

**BOA Meeting Agenda
Peculiar City Board of Aldermen
Work Session Meeting and Public Hearing
City Hall – 250 S. Main St
Monday March 2, 2015 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, March 2, 2015 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. Public Comment – Boy Scout Seth Kelley with Troop 1032 – Eagle Scout Project Proposal
6. Unfinished Business
 - A. Bill No. 2015-06 - AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI INCREASING THE TERM OF MAYOR.
*2nd Reading
7. New Business
 - A. Bill No. 2015-07 - AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION STREET BONDS, SERIES 2015, OF PECULIAR, MISSOURI; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.
*1st Reading
 - B. Public Hearing & Bill No. 2015-08- AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING THE REZONING OF MRS. PAULA STILL'S PROPERTIES COMMONLY KNOWN AS 325 W. 4TH STREET AND 355 W. 4TH STREET, PECULIAR, MISSOURI.
*1st Reading
 - C. Public Hearing & Bill No. 2015-09 - AN ORDINANCE AMENDING ONE (1) SECTION OF CHAPTER 400, TWO (2) SECTIONS OF CHAPTER 405 AND ESTABLISHING CHAPTER 425, EROSION AND SEDIMENT CONTROL OF THE PECULIAR MUNICIPAL CODE.
*1st Reading
 - D. Bill No. 2015-10 - AN ORDINANCE AMENDING CHAPTER 500: GENERAL PROVISIONS, ARTICLE IV: LAND-DISTURBANCE PERMITS OF THE PECULIAR MUNICIPAL CODE.
*1st Reading
 - E. Bill No. 2015-11 - AN ORDINANCE AMENDING SECTION 500.065 ADOPTION OF STANDARD SPECIFICATION AND DESIGN CRITERIA OF THE PECULIAR MUNICIPAL CODE TO ADOPT KANSAS CITY APWA STANDARD SPECIFICATION AND DESIGN CRITERIA.
*1st Reading
 - F. Resolution 2015-09 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI REDUCING BUILDING PERMIT FEES FOR THE NEXT THIRTY (30) BUILDING PERMITS ISSUED FOR NEW SINGLE FAMILY DWELLINGS.
 - G. Resolution 2015-10 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING AN AMENDED COMPREHENSIVE FEE SCHEDULE, DATED MARCH 2015.
 - H. Bill No. 2015-12 - AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI AUTHORIZING THE MAYOR TO SUBMIT THE SUPPLEMENTAL TRANSPORTATION ENHANCEMENT GRANT APPLICATION ON BEHALF OF THE BOARD OF ALDERMEN.
*1st Reading & *2nd Reading

- I. **Resolution 2015-11 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI AUTHORIZING THE MAYOR TO ENTER INTO A INTER LOCAL AGREEMENT WITH THE CITY OF BELTON FOR A MUTUAL UNDERSTANDING OF THE POTENTIAL OF SANITARY SERVICES FOR THE CITY OF PECULIAR TO BE PROVIDED BY THE CITY OF BELTON AS RECOMMENDED IN THE PROPOSED PRELIMINARY WASTEWATER SYSTEM ENGINEERING REPORT/FACILITY PLAN FOR THE CITY OF PECULIAR, MO PREPARED BY CAROLLO ENGINEERS**

8. **Aldermen Concerns**

9. **Aldermen Directives**

10. **Adjournment**

City Administrator
Brad Ratliff

City Clerk
Nick Jacobs

City Attorney
Reid F. Holbrook



City Engineer
Carl Brooks

Business Office
Trudy Prickett

City Planner
Cliff McDonald

Municipal Offices - 250 S. Main St., Peculiar, MO 64078
Phone: 816.779.2221 Facsimile: 816.779.5213

AGENDA REQUEST FORM
(Board of Aldermen)

This form must be completed and submitted to the office of the City Clerk. Complete materials for the agenda shall be submitted no later than Thursday at 5:00 pm, 9 business days prior to the next Board of Aldermen's meeting. If an observed holiday falls on a Thursday, materials will be accepted until 5:00 pm on Wednesday. The Board of Aldermen's Regular Meeting is to be held the Third Monday of each month.

