

**BOA Meeting Agenda
Peculiar City Board of Aldermen
Meeting and Public Hearing
City Hall – 250 S. Main St
Monday December 16, 2013 6:30 p.m.**

Notice is hereby given that the Board of Aldermen of the City of Peculiar will hold a regularly scheduled meeting on Monday, December 16, 2013 at 6:30 pm, in the Council Chambers at 250 S. Main St. Representatives of the news media may obtain copies of this notice by contacting the City Clerk at City Hall, 250 S. Main St Peculiar, MO 64078 or by calling 816-779-2221. All proposed Ordinances and Resolutions will be available for viewing prior to the meeting in the Council Chambers.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. City Clerk – Read the Board of Alderman Statement
5. Consent Agenda
 - A. Approval of the Agenda
 - B. Approval of the Draft Minutes of November 18, 2013 BOA Meeting.
 - C. Approval of the Draft Minutes of December 2, 2013 Work Session Meeting.
6. Mayor’s Appointments – Roger Dougherty to Planning Commission
Resolution 2013-45 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING THE APPOINTMENT OF ROGER DOUGHERTY TO THE PLANNING COMMISSION
7. New Business
 - A. Resolution 2013-46 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI TO APPROVE AND ADOPT A DEBT MANAGEMENT POLICY FOR THE CITY OF PECULIAR.
 - B. Resolution 2013-47 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI TO APPROVE AND ADOPT AN INVESTMENT POLICY FOR THE CITY OF PECULIAR.
 - C. Bill No. 2013-23 - AN ORDINANCE BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR TO ADOPT AN OFFICIAL ZONING MAP WHICH INCORPORATES ALL CHANGES IN ZONING, CHANGES IN ZONING DISTRICTS, AND CHANGES TO THE OFFICIAL CITY LIMITS OF PECULIAR FROM ANNEXATIONS SINCE MAY 2009.
**1st Reading*
 - D. Bill No. 2013-24 - AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI, IMPOSING A LOCAL FUEL TAX TO BE USED TO FUND THE CONSTRUCTION, RECONSTRUCTION, MAINTENANCE, REPAIR, POLICING, SIGNING, LIGHTING, AND CLEANING OF ROADS AND/OR STREETS; AND FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDED INDEBTEDNESS INCURRED FOR ROAD AND STREET PURPOSES, THE USE THEREOF BEING SUBJECT TO SUCH OTHER PROVISIONS AND RESTRICTIONS AS PROVIDED BY LAW, AT THE RATE OF ONE CENT (\$0.01) PER GALLON TO BE IMPOSED ON ALL MERCHANTS FOR THE SALE OF FUEL USED FOR PROPELLING MOTOR VEHICLES PURSUANT TO THE AUTHORITY GRANTED BY AND SUBJECT TO THE PROVISIONS OF ARTICLE IV SECTION 30(a) OF THE MISSOURI CONSTITUTION; AND PROVIDING FOR SUBMISSION OF THE PROPOSAL TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE ELECTION CALLED AND TO BE HELD IN THE CITY ON APRIL 8, 2014.
**1st Reading*
 - E. Bill No. 2013-25 – AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI AMENDING CHAPTER 600 OF THE PECULIAR MUNICIPAL CODE AND UPDATING ELIGIBILITY PARAMETERS FOR THE RECEIPT OF LIQUOR LICENSES AND EMPLOYEE PERMITS.
1st Reading
8. City Administrator Report
9. Aldermen Concerns
10. Aldermen Directives
11. Executive Session
The Mayor has requested a 20-minute Executive Session to discuss Personnel Matters, per RSMo. §610.021(3)
12. Adjournment

**Board of Aldermen Regular Meeting Minutes
Monday November 18, 2013**

A regular meeting and public hearing of the Board of Aldermen of the City of Peculiar, Missouri, was held in the Council Chambers in City Hall at 6:30 p.m. on Monday November 18, 2013. Mayor Ernest Jungmeyer called the meeting to order and all who were present joined in reciting the Pledge of Allegiance.

The following aldermen responded to roll call: Michael Gallagher, Holly Stark, Bob Fines, Donald Turner, Homer Dunsworth and Veronika Ray.

City Staff present for the meeting were City Administrator Brad Ratliff, City Attorney Reid Holbrook, City Engineer Carl Brooks, Chief of Police Harry Gurin, City Clerk Nick Jacobs.

Consent Agenda

- A. Approval of the Agenda**
- B. Approval of the Draft Minutes of October 21, 2013 BOA Meeting.**
- C. Approval of the Draft Minutes of November 4, 2013 Work Session Meeting.**

On a motion made by Alderman Stark and seconded by Alderman Gallagher the consent agenda was approved by a unanimous voice vote.

Unfinished Business

- A. Bill No 2013-20 - AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,245,000 PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2013, OF THE CITY OF PECULIAR, MISSOURI; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.**
**2nd Reading*

Financial Advisor Joey McLiney addressed the Board regarding the issuance of \$1,245,000 in bonds. He stated that the sell went quite well. He stated the average fixed interest cost is 3.468%. The bonds were purchased by Bankers Bank of Saint Louis.

No public comment.

Alderman Stark made a motion to have the second reading of Bill No. 2013-20 and read one time by title only. The motion was seconded by Alderman Turner and was accepted by a 6-0 voice vote. Alderman Stark moved to accept the second reading of Bill No. 2013-20 and place on final passage as Ordinance number 11182013, seconded by Alderman Turner and was accepted by the following voice vote.

Alderman Gallagher	Aye	Alderman Ray	Aye
Alderman Dunsworth	Aye	Alderman Stark	Aye
Alderman Fines	Aye	Alderman Turner	Aye

New Business

- A. Bill No. 2013-21 AN ORDINANCE TO ENABLE THE CITY OF PECULIAR, MISSOURI TO JOIN THE MISSOURI CLEAN ENERGY DISTRICT PURSUANT TO SECTIONS §67.2800 TO §67.2835, INCLUSIVE, RSMO., THE "PROPERTY ASSESSED CLEAN ENERGY ACT," AND STATING THE TERMS UNDER WHICH THE CITY WILL CONDUCT ACTIVITIES WITHIN THE CITY AS A MEMBER OF SUCH DISTRICT.**
**1st Reading*

Joey McLiney addressed the Board stating that this is a tool that allows businesses in the City to borrow money from the District to place solar panels and other energy efficient fixtures on their building.

No public comment.

Alderman Stark made a motion to have the first reading of Bill No. 2013-21 and read one time by title only. The motion was seconded by Alderman Turner and was accepted by a 6-0 voice vote. Alderman Stark moved to accept the first reading of bill No. 2013-21, seconded by Alderman Turner and was accepted by the following voice vote.

Alderman Gallagher	Aye	Alderman Ray	Aye
Alderman Dunsworth	Aye	Alderman Stark	Aye
Alderman Fines	Aye	Alderman Turner	Aye

- B. Bill No. 2013-22 - AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI CALLING FOR A GENERAL MUNICIPAL ELECTION ON APRIL 8, 2014 AND ESTABLISHING FILING DATES FOR SAID ELECTION**
**1st Reading*

City Clerk Nick Jacobs addressed the Board regarding the necessity of passing the proposed bill to hold an election in April of 2014 and fill the term of the Mayor and 1 Alderman from each Ward. The bill would also set the filing dates for said election.

No public comment.

Alderman Stark made a motion to have the first reading of Bill No. 2013-22 and read one time by title only. The motion was seconded by Alderman Turner and was accepted by a 6-0 voice vote. Alderman Stark moved to accept the first reading of bill No. 2013-22, seconded by Alderman Gallagher and was accepted by the following voice vote.

Alderman Gallagher	Aye	Alderman Ray	Aye
Alderman Dunsworth	Aye	Alderman Stark	Aye
Alderman Fines	Aye	Alderman Turner	Aye

City Administrator Report

Joint Cities meeting November 20th. The annexation process has finally come to a close as the 30 days since the filing of the declatory judgment has passed. Staff is currently working on many new policies such as an Industrial Development Authority and a financial incentive policy. The new police garage is coming along with getting quotes for asphalt and fencing. Parks has 3 teams for the first ever basketball league in Peculiar. The Sewer Project is in its final punch list. Water is sitting at 12% loss which is still under the 15% standard. School road bridge will be closing for potentially 3 weeks but the County will not give a definitive answer.

Alderman Directives

Alderman Fines thanked Carl for fixing the pothole on School Road at Hurley.

Alderman Dunsworth stated there were some potholes on the first cul-de-sac in Jamar.

Alderman Gallagher asked about placing safe rooms back on the agenda. Staff commented that it will be placed on the agenda for December.

Alderman Gallagher asked about dust free surfaces. He stated that MFA's parking lot is gravel and not asphalt. Staff commented that they will look into it and report back.

Alderman Stark asked if there was a written pursuit policy. Staff commented that yes there is a written pursuit policy.

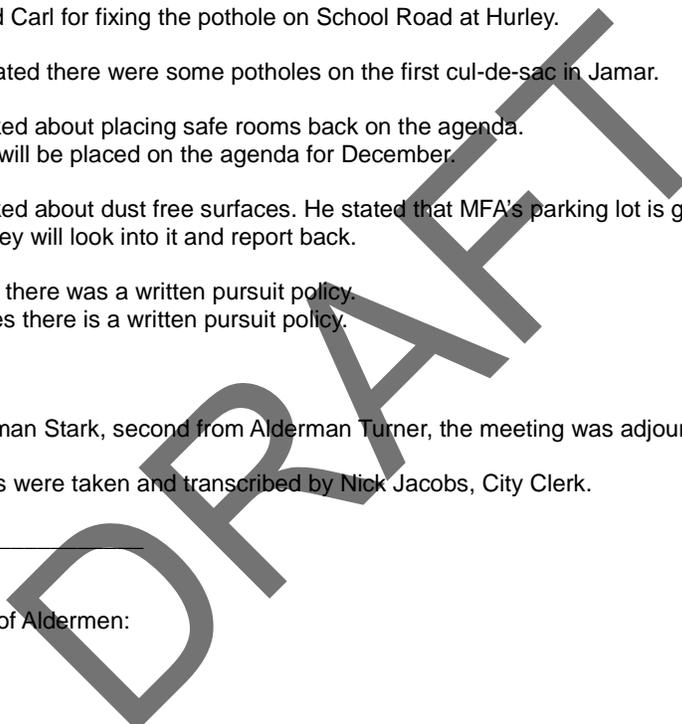
Adjournment

On a motion from Alderman Stark, second from Alderman Turner, the meeting was adjourned at 7:02pm with a 6-0 voice vote.

Regular session minutes were taken and transcribed by Nick Jacobs, City Clerk.

Nick Jacobs, City Clerk

Approved by the Board of Aldermen:



**Board of Aldermen Regular Meeting Minutes
Monday December 2, 2013**

A regular work session meeting and public hearing of the Board of Aldermen of the City of Peculiar, Missouri, was held in the Council Chambers in City Hall at 6:30 p.m. on Monday December 2, 2013. Mayor Ernest Jungmeyer called the meeting to order and all who were present joined in reciting the Pledge of Allegiance.

The following aldermen responded to roll call: Michael Gallagher, Veronika Ray, Donald Turner, Bob Fines, Holly Stark and Homer Dunswoth

City Staff present for the meeting were City Administrator Brad Ratliff, City Attorney Reid Holbrook, City Engineer Carl Brooks, Chief of Police Harry Gurin, City Clerk Nick Jacobs, City Planner Clifford McDonald, and Business Office Manager Trudy Prickett.

Public Hearing – Zoning Map Amendment

City Planner Cliff McDonald addressed the Board regarding the Public Hearing for the Zoning Map Amendment. He stated that it is a visual representation of all of the changes that Board of Aldermen have approved since 2009. Those changes included the elimination of Planned Unit Developments (PUD), the most recent annexation, the annexation of South Peculiar Drive south past Sioux Chief.

There were some questions pertaining to the City Limits which staff answered appropriately.

Business

- A. Bill No. 2013-21 - AN ORDINANCE TO ENABLE THE CITY OF PECULIAR, MISSOURI TO JOIN THE MISSOURI CLEAN ENERGY DISTRICT PURSUANT TO SECTIONS §67.2800 TO §67.2835, INCLUSIVE, RSMO., THE “PROPERTY ASSESSED CLEAN ENERGY ACT,” AND STATING THE TERMS UNDER WHICH THE CITY WILL CONDUCT ACTIVITIES WITHIN THE CITY AS A MEMBER OF SUCH DISTRICT.**
**2nd Reading*

City Administrator Brad Ratliff addressed the Board regarding the proposed Bill. He stated that this is a tool for businesses to get funding for energy efficiencies. City Clerk Nick Jacobs commented that the Board would have to select a person to be part of the advisory committee. It was determined that the office of the Mayor be selected as representation for the City.

No public comment.

Alderman Stark moved to have the second reading of Bill No. 2013-21 by title only amending section 4 to include the office of the Mayor, seconded by Alderman Turner and was approved by a 6-0 voice vote. Alderman Stark moved to accept the second reading of the bill and place on final passage as Ordinance number 12022013, seconded by Alderman Gallagher and approved by the following 6-0 roll call vote.

