

BILL NO. 24-23

ORDINANCE NO. 24-24

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FREDERICKTOWN, MISSOURI, TO EXECUTE AN AGREEMENT BY AND BETWEEN THE CITY OF FREDERICKTOWN AND TORREZ SANITATION, L.L.C. RELATIVE TO SOLID WASTE DISPOSAL; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

WHEREAS, the Code of Ordinances of the City of Fredericktown regulating solid waste disposal permit agreement for disposal rates for private haulers who deliver in excess of one hundred (100) tons of residential solid waste to the transfer station per month. See, §245.290.

WHEREAS, the Mayor and Board of Aldermen of the City of Fredericktown, Missouri, have heretofore reviewed the agreement marked Exhibit "A", attached hereto, and incorporated herein as if fully set forth; and

WHEREAS, the Mayor and Board of Aldermen of the City of Fredericktown, Missouri, deem it advisable to enter into said agreement;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FREDERICKTOWN, MISSOURI, AS FOLLOWS:

Section 1. That the Mayor and Board of Aldermen for the City of Fredericktown, Missouri, approve the agreement marked Exhibit "A", which is attached hereto and incorporated herein as if fully set forth, between the City of Fredericktown and Torrez Sanitation, L.L.C. for the purposes set forth hereinabove together with such changes therein as shall be approved by the officers of the City executing same which are consistent with the provisions and intent of this legislation and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. It is the belief of the Mayor and Board of Aldermen that it is in the best interest of the citizens of the City of Fredericktown, Missouri, that the City enter into said agreement.

Section 2. That the Mayor, and other appropriate City officials, are hereby authorized to execute the agreement in substantially the form as Exhibit A for and on behalf of the City of Fredericktown, Missouri and such additional documents and take any and all actions necessary, desirable, convenient or prudent in order to carry out the intent of this legislation.

Section 3. That the City Clerk of the City of Fredericktown is hereby authorized and directed to attest to the signature of the Mayor on the said agreement.

Section 4. If any section, subsection, sentence, clause or phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. This Ordinance shall take effect and be in force from and after its passage and approval by the Board of Aldermen and after its approval and execution by the Mayor.

THIS ORDINANCE having been read by title only this 10th day of June, 2024, the Board of Aldermen voted as follows:

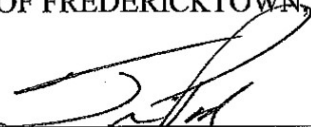
Long	<u>aye</u>	Brown	<u>absent</u>
Polete	<u>aye</u>	Reese	<u>aye</u>
Jones	<u>aye</u>	Shankle	<u>aye</u>

THIS ORDINANCE having been read by title only the second time on this 10th day of June, 2024, the Board of Aldermen voted as follows:

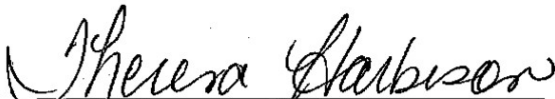
Long	<u>aye</u>	Brown	<u>absent</u>
Polete	<u>aye</u>	Reese	<u>aye</u>
Jones	<u>aye</u>	Shankle	<u>aye</u>

PASSED AND APPROVED this 10th day of June, 2024, by 5 ayes, 0 nays, 0 abstentions and 1 absentees.

CITY OF FREDERICKTOWN, MISSOURI

By: 
Travis Parker, Mayor

ATTEST:


Theresa Harbison, City Clerk

**AGREEMENT FOR
SOLID WASTE DISPOSAL RATE FOR
TORREZ SANITATION, L.L.C.**

This Agreement is made and entered into this 1 day of June, 2024, by and between the City of Fredericktown, Missouri, a municipal corporation, hereinafter referred to as "City", and Torrez Sanitation, L.L.C. of 1029 Madison 262, Fredericktown, Missouri 63645, hereinafter referred to as "Company".

NOW, THEREFORE, in consideration of the promises and agreements herein contained, the sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The Code of Ordinances of the City of Fredericktown regulating solid waste disposal permit agreement for disposal rates for private haulers who deliver in excess of one hundred (100) tons of residential solid waste to the transfer station per month. See, §245.290.