Date of Request: Feb 19 2015 Scheduled Meeting Date: March 2nd 2015

Full Name of Speaker: Seth Joseph Kelley Organization: BSA

Home Address: 23006 5th Moore Rd City Peculiar State MO Zip 64078

Home Phone #: \$ Work Phone #: 3 Cell #: 816-352-5619 Email: Seth.j.kelley@zfeusa.com
Resident of the City of Peculiar? Yes No

Specifics of Topic:
Eagle Scout project proposal - repaint city hall parking lot stripes.

Desired Outcome: granted permission to do so.

If applicable has this item been previously presented to any of the following Boards for consideration?

<input type="checkbox"/> Board of Aldermen	Date Presented _____	Outcome _____
<input type="checkbox"/> Planning Commission	Date Presented _____	Outcome _____
<input type="checkbox"/> Park Board	Date Presented _____	Outcome _____
<input type="checkbox"/> Board of Adjustment	Date Presented _____	Outcome _____

***I have been made aware of the date and time of the next scheduled Board of Aldermen meeting.

Office Use Only:
Date request Received: _____

Signature: Seth Kelley



PECULIAR PARKS AND RECREATION

EAGLE SCOUT PROJECT POLICY

Location:
Agency:

Cass County, Missouri,
Peculiar Parks and Recreation Department

I. STATEMENT OF NEED

The Parks and Recreation Department receives requests annually for Eagle Scout volunteer projects and there is a need to establish general guidelines and policies for Boys Scouts of America, Eagle Scout Projects under the guidance of the City of Peculiar, Parks & Recreation Department to ensure proper planning, budgeting, and appropriateness of projects within the Peculiar Parks System.

II. AUTHORITY AND RESPONSIBILITY

The Peculiar Park Board carries the primary responsibility to recommend policies to govern the operation and programs of the Parks and Recreation Department, assist in planning activities and events, and give guidance for expansion of parks and recreation facilities.

III. STATEMENT OF PHILOSOPHY

The philosophy of Peculiar's Park Board is that Eagle Scout Service Projects are valuable and an important part of incorporating community involvement, personal and professional growth, and overall good citizenship to participating scouts. Peculiar Parks & Recreation is pleased to participate with the Boy Scouts of America in accommodating useful and worthwhile Eagle Scout projects.

IV. EAGLE SCOUT PROJECT GUIDELINES

Requirements

For a Boy Scout to receive an Eagle Scout Award Project with the Department, he must meet the following requirements:

- The Scout must be at least 15 years of age.
- The Eagle Scout Candidate has read the City of Peculiar – Eagle Scout Project Guidelines and the Eagle Scout Leadership Service Project Workbook thoroughly.
- The Eagle Scout Candidate has allowed a minimum of four months to the project completion deadline. (The City of Peculiar does not accept projects with "emergency" deadlines due to a Scout's impending 18th birthday.)
- The Eagle Scout Candidate is prepared to make all contacts and communications required to successfully complete his project with limited parental or adult involvement. Parents or adult troop leaders are required to accompany

the Scout during all meetings with the City Eagle Project Coordinator (Staff). However, if at any time the City Staff observes that the project is being run by adults, the City Staff has the authority to not "sign off" on the project.

- The Eagle Scout Candidate is prepared to present himself in a professional manner in his communications (phone calls, meetings, e-mails, etc.) with the City Staff.
- The project chosen (or contemplated) is of a scope and level that can be accomplished by the Eagle Scout Candidate and his crew. (Complicated projects that require too much adult participation or that have safety issues will be rejected.)
- If the Eagle Scout Candidate is willing and able to comply with the City of Peculiar's requirements, he may proceed to the process below.

Please note that the City Staff has official duties that take priority over Eagle Scout Projects. Therefore, Eagle Scout Project meetings are arranged around the City Staff's schedule.

Project Selection

The Scout must initiate a Project Selection meeting with City Staff to present their proposal or discuss City Project Ideas.