Alderman Gallagher	Aye	Alderman Ray	Aye
Alderman Dunswoth	Aye	Alderman Stark	Aye
Alderman Fines	Aye	Alderman Turner	Aye

- B. Bill No. 2013-22 - AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI CALLING FOR A GENERAL MUNICIPAL ELECTION ON APRIL 8, 2014 AND ESTABLISHING FILING DATES FOR SAID ELECTION**
**2nd Reading*

City Clerk Nick Jacobs addressed the Board pertaining to the proposed Bill. He stated that this is necessary to hold the election on April 8, 2014.

No public comment.

Alderman Stark moved to have the second reading of Bill No. 2013-22 by title only, seconded by Alderman Gallagher and was approved by a 6-0 voice vote. Alderman Stark moved to accept the second reading of the bill and place on final passage as Ordinance number 12022013A, seconded by Alderman Gallagher and approved by the following 6-0 roll call vote.

Alderman Gallagher	Aye	Alderman Ray	Aye
Alderman Dunswoth	Aye	Alderman Stark	Aye
Alderman Fines	Aye	Alderman Turner	Aye

State of the City Presentation

City Administrator Brad Ratliff addressed the Board. He stated that this year’s theme for the State of the City was “Strengthening our Future”. The first item discussed was taxes as Brad pointed out how the City is one of the lowest levies in Cass County. He stated that the Board of Aldermen had to make some tough decisions this year but it is ultimately to help the future of the City. He went through each of the departments and broke down the various stats. He outlined the accomplishments of each department as well as the goals for the next fiscal year for each department.

Topics for Discussion

A. Investment & Debt Policies

CPA Ben Hart addressed the Board pertaining to the proposed policies. He said it is good practice to put into words the practices the City takes part in. He commented on the last two Bond rating calls that they had asked what written policies the City had on file. Primarily these policies were taken from what the state already requires. Mr. Hart commented that the City manages its debt very well.

There was some further questions pertaining to how this impacts how the City currently operates.

B. Fuel Tax Ballot Question

The Mayor commented that he felt that running this in April he does not think it will pass. Alderman Turner commented that he does not feel it should be on the ballot.

Alderman Gallagher asked if the wording could be changed. It was commented that this is taken straight from State Statute.

Brad commented that there is a citizen who wants to head up a campaign for it.

The Mayor commented that 90% of this tax being collected would be from out of town travelers and from the over the road truckers. The average cost per citizen per year would be about \$6.00.

There was further discussion and it was determined to bring this to the next meeting for a first reading of the Ordinance to put it on the April ballot.

C. Storm Water Ballot Question

City Engineer Carl Brooks addressed the Board pertaining to putting on the April ballot a question asking the citizens to issue over six million dollars in bonds for storm water improvements. He stated that in 2006 the Mayor and Board asked for an engineering firm to put together a storm water master plan. There were several projects outlined in the 2006 study in four of the five major watersheds.

Alderman Fines commented that with all of the other increases that have been done with the property tax increase for the interchange and the water rate increase that this is too much right now. The Mayor agreed with Alderman Fines.

Alderman Turner asked about what happened to the formation of the Rodeo Grounds NID? The Mayor stated that the citizens did not want to pursue it.

Brad suggested that the Board look at a type of funding to build upon over time just like the growth fees the City currently has in place.

There was further discussion.

Alderman Turner stated that he is not interested in pursuing it.

D. City Logo

Brad asked Parks and Recreation Director Nathan Musteen to research some companies to redo the City logo. He sent out to eight different companies a proposal to redo the logo. He gave them 3 primary concepts to go off of, the three legged water tower, the railroad, and the Post Office. There were several variations that were presented to the Board in many different styles.

There was much discussion between staff and the Board.

Ultimately it was decided for Nathan to send the notes he had collected back to the firm and have them redraw some of the logos.

E. Safe Rooms

City Planner Cliff McDonald addressed the Board pertaining to the City's Safe Room requirements. He stated that last year the Planning Commission sent a recommendation to the Board to change the current City code. It made it through the first reading of the Ordinance and failed on the second reading.

There was much discussion pertaining to the necessity of keeping the code the same as well as why it needs to be changed.

After much discussion it was determined to begin the process back with Planning Commission to change the code to reflect that either the developer/builder or the home owner may waive the necessity for a saferoom in an R1 zoning.

Alderman Concerns or Additional Topics for Discussion by Aldermen

Alderman Stark asked about what Public Works has done to City Lake Road. Staff commented that they took asphalt millings and mixed them in with the current surface and mixed it with a substance known as reclamation.

Alderman Turner asked about the revision to the code for liquor permit requirements. City Attorney Reid Holbrook stated that the City will have to rewrite its code and it will be available for the next meeting.

Alderman Ray asked about the business at the corner of South Street and Main Street. She saw them getting prepared to do some paving. Staff commented that he will be paving the parking area and putting grass back at the rest of the areas.

Brad answered Alderman Gallagher's request from last meeting stating that with the paper trail that staff could find MFA had not lost its grandfather clause on paving its parking lot.

Aldermen Directives Reported by City Administrator

Sign Bill 2013-21 and 2013-22
Bring investment and debt policies to next meeting
Bring City Logo for January Worksession
Bring Fuel tax ordinance to next meeting
Work on storm water fund and funding mechanism
Bring liquor permit ordinance to next meeting
Speak with county about rolling City Lake road
Send saferoom ordinance back to the planning commission

Adjournment

On a motion from Alderman Stark, second from Alderman Gallagher, the meeting was adjourned at 9:10pm with a 6-0 voice vote.

After the adjournment there was a short presentation to the Board of Aldermen and staff.

Regular session minutes were taken and transcribed by Nick Jacobs, City Clerk.

Nick Jacobs, City Clerk

Approved by the Board of Aldermen:

DRAFT

City Administrator
Brad Ratliff

City Clerk
Nick Jacobs

Business Office Manager
Trudy Prickett

City Attorney
Reid F. Holbrook



City Engineer
Carl Brooks

Chief of Police
Harry Gurin

City Planner
Cliff McDonald

Parks Director
Nathan Musteen

Municipal Offices – 250 S. Main, Peculiar, MO 64078
Phone: 816.779.5212 Facsimile: 816.779.1004

To: Board of Aldermen

From: Clifford L. McDonald

Date: December 16, 2013

Re: Appointment of Mr. Roger Dougherty to the Planning Commission

GENERAL INFORMATION

Applicant: Mr. Roger Dougherty

Requested Actions: Board of Aldermen to consider appointing Mr. Roger Dougherty to the Planning Commission for a term of Four (4) Years

Date of Application: Decembrer 16, 2013

Purpose: The purpose is to consider appointing Mr. Roger Dougherty to the Planning Commission for a term of Four (4) Years.

PROPOSAL

See “Requested Actions” above.

PREVIOUS ACTIONS

Mr. Dougherty has served the City of Peculiar with distinction as both a Planning Commissioner and Chairman of the Commission the past Four (4) Years; his appointment to the Planning Commission expired July1, 2013.

KEY ISSUES

Mr. Dougherty has volunteered to serve on the Planning Commission for another Four (4) years.

STAFF COMMENTS AND SUGGESTIONS

Based upon Mr. Dougherty’s exceptional attendance record, knowledge of the Planning Process and his experience I believe he would be a tremendous asset to both the City and the Planning Commission.

STAFF RECOMMENDATION

Favorably consider appointing Mr. Dougherty to the Planning Commission for another Four (4) Year term.

STAFF CONTACT:
Clifford L. McDonald

RESOLUTION 2013-45

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING THE APPOINTMENT OF ROGER DOUGHERTY TO THE PLANNING COMMISSION

WHEREAS, the Board of Aldermen have determined a need to appoint a member to the Planning Commission; and

WHEREAS, Roger Dougherty meets the qualifications for appointment to this board; and

WHEREAS, said appointment carries a term of four years commencing with the effective date of this resolution; and

WHEREAS, Mayor Ernie Jungmeyer recommends the appointment of Roger Dougherty to the Planning Commission upon approval of the Board of Aldermen

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI AS FOLLOWS:

Section 1. The Board of Aldermen approves the appointment of Roger Dougherty to the Planning Commission

Section 2. *Effective Date.* This resolution shall become effective upon approval and passage by the Board of Aldermen.

THIS RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE THIS ___ DAY OF DECEMBER, 2013.

Alderman Gallagher _____
Alderman Dunsworth _____
Alderman Fines _____

Alderman Ray _____
Alderman Stark _____
Alderman Turner _____

APPROVED:

ATTEST:

Ernest Jungmeyer, Mayor

Nick Jacobs, City Clerk

City Administrator
Brad Ratliff

Business Office
Trudy Prickett

City Attorney
Reid F. Holbrook



City Engineer
Carl Brooks

Chief of Police
Harry Gurin

City Clerk
Nick Jacobs

Municipal Offices – 250 S. Main St., Peculiar, MO 64078
Phone: 816.779.5212 Facsimile: 816.779.1004

To: Board of Alderman
From: Brad Ratliff
Date: December 16, 2013
Re: Debt Policy

GENERAL INFORMATION

Applicant: City Staff
Date of Application: December 16, 2013
Purpose: Discussion of Debt Policy for the City of Peculiar
Property Location (if applicable):

PROPOSAL- Debt: The purpose of the attached Debt Management Policy (the “Policy”) is to provide guidance for the types of debt issued, the issuance process, and the administration of the debt portfolio.

The Policy is intended to guide decisions, identify policy goals, and demonstrate a commitment to financial planning. Stakeholders in the debt issuance process, including bond buyers, rating agencies, and citizens, recognize the importance of having a structured framework in which to issue debt and meet those obligations.

PREVIOUS ACTIONS

None

KEY ISSUES

STAFF COMMENTS AND SUGGESTIONS

STAFF RECOMMENDATION Review Policy for adoption

ATTACHMENTS Debt Management Policy

STAFF CONTACT: Brad Ratliff

Ben Hart - Allen, Gibbs & Houlik, L.C.
(316) 267-7231

DEBT MANAGEMENT POLICY

City of Peculiar, Missouri



Municipal Offices - 250 S. Main Street, Peculiar, MO 64078
Phone: 816.779.5212 Facsimile: 816.779.1004

I. Purpose

The purpose of the Debt Management Policy (the “Policy”) adopted by the City of Peculiar, Missouri (the “City”) is to provide guidance for the types of debt issued, the issuance process, and the administration of the debt portfolio.

The Policy is intended to guide decisions, identify policy goals, and demonstrate a commitment to financial planning. Stakeholders in the debt issuance process, including bond buyers, rating agencies, and citizens, recognize the importance of having a structured framework in which to issue debt and meet those obligations.

Though this Policy gives guidance for making decisions, it is not intended to be inclusive of all debt issuance types and scenarios. External factors affecting the Policy can change over time; therefore, the Policy shall be reviewed on an annual basis by the City Administrator, and any modifications made to the policy shall be approved by the Board of Alderman. Authority to manage the Policy is granted to the City Administrator or designated staff. Debt will be issued in accordance with all applicable federal and state laws and City Alderman Orders.

II. Types of Debt

The City has elected to limit the use of debt to certain circumstances. The City’s debt issuance has the following general limitations:

1. Long-term debt will not be used to fund current operations.
2. The capital project or asset lends itself to debt financing rather than pay-as-you-go funding based on the expected useful life of the project (i.e., ten (10) years or greater) or existing market conditions.
3. Other financing options have been reviewed and are not viable for the timely or economic acquisition or completion of a capital project.
4. Short-term debt may be used to provide liquidity for capital projects until long- term financing is available; generally, the City will take steps to avoid issuing short-term debt for ongoing operations.
5. Long-term debt will have an identified revenue stream or other financial resources sufficient to meet future principal and interest payments.

The City has the ability to issue many different types of debt to meet its financing objectives. The following is a listing of the types of permitted debt and general guidelines as to their use.

A. General Obligation

General obligation (G.O.) bonds have the full faith and credit of the City, because of the City’s authority to levy property taxes for debt service. G.O. bonds are authorized by the approval of the requisite number of qualified voters, as required by state statute.

As such, G.O. bonds can be used to finance capital expenditures approved by voters. The sum of all G.O.

debt outstanding, regardless of type, is governed by the City's statutory legal debt margin. The City may incur indebtedness for authorized purposes not to exceed 10% of the valuation of taxable tangible property in the City.

Neighborhood Improvement District Bonds are general obligation issues even though their purpose is for business activity asset.

As special assessment taxes are used to liquidate the debt, the revenue and expense transactions are accounted for in the Debt Service Fund (a governmental fund). In years when special assessment revenues do not meet the required payments, enterprise funds have been required.

1. **General Obligation Bonds - Full faith and credit.** To be issued for capital projects which benefit the City as a whole. Principal and interest is to be paid from the City's debt levy assessed on all taxable tangible property. The Board of Alderman may set the tax rate for debt service, without limitation as to rate or amount, at the level required to make such payments.
2. **NID.** To be issued for purposes consistent with the NID statute (RSMo 67.453-64.475) in accordance with voter approved G.O. bonds as stated above. Principal and interest is to be paid from special assessments levied on properties within the NID. The City attaches liens on the properties within the district to secure payment. If property owners do not pay their assessment, debt payments will be made from proceeds from the sale of the property.

