State of Missouri with the power to impose a real property tax pursuant to the Act.

4. **The SBD's Advisory Board**

- A. In accordance with the Act, the Council will have sole discretion as to how the revenue derived from any tax to be imposed within the SBD, or any revenue derived from disposition of assets of the SBD, will be used within the scope of the purposes of the SBD, as described in this Petition to Establish the Downtown Chesterfield Special Business District (this "**Petition**") and the Act.
- B. In accordance with the Act, the Mayor of the City, with consent of the Council, will appoint a seven-member advisory board (the "**Board**"), in accordance with the qualifications as established by law and as set forth herein, to make recommendations as to the use of the SBD.
- C. *Qualifications*
 - i. Members of the Board must be at least 18 years of age.
 - ii. All seven members of the Board will be selected by the City, appointed by the Mayor, and consented to by the Council. Two of the seven members of the Board will be designees of TSG Downtown Chesterfield Redevelopment, LLC, a Missouri limited liability company, or its permitted successors or assigns in interest (under that certain Redevelopment Agreement for RPA-1 by and between the City and TSG Downtown Chesterfield Redevelopment, LLC dated as of March 1, 2024). The Mayor shall appoint, and the Council shall approve, the designees selected by TSG Downtown Chesterfield Redevelopment LLC, unless such designee shall have previously been properly removed from the Board in accordance with the process described in Section 4.F. below. Five of the seven members of the Board will be designees of the City.
- D. *Term of Office:* Each member of the Board will serve for a four-year term (except as provided herein with respect to the initial members), with terms expiring as of December 31st of the designated year or when their successors are appointed as provided herein, whichever is later.
- E. *Initial Members and Terms:* The initial members will be appointed for the terms set forth as follows: (a) one member will be appointed for a term expiring December 31, 2025; (b) two members will be appointed for a term expiring December 31, 2026; (c) two members

will be appointed for a term expiring December 31, 2027; and (d) two members will be appointed for a term expiring December 31, 2028.

F. *Removal:* The Mayor, with consent of the Council, may remove any member of the Board for misconduct or neglect of duty upon written charges and after a public hearing.

G. *Vacancies:* Vacancies on the Board occasioned by removal, resignation, expiration of term, or otherwise will be reported in writing to the City Administrator of the City by the Board. The vacancy will be filled in like manner as an original appointment. Appointments to fill vacancies will be for the unexpired portion of a term only.

5. Life of the SBD

The SBD will continue to exist and function until dissolved by an ordinance of the Council. If approved by qualified voters in accordance with Section 71.800 of the Act, the levy of tax on real property will go into effect in the tax year in which the election is held, and will remain in effect until repealed in accordance with the Act.

6. Maximum Rates and the Method of Assessment

The ballot question will be in substantially the following form:

Shall the special business district of the Downtown Chesterfield Special Business District ("**SBD**") be authorized to impose a tax on owners of real property in a sum not to exceed \$0.85 per \$100 assessed valuation on real property, tracts, lots, or parcels of real property for the purpose of providing revenue to the SBD. For purposes of property receiving tax abatement, the assessed value for each is at the current rate until abatement ends. The amount levied annually will be set by the City Council of the City of Chesterfield, Missouri each calendar year by resolution of the City Council of the City of Chesterfield, Missouri.

7. Limitations on Revenue Generations

The SBD will have no additional authority to levy taxes except as provided herein, or as provided by amendments to this Petition.

8. Reports and Meetings

The SBD will comply with requirements of reporting and meetings described in Section 67.1471 of the Revised Statutes of Missouri, as amended. Meetings will be open to the public.

9. Severability

If any provision of this Petition is held or deemed to be invalid, inoperative, or unenforceable as applied in any particular case, or in all cases, because it conflicts with any other provision or provisions of this Petition or for any other reason, such circumstances will not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision contained in this Petition invalid, inoperative, or unenforceable to any extent whatsoever.

TSG Downtown Chesterfield Redevelopment, LLC,
a Missouri limited liability company

By: _____

Michael H. Staenberg
Manager

EXHIBIT A

Map of SBD Boundaries

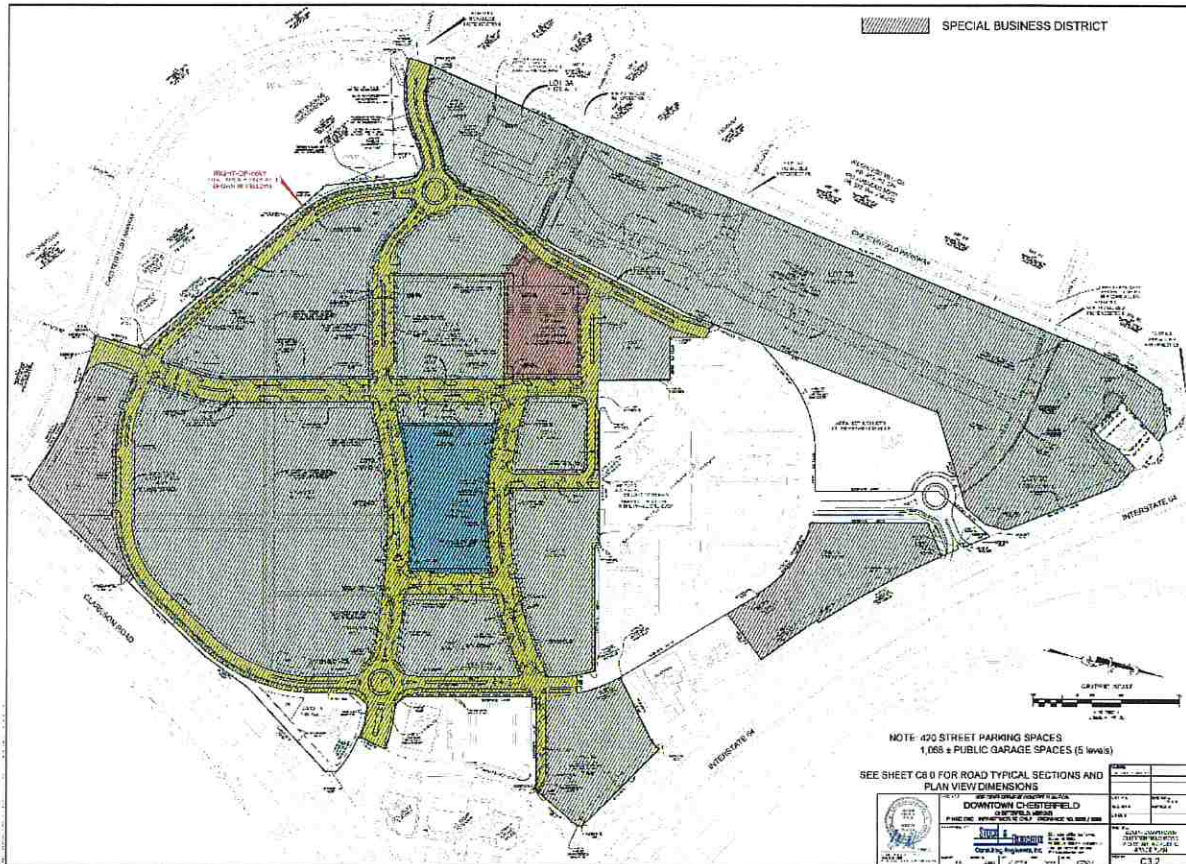


EXHIBIT 2

Report

(Attached hereto.)

Mike Geisel

City Administrator



690 Chesterfield Pkwy W

Chesterfield MO 63017

Phone 636-537-4711

Fax 636-537-4798

OFFICE OF THE CITY ADMINISTRATOR

TO: Mayor & City Council

Date: September 19, 2024

RE: Special Business District Petition – Downtown Chesterfield
SURVEY AND INVESTIGATION REPORT

The City of Chesterfield has received a petition to establish a Special Business District (SBD) which generally encompasses the proposed Downtown Chesterfield Development, with the notable exception of the Dillard's parcel. The creation of a Special Business District was included and described in the approved Redevelopment Plan for the Chesterfield Regional Tax Increment Financing District as well as the approved development agreement with TSG Downtown Chesterfield Redevelopment LLC. As you are also aware, the City previously established the Wildhorse Village Special Business District after receiving a petition and an affirmative vote of the District property owners within the proposed district. The Wildhorse Village Special Business District is the companion district within the southwest quadrant. Consistent with the purpose of the Wildhorse Village Special Business District, the intent of the Downtown Chesterfield Special Business District is to provide funding to meet the public obligations created by the new development.

