

**Revised Tuesday, February 14, 2023*

AGENDA
Special Session of the City Council
Of the City of Saint Charles, Missouri
City Hall, Council Chambers
200 North Second Street, Saint Charles, Missouri

Tuesday, February 14, 2023
Immediately Following the Closed Session Scheduled at 5:30 p.m.

All persons who desire to provide public comment must complete a Speaker's Card in its entirety and present it to the City Clerk prior to the 5:00 p.m. start of the Special Session of the City Council to be eligible to speak.

TO: COUNCILMEMBERS:

Christopher Kyle, Ward 1
Tom Besselman, Ward 2
Vince Ratchford, Ward 3
Mary West, Ward 4
Denise Mitchell, Ward 5

Justin Foust, Ward 6
Michael Flandermeyer, Ward 7
Michael Galba, Ward 8
Bart Haberstroh, Ward 9
Bridget Ohmes, Ward 10

You are hereby notified that a Special Session of the City Council of the City of Saint Charles, Missouri has been called by Mayor Daniel J. Borgmeyer to be held on Tuesday, February 14, 2023, immediately following the Closed Session scheduled at 5:30 p.m., City Hall, Council Chambers, 200 North Second Street, Saint Charles, Missouri.

The Special Session is called for the following reasons:

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

3. CITIZEN COMMENTS - 3 Minute Limit Per Person

The Citizen Comments portion of the meeting is an opportunity for the City Council to listen to comments from citizens. It is not a question and answer session and the Mayor and City Council will not respond to comments or answer questions during this period. The Mayor or the City Council may refer any matter brought up to the Director of Administration or City Clerk if action is needed.

*4. BILLS FOR INTRODUCTION

BILL 13625

~~AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ST. CHARLES, MISSOURI ("CITY") AND ST. CHARLES COUNTY, MISSOURI ("COUNTY") FOR THE TERMINATION OF THE COUNTY'S LEASEHOLD INTEREST IN BANGERT ISLAND IN RETURN FOR CONSIDERATION TO BE PAID FROM THE CITY TO THE COUNTY IN AN AMOUNT NOT TO EXCEED \$236,000.00 REPRESENTING MONIES THE~~

~~COUNTY EXPENDED IN MAINTENANCE COSTS FOR THE PERIOD OF ITS
LEASEHOLD INTEREST IN BANGERT ISLAND (SPONSOR: VINCE
RATCHFORD)~~

*EMERGENCY ORDINANCES

BILL 13625

AN EMERGENCY ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ST. CHARLES, MISSOURI ("CITY") AND ST. CHARLES COUNTY, MISSOURI ("COUNTY") FOR THE TERMINATION OF THE COUNTY'S LEASEHOLD INTEREST IN BANGERT ISLAND IN RETURN FOR CONSIDERATION TO BE PAID FROM THE CITY TO THE COUNTY IN AN AMOUNT NOT TO EXCEED \$236,000.00 REPRESENTING MONIES THE COUNTY EXPENDED IN MAINTENANCE COSTS FOR THE PERIOD OF ITS LEASEHOLD INTEREST IN BANGERT ISLAND (SPONSOR: VINCE RATCHFORD)

5. ADJOURNMENT


Daniel J. Borgmeyer, Mayor

Dated: 2-14-23

The City of St. Charles offers all interested citizens the opportunity to attend public meetings and comment on public matters. If you wish to attend this public meeting and require an accommodation due to a disability, please contact the Office of the City Clerk to coordinate an accommodation at least two (2) business days in advance of the scheduled meeting at 636-949-3282 or 636-949-3289 (TTY – for the hearing impaired).

The City of St. Charles, Missouri, fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Complaint Form, please call the City Clerk's Office at (636)949-3282 or visit City Hall located at 200 North Second Street, St. Charles, Missouri, 63301.

**Posted: Tuesday, February 14, 2023 – 4:00 p.m.*

RCA FORM (OFFICE USE ONLY)

Bill # 13625

MEETING/DATE: 2/14/2023

Regular Special Work Session

ATTACHMENT: YES NO

Report Resolution Ordinance

Request for Council Action

Ward(s): 3

Sponsor(s): Vince Ratchford

Description:

An Emergency Ordinance approving an intergovernmental agreement to purchase the lease rights of Bangert Island Park from St. Charles County for an amount not to exceed \$236,000.00.

Contract Extension/Renewal: Yes No

Information Paper Attached: Yes No

Staff Recommendation: Approve Disapprove

Board/Committee/Commission Recommendation: Approve Disapprove

Summary:

Summary:

The City of St. Charles owns the underlying property rights to Bangert Island Park where St. Charles County has 14 years remaining on their current lease. The City desires to purchase the remaining lease hold interest the County has in the island to acquire the entirety of rights to the island for \$236,000, which serves as reimbursement to the County for the monies it has expended in maintenance cost for the island during the period of its leasehold interest. The City of St. Charles and St. Charles County also agree to waive the termination/notice period of 30 days contained in the initial lease.