B. Special Obligation

The City is authorized to incur special obligation debt without voter approval for the purchase, construction, or expansion of City buildings. This debt is not backed by the full faith and credit of the City, but instead the City's pledge of annual appropriation. Generally, they are first secured by the revenues of the particular project. If these revenues are insufficient, the City pledges an annual appropriation from general revenues. The rating agencies consider the annual appropriation pledge as a very serious commitment of the City, which is reflected in the credit quality of the debt. Failure to appropriate on any given bond issue would potentially lead to a downgrading of the City's credit rating. While the Board of Alderman has the legal authority to appropriate special obligation commitments on an annual basis, the City enters into annual appropriation debt with the full expectation of making whatever annual appropriations are necessary to fund debt service on a timely basis.

1. **Lease-backed debt.** The City may issue tax-exempt and taxable leasehold revenue bonds and special limited obligation bonds by using a trust structure. Projects are to be limited to public purpose capital expenditures as described above. Principal and interest is to be paid from project revenues or specific taxes. Capital leases are not considered an indebtedness of the City because the lease payments are subject to annual appropriation; however, from a variety of perspectives (e.g. credit, accounting, etc.) all or most of this type of debt may be considered an obligation of the City.
2. **Lease Purchase.** Legally, the City may enter short-term lease-purchase agreements to finance

capital improvements, including acquisition of equipment with an expected useful life of less than ten years. Principal and interest is to be paid from the operating budget or other dedicated resources of the department purchasing equipment or constructing the capital improvement.

3. Certificates of Participation (COPs). A form of lease obligation in which the City enters into an agreement to pay a fixed amount annually to a third party, usually through a trust structure, subject to annual appropriation.

C. Revenue

Revenue bonds may be issued to fund capital projects related to governmental enterprise functions or for special projects supported by distinct revenue sources. They are designed to be self-supporting through user fees, other specified receipts, or taxes and do not rely on the general taxing powers of the City. Principal and interest is paid from net revenues from enterprise operations or directly from the earmarked revenue source. Revenue bonds secured by certain dedicated revenue streams, such as sales taxes, are to be authorized by voter approval.

D. Industrial Revenue

The City may issue industrial revenue bonds (per RSMo Chapter 100) for purposes consistent with state statute, which include but are not limited to: improvement of warehouses, industrial plants, buildings, machinery, etc. The City acts as a “conduit” issuer, as defined under federal law and state statute, on behalf of a private or non-profit party. Chapter 100 bonds are not included in the City’s debt burden because they are secured solely by revenues of the private or non-profit party. Principal and interest on Chapter 100 bonds is paid solely from the net revenues of the project and do not constitute a general obligation of the City.

E. Temporary Loans

The City can use short-term funding, primarily temporary notes, to provide interim funding for capital projects until long-term debt is issued. In most instances, temporary notes are redeemed with subsequent long-term debt. Temporary notes will generally have a one-year maturity, with principle and interest paid at maturity, though longer maturities are allowed if the project necessitates.

The City does have the ability to issue tax anticipation notes to meet short-term liquidity needs before tax revenues are received. However, it is the preference of the City to avoid usage of anticipation notes by managing cash flows. Tax anticipation notes will be limited to six months maturity.

F. Interfund Borrowing

The City can utilize interfund borrowing, mainly from the General Fund, for short-term or long-term debt. Interfund loans provide interim funding for capital projects and NIDs until long-term financing is secured. Interfund borrowing as long-term debt for NIDs must be evaluated on a case by case basis. Market rates of interest and defined repayment schedules will apply.

E. Derivatives

Generally, the City will not use debt derivatives including interest rate swaps, forward swaps, swap options, or any similar hedge instrument.

III. Debt Structures

The structure of debt issued by the City, regardless of type, is to be evaluated using the Debt Issuance Checklist attached in Appendix I.

A. Amount of Debt

The amount of debt required is derived from the underlying capital project or expenditure. The ability of the City to identify and commit resources to meet debt obligations limits the amount of debt issued. A financial analysis will be performed to evaluate the financial impact of the debt size.

B. Fixed or Variable Rate Debt

The City will in most circumstances pursue traditional, fixed-rate bond structures, where at the time of bond sale, all interest rates are known and do not change over the life of the issue. Variable interest rate bonds have interest rates that reset on a periodic basis. Particular conditions may arise where the City would consider the use of variable interest rate bonds, such as an adverse fixed-rate municipal market or the potential to accelerate debt retirement.

Variable interest rate debt exposes the City to interest rate risk over the term of the financing. The City can use unhedged variable rate bonds as part of a comprehensive asset/liability management program and will use various risk mitigation procedures. This includes investing excess cash to earn investment income that can be used as a direct offset to rising rates on the unhedged variable rate bonds. Excess cash means amounts not available for operations or used to earn regular investment income for City funds, and must be invested in an internally-restricted portfolio.

C. Taxable vs. Tax-exempt Debt

The City shall first seek to issue only tax-exempt debt and avoid taxable debt in order to reduce interest expense. However, the City recognizes that not all financings will be able to be completed on a tax-exempt basis and therefore reserves the right to participate in taxable financings if necessary.

D. Repayment Term

The City will structure its debt to comply with all federal and state and local requirements as to repayment terms. The City will manage financial resources in such a way to repay its debt in an expeditious and timely manner. Unless a specific situation necessitates, principal and interest payments will be made electronically via wire or ACH.

For debt requiring a debt service fund, the City may structure payment of the bonds to account for the release of the debt service fund as an offset to the final principal and interest payment.

E. Prepayment Provisions

Redemption provisions and call features shall be evaluated in the context of each bond sale to enhance marketability of the bonds, to allow flexibility, or to enable future refunding. The potential of additional costs, such as a call premium and higher interest rates, which result from including a call provision, will also be evaluated.

F. Credit Enhancement

The City will evaluate the cost-benefit of bond insurance, by comparing the premium cost of the insurance to the estimated difference in the true interest cost (TIC) of an insured versus uninsured bond issue. For competitive sales, the City will use bidder's option insurance.

G. Method of Sale

The best method of sale depends on the type of bonds being sold, market conditions, and the overall performance of the debt portfolio.

1. Competitive sale. Bonds are marketed to a wide audience of underwriters by the City and financial advisor. Their bids are submitted at a specified time. The underwriter is selected based on its best bid for the securities, evaluated in part on the TIC, which considers the time value of money.
2. Negotiated sale. The City selects the underwriter or group of underwriters for its securities in advance of the bond sale. The City works with a financial advisor to bring the issue to market and negotiates all rates and terms of the sale. In advance of the sale, compensation of each underwriter and the designation rules and priority of orders will be determined.
3. Private placement. The City sells its bonds to a limited number of investors or other governmental agency, and not the general public. Private placement bonds are often characterized as having higher risk or a specific type of investor base. Private placement with governmental agencies is used to decrease interest and administrative costs.

In conjunction with a financial advisor, the City will select a method of sale that is likely to produce the lowest cost of borrowing given current market conditions. In some instances, the City may choose to employ a negotiated sale or private placement instead of a competitive sale when:

1. Market conditions exist where underwriters are unwilling to take reasonable risk to underwrite bonds, as required for successful competitive sales
2. The City rejected competitive bids after a failure to receive market-justified yields
3. Debt structures would benefit from a sale targeted directly to retail investors or governmental agencies
4. Bonds are unique or "story bonds" where the leadership of an underwriter from the beginning of the transaction would reasonably be expected to produce the best execution

H. Debt Service Reserve Fund

In an effort to enhance the credit worthiness of outstanding debt such as revenue bonds, capital lease purchase, and certificates of participation the city desires to fund debt service reserve accounts to the level required by the appropriate issuance from the proceeds of such issuance. Typical standards may require the smaller of 10% of the bond size, 120% of the average annual debt service or maximum annual principal and interest payment amount.

IV. Consultants and Other Professional Services

The nature of the municipal bond industry requires certain specialized consultants to be retained. The City recognizes that continuity of consultants and their overall understanding of the City's debt portfolio will enhance the debt transaction process. In general, a competitive selection approach will be used in the retention of consultants; however, the City Administrator may also directly engage consultants on a case-by-case basis as approved by the Board of Alderman.

A. Bond Counsel

Bond counsel will be retained for all debt transactions to provide assurance to the City and investors that the bonds are legal and tax requirements have been met. In addition to standard required documentation, bond counsel must issue a written letter addressed to the City Administrator and Board of Alderman giving a summary of all documents to be signed and the bond counsel's affirmative opinion on the bond documents. The Board of Alderman typically requests a minimum of five business days to review final documents requiring signature.

The City will select bond counsel in accordance with city purchasing policy..

B. Financial Advisors

Financial advisors assist in the structuring and issuance of bonds through the competitive or negotiated sales process. A financial advisor represents only the City in the sale of bonds. While serving as the City's financial advisor, a firm may not underwrite City bonds, and also may not switch roles from financial advisor to underwriter after a financial transaction has begun within the term of the contract.

Financial advisors shall be selected in accordance with city purchasing policy. During the contract term of any party acting as financial advisor, neither the financial advisor nor any individual it employs will perform financial advisory, investment banking or similar services for any entity other than the City in transactions involving a City financial commitment without the specific direction of the City Administrator.

C. Underwriters

For negotiated sales, an underwriter markets the City's bonds to investors. The City may use more than one underwriter for an issue. The underwriter or group of underwriters purchases the bonds from the City at an agreed upon price and resells the bonds to investors.

The City will use a financial advisor to assess request for proposals (RFP) from underwriters. RFP's will be obtained and evaluated on an issue-by-issue basis. The City will not be bound by the terms and conditions of any underwriting agreement, oral or written, to which it was not a party.

D. Other Parties

Depending on the specific bond issue, other parties customary in the bond issuance process may need to be engaged, such as paying agents, trustee banks, or bond insurers. The City will retain those professional services as needed.

V. Debt Administration

Proactive debt management is a key component to the immediate and long-term success of the City's objectives. Once issued, the professional oversight of individual issues and monitoring of the City's debt portfolio will allow for favorable financial positioning.

A. Disclosure

Disclosure is a regulatory requirement and a way to enhance the marketing of the City's bonds. Disclosure includes operational and financial information for the initial marketing of a bond to investors and ongoing information regarding the status of the issue and issuer, known as continuing disclosure requirements. The City will comply with disclosure requirements as outlined in bond documents prepared by bond counsel.

B. Credit Ratings

High credit quality is essential to cost-effective financing. The City's goal is to maintain its high bond rating, and look for opportunities to increase that rating within the parameters of each type of debt issuance.

Three national agencies are currently prominent in the municipal market: Standard & Poor's, Moody's Investors Service and Fitch Investors Service. Because the City's debt issues vary greatly in size, the City and its financial advisor will evaluate the cost-benefit of obtaining a credit rating from one of the rating agencies. The retention of a rating agency relationship will be based on the potential for more favorable interest costs as compared to the direct and indirect cost of maintaining that relationship.

In advance of obtaining a credit rating, the City will prepare rating presentations in the appropriate form prior to a bond sale. The City will also maintain an ongoing statistical analysis of credit quality indicators to measure its standing over time.

C. Defeasance, Prepayment and Refunding

Accelerated retirement and restructuring of debt can be a valuable debt management tool. Accelerated retirement occurs through the use of defeasance and the exercise of prepayment provisions. Debt is often restructured through the issuance of refunding bonds.

Prepayment provisions are structured into the original bond issue. These opportunities take the form of using cash to reduce all or a portion of outstanding principal and future debt service obligations.

Debt can be refunded using current or advance refunding methods to achieve one or more of the following objectives: reduce future interest costs, restructure future debt service, or modify the legal requirements or bond covenants of the original issue. The City will generally look to a net present value savings in a minimum range of 3% to 5% of the present value of the refunding bonds. These refunding targets are not intended to prevent restructuring of outstanding debt as necessary to achieve other financial goals. The City will generally look to structure the refunding bonds in the same way as the original debt.

D. Investment of Bond Proceeds

The City will seek to lower its cost of borrowing through the investment of bond proceeds, including debt service funds, debt service reserve funds, and construction funds. Drawdowns of construction proceeds will be managed to maximize investment opportunity. Debt service funds and construction funds will be part of the City's investment pool and invested in the safest investments that optimize return on investment. Debt service reserve funds and other funds held by a trustee bank are to be invested in the safest investments available while earning a return. Bond proceeds will be invested in accordance with bond documents prepared by bond counsel.

E. Arbitrage and Tax Compliance

The City will comply with federal arbitrage and rebate regulations. The City recognizes its obligations to account for potential arbitrage rebate exposure and engage bond counsel to provide these calculations and certifications as required by bond documents. Steps will be taken to minimize any rebate liability through proactive management in the structuring and oversight of its individual debt issues and investment of bond proceeds.