The purpose of this survey and investigation report is to determine the nature of and suitable location for the SBD improvements, the approximate cost of acquiring and improving the land therefor, the area to be included in the SBD, the need for and cost of special services, and cooperative promotion activities, and the percentage of the cost of acquisition, special services, and improvements in the SBD which are to be assessed against the property within the SBD and that part of the cost, if any, to be paid by public funds.

As has been discussed publicly and with City Council over the last three years, the Downtown Chesterfield property owners are desirous of transferring the obligations for maintenance of "PUBLIC" improvements to the City of Chesterfield. Acceptance of those obligations would, of course, create both financial and resource deficits within the City. In submitting the petition to establish the Special Business

District, the landowners are, in effect, funding the operation, maintenance, and capital replacement of the improvements with self-generated SBD revenues. This structure also benefits the City, in that it funds the increased municipal obligations associated with the development and the subsequent residences and businesses which reside therein. Please note, that once created, the SBD is a perpetual special district which funds the provision of municipal services. Funds generated by the SBD are only those necessary to provide for the expenses within the district and cannot otherwise offset any existing municipal obligations or expenses.

The SBD may generally provide for certain services and public improvements listed in the Act. The SBD's revenues may be put to use for all qualified and allowable expenditures allowed under the Act including but not limited to:

- Maintenance, repair, and replacements of streets, street lighting, bike paths, and pedestrian pathways;
- Maintenance, repair, and replacement of landscaped center medians within City accepted streets, including irrigation (to the extent they are separable from systems serving other areas not to be maintained by the City);
- Security;
- Legal, insurance, administration, and financial oversight;
- Maintenance, repair, and replacement of the public parking garage;
- Maintenance, repair and replacement of the public park including programming for marketing and events; and
- All other qualified and allowable expenditures of any other special district located within the City, established in accordance with the Special District Act.

All of the foregoing qualified and allowable expenditures shall be spent exclusively within the boundaries of the SBD, provided, however, that legal, insurance, administration and financial oversight expenditures may be spent outside of the boundaries of the special business district as long as they directly relate to the geographical area of the SBD.

Also, the SBD may;

- A. Cooperate with other public agencies and with any industry or business located within the SBD in the implementation of any projects within the SBD.
- B. Enter into agreements with any other public agency, any person, firm, or corporation to effect any of the provisions contained in the Act.
- C. Contract and be contracted with, and to sue and be sued.
- D. Accept gifts, grants, loans, or contributions from the City, the United States of America, the State of Missouri, political subdivisions, foundations, other public or private agencies, individuals, partnerships or corporations.

- E. Employ such managerial, engineering, legal, technical, clerical, accounting, and other assistance as it may deem advisable. The SBD may also contract with independent contractors for any such instance.

It is not anticipated that any land acquisition is required in relation to the Special Business District. The intent of creating the SBD is to fund, to the greatest extent possible, the expenses related to the obligations described herein, where revenues are statutorily limited to \$.85/\$100 assessed valuation. Subject to voter approval and approval by the City of Chesterfield, the City of Chesterfield would administer and be responsible for delivery of these services.

Missouri statutes 71.790 through 71.808 address the creation and operation of Special Business Districts. Once a petition has been received by a municipality, the City may adopt a resolution of intent to establish the district, as requested. The City is then required to schedule a public hearing and notify all owners of record of real property and licensed businesses within the proposed district. The City is then required to conduct a survey and investigation, and file a report with the City Clerk for public inspection, prior to the hearing.

This communication is intended to fulfill the survey, investigation, and report requirements as outlined by State statute. I have compiled information from each department within the City of Chesterfield governmental function and summarized that information to meet the statutory requirements.

Once the public hearing is closed, City Council may adopt an ordinance establishing the SBD, establishing the initial rate of levy to be imposed and ordering an election of the qualified voters to approve the SBD property tax and establishing an election date. A simple majority of those voting is required for approval.

Geographic Description of the proposed Special Business District

The current land parcel of the proposed Special Business District consists of approximately 100 acres which is dominated by the 1976 planned development of Chesterfield Mall, including surrounding ancillary offices and/or restaurant sites.

A graphic legal description has been created and attached hereto for your reference and convenience.

A metes and bounds survey has also been provided, attached immediately following the graphic legal referenced previously,

Description of Planned Improvements

The proposed special business district includes ~100 acres of which is to be developed as a dense, mixed-use development, including:

- 2,538 residential units300 room hotel
- 3,136,886 sq. ft. of non-residential (retail or office)
 - Includes ~200,000 sq. ft. of distinctive retail
- Public Streets, landscaped islands, streetlighting, sidewalks, on-street parking, irrigation
- Public parking garage ~ 1,068 spaces
- On-Street parking ~ 424 spaces
- ~3 acre park

Development of Downtown Chesterfield is anticipated to include 2,538 residential units, a 300-room hotel, and more than 3 million square feet of commercial uses (office, retail, restaurant). As such, this analysis provides an assessment based on the planned densities at the time of analysis. A development of this size is typically constructed in phases, over an extended period of time. While demolition is scheduled to begin in October of 2024, core infrastructure construction is anticipated to begin in late 2025, and vertical development would likely occur over the subsequent ten-year period.

Existing Levels of Service

Missouri statute 71.798 clearly restricts any city creating a special district from using SBD revenues to decrease the existing level of publicly funded services. Accordingly, it is critically important to develop and document the current level of effort and public services required within the proposed Special Business District.

History of Chesterfield Mall

In 1974, Louis Sachs, a local real estate investor, sold the 60-acre area that would eventually become the 1.3 million square foot Chesterfield Mall (the "Mall") to Richard Jacobs of the Cleveland-based retail developer Richard E. Jacobs Group. The Mall was built and eventually opened in 1976 as the sister mall to Jamestown Mall, located in north St. Louis. The Mall had two original anchor stores: (1) Sears; and (2) Stix, Baer, and Fuller. In 1978, a four-screen cinema opened on an outparcel adjacent to the Mall. In 1981, a Famous-Barr store opened at the Mall. In 1984, Dillard's replaced Stix, Baer, and Fuller. In 1995, a new Famous-Barr store was built adjacent to that store's former space, which JCPenney would later take over. The Mall was renovated in 1996 with upgraded facades, interiors, and amenities. Dillard's remained in operation until 2016 when flood damages caused the temporary closure of the anchor. The temporary closure became permanent in 2017 due to dwindling Mall sales and changes in consumer behavior. Famous-Barr remained a tenant until 2006 when it was replaced by Macy's, which has remained in operation until this year. Other notable former tenants include Houlihan's (97'-14'), California Pizza Kitchen (97'-18'), and Ann Taylor Loft (06'-20').

Ownership

Between 1976 and 2018, the Mall was owned by several groups. The Richard E Jacobs Group sold the Mall to Westfield Group in 2002. In 2008, the Mall was acquired by CBL & Associates Properties. The Mall was placed in receivership in the third quarter of 2016, pending foreclosure. Management was transferred to Madison Marquette while a new owner was sought for the property. The foreclosure was finalized in June 2017, making C-III Capital Partners the temporary owner. In 2018, the Mall was acquired by Hull Property Group. In February 2020, The Staenberg Group closed on a deal to acquire the Mall, most of the Mall's anchor stores, and the Mall's outparcel properties for an undisclosed price. The Dillard's building remains the property of Dillard Department Stores, Inc.

