

AMENDED

Bill No. 13821

Ordinance 24-057

Sponsors: Bill Otto, Mark Hollander, Vince Ratchford, Mary West, Denise Mitchell, Justin Foust, Michael Flandermeyer, Michael Galba, Bart Haberstroh, Bridget Ohmes

AN ORDINANCE OF THE CITY OF ST. CHARLES, MISSOURI,
ESTABLISHING THE FRENCHTOWN SPECIAL BUSINESS DISTRICT.

WHEREAS, the City of St. Charles, 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 upon 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, Section 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 Frenchtown Special Business District (“the Petition”), filed by an owner of real property subject to real property taxes within the proposed boundaries of the Frenchtown 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, at 7:00 p.m. on November 2, 2023, the City’s City Council (“the Council”) adopted Resolution No. R23-014, as the resolution of intention to establish the District, in accordance with the SBD Act; and

WHEREAS, pursuant to Section 71.792 of the SBD Act, the City 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 (“the Report”); and

WHEREAS, the Report was filed in the Office of the City Clerk of the City of St. Charles, Missouri, and was made available for public inspection, which Report is attached hereto and incorporated herein by reference as Exhibit 2; and

WHEREAS, pursuant to Section 71.794 of the SBD Act, the Council caused notice of a public hearing (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 by the United States Postal Service a notice of the Public Hearing to all owners of record of real property and licensed businesses located in the District; and

WHEREAS, pursuant to Section 71.794 of the SBD Act, on November 21, 2023, at 7:00 p.m., the Council held the Public Hearing in the St. Charles City Hall Building, 200 North Second Street, St. Charles, Missouri, to consider the establishment of the District; and

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

WHEREAS, the definition provided for “residential property” is intended to conform to the definition in Section 137.016, RSMo.; 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 ST. CHARLES, 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.

SECTION 2. Pursuant to the SBD Act, the Frenchtown Special Business District is hereby established, and will continue to exist and function until dissolved by an ordinance of the Council. The boundaries of the District are described as follows:

Beginning at the intersection of the centerline of North Riverside Drive and the centerline of Clark Street; thence westwardly along the centerline of Clark Street to the centerline of North Fifth Street; thence northwardly along the centerline of North Fifth Street to where the name of North Fifth Street becomes Mel Wetter Parkway; thence following northwestwardly along the centerline of Mel Wetter Parkway and its extension to the southern right-of-way line of Missouri Highway 370 East; thence eastwardly along the southern right-of-way line of Missouri Highway 370 East to the City’s corporate limits line in the Missouri River; thence southwardly along the above-described corporate limits line to the extended centerline of Adams Street; thence westwardly along the centerline of Adams Street to the centerline of North Riverside Drive; thence northwardly along the centerline of North Riverside Drive to the point of beginning.

SECTION 3.

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, excluding all residential properties as hereinafter defined, within the District up to the amount of forty-four cents (\$0.44) on the one hundred dollars (\$100.00) assessed valuation upon real property, tracts, lots, or parcels of real property in the District for the purpose of paying for all costs and expenses incurred in the operation of the District and the provision of services or improvements authorized in section 71.796, RSMo; and on the approval of an additional business license tax on businesses and individuals licensed to do business within the District which shall be fifty percent (50%) of the business license taxes levied by the City for the purpose of paying for all costs and expenses incurred in the operation of the District and the provision of services or improvements authorized in section 71.796, RSMo. The amount of annual tax generated from the special business property tax and business license tax for any one (1) business so taxed shall not exceed three hundred dollars (\$300.00) total annually (the "Proposition").

The deadline for qualified voters to apply for a ballot shall be June 18, 2024. Ballots on the Proposition shall be mailed by or on behalf of the City Clerk on July 16, 2024. The deadline to deliver voted ballots to the City Clerk's office by mail or hand delivery shall be 5:00 p.m. on August 27, 2024. The procedures for the application of a ballot on the Proposition and the related election shall be governed by the SBD Act.

SECTION 4.