For each debt issuance, the City Administrator will maintain a "Tax Advantage Obligation File" that contains documents needed to adhere to IRS requirements and to implement tax and securities law compliance procedures. The file will include an annual compliance checklist, documenting the maintained tax status of the debt issuance.

VI. Operating Reserves

The maintenance of adequate operating reserves is essential to the financial strength and flexibility of the city as a whole. They are an integral part of the financial structure of the city and help make it possible for the city to issue debt. Operating reserves are a significant factor considered in evaluating and assigning credit ratings by the bond rating agencies. In order to meet potentially unanticipated needs it shall be the goal of the city to maintain the following reserves:

1. An annual reserve in the general fund operating budget equal to a range of ten (10) to fifteen (15) percent of annual revenues.
2. A sixty (60) day unrestricted reserve in enterprise funds, as well as all reserves required by revenue bond indentures to remain in complete compliance with bond issue covenants.
3. An annual cash basis and contingency reserve in the debt service fund of at least ten (10) percent of the annual principal and interest and capital improvement lease payments. This includes beginning debt service fund cash, current year revenues, transfers, and general fund revenues dedicated towards COP's, etc., divided by current liabilities of G.O. debt plus COP's, etc.

A. Fund Balance

It shall be the goal of the City to maintain a minimum fund balance in the general fund of 15%. Ratings agencies prefer strong fund balance levels for entities at or aspiring to Triple A status. The above minimum fund balance calculation includes and is cumulative with the provisions of section F.2.

The Governing Body may approve the use of budgeted reserves in the case of emergency events, or conditions that result in unanticipated expenditure requirements or revenue fluctuations within a fiscal year, or to take advantage of an extraordinary opportunity.

1. Classification: The City desires to establish a fund balance classification policy consistent with the needs of the City, and in a manner consistent with governmental accounting standards. The following classifications serve to enhance the usefulness of fund balance information:
 - (a) Non-spendable: assets legally or contractually required to be maintained, or are not in spendable form. Such constraint is binding until the legal requirement is repealed or the amounts become spendable.
 - (b) Restricted: assets with externally imposed constraints, such as those mandated by creditors, grantors and contributors, or laws and regulations. Such constraint is binding unless modified or rescinded by the applicable external body, laws, or regulations.
 - (c) Committed: assets with a purpose formally imposed by resolution by the Governing Body of the City, binding unless modified or rescinded by the Governing Body.
 - (d) Assigned: assets constrained by the expressed written intent of the Board of Alderman, City Administrator, or designee. Encumbrances shall be considered as assigned, unless they specifically meet the requirements to be committed or restricted.
 - (e) Unassigned: all amounts not included in other fund balance classifications. The general fund shall be the only fund to report positive unassigned fund balance. All other governmental funds may report negative unassigned fund balance.

For unrestricted fund balance, committed amounts should be reduced first, followed by assigned amounts, followed by unassigned amounts.

Appendix I

Debt Issuance Checklist

Debt Management Policy

Appendix I Debt Issuance Checklist

Note: The structure of debt issued by the City, regardless of type, is to be evaluated using the Debt Issuance Checklist. This checklist is not meant to be inclusive of all factors that apply when evaluating debt, but a tool to analyze the structure of debt issuance. There may be factors to consider that are not included on the Debt Issuance Checklist.

General Information

Type of debt:

Short or long term debt:

Bond proceeds will be used to:

Reserve and accounts to be established under the bond ordinance:

Debt Service Reserve Account
Depreciation and Replacement Account \$_____ monthly, \$_____ maximum

Identify the financial resources that will be used to meet debt obligations:

Amount of Debt

Analyze the following ratios to evaluate the City's ability to meet debt obligations, considering: To project into future years, use the current budget's growth estimates.

Total Debt Service per Total Expenditure
Total Debt Service per Non-Capital Expenditure
Total Debt Service per Total Revenues
Total Debt Service not Supported by Dedicated Revenues
funds per Total Revenues

Conclusion:

Fixed or Variable Rate Debt

Evaluate the impact of fixed or variable interest rates by considering:

Interfund Borrowing

Evaluate the interfund borrowing for the issuance by

Financing resources used to retire the debt
Interest costs over time
Interest income earned over time
Size of the debt issuance
Opportunity cost of borrowed
Repayment schedule
Marketability and flexibility of issuance

Conclusion:

Prepayment Provisions

Evaluate the impact of call provisions by considering:

Cost of interest on fixed rate debt
Cost of interest on variable rate debt
Ability to accelerate debt retirement
Ability to offset interest expense through investment income

Cost of call premium
Cost of higher interest rates
Ability to refund issuance in future
Marketability and flexibility of issuance

Conclusion:

Conclusion:

Taxable vs. Tax-exempt Debt

Evaluate the impact of taxable vs tax-exempt debt by considering:

Cost of interest on taxable issue
Cost of interest on tax-exempt issue
Marketability and flexibility of issuance

Conclusion:

Debt Maturity

Evaluate the optimum maturity for the issuance by considering:

Financial resources used to retire the debt
Interest costs over time
Marketability and flexibility of issuance

Conclusion:

Method of Sale

Evaluate the method of sale that produces the lowest cost of borrowing:

Competitive sale
Negotiated sale
Private placement

Conclusion:

Credit Enhancement

Evaluate the impact of bond insurance by considering:

Cost of bond insurance
to estimated savings in the TIC

Conclusion:

Appendix II

Glossary of Terms

Acceleration

A provision, normally present in a bond indenture agreement, mortgage, or other contract, that the unpaid balance is to become due and payable if specified events of default should occur. These include failure to meet interest, principal, or sinking fund payments, insolvency, and nonpayment of taxes on mortgaged property.

Advance Refunding

A method of providing for payment of debt service on a municipal bond until the first call date or maturity from funds other than an issuer's revenues. Advance refunding's are done by selling a new bond issue and investing the proceeds in a portfolio of U.S. government securities structured in order to provide enough cash flow to pay debt service on the refunded bonds. Refunding bonds are settled more than 90 days in advance of an optional prepayment date. The federal restrictions are that any issue can only be advance refunded once on a tax-exempt basis.

Arbitrage

Investment earnings representing the difference between interest paid on bonds and the interest earned on securities in which bond proceeds are invested. The Internal Revenue Code regulates the amount and conditions under which arbitrage on the investment of bond proceeds is permissible and the 1986 Tax Reform Act requires, with limited exceptions, that arbitrage from investments must be rebated to the federal government.

Average Effective Interest Cost

The average interest rate on a bond issue, including all issuance costs, expressed as either net interest cost or true interest cost.

Balloon Maturity

An extremely large proportion of bond principal coming due in a single year.

Basis Point

One basis point is 1/100 of 1 percent (0.01 percent). One hundred basis points equal 1 percent.

Bond Anticipation Note

A short-term borrowing that is retired with the proceeds of a bond sale.

Bond Insurance

Insurance as to timely payment of interest and principal of a bond issue. The cost of insurance is usually paid by the issuer in the case of a new issue of bonds, and the insurance is not purchased unless the cost is more than offset by the lower interest rate that can be incurred by the use of the insurance.

Bond Purchase Agreement

Contract that outlines the terms, prices, and conditions under which the underwriters agree to purchase the bonds from the issuer.

Bond Register

A record, kept by a transfer agent or registrar on behalf of an issuer, of the names and addresses of registered bond owners.

Bond Resolution

Adopted by the issuer's governing body to authorize the issuance and sale of municipal securities. The bond resolution describes the nature of the bond offering, the terms and conditions of the sale, and the obligations of the issuer to the bondholders. When a trust indenture is used, the bond resolution also approves the trust indentures and appoints a trustee and is called a Deed of Trust.

Bond Transcript

The legal documents associated with a bond offering.

Bond Year

An element in calculating average life of an issue and in calculating net interest cost and net interest rate on an issue. A bond year is the number of 12-month intervals between the date of the bond and its maturity date, measured in \$1,000 increments. For example, the "bond years" allocable to a \$5,000 bond dated April 1, Year 1, and maturing June 1, Year 2, is 5.830 [1.166 (14 months divided by 12 months) x 5 (number of \$1,000 increments in \$5,000 bond)]. Usual computations include "bond years" per maturity or per an interest rate, and total "bond years" for the issue.

Bonded Debt

The portion of an issuer's total indebtedness as represented by outstanding bonds.

- Direct or gross bonded debt: The sum of the total bonded debt and short-term debt.
- Net direct debt or bonded debt: Direct debt less sinking fund accumulations and all self-supporting debt such as tax anticipation notes and revenue anticipation notes.
- Total overall debt or total direct and overlapping debt: Total direct debt plus the issuer's applicable share of the total debt of all overlapping jurisdictions.
- Net overall debt or net direct and overlapping debt: Net direct debt plus the issuer's applicable share of the total debt of all overlapping jurisdictions.
- Overlapping debt: On a municipal issuer's financial statement "overlapping debt" is the debt of other issuers which is payable in whole or in part by taxpayers of the subject issuer.

Book Entry

Securities in the form of entries in the issuer's or a clearing house's books, rather than in the form of paper certificates with coupons. All but the smallest bond issues are sold in book-entry format.

Call

Actions taken to pay the principal amount of the bonds prior to the stated maturity date, in accordance with the provisions for "call" stated in the proceedings and the bonds.

Callable

Subject to payment of the principal amount (and accrued interest) prior to the stated maturity date, with or without payment of a call premium.

Call Premium

A dollar amount, usually stated as a percentage of the principal amount called, paid as a "penalty" or a "premium" for the exercise of a call provision.

Capital Project

Large scale capital expenditures that require significant financial resources. This includes purchase, construction, renovation or addition of capital assets and infrastructure improvements.

Closing Date

The date on which a new issuance of bonds is delivered to the purchaser upon payment of the purchase price and the satisfaction of all conditions specified in the bond purchase agreement.

Coverage

This is a term usually connected with revenue bonds. The margin of safety for payment of debt service, reflecting the number of times (e.g. "120 percent coverage") by which annual revenues either on a gross or net basis exceed annual debt service.

Current Refunding

Refunding bonds are settled within 90 days of an optional prepayment date

Dated Date (or Issue Date)

The date of a bond issue from which the bondholder is entitled to receive interest, even though the bonds may actually be delivered at some other date.

Debt Limit

Statutory or constitutional limit on the principal amount of debt that an issuer may incur (or that it may have outstanding at any one time).

Debt Service

Principal and interest.

Debt Service Reserve Fund

Used in revenue bond issues, a fund usually amounting to principal and interest payments for one year and used only if normal revenues do not cover debt service.

Defeasance

Funds are accumulated in a dedicated debt service fund or other available reserve to place in an irrevocable escrow account an amount sufficient such that the initial deposit plus accumulated investment earnings pay all scheduled debt service obligations on the refunded bonds until an optional prepayment date, at which time all remaining refunded bonds are retired.

Depository

A clearing agency registered with the Securities and Exchange Commission which provides immobilization, safekeeping and book-entry settlement services to its participants. The four registered depositories are The Depository Trust Company (New York), the Midwest Securities Trust Company (Chicago), the Pacific Securities Depository Trust Company (Chicago) and the Philadelphia Depository Trust Company.

Discount

(1) Amount (stated in dollars or a percent) by which the selling or purchase price of a security is less than its face amount. (2) Amount by which the amount bid for an issue is less than the aggregate principal amount of that issue.

Due Diligence

The investigation of a bond issue, by underwriter's and issuer's counsel, to ensure that all material facts related to the issue have been disclosed to potential buyers in the official statement (OS).

Duration

The sum of the present values of each of the principal and interest payments of a security, weighted by the time to receipt of each payment, divided by the total of the present values of the payments. Unlike average life or average maturity, duration takes into account the timing of both principal and interest payments.

Interest Rate Swap

An agreement between two parties to exchange future flows of interest payments. One party agrees to pay the other a fixed rate; the other pays the first party an adjustable rate usually tied to a short-term index.

Issue Date (or Dated Date)

The date of a bond issue from which the bondholder is entitled to receive interest, even though the bonds may actually be delivered at some other date.

Joint Managers

Underwriting accounts are headed by a manager. When an account is made up of several groups of underwriting firms that normally function as separate accounts, the larger account is often managed by several underwriters, usually one from each of the several groups, and these managers are referred to as "joint managers."

Lease Financings

Under the structure, a municipality borrows money to rent equipment that it will acquire at the end of a stipulated period.

Legal Opinion

An opinion of bond counsel concerning the validity of a securities issue with respect to statutory authority, constitutionality, procedural conformity and usually the exemption of interest from federal income taxes.

Letter of Credit (LOC)

A security document usually issued by a bank that back-stops, or enhances, the basic security behind a bond. In the case of a direct pay "LOC," the bondholder can request the bank to make payment directly rather than through the issuer, in which case the City agrees to promptly repay the bank or pay the bank in advance.

Level Debt Service

The result of a maturity schedule that has increasing principal amounts maturing each year so that the debt service in all years is essentially "level." "Level debt service" is often used with revenue bond issues (and, in a familiar area, in the traditional approach to monthly payments on home mortgages).

Maturity Date

The stated date on which all or a portion of the principal amount of a security is due and payable.

Maturity Schedule

The schedule (by dates and amounts) of principal maturities of an issue.