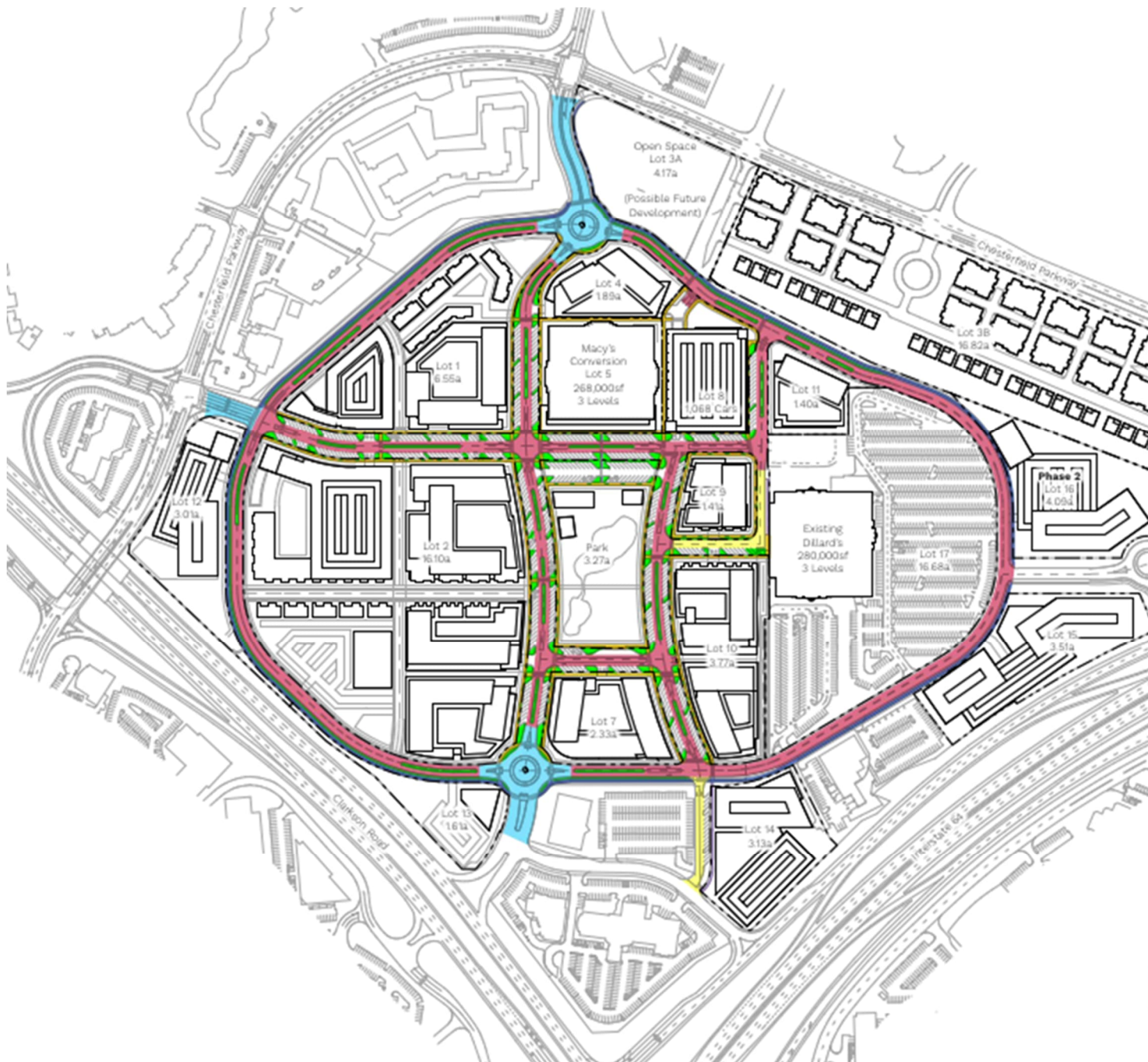
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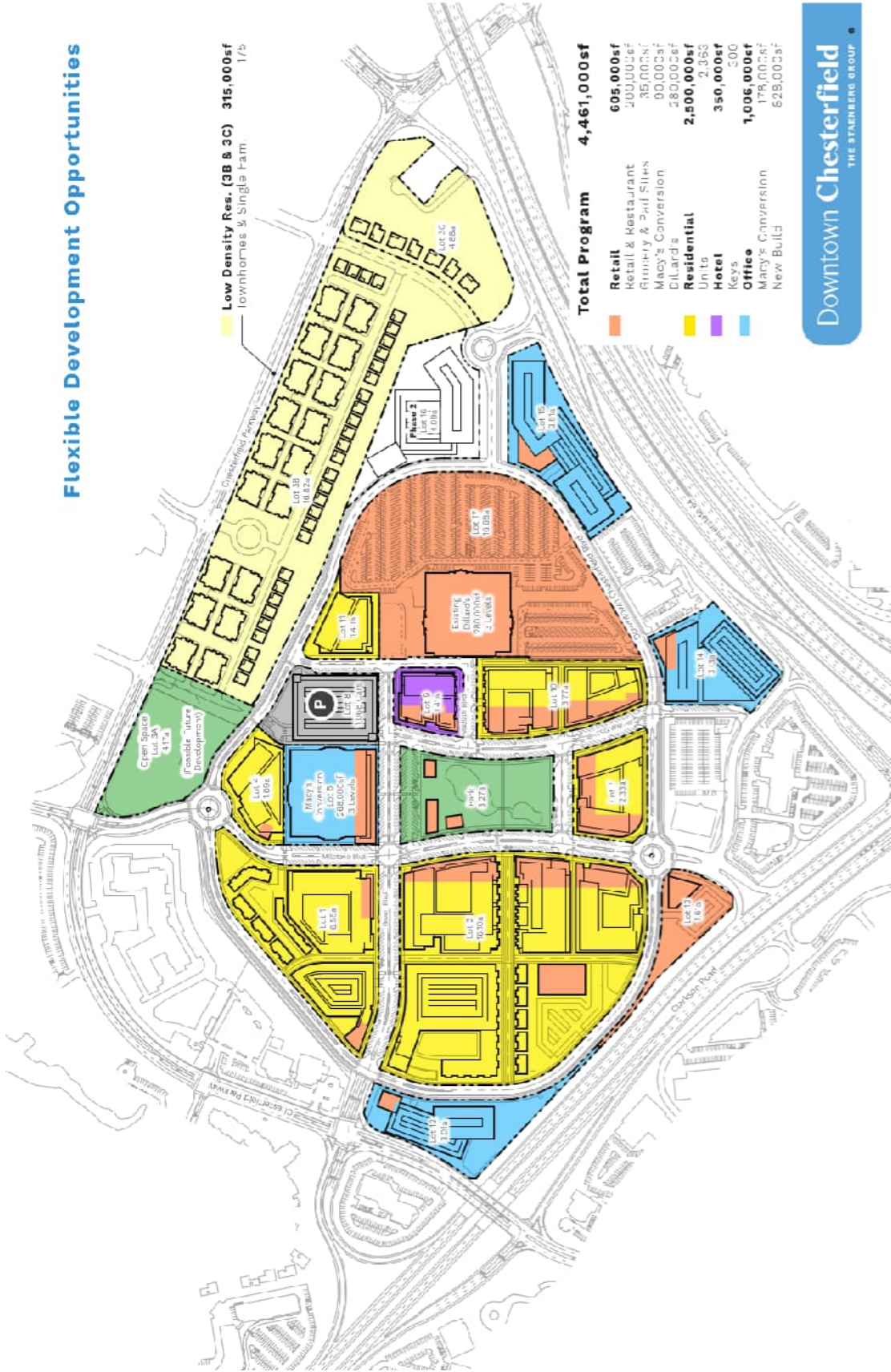
The Mall's decline can be traced back to 2000 when anchor tenants began to vacate their locations. The four-screen cinema went through an ownership change in the mid-90s which eventually led to the theater's closure on November 5, 2000. Approximately five years later, the Mall's JCPenney store closed, and the space was demolished, which made way for many smaller shops and restaurants, including Borders Books¹. The Cheesecake Factory, an American Girl store, a food court, and a 14- screen AMC Megaplex opened between 2007 and 2018. The AMC Megaplex takes up a third floor that was constructed in 2016. Border's Books closed in 2011 and was replaced with Books-A-Million and, later, V-Stock. In March 2018, American Girl shuttered its location within the Mall. On May 31, 2018, Sears announced it would be closing as part of a plan to close 72 stores nationwide, including the location at the nearby South County Center. The Sears store closed in September 2018, leaving Macy's as the last remaining anchor store.