Subject to the approval of the Proposition in accordance with the SBD Act and this Ordinance, and the provisions for the additional taxes described in Section 3 of this Ordinance, a business property tax may be imposed upon the owner of real property, excluding all residential property as hereinafter defined, within the District with an initial rate of levy up to the amount of forty-four cents (\$0.44) on the one hundred dollars (\$100.00) assessed valuation. The amount to be imposed shall be determined by the City Council prior to September thirtieth (30th) of each year and shall be collected for and paid into a special fund hereby established.

An additional business license tax may be imposed on businesses and individuals licensed to do business within the District which shall be fifty percent (50%) of the license tax levied yearly on the businesses and individuals under Chapters 605, 615, 640, 655, and any other applicable provisions of Title VI of the Code of Ordinances, and shall be due at the time and place as provided in those Chapters and provisions.

The amount of annual tax generated from the special business property tax and business license tax for any one (1) property or business so taxed shall not exceed three hundred dollars (\$300.00) total annually.

For the purpose of this Section, "RESIDENTIAL PROPERTY" is defined as follows: A building or structure, including necessary residential accessory

buildings, which is used solely for residential purposes as a dwelling including, but not limited to, a single-family, row house or townhouse and multiple-family dwellings. "Residential purposes as a dwelling" shall not include any home occupation, business room or rooms, any portion of the building or accessory building to be used for business purposes, or a short-term rental property.

SECTION 5. Use of Funds. The funds produced by the business property and license tax shall be used for the following purposes:

- (1) To close existing streets or alleys or to open new streets and alleys or to widen or narrow existing streets and alleys in whole or in part;
- (2) To construct or install pedestrian or shopping malls, plazas, sidewalks or moving sidewalks, parks, meeting and display facilities, convention centers, arenas, bus stop shelters, lighting, benches or other seating furniture, sculptures, telephone booths, traffic signs, fire hydrants, kiosks, trash receptacles, marquees, awnings, canopies, walls and barriers, paintings, murals, alleys, shelters, display cases, fountains, rest rooms, information booths, aquariums, aviaries, tunnels and ramps, pedestrian and vehicular overpasses and underpasses, and each and every other useful or necessary or desired improvement;
- (3) To landscape and plant trees, bushes and shrubbery, flowers and each and every and other kind of decorative planting;
- (4) To install and operate, or to lease, public music and news facilities;
- (5) To purchase and operate buses, minibuses, mobile benches, and other modes of transportation;
- (6) To construct and operate child-care facilities;
- (7) To lease space within the district for sidewalk cafe tables and chairs;
- (8) To construct lakes, dams, and waterways of whatever size;
- (9) To provide special police or cleaning facilities and personnel for the protection and enjoyment of the property owners and the general public using the facilities of such business district;
- (10) To maintain, as hereinafter provided, all city-owned streets, alleys, malls, bridges, ramps, tunnels, lawns, trees and decorative plantings of each and every nature, and every structure or object of any nature whatsoever constructed or operated by the said municipality;
- (11) To grant permits for newsstands, sidewalk cafes, and each and every other useful or necessary or desired private usage of public or private property;

- (12) To prohibit or restrict vehicular traffic on such streets within the business district as the governing body may deem necessary and to provide the means for access by emergency vehicles to or in such areas;
- (13) To lease, acquire, dispose of, construct, reconstruct, extend, maintain, or repair parking lots or parking garages, both above and below ground, or other facilities for the parking of vehicles, including the power to install such facilities in public areas, whether such areas are owned in fee or by easement;
- (14) To promote business activity in the district by, but not limited to, advertising, decoration of any public place in the area, promotion of public events which are to take place on or in public places, furnishing of music in any public place, and the general promotion of trade activities in the district.

SECTION 6.

There is established a Frenchtown Special Business District Advisory Board (the "Board") which is a Committee that shall have the composition, powers, and duties as prescribed in Chapter 125, Article I of the City's Code of Ordinances. The Board shall be composed of eight (8) persons. There shall be appointed three (3) business owners from the District, three (3) commercial property owners from the District, and two (2) residential property owners from the District.

A. Qualifications

Each member of the Board, except for the residential property owners, shall be a property owner in the District who pays the special business district property tax or shall be a person who owns a business in the District who pays the special business district business license tax. The members may, directly or through a corporation, partnership, trust or limited liability company, pay the special business district property tax or business license tax.