Net Interest Cost (NIC)

The traditional method of calculating bids for new issues of municipal securities. The total dollar amount of interest over the life of the bonds is adjusted by the amount of premium or discount bid, and then reduced to an average annual rate. The other method is known as the true interest cost (TIC), which takes into account the time value of money $NIC = (\text{Total Coupon Interest} + \text{Discount or} - \text{Premium}) / \text{Bond Years}$

Net Tax-Supported Debt Service

Annual principal and interest due for aggregate tax-supported debt less any principal and interest due for tax-supported debt determined to be self-supporting (i.e., annual debt service is fully paid from dedicated taxes, fees, incremental revenues, etc.).

Notice of Sale

An official document disseminated by an issuer of municipal securities that gives pertinent information regarding an upcoming bond issue and invites bids from prospective underwriters.

Official Statement

Discloses pertinent information regarding the debt offering of a governmental entity. It should contain complete information about the bonds being offered such as a description of the security pledge for the repayment of debt, the issuer's financial condition, structure of the offering, tax status, and economic/demographic information.

Optional Redemption

A right to retire an issue or a portion thereof prior to the stated maturity thereof during a specified period of years. The right can be exercised at the option of the issuer or, in pass-through issues, of the primary obligor. "Optional redemption" may require the payment of a premium for its exercise, with the amount of the premium decreasing the nearer the option exercise date is to the final maturity date of the issue.

Par Value

The principal amount of a bond or note due at maturity.

Paying Agent

Place where principal and interest are payable. Usually a designated bank or the office of the Administrator of the issuer.

Syndicate

A group of underwriters formed for the purpose of participating jointly in the initial public offering of a new issue of municipal securities. The terms under which a "syndicate" is formed and operates are typically set forth in the "agreement among underwriters." Those terms will establish the pro rata participation of each syndicate member; the methods by which offering prices and other terms of sale will be established; in what priority orders for securities will be taken and confirmed; and the joint or several nature of the liability assumed by each member for the purchase of unsold securities. The purpose of a "syndicate" formation is to share the risk of the offering among participating underwriters and to establish a distribution network in which to market the offered securities. One or more underwriters will act as manager of the "syndicate" and one of the managers will act as lead manager and "run the books." A "syndicate" is also often referred to as an "account" or "underwriting account."

Tax-Supported Debt Service

Annual principal and interest due for aggregate tax-supported debt.

True Interest Cost

A method of calculating bids for new issues of municipal securities that takes into consideration the time value of money (see "Net Interest Cost").

Trustee

A bank designated by the issuer as the custodian of funds and official representative of bondholders. "Trustees" are appointed to insure compliance with the contract and represent bondholders to enforce their contract with the issuers.

Trust Indenture

A legal contract between the issuer and the trustee establishing responsibilities of the issuer and the rights of the bondholders. The trust indenture defines the security, flow of funds, bond covenants, and other provisions for the protection of the investors and is enforced by the trustee.

Underwriting Spread

The difference between the offering price to the public by the underwriter and the purchase price the underwriter pays to the issuer. The underwriter's profit, expenses and selling costs are usually paid from this amount.

Yield to Maturity

Total return on a bond, taking into consideration its coupon, length of maturity, and dollar price.

RESOLUTION 2013-46

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI TO APPROVE AND ADOPT A DEBT MANAGEMENT POLICY FOR THE CITY OF PECULIAR.

WHEREAS, The Board of Aldermen recognize the need to adopt a Debt Management Policy and;

WHEREAS, said policy will provide guidance for the types of debt issued, the issuance process, and the administration of the debt portfolio, and;

WHEREAS, said policy is intended to guide decisions, identify policy goals, and demonstrate a commitment to financial planning,

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI

Section 1. The City of Peculiar, Missouri hereby adopts by Resolution, the attached Debt Management Policy.

Section 3. *Effective Date.* The effective date of this Resolution shall be ___ day of December, 2013.

Upon a roll call, said Resolution was adopted by the following vote:

Alderman Gallagher	___	Alderman Ray	___
Alderman Turner	___	Alderman Stark	___
Alderman Fines	___	Alderman Dunsworth	___

APPROVED:

ATTEST:

Ernest Jungmeyer, Mayor

Nick Jacobs, City Clerk

City Administrator
Brad Ratliff

Business Office
Trudy Prickett

City Attorney
Reid F. Holbrook



City Engineer
Carl Brooks

Chief of Police
Harry Gurin

City Clerk
Nick Jacobs

Municipal Offices - 250 S. Main St., Peculiar, MO 64078
Phone: 816.779.5212 Facsimile: 816.779.1004

To: Board of Alderman
From: Brad Ratliff
Date: December 16, 2013
Re: Investment Policy

GENERAL INFORMATION

Applicant: City Staff
Date of Application: December 16, 2013
Purpose: Discussion of Investment Policy for the City of Peculiar
Property Location (if applicable):

PROPOSAL

Investment Policy: A written investment policy is the single most important element in a public funds investment program. An investment policy should describe the most prudent primary objectives for a sound policy: safety, liquidity, and yield. It should also indicate the type of instruments eligible for purchase by a government entity, the investment process, and the management of a portfolio. Such a policy improves the quality of decisions and demonstrates a commitment to the fiduciary care of public funds, with emphasis on balancing safety of principal and liquidity with yield. Adherence to an investment policy signals to rating agencies, the capital markets and the public that a government entity is well managed and is earning interest income suitable to its situation and economic environment.

PREVIOUS ACTIONS

None

KEY ISSUES

STAFF COMMENTS AND SUGGESTIONS

STAFF RECOMMENDATION Review Policy for adoption

ATTACHMENTS Debt Management Policy

STAFF CONTACT: Brad Ratliff

Ben Hart - Allen, Gibbs & Houlik, L.C.
(316) 267-7231

INVESTMENT POLICY

City of Peculiar, Missouri



Municipal Offices - 250 S. Main Street, Peculiar, MO 64078
Phone: 816.779.5212 Facsimile: 816.779.1004

I. Scope

This policy applies to the investment of all operating funds of the City of Peculiar, Missouri. Longer-term funds, including investments of employees' retirement funds and proceeds from certain bond issues, are covered by a separate policy.

Pooling of Funds

Except for cash in certain restricted and special funds, the City of Peculiar, Missouri will consolidate cash balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

External Management of Funds

Investment through external programs, facilities and professionals operating in a manner consistent with this policy will constitute compliance.

II. General Objectives

The primary objectives, in priority order, of investment activities shall be safety, liquidity, and yield:

1. Safety

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

a. Credit Risk

The City of Peculiar, Missouri will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:

- Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisors with which the City of Peculiar, Missouri will do business.
- Diversifying the portfolio so that potential losses on individual securities will be minimized.

b. Interest Rate Risk

The City of Peculiar, Missouri will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
- Investing operating funds primarily in shorter-term securities.

2. Liquidity

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity). A portion of the portfolio

also may be placed in bank deposits or repurchase agreements that offer same-day liquidity for short-term funds.

3. Yield

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:

- A security with declining credit may be sold early to minimize loss of principal.
- A security swap would improve the quality, yield, or target duration in the portfolio.
- Liquidity needs of the portfolio require that the security be sold.

III. Standards of Care

1. Prudence

All participants in the investment process shall act responsibly as custodians of the public trust. The standard of prudence to be applied by the personnel of the Investment Division is the “prudent investor” rule, which states, “Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.”

2. Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with which business is conducted on behalf of the City of Peculiar, Missouri.

3. Delegation of Authority

Authority to manage the investment program is granted to the City Administrator or his designee as Investment Officer. Responsibility for the operation of the investment program is hereby delegated to the investment officer, who shall act in accordance with the established written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the investment officer. The investment officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

IV. Investment Transactions

1. Authorized Financial Dealers and Institutions

A list will be maintained of financial institutions authorized to provide investment transactions. In addition, a list also will be maintained of approved security broker/dealers selected by creditworthiness as determined by the investment officer and approved by the governing body. These may include “primary” dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule).

All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:

- Audited financial statements.
- Proof of National Association of Securities Dealers (NASD) certification.
- Proof of state registration.
- Completed broker/dealer questionnaire.
- Certification of having read and understood and agreeing to comply with the City of Peculiar, Missouri’s investment policy.

An annual review of the financial condition and registration of qualified financial institutions and broker/dealers will be conducted by the investment officer.

2. Internal Controls

The investment officer is responsible for establishing and maintaining an internal control structure that will be reviewed annually with the City of Peculiar, Missouri independent auditor. The internal control structure shall be designed to ensure that the assets of the City of Peculiar, Missouri are protected from loss, theft or misuse and to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits require estimates and judgments by management.

The internal controls shall address the following points:

- Control of collusion.
- Separation of transaction authority from accounting and record keeping.
- Custodial safekeeping.
- Avoidance of physical delivery securities.
- Clear delegation of authority to subordinate staff members.
- Written confirmation of transactions for investments and wire transfers.
- Development of a wire transfer agreement with the lead bank and third party custodian.

3. Delivery vs. Payment

All trades where applicable will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in eligible financial institutions prior to the release of funds. All securities shall be perfected in the name or for the account of the City of Peculiar, Missouri and shall be held by a third-party custodian as evidenced by safekeeping receipts.

V. Suitable and Authorized Investments

1. Investment Types

In accordance with and subject to restrictions imposed by current statutes, the following list represents the entire range of investments that City of Peculiar, Missouri will consider and which shall be authorized for the investments of funds by the City of Peculiar, Missouri.

A. Governmental and Agency Debt – those securities issued by and or guaranteed by the Federal Government or an Agency or Instrumentality of the Federal Government:

I. United States Treasury Securities. The City of Peculiar, Missouri may invest in obligations of the United States government for which the full faith and credit of the United States are pledged for the payment of principal and interest.

II. United States Agency Securities. The City of Peculiar, Missouri may invest in obligations issued or guaranteed by any agency of the United States Government as described in V. (2).

B. Fixed Income investments secured by FDIC insurance and/or Collateral:

I. Repurchase Agreements. The City of Peculiar, Missouri may invest in contractual agreements between the City of Peculiar, Missouri and commercial banks or primary government securities dealers. The purchaser in a repurchase agreement (repo) enters into a contractual agreement to purchase U.S. Treasury and government agency securities while simultaneously agreeing to resell the securities at predetermined dates and prices.

II Collateralized Public Deposits (Certificates of Deposit). Instruments issued by financial institutions which state that specified sums have been deposited for specified periods of time and at specified rates of interest. The certificates of deposit are required to be backed by acceptable collateral securities as dictated by State statute.

C. Other Fixed Income Debt issued by Commercial Enterprises: It should be noted that investments in the following instruments require an additional level of care and prudence when undertaken by the Investment Officer. Because these investments are in commercial credits as opposed to governmental credit, or subject to the added safety of collateral, the risk of loss of principal is significantly higher for the following investments than in the four prior categories. Added financial training and education is recommended for the Investment Officer wishing to participate in and/or manage a commercial paper program. Outside professional management of your commercial paper program is highly recommended.

I. Bankers Acceptances. Bills of exchange or time drafts on and accepted by a commercial bank, otherwise known as bankers' acceptances. An issuing bank must have received the highest letter and numeral ranking (i.e., A1 / P1) by at least two nationally recognized statistical rating organizations (NRSRO's). Must be issued by domestic commercial banks. Purchases of bankers' acceptances may not exceed 180 days to maturity. No more than 5% of the total market value of the portfolio may be invested in the bankers' acceptances of any one issuer and no more than 25% of the entire portfolio may be invested in banker's acceptances.

II. Commercial Paper. Commercial paper which has received the highest letter and numeral ranking (i.e., A1 / P1) by at least two nationally recognized statistical rating organizations (NRSRO's). Eligible paper is further limited to issuing corporations that have a total commercial paper program size in excess of \$250,000,000 and have long term debt ratings, if any, of "A" or better from at least one NRSRO. Purchases of commercial paper may not exceed 180 days to maturity. Approved commercial paper programs should provide some diversification by industry. Additionally, purchases of commercial paper in industry sectors that may from time to time be subject to undue risk and potential illiquidity should be avoided. The only asset-backed commercial paper programs that are eligible for purchase are fully supported programs that provide adequate diversification by asset type (trade receivables, credit card receivables, auto loans, etc.) No securities arbitrage programs or commercial paper issued by Structured Investment Vehicles (SIV's) shall be considered. No more than 5% of the total market value of the portfolio may be invested in the commercial paper of any one issuer. No more than 25% of the entire investment portfolio may be invested in Commercial Paper. Commercial paper issuers must be subject to weekly credit review and daily news research and analysis and a monitoring program must be established to promulgate best practices credit monitoring.

2. Security Selection

The following list represents the entire range of United States Agency Securities that the City of Peculiar, Missouri will consider and which shall be authorized for the investment of funds by the City of Peculiar, Missouri. Additionally, the following definitions and guidelines should be used in purchasing the instruments:

- U.S. Govt. Agency Coupon and Zero Coupon Securities. Bullet coupon bonds with no embedded options.
- U.S. Govt. Agency Discount Notes. Purchased at a discount with maximum maturities of one (1) year.
- U.S. Govt. Agency Callable Securities. Restricted to securities callable at par only with final maturities of five (5) years.
- U.S. Govt. Agency Step-Up Securities. The coupon rate is fixed for an initial term. At coupon date, the coupon rate rises to a new, higher fixed term. Restricted to securities with final maturities of five (5) years.