The existing site consists of an obsolete, blighted, enclosed retail mall which originally opened in 1976. There are no existing residential housing, no public recreational facilities. Other than the perimeter patrols by law enforcement, or perhaps an occasional inquiry for code enforcement, there are no municipal services dedicated to this area. Budget analysis has been developed to reflect the additional level of service and the new resources required to provide the necessary capacity to provide a high level of municipal services and oversight

The demolition of Chesterfield Mall is imminent, currently scheduled for demolition to occur in October of 2024. There are a few restaurants and offices which continue to operate outside of the circumferential\perimeter roadway within the boundaries of the special business district. These properties are uniquely and solely served and benefited by the proposed circumferential\perimeter roadway. There are currently no public roadways, amenities, or community facilities located within the proposed Special Business District.

Concept plan for Special Business District







Description of obligations to be funded by the Downtown Chesterfield SBD

- Maintenance, repair, and replacements of streets, street lighting, bike paths, and pedestrian pathways;
- Maintenance, repair, and replacement of landscaped center medians within city accepted streets, including irrigation (to the extent they are separable from systems serving other areas not to be maintained by the City);
- Security;
- Legal, insurance, administration, and financial oversight; and
- All other qualified and allowable expenditures of any other special district located within the City, established in accordance with the Special District Act.
- And, to the extent that generated revenues are available, and as may be recommended by the SBD advisory board:
 - o Maintenance, repair, and replacement of the public parking garage;
 - o Maintenance, repair and replacement of the public park including programming for marketing and events;

In completing this survey and investigation, it is recognized that each public asset, those physical constructed on-site (e.g. roads, signs, lights, pedestrian ways, seating), and those which are required to provide service (e.g. vehicles and equipment), have an expected service life. As such, the estimates include approximations of the average annual uniform cost for replacement. These values are to be reflected as annual capital replacement expenses. They do not reflect an annual expense, but refer to the annual life cycle expense.

Special Business District Revenues

While the property owner has initiated this petition to establish the Special Business District, it is understood that the tax rate is to be established annually by the Chesterfield City Council, not to exceed the statutory maximum rate of \$.85 per \$100 of assessed valuation. It is explicitly stated that the SBD will have no obligation to fund maintenance, repair, or replacement of any facilities until such time as the infrastructure has been constructed, inspected, and approved by the appropriate agencies, and maintenance obligations will not be incurred until the City of Chesterfield accepts those improvements proposed to be dedicated and accepted by the City. As such, the District anticipates that SBD tax revenues will be implemented in a tax year preceding acceptance of the improvements to ensure that the SBD has accumulated funds in the year prior to incurring maintenance obligations. It is also understood that per Missouri's Hancock amendment, the tax rate may not be increased concurrent with an assessment year, which occurs in odd numbered years. As such, the Council will likely establishment of the initial tax rate in an even numbered year (non-assessment year), proceeding acceptance of any municipal obligations to ensure that funds are accrued prior to incurring any obligation.

When developing this analysis for revenue generation for the proposed business district based, we based our estimates on the petitioners approved concept plan. Throughout this analysis, we have utilized the Developer’s concept development plan to project the composition of development within the SBD.

- 2,538 residential units
 - 300 room hotel
 - 3,136,886 sq. ft. of non-residential (retail or office)

These values were then used to estimate the full built-out composition and an associated market rate, assessment rate, assessed value and finally property tax revenue which could be projected based in 2024 dollars. That revenue can then be compared to the fully built-out projected obligations of the district. Please note, that we’ve estimated the mix of residential and commercial of varying typologies. We have also conservatively applied the market value of \$225/sq. ft. for both office and retail. This intends to underestimate the potential revenue generation from new office development, which would typically be valued at significantly higher rates. However, since the mix of Commercial\retail is unknown, we applied the lesser, more conservative value to the cumulative total. Likewise, the residential mix is also uncertain, so for analysis purposes we weighted the mix heavily towards the lowest cost, rental market values. It should be understood that this composition is not intended to represent the proposed development mix, but to represent a conservative revenue generating mix for forecasting purposes.

Fully built Out Revenue Estimate

							0.85 per \$100 valuation
	Units	Count	Market Value	Rate	Assessed Value		
Residential							
single family	Count	27	\$1,000,000	0.19	\$5,130,000		\$43,605
condominium	Count	300	\$700,000	0.19	\$39,900,000		\$339,150
rentals	Count	2,211	\$275,000	0.19	\$115,524,750		\$981,960
Hotel	Rooms	300	\$70,000	0.32	\$6,720,000		\$57,120
Commercial							
office or retail	Sq. Ft.	3,136,886	\$225	0.32	\$225,855,792		\$1,919,774
TOTAL							\$3,341,610

Estimated future expenditures

For the purpose of this survey and investigation report, each municipal department was tasked with estimating the cost of providing services and maintaining the facilities as proposed by the SBD petition. It should be noted and understood that acceptance of these maintenance responsibilities is not expected to occur immediately and will likely occur in phases over the next decade. Full development is expected to occur over a 10 to 15 year period. The expense to provide the services requested has been estimated for full build-out, in 2024 dollar values (e.g. those estimates will be inflated due to the time interval between 2024 and when the obligation occurs). It is also understood that while the anticipated capacity is estimated for full buildout, the capacity will be developed over time, in phases, based on need and revenue generation. Obviously, that assumption ensures that expenses parallel and do not exceed the revenue generation of the SBD.

Downtown Chesterfield Special Business District expense forecast						
	Law Enforcement	Public Works	Parks, Rec & Arts	Planning	Info Tech	Fin Admin
PERSONNEL	\$1,015,664	\$135,000	\$175,000	\$94,000	\$0	\$94,000
CONTRACTUAL	\$25,000	\$675,000	\$3,600	\$2,851	\$25,000	\$23,500
COMMODITIES	\$30,000	\$0	\$75,000	\$2,851	\$15,000	\$23,500
CAPITAL	\$6,250	\$18,000	\$13,659	\$0	\$5,000	\$0
ANNUALIZED CAPITAL REPL.	\$131,250	\$375,000	\$15,000	\$0	\$0	\$0
TOTAL	\$1,208,164	\$1,203,000	\$282,259	\$99,703	\$45,000	\$141,000
Total forecasted SBD Expenses				\$2,979,126		

The costs described in each department's analysis is not intended to reflect a future annual budget request, but a current representation of those departmental expenditures that would be expected. The individual breakdown of expenditures between personnel, contractual, commodities, and capital will certainly vary. In addition, amounts for Capital replacement represent future annualized costs, but are not intended to represent an expense in a specific year. Finally, it should be clear that SBD budgets must be reconciled with annual revenues and fund balances. It should also be understood that the mode of providing these services has not been finalized. It may well be the case that public works determines that street maintenance within the SBD should be conducted by contractual methods as contrasted to doing so with in-house forces. Similar management decisions would be considered in each area. Those decisions would be made prior to the initiation of any municipal obligations.