The City Council hereby declares an emergency exists affecting the immediate preservation of the public peace, health, safety and welfare in that without this termination of the lease, the Developer cannot meet the schedule in the current Phase of its Riverpointe development and will face economic losses that are not in the public interest. The US Army Corps of Engineers and the US Fish and Wildlife Service have provided clearance to clear trees prior to April 1, 2023 due to endangered species regulations. The Developer needs 40 calendar days to complete the work prior to April 1, 2023. If this date is not achieved the Developer will not be allowed to clear the trees until after November 15, 2023 causing economic losses.

Budget Impact: (revenue generated, estimated cost, CIP item, etc.)

Fiscal Impact: \$ 236,000.00 Requisition #: TBE

Account #: 410-100-101-871-101

Project #: 19ENG01

RCA prepared by: BWT Dept. Dir. BWT Finance Dir. Jao Dir. of Admin. J

Sponsor: Vince Ratchford

AN EMERGENCY ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ST. CHARLES, MISSOURI (“CITY”) AND ST. CHARLES COUNTY, MISSOURI (“COUNTY”) FOR THE TERMINATION OF THE COUNTY’S LEASEHOLD INTEREST IN BANGERT ISLAND IN RETURN FOR CONSIDERATION TO BE PAID FROM THE CITY TO THE COUNTY IN AN AMOUNT NOT TO EXCEED \$236,000.00 REPRESENTING MONIES THE COUNTY EXPENDED IN MAINTENANCE COSTS FOR THE PERIOD OF ITS LEASEHOLD INTEREST IN BANGERT ISLAND.

WHEREAS, the Corps of Engineers has issued a permit to the City of St. Charles (the “City”) to conduct certain tree clearing on and near Bangert Island in furtherance of the Riverpointe project; and

WHEREAS, St. Charles County (“County”) holds a leasehold interest in the Bangert Island property pursuant to a certain Lease Agreement with the City and, by Emergency Bill No. 5152 (Emergency Ordinance No. _____), the County Council authorized the County Executive to execute such documents as the County Counselor determines are necessary to terminate the Lease Agreement and to allow the Bangert Island property to revert to the City for the remainder of the lease term starting February 15, 2023 upon payment of \$236,000 as consideration for the County’s maintenance of Bangert Island during the lease term; and

WHEREAS, the Mayor, when authorized by the City Council, must execute such documents as the City Attorney determines necessary to terminate the Lease Agreement in concert with the County; and

WHEREAS, the City and the County, as reflected in County Emergency Bill No. 5152 have a shared desire to promote economic development in the City and the County in furtherance of multiple additional shared goals; and

WHEREAS, in addition to compliance with the requirements in the abovementioned Corps of Engineers permit, allowing for the clearance of the subject trees, the City must also comply with the endangered species requirement of the United States Fish and Wildlife Department for Indiana Tree Bat Clearing which would preclude the clearance activity during the mating season of certain endangered bats from April 1, 2023 until about November 15, 2023; and

WHEREAS, the developer for the Riverpointe project estimates 40 calendar days are needed to complete the tree clearance activity prior to April 1, 2023 and, if this date is not achieved, the developer will not be allowed to clear the trees until after November 15, 2023, causing economic losses; and

WHEREAS, in order for the City's developer to meet the Riverpointe project schedule for the tree clearance activity by April 1, 2023, the same cannot be accomplished without an emergency declared herein; and

NOW, THEREFORE, Be It Ordained by the Council of the City of Saint Charles, Missouri, as Follows:

SECTION 1. An Intergovernmental Agreement between the City of St. Charles, Missouri ("City") and St. Charles County, Missouri ("County") for the termination of the County's leasehold interest in Bangert Island in return for consideration to be paid by the City to the County in an amount not to exceed \$236,000.00 which represents monies expended by the County for maintenance of Bangert Island during the period of its leasehold interest. The Agreement shall be substantially the same in form of like letters between the County and City waiving the termination provisions of the Lease and allowing for its immediate termination upon payment of the consideration. The Mayor is authorized to execute the Agreement and perform all acts necessary to carry out the intent of this ordinance.

SECTION 2. The City Council hereby declares an emergency exists affecting the immediate preservation of the public peace, health, safety and welfare in that without the termination of the Lease Agreement and the commencement of the tree clearance activity for completion prior to April 1, 2023, the development schedule of the Riverpointe project will be impaired and will result in economic losses that are not in the public interest.

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

Date Passed

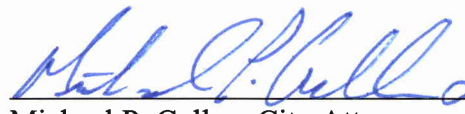
Vince Ratchford, Presiding Officer

Date Approved by Mayor

Daniel J. Borgmeyer, Mayor

Approved as to Form:

Attest:

 2/14/23

Michael P. Cullen, City Attorney Date

City Clerk

Bill No. 13625

CERTIFICATE OF DIRECTOR OF FINANCE

I certify that the expenditure contemplated by this document is within the purpose of the appropriation and the work program contemplated thereby, and that there is a sufficient unencumbered balance in the appropriation account and the proper fund to pay the obligation.

Joseph O'Connell 2-14-23
Director of Finance Date

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