3. Investment Restrictions and Prohibited Transactions

To provide for the safety and liquidity of the City of Peculiar, Missouri funds, the investment portfolio will be subject to the following restrictions:

- Borrowing for investment purposes ("Leverage") is prohibited.
- Instruments known as variable rate demand notes, floaters, inverse floaters, leveraged floaters, and equity-linked securities are not permitted. Investment in any instrument, which is commonly considered a "derivative" instrument (e.g. options, futures, swaps, caps, floors, and collars), is prohibited.
- Contracting to sell securities not yet acquired in order to purchase other securities for

purposes of speculating on developments or trends in the market is prohibited.

4. Collateralization

Collateralization will be required on two types of investments: certificates of deposit and repurchase agreements. The market value (including accrued interest) of the collateral should be at least 100%.

For certificates of deposit, the market value of collateral must be at least 100% or greater of the amount of certificates of deposits plus demand deposits with the depository, less the amount, if any, which is insured by the Federal Deposit Insurance Corporation, or the National Credit Unions Share Insurance Fund.

All securities, which serve as collateral against the deposits of a depository institution, must be safekept at a non-affiliated custodial facility. Depository institutions pledging collateral against deposits must, in conjunction with the custodial agent, furnish the necessary custodial receipts within five business days from the settlement date.

The City of Peculiar, Missouri shall have a *depository contract and pledge agreement* with each safekeeping bank that will comply with the Financial Institutions, Reform, Recovery, and Enforcement Act of 1989 (FIRREA). This will ensure that the City of Peculiar, Missouri security interest in collateral pledged to secure deposits is enforceable against the receiver of a failed financial institution.

5. Repurchase Agreements

These securities for which repurchase agreement will be transacted will be limited to U.S. Treasury and government agency securities that are eligible to be delivered via the Federal Reserve Fedwire book entry system. Securities will be delivered to the City of Peculiar, Missouri designated Custodial Agent. Funds and securities will be transferred on a delivery vs. payment basis.

VI. Investment Parameters

1. Diversification

The investments shall be diversified to minimize the risk of loss resulting from over concentration of assets in specific maturity, specific issuer, or specific class of securities. Diversification strategies shall be established and periodically reviewed. Diversification standards by security type and issuer shall be:

- U.S. treasuries and securities having principal and/or interest guaranteed by the U.S. government..... 100%
- Collateralized time and demand deposits.....100%
- U.S. Government agencies, and government sponsored enterprises.....no more than 60%
- Collateralized repurchase agreements.....50%
- U.S. Government agency callable securities.....no more than 30%

2. Maximum Maturities

To the extent possible, the City of Peculiar, Missouri shall attempt to match its investments with anticipated cash flow requirements. Investments in repurchase agreements shall mature and become payable not more than ninety days (90) from the date of purchase. All other investments shall mature and become payable not more than five (5) years from the date of purchase. The City of Peculiar, Missouri shall adopt weighted average maturity limitations that should not exceed three (3) years and is consistent with the investment objectives.

Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds such as in bank deposits or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations.

VII. Reporting

1. Methods

The investment officer shall prepare an investment report at least quarterly, including a management summary that provides an analysis of the status of the current investment portfolio and transactions made over the last quarter. This management summary will be prepared in a manner that will allow the City of Peculiar, Missouri to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report should be provided to the governing body of the City of Peculiar, Missouri. The report will include the following (if applicable):

- Listing of individual securities held at the end of the reporting period.
- Realized and unrealized gains or losses resulting from appreciation or depreciation by listing the cost and market value of securities over one-year duration (in accordance with Government Accounting Standards Board (GASB) 31 requirements). [Note, this is only required annually]
- Average weighted yield to maturity of portfolio on investments as compared to applicable benchmarks.
- Listing of investment by maturity date.
- Percentage of the total portfolio which each type of investment represents.

2. Performance Standards

The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. A series of appropriate benchmarks may be established against which portfolio performance shall be compared on a regular basis.

3. Marking to Market

The market value of the portfolio shall be calculated at least quarterly and a statement of the market value of the portfolio shall be issued at least annually to the governing body of the City of Peculiar, Missouri. This will ensure that review of the investment portfolio, in terms of value and price volatility, has been performed.

VIII. Policy Considerations

Exemption

Any investment currently held that does not meet the guidelines of this policy shall be exempt from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

This policy shall be adopted by resolution of the City of Peculiar, Missouri governing body. The policy shall be reviewed annually by the investment officer and recommended changes will be presented to the governing body for consideration.

RESOLUTION 2013-47

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI TO APPROVE AND ADOPT AN INVESTMENT POLICY FOR THE CITY OF PECULIAR.

WHEREAS, The Board of Aldermen recognize the need to adopt an Investment Policy and;

WHEREAS, said policy improves the quality of decisions and demonstrates a commitment to the fiduciary care of public funds, with emphasis on balancing safety of principal and liquidity with yield,

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI

Section 1. The City of Peculiar, Missouri hereby adopts by Resolution, the attached Investment Policy.

Section 3. *Effective Date.* The effective date of this Resolution shall be ___ day of December, 2013.

Upon a roll call, said Resolution was adopted by the following vote:

Alderman Gallagher	___	Alderman Ray	___
Alderman Turner	___	Alderman Stark	___
Alderman Fines	___	Alderman Dunsworth	___

APPROVED:

ATTEST:

Ernest Jungmeyer, Mayor

Nick Jacobs, City Clerk

City Administrator
Brad Ratliff



City Engineer
Carl Brooks

City Planner
Cliff McDonald

Chief of Police
Harry Gurin

City Attorney
Reid F. Holbrook

City Clerk
Nick Jacobs

Business Office Manager
Trudy Prickett

Municipal Offices – 250 S Main, Peculiar, MO 64078
Phone: 816.779.5212 Facsimile: 816.779.5213

Parks Director
Nathan Musteen

To: Board of Aldermen
From: Cliff McDonald, City Planner
Date: December 16, 2013
Re:

GENERAL INFORMATION

Applicant: City Staff
Requested Actions: City Zoning Map Amendment
Date of Application: November 14, 2013
Purpose: Amend City Zoning Map to reflect Zoning Regulation Changes, Zoning Amendments and Changes to Peculiar’s City Limits from Annexations since May, 2009

Property Location (if applicable): City Wide

PROPOSAL

Recommend the Board of Aldermen review the proposed Amendments to the City Zoning Map and consider adopting the new City Zoning Map by Ordinance.

PREVIOUS ACTIONS

The Planning Commission held a Public Hearing on November 14th, 2013 to review the proposed amendments necessary to update the Zoning Map since it was adopted in May, 2009 and consider approving the updated map as presented. Upon completion of the Public Hearing the Planning Commission moved to Table approving the Zoning Map until the next meeting to allow for further review of the Zoning Map itself. During the Planning Commission Meeting held December 12th, the Commission voted unanimously to approve the updated City Zoning Map as presented.

KEY ISSUES

The City Zoning Map is one of the most important documents the Planning Commission and Board of Aldermen will review and consider for approval; as such its review bears close attention to detail. The current Zoning Map was approved in May, 2009 and has not been updated since. The City Zoning Map being presented for approval and adoption reflects all the changes in Zoning Regulations, Zoning Amendments and Annexations since the current map was adopted; significant changes include:

- Deletion of the PUD, Planned Unit Development, District

- Annexation of five (5) properties adjacent to E. 211th Street and I-49
- Annexation of S. Peculiar Drive
- Right-of-way acquisition of East Outer Road
- Annexation of property off Morgan Drive

All together there are twenty-eight (28) changes/amendments to the City Zoning Map which are reflected in the map presented for approval and adoption, the changes are as follows:

1. **21001 S. East Outer Road. Newly annexed 33 acres, Zone to AG, Agriculture District**
2. **11102 E. 211th Street. Newly annexed 70 acres, Zone to AG, Agriculture District**
3. **E. 211th Street. Newly annexed 113 acres (Dean property), Zone to AG, Agriculture District**
4. **Change City Limits, North of E. 211th Street, to reflect annexation**
5. **Change City Limits, South of E. 211th Street, to reflect annexation**
6. **Change City Limits, to include East Outer Road (from Cass County)**
7. **21107 S. Peculiar Drive. Newly annexed 5 acres, Zone to R-1, Single-Family Dwelling District**
8. **21215 S. Peculiar Drive. Newly annexed 50 acres, Zone to C-1, General Business District**
9. **Change City Limits, South of 21215 S. Peculiar Drive to reflect annexation**
10. **Add Final Plat of North Pointe Subdivision to reflect streets and lots.**
11. **Tuscany Estates. Delete PUD, Zone to R-1, Single-Family Dwelling District**
12. **Bradley's Crossing. Delete PUD, Zone to underlying, approved Zoning; C-1, General Business District; R-1, Single-Family Dwelling District; R-3, Multiple-Family Dwelling District; I-1, Light Industrial District**
13. **21712 N. Main Street. Change Zoning from C-1, General Business District to I-1, Light Industrial District**
14. **Frontier Estates. Add Final Plat, Streets & Lots**
15. **Twin Oaks. Add Twin Oaks Pkwy (Final Plat, Phase 3 & 4)**
16. **Meadow View Estates. Delete PUD, Zone to R-4, Multiple Family and Congregate Housing District (per Ord. 7-20-2010)**
17. **Add: A-C, Arts & Culture Overlay District**
18. **Carriage Meadows. Delete PUD, Zone to R-1, Single-Family Dwelling District**
19. **723 Bridle Trail Ln. Change City Limits to include and zone R-1, Single-Family Dwelling District.**
20. **Windmill Plaza. Delete PUD, Zone to C-1, General Business District; R-1, Single Family Dwelling District**
21. **Windmill Estates. Delete PUD, Zone to R-1, Single Family Dwelling District**
22. **Shadow Glen. Add Third Phase, Final Plat**
23. **Add Lot-split, Joe Holt Parkway: 22609 S. Peculiar Drive**
24. **Add Street Names to: S. Kendall Road, Nora Dodge Drive**
25. **Zoning Map Key: Delete Planned Unit Development District**
26. **Zoning Map Key: Add "District" to I-1, Light Industrial**
27. **Zoning Map Key: Add "District" to I-2, Heavy Industrial**
28. **Zoning Map Insert: Show change of City Limits for S. Peculiar Drive**

STAFF RECOMMENDATIONS

I recommend the Board of Aldermen review the list of changes, the updated Zoning Map which incorporates them and approve the Ordinance to adopt the amended City Zoning Map as presented.

STAFF CONTACT: Clifford L. McDonald

City of Peculiar

Cass County, Missouri

Official Zoning Map

0 625 1,250 2,500 Feet

THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP REFERRED TO IN ARTICLE _____ SECTION _____ OF ORDINANCE NO. _____ OF THE CITY OF PECULIAR, CASS COUNTY, MISSOURI. THIS OFFICIAL ZONING MAP SUPERSEDES AND REPLACES ANY OR ALL OTHER OFFICIAL ZONING MAPS ADOPTED PRIOR TO THIS DATE ADOPTED ON THIS _____ DAY OF _____, 2013.