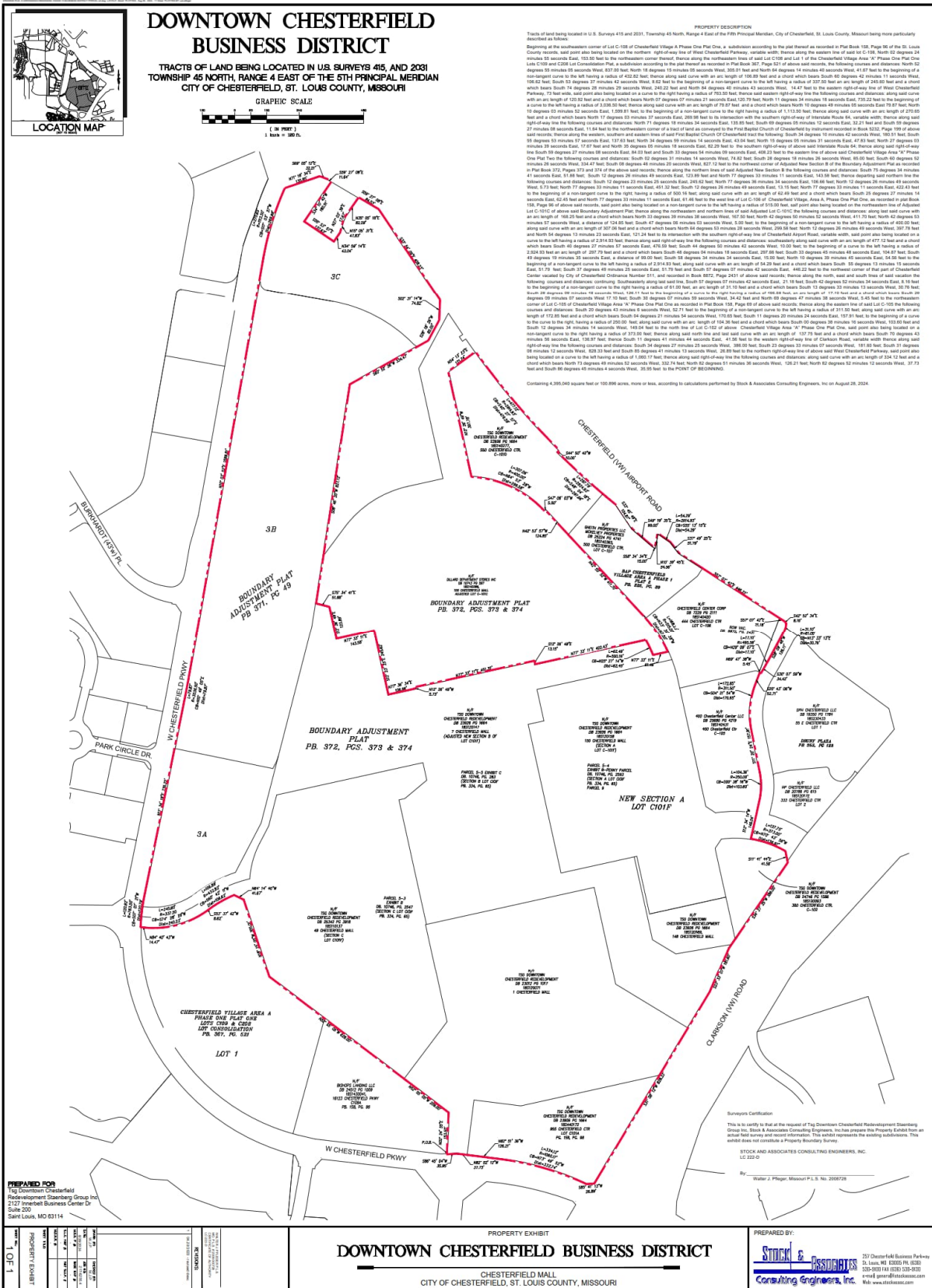
The departmental estimates also reflect that the expenditures are not expanded linearly, that a portion of the overall expenditures are fixed over-head and embedded expenditures that would not increase proportionally with the addition of the SBD.

Finally, it should also be noted that there are other revenues, albeit limited, that will be derived from the development. There will certainly be a nominal increase in utility taxes, although it should be recognized that initially, 50% of any increase is to be directed towards the Chesterfield Regional TIF. The City of Chesterfield receives no property taxes, so there are no associated increases in municipal property taxes from the development. Finally, much like the utility taxes, the development will generate additional sales taxes, although the total proportion of retail space within the southwest quadrant is not expected to increase significantly. Regardless, the development will generate additional sales taxes. However, it should be acknowledged that the City will not receive the additional proportion of the County-wide sales tax until after the 2030 census. With regard to the local 1% sales tax, 50% of any increase will be diverted to the Chesterfield Regional TIF during its existence.

Conclusion:

Based upon our rigorous analysis, it is clear that the SBD is expected to adequately fund the services requested in the landowner's petition after full build-out. Clearly the SBD allows the City to provide the necessary services to the landowners, residents, and businesses withing the development footprint, but it is also beneficial to the existing businesses and residents of Chesterfield in that their service levels are not detrimentally impacted by the increased demands.

Downtown Chesterfield – Special Business District
Survey and Investigation Report
September 19, 2024
Page 13



PROPERTY DESCRIPTION

Tracts of land being located in U.S. Surveys 415 and 2031, Township 45 North, Range 4 East of the Fifth Principal Meridian, City of Chesterfield, St. Louis County, Missouri being more particularly described as follows:

Beginning at the southeastern corner of Lot C-108 of Chesterfield Village A Phase One Plat One, a subdivision according to the plat thereof as recorded in Plat Book 158, Page 96 of the St. Louis County records, said point also being located on the northern right-of-way line of West Chesterfield Parkway, variable width; thence along the eastern line of said lot C-108, North 02 degrees 24 minutes 55 seconds East, 153.50 feet to the northeastern corner thereof, thence along the northeastern lines of said Lot C108 and Lot 1 of the Chesterfield Village Area "A" Phase One Plat One Lots C109 and C208 Lot Consolidation Plat, a subdivision according to the plat thereof as recorded in Plat Book 367, Page 521 of above said records, the following courses and distances: North 52 degrees 55 minutes 05 seconds West, 837.00 feet; North 18 degrees 15 minutes 05 seconds West, 305.01 feet and North 64 degrees 14 minutes 40 seconds West, 41.67 feet to the beginning of a non-tangent curve to the left having a radius of 432.82 feet; thence along said curve with an arc length of 106.89 feet and a chord which bears South 60 degrees 42 minutes 11 seconds West, 106.62 feet; South 53 degrees 37 minutes 42 seconds West, 8.62 feet to the beginning of a non-tangent curve to the left having a radius of 337.50 feet an arc length of 245.60 feet and a chord which bears South 74 degrees 28 minutes 29 seconds West, 240.22 feet and North 84 degrees 40 minutes 43 seconds West, 14.47 feet to the eastern right-of-way line of West Chesterfield Parkway, 73 feet wide, said point also being located on a curve to the right having a radius of 763.50 feet; thence said eastern right-of-way line the following courses and distances: along said curve with an arc length of 120.92 feet and a chord which bears North 07 degrees 07 minutes 21 seconds East, 120.79 feet; North 11 degrees 34 minutes 18 seconds East, 735.22 feet to the beginning of a curve to the left having a radius of 3,036.50 feet; thence along said curve with an arc length of 79.87 feet and a chord which bears North 10 degrees 49 minutes 05 seconds East 79.87 feet; North 10 degrees 03 minutes 52 seconds East, 1,599.81 feet; to the beginning of a non-tangent curve to the right having a radius of 1,113.50 feet; thence along said curve with an arc length of 270.65 feet and a chord which bears North 17 degrees 03 minutes 37 seconds East, 269.98 feet to its intersection with the southern right-of-way of Interstate Route 64, variable width; thence along said right-of-way line the following courses and distances: North 71 degrees 18 minutes 34 seconds East, 135.85 feet; South 69 degrees 05 minutes 12 seconds East, 32.21 feet and South 59 degrees 27 minutes 08 seconds East, 11.64 feet to the northwestern corner of a tract of land as conveyed to the First Baptist Church of Chesterfield by instrument recorded in Book 5232, Page 199 of above said records; thence along the western, southern and eastern lines of said First Baptist Church Of Chesterfield tract the following: South 34 degrees 10 minutes 42 seconds West, 180.51 feet; South 55 degrees 53 minutes 57 seconds East, 137.63 feet; North 34 degrees 59 minutes 14 seconds East, 43.04 feet; North 15 degrees 05 minutes 31 seconds East, 47.83 feet; North 27 degrees 03 minutes 39 seconds East, 17.67 feet and North 35 degrees 05 minutes 18 seconds East, 82.29 feet to the southern right-of-way of above said Interstate Route 64; thence along said right-of-way line South 59 degrees 27 minutes 08 seconds East, 84.03 feet and South 33 degrees 54 minutes 09 seconds East, 408.23 feet to the eastern line of above said Chesterfield Village Area "A" Phase One Plat Two the following courses and distances: South 02 degrees 31 minutes 14 seconds West, 74.82 feet; South 28 degrees 18 minutes 26 seconds West, 85.00 feet; South 60 degrees 52 minutes 26 seconds West, 334.47 feet; South 08 degrees 46 minutes 20 seconds West, 827.12 feet to the