2. The parties agree that so long as Company delivers in excess of one hundred (100) tons of residential solid waste to the City's transfer station per month, Company shall pay a set rate of seventy-six dollars (\$76.00) per ton for disposal. The applicable fee shall be increased by twenty-five dollars (\$25.00) for each load that is not properly covered or secured in accordance with State and local law.

3. Normal transfer station business hours for this agreement are from 7:00 AM to 3:00 PM Monday through Friday and 7:00 AM to 12:00 Saturday. Closed every day from 12:00 noon to 1:00 PM.

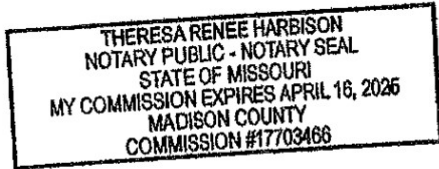
4. The transfer station will be closed all Sundays and the following holidays: New Year's Day, Martin Luther King Jr. Day, Presidents' Day, Good Friday, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Friday after Thanksgiving and Christmas Day, or on the dates on which these holidays are observed.

5. It is agreed by and between the parties that this agreement does not give Company any advantage over other City customers. Company shall abide by all local, State and Federal rules, ordinances, statutes and regulations applicable in the jurisdiction.

6. The term of this agreement is from the signing date to June 1, 2025.

7. Unless the City Public Works Director notifies Company at least 30 days prior to the end of the contract term of the City's intent to renegotiate the provisions of this contract, then this contract shall be automatically extended for another one (1) year term subject to the same terms and

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Fredericktown, Missouri, the day and year first above written.

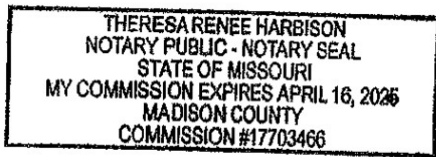


Theresa Harbison
_____, Notary Public
State of Missouri
County of Madison
Commission No. 17703466
My term expires: 4-16-25

STATE OF MISSOURI)
) ss.
COUNTY OF MADISON)

On this 1st day of June, 2024, before me personally appeared Shannon Rehkop, to me known, who being by me first duly sworn did say that she is a Member of Torrez Sanitation, L.L.C., a Limited Liability Company of the State of Missouri, and said instrument was signed on behalf of said limited liability company by authority of its members, and said Joyce M. Torrez acknowledged said instrument to be the free act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year first above written.



Theresa Harbison
_____, Notary Public
State of Missouri
County of Madison
Commission No. 17703466
My Term Expires: 4-16-25

conditions. This Automatic Renewal provision shall also be in effect during each automatic extension of this contract.

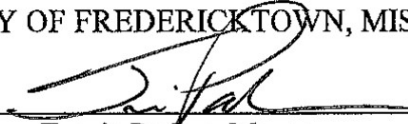
8. This agreement is binding upon the successors and assigns of the parties hereto.

9. This agreement may not be assigned without the prior written consent of the City.

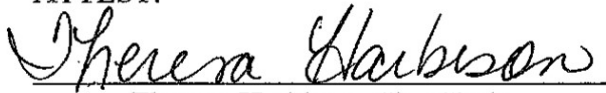
10. This Agreement represents the entire understanding between the City and Company concerning the subject matter of this agreement. There are no undertakings, conditions, representations or warranties which are not incorporated herein. All amendments and modifications of this Agreement shall be in writing duly signed by the City and Company. This Agreement shall supersede all other agreements by and between the City and Company or any of its predecessors.

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

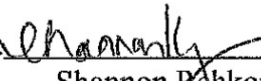
CITY OF FREDERICKTOWN, MISSOURI

By: 
Travis Parker, Mayor

ATTEST:


Theresa Harbison, City Clerk

TORREZ SANITATION, L.L.C.

By: 
Shannon Rehkop, Member

STATE OF MISSOURI)
) ss.
COUNTY OF MADISON)

On this 24th day of June, 2024, before me appeared Travis Parker, to me personally known, who being by me duly sworn, did say that he was the Mayor of the City of Fredericktown, Missouri, a Municipal Corporation of the State of Missouri, and that the seal affixed to the foregoing instrument is the seal of said City and that the said instrument was signed and sealed on behalf of said City by authority of its Board of Aldermen and acknowledged said instrument to be the free act and deed of said City.