MAYOR, CITY OF PECULIAR, MISSOURI ATTESTED: CITY CLERK

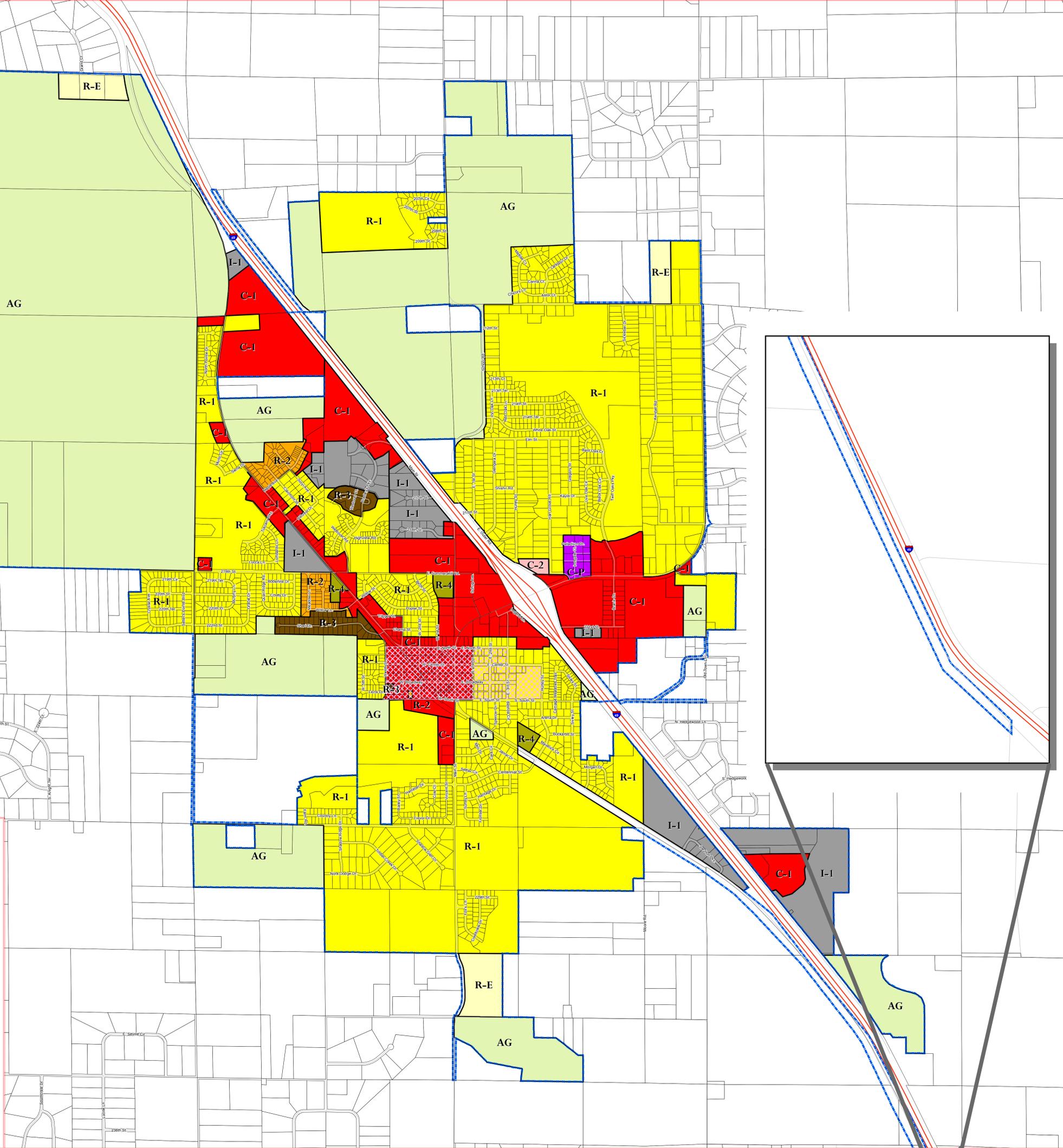
REVISION DATE	ORDINANCE NO.	COMMENTS	SIGNATURE

Prepared By: RSC Consulting Group, Inc.
 Source: Missouri Spatial Information Service, Cass County MO
 GIS Project: Arkisp111
 THIS MAP WAS PREPARED USING INFORMATION FROM RECORD DRAWINGS SUPPLIED BY THE LANDOWNER OR OTHER APPLICABLE CITY, COUNTY, STATE, FEDERAL OR PRIVATE ENTITIES. THE USER ASSUMES ALL LIABILITY FOR THE ACCURACY OF THIS MAP OR THE INFORMATION USED TO PREPARE THIS MAP.
 CREATED BY: S. Walsh
 REVISED BY: S. Walsh
 REVISION DATE: September 11, 2013
 JOB PROJECT NUMBER: MO24241



Legend

- Corporate Limits
- Zoning Districts**
- AG Agriculture District
- R-E Residential Estates District
- R-1 Single Family Dwelling District
- R-2 Two-Family Dwelling District
- R-3 Multiple-Family Dwelling District
- R-4 Multiple Family and Congregate Housing District
- O-C Office Commercial District
- C-1 General Business District
- C-2 Central Business District
- C-P Planned Business District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- H Historic Overlay District
- A-C Arts and Culture Overlay District



BILL NO. 2013-23

ORDINANCE NO. _____

AN ORDINANCE BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR TO ADOPT AN OFFICIAL ZONING MAP WHICH INCORPORATES ALL CHANGES IN ZONING, CHANGES IN ZONING DISTRICTS, AND CHANGES TO THE OFFICIAL CITY LIMITS OF PECULIAR FROM ANNEXATIONS SINCE MAY 2009.

Whereas, the City of Peculiar has decided to update the Official Zoning Map (“Map”), shown in Exhibit “A”, to reflect changes in: Zoning, Zoning Districts and revised City Limits from annexations and ensure compliance with the City of Peculiar Comprehensive Plan; and

Whereas, a Public Hearing was held by the Planning Commission on November 14, 2013 to review the changes to the Official Zoning Map and Text amendments; and

Whereas, the Planning Commission recommends approval of the updated City of Peculiar Official Zoning Map and Text amendments; and

Whereas, a Public Hearing was held on December 2, 2013 by the Board of Aldermen to review the recommended changes to the Official Zoning Map and Text amendments;

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

SECTION ONE: The new Official Zoning Map dated January 6, 2014 as set forth in Exhibit “A” is approved and adopted and hereby replaces the existing Zoning Map.

SECTION TWO: That this ordinance shall be in full force and effect from and after its passage and approval.

SECTION THREE: The effective date of this ordinance shall be _____, 2014.

First Reading: _____

Second Reading: _____

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED UPON ITS SECOND READING THIS ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

Alderman Gallagher _____
Alderman Dunsworth _____
Alderman Fines _____

Alderman Ray _____
Alderman Stark _____
Alderman Turner _____

APPROVED:

ATTEST:

Ernie Jungmeyer, Mayor

Nick Jacobs, City Clerk

City Administrator
Brad Ratliff

City Clerk
Nick Jacobs

City Attorney
Reid F. Holbrook



City Engineer
Carl Brooks

Chief of Police
Harry Gurin

City Planner
Cliff McDonald

Municipal Offices – 250 S. Main, Peculiar, MO 64078
Phone: 816.779.5212 Facsimile: 816.779.5213

To: Board of Aldermen
From: Brad Ratliff, City Administrator
Date: December 16, 2013
Re:

GENERAL INFORMATION

Applicant: Staff
Status of Applicant: City Administrator
Requested Actions: Placing a One Penny Motor Vehicle Fuel Tax on Ballot
Purpose: To allow the Voters of Peculiar to vote on a revenue stream for roads.
Property Location (if applicable):

PROPOSAL

The City of Peculiar receives fuel tax from the State based on census 10 year populations, not to the point of purchase. Fly J and Casey's receives a lot of car traffic off of 71 Highway. Flying J receives an even larger amount of truck traffic. 1 penny would help aid our aging road system in Peculiar. We have many new housing additions in Peculiar but the property taxes are in no way close to addressing the infrastructure needs. The City of Peculiar in 5 years will be facing some direr road conditions as the new developments will start needing their streets overlaid. If we do not find a way to address future street repairs, we will not be able to sustain growth and repairs of our roadway systems in the City. Therefore, we are in hope that the penny will aid us in addressing some of the street issues in the community.

We are estimating that this one penny could possibly bring in around \$80,000 annually. Neither Casey's nor Flying J will share their information on gasoline sold at any exact location. We should use the first year in collection to base our data on future budgeting of these dollars for road improvements.

PREVIOUS ACTIONS

- Failed to receive the required 2/3 voter approval on the ballot April 2010
- Failed to receive the required 2/3 voter approval on the ballot November 2010

KEY ISSUES

- Aid in addressing current street repairs
- Aid in future street repairs
- Visitors to the community paying for City street repairs
- More citizens currently talking about the need to approve this tax.

- Must be approved at January 6, 2013 BOA Meeting to be placed on April Ballot
- We are unsure the total amount this 1 penny would generate
- It takes 2/3rd or 66% of the votes cast to approve this provision.

STAFF COMMENTS AND SUGGESTION

We would run the issue again before the citizens. We have received numerous citizens requesting us to run the ballot issue again.

STAFF RECOMMENDATION

Staff recommends approval.

ATTACHMENTS

STAFF CONTACT: Brad Ratliff, City Administrator
bratliff@cityofpeculiar.com

BILL NO. 2013-24
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI, IMPOSING A LOCAL FUEL TAX TO BE USED TO FUND THE CONSTRUCTION, RECONSTRUCTION, MAINTENANCE, REPAIR, POLICING, SIGNING, LIGHTING, AND CLEANING OF ROADS AND/OR STREETS; AND FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDED INDEBTEDNESS INCURRED FOR ROAD AND STREET PURPOSES, THE USE THEREOF BEING SUBJECT TO SUCH OTHER PROVISIONS AND RESTRICTIONS AS PROVIDED BY LAW, AT THE RATE OF ONE CENT (\$0.01) PER GALLON TO BE IMPOSED ON ALL MERCHANTS FOR THE SALE OF FUEL USED FOR PROPELLING MOTOR VEHICLES PURSUANT TO THE AUTHORITY GRANTED BY AND SUBJECT TO THE PROVISIONS OF ARTICLE IV SECTION 30(a) OF THE MISSOURI CONSTITUTION; AND PROVIDING FOR SUBMISSION OF THE PROPOSAL TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE ELECTION CALLED AND TO BE HELD IN THE CITY ON APRIL 8, 2014.

WHEREAS, the City is authorized, under Article IV Section 30(a) of the Missouri Constitution, to impose a local fuel tax at a rate of one cent (\$0.01) per gallon to be imposed on all merchants for the sale of fuel used for propelling motor vehicles within the City; and

WHEREAS, the proposed City fuel tax cannot become effective until approved by a two-thirds majority of the voters at a general, primary, or special election at the municipal, county, or state level.

NOW THEREFORE, be it ordained by the Board of Aldermen of the City of Peculiar, Missouri as follows:

Section 1. Pursuant to the authority granted by and subject to the provisions of Article IV Section 30(a) of the Missouri Constitution, a motor vehicle fuel tax on both gasoline and diesel fuel shall be used to fund the construction, reconstruction, maintenance, repair, policing, signing, lighting, and cleaning of roads and/or streets; and for the payment of principal and interest on bonded indebtedness incurred for road and street purposes, the use thereof being subject to such other provisions and restrictions as provided by law.

Section 2. The rate of the tax shall be one cent (\$0.01) per gallon.

Section 3. The tax shall be submitted to the qualified voters of Peculiar, Missouri, for their approval, as required by the provisions of Article IV Section 30(a) of the Missouri Constitution, at the election hereby called and to be held in the City on the 8th day of April, 2014. The ballot of submission shall contain substantially the following language:

Shall the City of Peculiar, Missouri, impose a motor vehicle fuel tax, including both gasoline and diesel fuel, at a rate of (\$0.01) per gallon to be used to fund the construction, reconstruction, maintenance, repair, policing, signing, lighting, and cleaning of roads and/or streets; and for the payment of principal and interest on bonded indebtedness

incurred for road and street purposes, the use thereof being subject to such other provisions and restrictions as provided by law?

- YES
- NO

If you are in favor of the question, place an "X" in the box opposite "YES." If you are opposed to the question, place an "X" in the box opposite "NO."

SECTION II: The effective date of this ordinance shall be _____.

First Reading: _____

Second Reading: _____

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS ___ DAY OF _____, 2013, BY THE FOLLOWING VOTE:

Alderman Gallagher _____
 Alderman Dunsworth _____
 Alderman Fines _____

Alderman Ray _____
 Alderman Stark _____
 Alderman Turner _____

Approved:

Attest:

Ernest Jungmeyer, Mayor

Nick Jacobs, City Clerk

MEMORANDUM

TO: Board of Aldermen
Mayor Jungmeyer

FROM: Reid F. Holbrook
Megan L. Lewis

DATE: December 11, 2013

RE: Proposed Revisions to Chapter 600 of the Peculiar Municipal Code

For your consideration, we present an ordinance amending certain provisions of Chapter 600 of the Peculiar Municipal Code. The City's examination of these code provisions was originally prompted by an agenda request form from a citizen who wished to receive an employee permit for the sale of intoxicating liquor at a local business.

Based upon the citizen's request and our review of Chapter 600 of the Peculiar Municipal Code, we present to you an ordinance revising relevant provisions of the Peculiar Municipal Code. These revisions involve:

- Section 600.030
- Section 600.050
- Section 600.070
- Section 600.080
- Section 600.096
- Section 600.097

Specifically, these revisions updated the code as it relates to the issuance of liquor licenses and/or employee permits to persons with certain felony convictions. Previously, Chapter 600 of the Peculiar Municipal Code prohibited anyone with a felony conviction from receiving a liquor license and/or employee permit. This ordinance now solely restricts the issuance of liquor licenses and/or employee permits to felons with convictions reasonably related to the manufacture or sale of intoxicating liquors. We believe that these changes are required under *Levinson v. State of Missouri*, 104 S.W.3d 409 (Mo. 2003).

In addition, the ordinance updates the code to provide more uniformity in the application processes for liquor licenses and employee permits.

Please contact our office with any additional questions or concerns.

CURRENT CITY CODE

SECTION 600.030: LICENSE REQUIRED

It shall be unlawful for any person to manufacture, brew, distill, sell or distribute alcoholic beverages without first having a license authorizing such manufacture, brewing, sale or exposing for sale, or distribution in compliance with the terms of this Chapter. A license holder is prohibited from having an employee that has been convicted of a felony to directly participate in the retail sales of intoxicating liquor. (Ord. No. 111681 §3, 11-16-81; Ord. No. 030204C §5, 3-2-04; Ord. No. 050509, 5-5-09)

SECTION 600.050: NEW APPLICANTS PRESENTED TO BOARD OF ALDERMEN

A. *Filing Of An Application.* Each application for an original or renewal license shall be filed with the City Clerk on a form to be provided by the City, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the City.