northwest corner of Adjusted New Section B of the Boundary Adjustment Plat as recorded in Plat Book 372, Pages 373 and 374 of the above said records; thence along the northern lines of said Adjusted New Section B the following courses and distances: South 75 degrees 34 minutes 41 seconds East, 51.88 feet; South 12 degrees 26 minutes 49 seconds East, 123.89 feet and North 77 degrees 33 minutes 11 seconds East, 143.58 feet; thence departing said northern line the following courses and distances: South 12 degrees 23 minutes 25 seconds East, 245.62 feet; North 77 degrees 36 minutes 34 seconds East, 106.66 feet; North 12 degrees 26 minutes 49 seconds West, 5.73 feet; North 77 degrees 33 minutes 11 seconds East, 451.32 feet; South 12 degrees 26 minutes 49 seconds East, 13.15 feet; North 77 degrees 33 minutes 11 seconds East, 422.43 feet to the beginning of a non-tangent curve to the right; having a radius of 500.16 feet; along said curve with an arc length of 62.49 feet and a chord which bears South 25 degrees 27 minutes 14 seconds East, 62.45 feet and North 77 degrees 33 minutes 11 seconds East, 61.46 feet to the west line of Lot C-106 of Chesterfield Village, Area A, Phase One Plat One, as recorded in plat Book 158, Page 96 of above said records, said point also being located on a non-tangent curve to the left having a radius of 515.00 feet, said point also being located on the northeastern line of Adjusted Lot C-101C of above said Boundary Adjustment Plat; thence along the northeastern and northern lines of said Adjusted Lot C-101C the following courses and distances: along last said curve with an arc length of 168.25 feet and a chord which bears North 33 degrees 39 minutes 38 seconds West, 167.50 feet; North 42 degrees 50 minutes 52 seconds West, 411.70 feet; North 42 degrees 53 minutes 57 seconds West, a distance of 124.85 feet; South 47 degrees 06 minutes 03 seconds West, 5.00 feet; to the beginning of a non-tangent curve to the left having a radius of 400.00 feet; along said curve with an arc length of 307.06 feet and a chord which bears North 64 degrees 53 minutes 28 seconds West, 299.58 feet; North 12 degrees 26 minutes 49 seconds West, 397.78 feet and North 54 degrees 13 minutes 23 seconds East, 121.24 feet to its intersection with the southern right-of-way line of Chesterfield Airport Road, variable width, said point also being located on a curve to the left having a radius of 2,914.93 feet; thence along said right-of-way line the following courses and distances: southeasterly along said curve with an arc length of 477.12 feet and a chord which bears South 40 degrees 27 minutes 57 seconds East, 476.59 feet; South 44 degrees 50 minutes 42 seconds West, 10.00 feet; to the beginning of a curve to the left having a radius of 2,924.93 feet an arc length of 297.79 feet and a chord which bears South 48 degrees 04 minutes 18 seconds East, 297.66 feet; South 33 degrees 45 minutes 48 seconds East, 104.87 feet; South 49 degrees 19 minutes 35 seconds East, a distance of 99.00 feet; South 58 degrees 34 minutes 34 seconds East, 15.00 feet; North 10 degrees 39 minutes 45 seconds East, 54.56 feet to the beginning of a non-tangent curve to the left having a radius of 2,914.93 feet; along said curve with an arc length of 54.29 feet and a chord which bears South 55 degrees 13 minutes 15 seconds East, 51.79 feet; South 37 degrees 49 minutes 25 seconds East, 51.79 feet and South 57 degrees 07 minutes 42 seconds East, 446.22 feet to the northwest corner of that part of Chesterfield Center vacated by City of Chesterfield Ordinance Number 511, and recorded in Book 8872, Page 2431 of above said records; thence along the north, east and south lines of said vacation the following courses and distances: continuing Southeasterly along last said line, South 57 degrees 07 minutes 42 seconds East, 21.18 feet; South 42 degrees 52 minutes 34 seconds East, 8.16 feet to the beginning of a non-tangent curve to the right having a radius of 61.00 feet, an arc length of 31.10 feet and a chord which bears South 13 degrees 33 minutes 13 seconds West, 30.76 feet; South 28 degrees 09 minutes 48 seconds West, 126.11 feet to the beginning of a curve to the right having a radius of 495.58 feet, an arc length of 17.10 feet and a chord which bears South 29 degrees 09 minutes 07 seconds West 17.10 feet; South 30 degrees 07 minutes 59 seconds West, 34.42 feet and North 69 degrees 47 minutes 38 seconds

West, 5.45 feet to the northeastern corner of Lot C-105 of Chesterfield Village Area "A" Phase One Plat One as recorded in Plat Book 158, Page 69 of above said records; thence along the eastern line of said Lot C-105 the following courses and distances: South 20 degrees 43 minutes 6 seconds West, 52.71 feet to the beginning of a non-tangent curve to the left having a radius of 311.50 feet; along said curve with an arc length of 172.85 feet and a chord which bears South 04 degrees 21 minutes 54 seconds West, 170.65 feet; South 11 degrees 20 minutes 24 seconds East, 157.91 feet; to the beginning of a curve to the curve to the right, having a radius of 250.00 feet; along said curve with an arc length of 104.36 feet and a chord which bears South 00 degrees 38 minutes 16 seconds West, 103.60 feet and South 12 degrees 34 minutes 14 seconds West, 149.04 feet to the north line of Lot C-102 of above Chesterfield Village Area "A" Phase One Plat One, said point also being located on a non-tangent curve to the right having a radius of 373.00 feet; thence along said north line and last said curve with an arc length of 137.75 feet and a chord which bears South 70 degrees 43 minutes 56 seconds East, 136.97 feet; thence South 11 degrees 41 minutes 44 seconds East, 41.56 feet to the western right-of-way line of Clarkson Road, variable width thence along said right-of-way line the following courses and distances: South 34 degrees 27 minutes 25 seconds West, 386.00 feet; South 23 degrees 33 minutes 07 seconds West, 181.60 feet; South 31 degrees 08 minutes 12 seconds West, 828.33 feet and South 85 degrees 41 minutes 13 seconds West, 26.89 feet to the northern right-of-way line of above said West Chesterfield Parkway, said point also being located on a curve to the left having a radius of 1,060.17 feet; thence along said right-of-way line the following courses and distances: along said curve with an arc length of 334.12 feet and a chord which bears North 73 degrees 49 minutes 52 seconds West, 332.74 feet; North 82 degrees 51 minutes 36 seconds West, 126.21 feet; North 82 degrees 52 minutes 12 seconds West, 37.73 feet and South 86 degrees 45 minutes 4 seconds West, 35.95 feet to the POINT OF BEGINNING.

Containing 4,395,040 square feet or 100.896 acres, more or less, according to calculations performed by Stock & Associates Consulting Engineers, Inc on August 29, 2024.