B. Duties and Responsibilities

1. The Council shall have sole discretion on the use of the revenues derived from any tax imposed by the District; however, the Board shall make recommendations to the Council as to the use of these revenues on any matter that concerns the District or that may be referred to the Board by the Mayor and Council.
2. All revenues that the Council may direct to be used by the District and any other funds derived, granted or donated shall be used by the District for the purposes of the District as previously outlined with the approval of the City Council.

3. All bills of the Board and all salaries of its employees shall be allowed and paid in the same manner that bills and salaries of other officers and employees of the City are allowed and paid. The Board shall follow the procedures established by the City's Director of Finance for payment of bills and salaries.
4. It shall be the duty of the Board to keep books of accounts showing with entire accuracy contemporaneous current entries of receipts and expenditures of the Board. This shall be done in such a manner as to enable the same to be understood and investigated, and also to preserve on file in its offices duplicate vouchers for all expenditures. Books shall, at all times, be open to examination for the Council or the Director of Finance of the City.
5. It shall be the responsibility of the Board to prepare an annual statement and budget for each fiscal year operations. This shall be presented to the Mayor and the Council at the first (1st) Council meeting in April of each year.

SECTION 7. 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 as further described in Section 71.796 of the SBD Act.

SECTION 8. 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, shall be conclusive.

SECTION 9. The "whereas" clauses of this Ordinance are hereby incorporated herein by reference.

SECTION 10. 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 representative.

SECTION 11. 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 findings shall determine that the valid portions standing alone are

incomplete and incapable of being executed in accordance with the legislative intent.

SECTION 12. It is the intention of the City Council and it is hereby ordained that the provisions of Sections 2, 4, 5, and 6 of this Ordinance shall become and be made a part of a newly created Article II to Chapter 610 of the City's Code of Ordinances, and titled "Frenchtown Special Business District," and the sections of this ordinance may be renumbered to accomplish such intention. It is further the intention of the City Council that Sections 610.010 through 610.070 of the City's Code of Ordinances become part of a newly created Article I of Chapter 610, and titled "Main Street Special Business District."

SECTION 13. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

May 7, 2024
Date Passed

Vince Ratchford
Vince Ratchford, Presiding Officer

5-8-2024
Date Approved by Mayor

Daniel J. Borgmeyer
Daniel J. Borgmeyer, Mayor

Approved as to Legal Form:

Attest:

Michael P. Cullen
Michael P. Cullen, City Attorney Date

Kimberly Hudson
Kimberly Hudson, City Clerk



AMENDED

RCA FORM (OFFICE USE ONLY)

Bill # 13821

MEETING/DATE: 5/7/2024

Regular [checked] Special [] Work Session []

ATTACHMENT: YES [checked] NO []

Report [] Resolution [] Ordinance [checked]

Request for Council Action

Ward(s): 1

Sponsor(s): Otto, Hollander, Ratchford, West, Mitchell, Foust, Flandermeyer, Galba, Ohmes

Description:

This bill establishes the Frenchtown Special Business District by calling for an election for eligible voters within the proposed district to authorize the real property tax (excluding all residential properties) and the business license tax.

Contract Extension/Renewal: Yes [] No [checked]

Information Paper Attached: Yes [] No [checked]

Staff Recommendation: Approve [] Disapprove []

Board/Committee/Commission Recommendation: Approve [] Disapprove []

Summary:

If this bill passes, the City Clerk will conduct an election to determine whether the Frenchtown Special Business District shall be established with the proposed property and business license taxes. Eligible voters will be required to apply for a ballot from the City Clerk by June 18, 2024. The City Clerk will mail ballots on July 16, 2024. Voted ballots must be delivered to the City Clerk's Office by August 27, 2024 to be counted.

Eligible voters for the property tax are:

- (a) A resident individual of the district; or
(b) A person, including an individual, partnership, limited partnership, corporation, estate, or trust, which owns real property within the special business district.

Eligible voters for the business license tax are: a person, including an individual, partnership, limited partnership, corporation, estate, or trust, which possesses a license to do business in the district.

The amended bill specifies a \$300 maximum for annual taxes per property.

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

Fiscal Impact: N/A [checked]

Account #:

Project #:

RCA prepared by: Legal Dept. Dir. Finance Dir. Dir. of Admin.