B. *Hearing Of Application.* Upon the filing of an original application with the Clerk, the Clerk shall fix a date for a hearing before the Board of Aldermen not more than thirty-one (31) days from the date of filing of the application and shall give the applicant written notice of the date of the hearing.

1. The Board of Aldermen shall consider the location of the proposed business for which a license is sought with respect to its proximity to a school, a church, a public park or playground and to other places of the character for which a license is sought and shall have authority to refuse to issue a license when in their judgment the issuance thereof would not be in the best interests of the locality in which the applicant applies for a location of such place. In no event shall the Board approve the issuance of a license for the sale of liquor within one hundred (100) feet of any school, church or other building regularly used as a place of worship unless the applicant for the license shall first obtain the consent in writing of the board of directors of the school or the consent in writing of the majority of the managing board of the church or place of worship; except that when a school, church or place of worship shall thereafter be established within one hundred (100) feet of any place of business licensed to sell intoxicating liquor, renewal of the license shall not be denied for lack of consent in writing as herein provided.

2. The Board of Aldermen shall approve the application if after the hearing it finds that:

- a. Issuance of the requested license would be in the best interests of the locality of the proposed business;
- b. The applicant is a person of good moral character and a native born or naturalized citizen of the United States of America and resides in the State of Missouri;
- c. No license theretofore issued to such applicant to sell intoxicating liquors has been revoked within two (2) years of the date of the application;
- d. The applicant has not been convicted since the ratification of the Twenty-First Amendment to the Constitution of the United States of the violation of any law applicable to the sale of intoxicating liquor, or that such applicant has not employed in his/her business any person whose license has been revoked or who has been convicted of violating the provisions of such law since the date aforesaid;
- e. The applicant plans and proposes to conduct a retail liquor business in compliance with the laws of the State of Missouri, the ordinances of the City and the provisions of this Chapter.

C. Upon approval of any application for a license, the Clerk shall grant the applicant a license to conduct business in the City for a term to expire with the thirty-first (31st) day of December next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time. (Ord. No. 111681 §5, 11-16-81; Ord. No. 050509, 5-5-09)

SECTION 600.070: APPLICATION -- CONTENTS

Applications for such licenses shall be made to the Supervisor of Liquor Control, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

- 1. The name, date of birth and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the names, date of birth and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one (1) person or his nominee, the name, date of birth and address of such person. In addition, the name, date of birth and address of the managing officer of the corporation shall be set forth.
- 2. The citizenship of the applicant, which shall be either a birth certificate or passport, his place of birth, and if a naturalized citizen, the time and place of his naturalization.

3. The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.
4. The length of time said applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.
5. The amount of goods, wares and merchandise on hand at the time application is made.
6. The location and description of the premises or place of business which is to be operated under such license.
7. A statement whether applicant has made application for a similar or other license on the premises other than described in this application, and the disposition of such application.
8. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Chapter, laws of this State, or the ordinances of this City.
9. Whether a previous license by any State or subdivision thereof, or by the Federal Government has been revoked/suspended, and the reasons therefor.
10. A statement that the applicant will not violate any of the laws of the State of Missouri, or of the United States, or any ordinance of the City in the conduct of his place of business.
11. A statement that the applicant has no past due taxes due the City of Peculiar. (Ord. No. 111681 §7, 11-16-81; Ord. No. 030204C §2, 3-2-04; Ord. No. 040406B §§1, 3, 4-4-06)

SECTION 600.080: RESTRICTION ON LICENSES

No such license shall be issued to:

1. Reserved.
2. Reserved.
3. A person who is not a citizen of the United States.
4. A person who has been convicted of a felony.
5. A person who has been convicted of being the keeper or is keeping a house of ill-fame.

6. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

7. A person whose license under this Chapter has been revoked or suspended for cause.

8. Any person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon first application.

9. A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license.

10. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than ten percent (10%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.

11. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee.

12. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond to appear in any court to answer charges for such violation.

13. A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued.

14. Any person, firm or corporation not eligible for a State retail liquor dealer's license.

15. Any person who has been denied a license for the sale of alcoholic beverages by the City of Peculiar within the past ninety (90) days. (Ord. No. 111681 §8, 11-16-81; Ord. No. 010995 §1, 1-9-95; Ord. No. 030204C §3, 3-2-04; Ord. No. 040406B §3, 4-4-06)

SECTION 600.096: PERMIT ELIGIBILITY

No person shall be issued a permit by the Supervisor unless the person is at least twenty-one (21) years of age. No person shall be issued an employee permit if the person has been convicted of a felony, is otherwise disqualified by the State Statutes or by Code of State Regulations for employment on the licensed premises of an alcoholic beverage establishment or has been issued an alcoholic beverage license or permit from this or any other City or State that is currently suspended or that has been revoked within five (5) years immediately preceding the application. (Ord. No. 030204C §7, 3-2-04)

SECTION 600.097: APPLICATION PROCESS

A. Each application for an employee permit shall be filed with the Supervisor on a form supplied by the Supervisor and shall be signed by the applicant. The application shall include:

1. The applicant's complete name, home address, home telephone number and date of birth.
2. The applicant's height, weight, color of eyes, color of hair and sex.
3. A statement by the applicant that he/she has not been convicted of any felony.
4. A photograph of the applicant taken by the Supervisor.
5. A fifteen dollar (\$15.00) non-refundable application fee to be paid to the City Treasurer to defray the cost of investigation and the application process.

B. *Issuance.* If the applicant meets the requirement of this Section and this Chapter, the Supervisor shall issue an employee permit to the applicant, said license shall be valid for two (2) years from the date of issuance. Upon expiration of the permit, the applicant may obtain a new permit in the same manner as provided in this Section. Each employee permit shall bear the physical description and photograph of the applicant and shall be laminated to prevent alteration.

C. *Possession and Exhibition.* While directly participating in the retail sale, service, delivery or dispensation of alcoholic beverages, any person holding an employee permit under the provisions of this Section shall be required to have the permit in his/her possession and the permit shall be exhibited to the Supervisor or the Supervisor's agent or to any officer of the City Police Department upon demand. Failure of any person to exhibit an employee permit as required by this Subsection shall be prima facie evidence that the person does not hold a permit. (Ord. No. 030204C §8, 3-2-04; Ord. No. 11052012 §I, 11-5-12)

BILL NO. 2013-25
ORDINANCE NO. 2013-_____

AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI AMENDING CHAPTER 600 OF THE PECULIAR MUNICIPAL CODE AND UPDATING ELIGIBILITY PARAMETERS FOR THE RECEIPT OF LIQUOR LICENSES AND EMPLOYEE PERMITS.

WHEREAS the City is authorized, under Rev. Stat. Mo. §§ 79.130 and 79.450 to enact ordinances, rules, and regulations not otherwise inconsistent with Missouri laws and "expedient for maintaining the peace, good government and welfare of the city and its trade and commerce;" and;

WHEREAS, Title 11 of the Missouri Code of State Regulations and Chapter 311 of the Revised Statutes of Missouri establish certain parameters for the persons and/or entities eligible for liquor licenses under Missouri law; and

WHEREAS, Rev. Stat. Mo. § 561.016 prohibits entities from imposing a legal disqualification or disability upon an individual because of a finding of guilt or conviction of a crime unless the disqualification or disability is related to the competency of the individual to exercise the right or privilege of which he is deprived.

NOW THEREFORE BE IT ORDAINED by the Board of Aldermen of the City of Peculiar, Missouri as follows:

SECTION I. Pursuant to the authority granted by and subject to the provisions of Rev. Stat. Mo. §§ 79.130 and 79.450, that Peculiar Municipal Code § 600.030 be amended to read as follows:

SECTION 600.030: LICENSE REQUIRED

It shall be unlawful for any person to manufacture, brew, distill, sell or distribute alcoholic beverages without first having a license authorizing such manufacture, brewing, sale or exposing for sale, or distribution in compliance with the terms of this Chapter.

SECTION II. That Peculiar Municipal Code § 600.050(B)(2)(d) be amended to read as follows:

- d. The applicant has not been convicted of a felony reasonably related to the manufacture or sale of intoxicating liquor; or that such applicant has not employed in his/her business any person whose license has been revoked or who has been

convicted of violating the provisions of a felony reasonably related to the manufacture or sale of intoxicating liquor;

SECTION III. That Peculiar Municipal Code § 600.070 be amended to read as follows:

SECTION 600.070: APPLICATION -- CONTENTS

Applications for such licenses shall be made to the Supervisor of Liquor Control, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

1. The name, date of birth and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the names, date of birth and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one (1) person or his nominee, the name, date of birth and address of such person. In addition, the name, date of birth and address of the managing officer of the corporation shall be set forth.
2. The citizenship of the applicant, which shall be either a birth certificate or passport, his place of birth, and if a naturalized citizen, the time and place of his naturalization.
3. The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.
4. The length of time said applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.
5. The amount of goods, wares and merchandise on hand at the time application is made.
6. The location and description of the premises or place of business which is to be operated under such license.
7. A statement whether applicant has made application for a similar or other license on the premises other than described in this application, and the disposition of such application.
8. A statement regarding whether the applicant has been convicted of a felony.

9. A statement that the applicant is not disqualified to receive a license by reason of any matter or thing contained in this Chapter, laws of this State, or the ordinances of this City.
10. Whether a previous license by any State or subdivision thereof, or by the Federal Government has been revoked/suspended, and the reasons therefor.
11. A statement that the applicant will not violate any of the laws of the State of Missouri, or of the United States, or any ordinance of the City in the conduct of his place of business.
12. A statement that the applicant has no past due taxes due the City of Peculiar.

SECTION IV. That Peculiar Municipal Code § 600.080 be amended to read as follows:

SECTION 600.080: RESTRICTION ON LICENSES

No such license shall be issued to:

1. Reserved.
2. Reserved.
3. A person who is not a citizen of the United States.
4. A person who has been convicted of a felony reasonably related to the manufacture or sale of intoxicating liquor.
5. A person who is not of good moral character.
6. A person whose license under this Chapter has been revoked or suspended for cause.
7. Any person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon first application.
8. A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license.
9. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than ten percent (10%) of the stock of

such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.

10. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee.
11. A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued.
12. Any person, firm or corporation not eligible for a State retail liquor dealer's license.
13. Any person who has been denied a license for the sale of alcoholic beverages by the City of Peculiar within the past ninety (90) days.

SECTION V. That Peculiar Municipal Code § 600.096 be amended to read as follows:

SECTION 600.096: PERMIT ELIGIBILITY

No person shall be issued a permit by the Supervisor unless the person is at least twenty-one (21) years of age. No person shall be issued an employee permit if the person has been convicted of a felony reasonably related to the manufacture or sale of liquor; is not of good moral character; is otherwise disqualified by the State Statutes or by Code of State Regulations for employment on the licensed premises of an alcoholic beverage establishment; or has been issued an alcoholic beverage license or permit from this or any other City or State that is currently suspended or that has been revoked within five (5) years immediately preceding the application.

SECTION VI. That Peculiar Municipal Code § 600.097 be amended to read as follows:

SECTION 600.097: APPLICATION PROCESS

- A. Each application for an employee permit shall be filed with the Supervisor on a form supplied by the Supervisor and shall be signed by the applicant. The application shall include:
 1. The applicant's complete name, home address, home telephone number and date of birth.
 2. The applicant's height, weight, color of eyes, color of hair and sex.

3. A statement regarding whether the applicant has been convicted of a felony.

4. A photograph of the applicant taken by the Supervisor.

5. A fifteen dollar (\$15.00) non-refundable application fee to be paid to the City Treasurer to defray the cost of investigation and the application process.

B. *Issuance.* If the applicant meets the requirement of this Section and this Chapter, the Supervisor shall issue an employee permit to the applicant, said license shall be valid for two (2) years from the date of issuance. Upon expiration of the permit, the applicant may obtain a new permit in the same manner as provided in this Section. Each employee permit shall bear the physical description and photograph of the applicant and shall be laminated to prevent alteration.

C. *Possession and Exhibition.* While directly participating in the retail sale, service, delivery or dispensation of alcoholic beverages, any person holding an employee permit under the provisions of this Section shall be required to have the permit in his/her possession and the permit shall be exhibited to the Supervisor or the Supervisor's agent or to any officer of the City Police Department upon demand. Failure of any person to exhibit an employee permit as required by this Subsection shall be prima facie evidence that the person does not hold a permit.

SECTION VII: The effective date of this ordinance shall be _____, 2013.

First Reading: _____

Second Reading: _____

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS ___ DAY OF _____, 2013, BY THE FOLLOWING VOTE:

Alderman Gallagher _____

Alderman Dunsworth _____

Alderman Fines _____

Alderman Turner _____

Alderman Ray _____

Alderman Stark _____

Approved:

Attest:

Ernest Jungmeyer, Mayor

Nick Jacobs, City Clerk