Map of SBD Boundaries

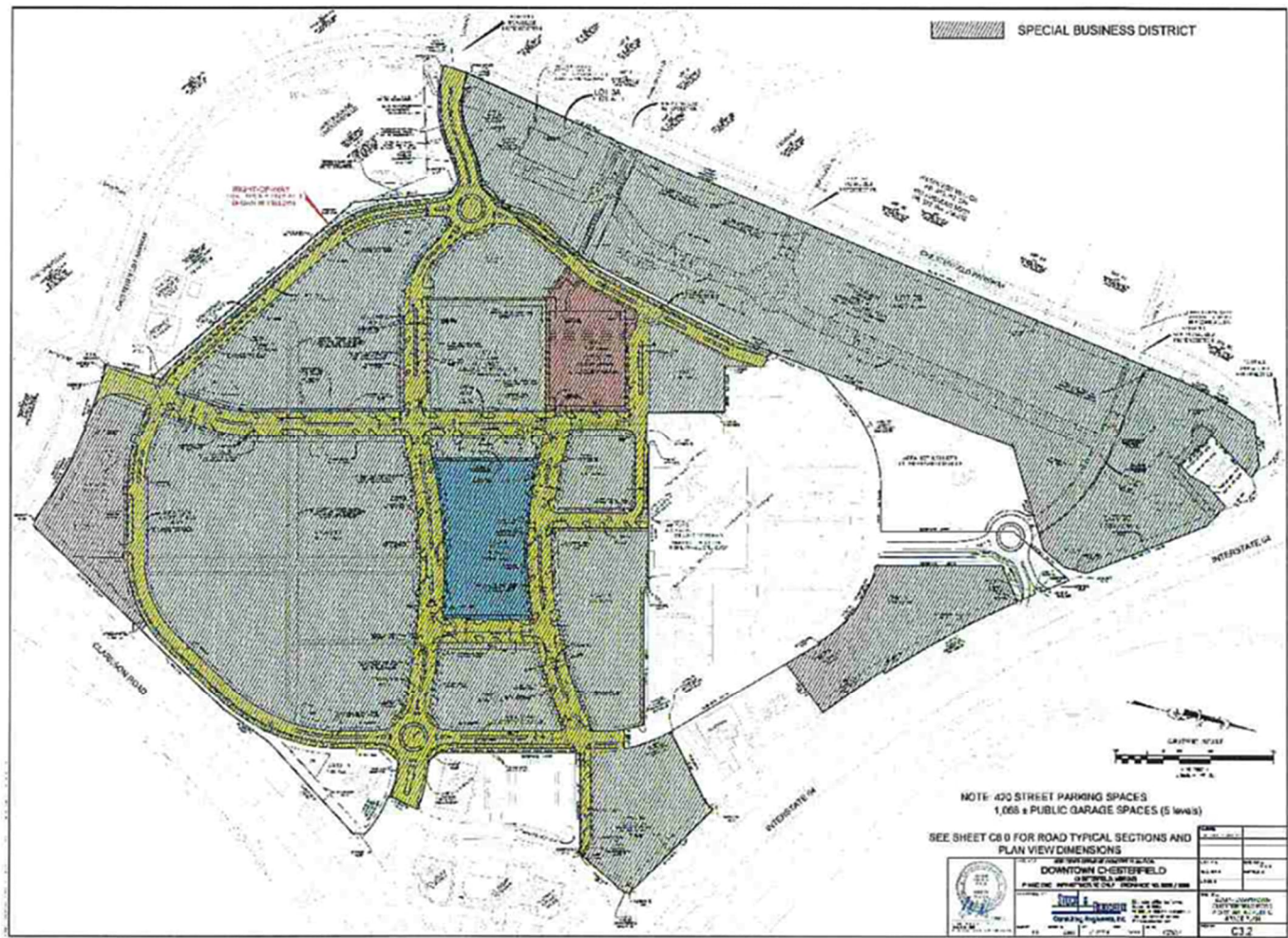


EXHIBIT 3

District's Legal Description

(Attached hereto.)

PROPERTY DESCRIPTION

Tracts of land being located in U.S. Surveys 415 and 2031, Township 45 North, Range 4 East of the Fifth Principal Meridian, City of Chesterfield, St. Louis County, Missouri being more particularly described as follows:

Beginning at the southeastern corner of Lot C-108 of Chesterfield Village A Phase One Plat One, a subdivision according to the plat thereof as recorded in Plat Book 158, Page 96 of the St. Louis County records, said point also being located on the northern right-of-way line of West Chesterfield Parkway, variable width; thence along the eastern line of said lot C-108, North 02 degrees 24 minutes 55 seconds East, 153.50 feet to the northeastern corner thereof, thence along the northeastern lines of said Lot C108 and Lot 1 of the Chesterfield Village Area "A" Phase One Plat One Lots C109 and C208 Lot Consolidation Plat, a subdivision according to the plat thereof as recorded in Plat Book 367, Page 521 of above said records, the following courses and distances: North 52 degrees 55 minutes 05 seconds West, 837.00 feet; North 18 degrees 15 minutes 05 seconds West, 305.01 feet and North 64 degrees 14 minutes 40 seconds West, 41.67 feet to the beginning of a non-tangent curve to the left having a radius of 432.82 feet; thence along said curve with an arc length of 106.89 feet and a chord which bears South 60 degrees 42 minutes 11 seconds West, 106.62 feet; South 53 degrees 37 minutes 42 seconds West, 8.62 feet to the beginning of a non-tangent curve to the left having a radius of 337.50 feet an arc length of 245.60 feet and a chord which bears South 74 degrees 28 minutes 29 seconds West, 240.22 feet and North 84 degrees 40 minutes 43 seconds West, 14.47 feet to the eastern right-of-way line of West Chesterfield Parkway, 73 feet wide, said point also being located on a curve to the right having a radius of 763.50 feet; thence said eastern right-of-way line the following courses and distances: along said curve with an arc length of 120.92 feet and a chord which bears North 07 degrees 07 minutes 21 seconds East, 120.79 feet; North 11 degrees 34 minutes 18 seconds East, 735.22 feet to the beginning of a curve to the left having a radius of 3,036.50 feet; thence along said curve with an arc length of 79.87 feet and a chord which bears North 10 degrees 49 minutes 05 seconds East 79.87 feet; North 10 degrees 03 minutes 52 seconds East, 1,599.81 feet; to the beginning of a non-tangent curve to the right having a radius of 1,113.50 feet; thence along said curve with an arc length of 270.65 feet and a chord which bears North 17 degrees 03 minutes 37 seconds East, 269.98 feet to its intersection with the southern right-of-way of Interstate Route 64, variable width; thence along said right-of-way line the following courses and distances: North 71 degrees 18 minutes 34 seconds East, 135.85 feet; South 69 degrees 05 minutes 12 seconds East, 32.21 feet and South 59 degrees 27 minutes 08 seconds East, 11.64 feet to the northwestern corner of a tract of land as conveyed to the First Baptist Church of Chesterfield by instrument recorded in Book 5232, Page 199 of above said records; thence along the western, southern and eastern lines of said First Baptist Church Of Chesterfield tract the following: South 34 degrees 10 minutes 42 seconds West, 180.51 feet; South 55 degrees 53 minutes 57 seconds East, 137.63 feet; North 34 degrees 59 minutes 14 seconds East, 43.04 feet; North 15 degrees 05 minutes 31 seconds East, 47.83 feet; North 27 degrees 03 minutes 39 seconds East, 17.67 feet and North 35 degrees 05 minutes 18 seconds East, 82.29 feet to the southern right-of-way of above said Interstate Route 64; thence along said right-of-way line South 59 degrees 27 minutes 08 seconds East, 84.03 feet and South 33 degrees 54 minutes 09 seconds East, 408.23 feet to the eastern line of above said Chesterfield Village Area "A" Phase One Plat Two the following courses and distances: South 02 degrees 31 minutes 14 seconds West, 74.82 feet; South 28 degrees 18 minutes 26 seconds West, 85.00 feet; South 60 degrees 52 minutes 26 seconds West, 334.47 feet; South 08 degrees 46 minutes 20 seconds West, 827.12 feet to the

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Containing 4,395,040 square feet or 100.896 acres, more or less, according to calculations performed by Stock & Associates Consulting Engineers, Inc on August 29, 2024.

EXHIBIT 4

Ballot Question

(Attached hereto.)

The ballot question will be in substantially the following form:

Shall the special business district of the Downtown Chesterfield Special Business District ("**SBD**") be authorized to impose a tax on owners of real property in a sum not to exceed \$0.85 per \$100 assessed valuation on real property, tracts, lots, or parcels of real property for the purpose of providing revenue to the SBD. For the calendar years ending December 31, 2025, 2026, 2027, 2028, and 2029, the tax will be calculated based on the assessed valuation of the land to be exclusive of improvements thereon. Starting with the calendar year ending December 31, 2030, the tax will be calculated based on the assessed valuation of the land and improvements. The amount levied annually will be set by the City Council of the City of Chesterfield, Missouri each calendar year by resolution of the City Council of the City of Chesterfield, Missouri. If approved, this tax shall be considered a newly voter-approved incremental increase in the SBD's levy rate within the meaning of Section 99.845.1(2)(a) of the Revised Statutes of Missouri, as amended.

**AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI
ESTABLISHING THE DOWNTOWN CHESTERFIELD SPECIAL
BUSINESS DISTRICT; MAKING CERTAIN FINDINGS IN
CONNECTION THEREWITH; AUTHORIZING CERTAIN ACTIONS
BY CITY OFFICIALS AND OFFICERS; AND CONTAINING A
SEVERABILITY CLAUSE.**

WHEREAS, the City of Chesterfield, Missouri (the “City”), is a political subdivision duly organized and existing under the Constitution and laws of the State of Missouri, and

WHEREAS, upon petition by one or more owners of real property on which is paid the ad valorem real property taxes within a proposed special business district, the governing body of the City may adopt a resolution of intention to establish a special business district pursuant to the Special Business Districts Act, Sections 71.790 to 71.808 of the Revised Statutes of Missouri, as amended (the “SBD Act”), and

WHEREAS, the City received a Petition to Establish the Downtown Chesterfield Special Business District (the “Petition”), filed by an owner of real property subject to real property taxes within the proposed boundaries of the Downtown Chesterfield Special Business District (the “District”), which Petition is attached hereto and incorporated herein by reference as Exhibit 1, and

WHEREAS, pursuant to Section 71.794.(1) of the SBD Act, on September 3, 2024, the City’s City Council (the “Council”) adopted Resolution No. 501, as the resolution of intention to establish the District, in accordance with the SBD Act (the “Original Intent Resolution”); then, on September 17, 2024 the Council adopted an amended Resolution No. 501, which amended the Original Intent Resolution by changing the date and time of the public hearing resolved in the Original Intent Resolution, and

WHEREAS, pursuant to Section 71.794 of the SBD Act, the Council held a public hearing to consider the establishment of the District on Monday, October 7, 2024 at 6:45 p.m. at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017 (the “Public Hearing”), and

WHEREAS, pursuant to Section 71.794 of the SBD Act, the Council caused notice of the Public Hearing to be published on two separate occasions in a newspaper of general circulation not more than fifteen days nor less than ten days before the Public Hearing, and

WHEREAS, pursuant to the SBD Act, the Council caused to be mailed a notice by United States certified mail, return-receipt requested of the Public Hearing to all owners of record of real property and licensed businesses located in the proposed District, and

WHEREAS, at the Public Hearing the Council heard all protests and received all evidence for or against the proposed action, all in accordance with the SBD Act, and

WHEREAS, pursuant to Section 71.792 of the SBD Act, the Council conducted a survey and investigation for the purposes of determining the nature of and suitable location for the District improvements, the approximate cost of acquiring and improving the land therefor, the area to be included in the District, the need for and cost of special services, and cooperative promotion activities, and the percentage of the cost of acquisition, special services, and improvements in the District which are to be assessed against the property within the District and that part of the cost, if any, to be paid by public funds, and

WHEREAS, a written report of the survey and investigation was filed in the Office of the City Clerk of the City of Chesterfield, Missouri, and was made available for public inspection (the "Report"), which Report is attached hereto and incorporated herein by reference as Exhibit 2, and

WHEREAS, the cost of the Report is included as a part of the cost of establishing the District, in accordance with the SBD Act, and

WHEREAS, the Council seeks to establish the District in accordance with the SBD Act.

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

Section 1. Upon review of the Report and the Petition the Council finds that the establishment of the District is in the best interest of the City and that the property owners, businesses, and tenants in said District and the public in general will benefit from the establishment of said District and the increased level of services and improvements provided by the proposed additional tax revenues from said District. Therefore, pursuant to the SBD Act, the Downtown Chesterfield Special Business District is hereby established, and will continue to exist and function until dissolved by an ordinance of the Council. The District shall include the real property depicted in the Petition, and as legally described on Exhibit 3, attached hereto and incorporated herein by reference.

Section 2. Pursuant to Section 71.800.5 of the SBD Act, the Council hereby orders an election on the approval of a tax on owners of real property in the District in a sum not to exceed \$0.85 per \$100 assessed valuation on real property, tracts, lots, or parcels of real property in the District for the purpose of providing revenue to the District (the “Proposition”). Ballots on the Proposition shall be mailed by or on behalf of the City Clerk by March 4, 2025, with the election on the Proposition to occur on April 15, 2025. The procedures for the application of a ballot on the Proposition and the related election shall be governed by the SBD Act.

Section 3. Subject to the approval of the Proposition in accordance with the SBD Act and this Ordinance, the property in the District shall be subject to the provisions of the additional tax described in Section 2 of this Ordinance, which additional tax will have an initial rate of levy to be imposed upon the property lying within the boundaries of the District of \$0.85 per \$100 assessed valuation on real property, tracts, lots, or parcels of real property in the District. Subject to the approval of the Proposition in accordance with the SBD Act and this Ordinance, the additional revenue generated by the additional tax will be put to the uses described in the Petition and in accordance with the SBD Act.

Section 4. The Downtown Chesterfield Special Business District Advisory Board (the “Board”) is hereby created by this Ordinance, and as set forth below.

- (a) The Mayor of the City, with the consent of the Council, will appoint the seven-member Board, which Board will make recommendations as to the uses of the District to the Council. Appointments to the Board will be made via a resolution of the Council, except for the initial appointments to the Board, which are set forth in this Ordinance.
- (b) Members of the Board must be at least 18 years of age.
- (c) Two of the seven members of the Board will be designees of TSG Downtown Chesterfield Redevelopment, LLC, a Missouri limited liability company, or its permitted successors or assigns in interest, as agreed to by the City. Five of the seven members of the Board will be designees of the City.
- (d) Each member of the Board will serve for a four-year term (except as provided herein with respect to the initial members), with terms expiring as of December 31st of the designated year or when their successors are appointed as provided herein, whichever is later. The initial members will be appointed for the terms set forth as follows:
 - (a) one member will be appointed for a term expiring

December 31, 2025; (b) two members will be appointed for a term expiring December 31, 2026; (c) two members will be appointed for a term expiring December 31, 2027; and (d) two members will be appointed for a term expiring December 31, 2028.

- (e) The Mayor, with consent of the Council, may remove any member of the Board for misconduct or neglect of duty upon written charges and after a public hearing.
- (f) Vacancies on the Board occasioned by removal, resignation, expiration of term, or otherwise will be reported in writing to the City Administrator of the City by the Board. The vacancy will be filled in like manner as an original appointment, except that it will be done via a resolution of the Council. Appointments to fill vacancies will be for the unexpired portion of a term only.
- (g) The Council hereby authorizes and approves the Board to exercise those powers and fulfill such duties as are required or authorized for such Board under the SBD Act. The City shall exercise all administrative functions of the Board.
- (h) The Board shall, within thirty days of notice that the Proposition passed at an election held in accordance with the SBD Act, fix a time and place for its annual meeting. At each annual meeting, the Board shall adopt and then file with the Council a proposed annual budget for the District, which shall set forth the projected revenues and expenditures for the ensuing year; provided, however, that such proposal annual budget for the District is only a recommendation to the Council, and is not the final budget of the District unless approved by the Council.

Section 5. The Mayor hereby appoints and the Council hereby consents to the appointment of the below-listed individuals to the District's initial Board.

<u>Name</u>	<u>Initial Term Expiration Date</u>
City's Chief of Police, currently, Cheryl Funkhouser	December 31, 2025
City's Finance Director, currently, Jeannette Kelly	December 31, 2026
City's Director of Planning, currently, Justin Wyse	December 31, 2026
City's Director of Public Works, currently, James Eckrich	December 31, 2027
City's Director of Parks, currently, Mike Geisel	December 31, 2027

Michael H. Staenberg

December 31, 2028

Timothy S. Lowe

December 31, 2028

Section 6. Pursuant to the SBD Act, the Council shall have all the powers necessary to carry out any and all improvements relating to the District described in this Ordinance and the Petition, and as further described in Section 71.796 of the SBD Act.

Section 7. Pursuant to Section 71.808 of the SBD Act, the findings of the Council of the benefits to be derived by the District, as set out in this Ordinance and the Petition, shall be conclusive.

Section 8. The WHEREAS clauses of this Ordinance are hereby incorporated herein by reference.

Section 9. The Mayor of the City or his designated representatives are hereby authorized to take any and all actions as may be necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the Council being necessary to authorize such action by the Mayor or his designated representatives.

Section 10. It is hereby declared to be the intention of the Council that each and every part, section, and subsection of this Ordinance shall be separate and severable from each and every other part, section, and subsection hereof and that the Council intends to adopt each said part, section, and subsection separately and independently of any other part, section, and subsection. In the event that any part, section, or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections, and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 11. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 202__.

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

FIRST READING HELD: 10/7/2024

Vickie McGownd, CITY CLERK

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