- Eagle Scout Award Projects are available through the following means:
 - Staff Generated Projects: Peculiar Parks & Recreation maintains a list of appropriate and approved projects designated as Eagle Scout Award Projects. The number of projects each year will be limited and will be available on a first-come first-served basis.
 - Boy Scout Proposal: The Department welcomes and encourages project proposals from individual Scouts. The feasibility of proposals will be judged on a case-by-case basis, to determine if the project is a benefit to the Department and the community and meets Department standards.
- The Eagle Scout Candidate makes a visit to the sites considered and decides which project, if any, he would like to pursue.
- If the Eagle Scout Candidate chooses a City of Peculiar park project, he arranges for a meeting with the City Staff to meet at the site and talk about project details.
- The Scout must read and sign the Department of Parks & Recreation Eagle Scout Award Project Policy. Department staff will review this policy with the Scout to address any question's the Scout may have regarding the Department's expectations.

Process

- Upon selection of a City of Peculiar park project, the Eagle Scout must make an official request to the Peculiar Park Board outlining the project and basic time frame of the project.
- The Eagle Scout Candidate prepares the necessary paperwork to get the project approved through his own troop and scout office. It is the responsibility of the scout to make arrangements with City Staff to obtain any necessary signatures.
- The Eagle Scout Candidate determines the source of funding for the project, perhaps by pursuing donations or fund-raising.
- The Eagle Scout Candidate does any necessary research to learn about the type of work he will be teaching others for his project. (For example, if he is doing trail work, he should get any available literature on trail design and maintenance from state agencies or the library.)
- The Eagle Scout Candidate finalizes the plan for his project and sets up a meeting with the City Staff to get final approval of the project, funding sources, budget, and work schedule. *APPOINT DATE _____*
- The Eagle Scout Candidate notifies the City Staff two weeks in advance of his first work day to arrange for a final walk through at the site. At the final walk through, the location for material delivery should be determined, construction locations flagged, and last minute questions answered.

Project Completion

For a Boy Scout to successfully complete his Eagle Scout Award Project, the following conditions apply:

- The Scout must appear at the time designated for the project, and may not leave until the project is completed. An exception will be made if the project is predetermined to take more than one day, or an arrangement has been made between the Scout and the Department prior to project commencement.
- The Scout and all volunteers must sign a City of Peculiar Volunteer Waiver prior to project commencement. Volunteers who do not sign the waiver will not be allowed to participate.
- It is the responsibility of the Scout to make appropriate schedule adjustments in the event of work day cancellations or if necessary postponements occur. Notification to City Staff is required for any schedule adjustments.
- The Scout must demonstrate proper tool and material use, and project procedures to the participating volunteers. The Scout must also inform volunteers of any safety issues that may apply.
- The Scout must show quality leadership skills in planning and directing the project, including:
- Motivating and directing volunteers in an effective manner leading to the satisfactory completion of the project.
- Ensuring that the Department's tools and facilities are respected and materials are used in a proficient, conservative manner.
- Maintaining a focus on the quality of work being done, ensuring a high-end product.
- The Scout must conduct himself as a representative of the City of Peculiar at all times. It is the Scout's responsibility to assure that he and his volunteers are courteous in contacts with the public and perform their duties in a prompt, safe, and reliable manner.

The Eagle Scout Candidate must notify the City Staff that he has completed the project and schedule a completed project walk through. If the Eagle Scout Candidate has complied with the City's and scout office procedures and has successfully completed his project, the City Staff will "sign off" on any paperwork that is required of the Eagle Scout Candidate at this meeting.

Congratulations! You have completed your Eagle Scout Leadership Service Project. Good luck at your review board!

Project Cancellation

Reasons a Boy Scout may not successfully complete an Eagle Scout Award Project with Peculiar Parks & Recreation includes the following:

- Project does not get completed in the time allotted. Exceptions may be made for extenuating circumstances such as an extreme weather event, death in the family, etc.
- The Scout does not meet the time requirement for acquiring project approval and scheduling.
- The quality of work on the Scout's project does not meet the Department's standards as defined in his project.
- The Scout or volunteer s disrespect the Department's property, personnel or members of the community.
- The Scout does not take the initiative and lead the project to completion. If someone other than the Scout is required to take the lead on the project, such as Department staff, a parent, Scout leader, or other member of the volunteer group, the Scout will be issued a warning. If someone other than the Scout continues to direct the project, the Department staff has the discretion to end the project.

Policy Recognition

This policy outlines and signature confirms the Scout is informed of all rules and regulations associated with an Eagle Scout Award Project. If the Scout, or member s of the volunteer group, chooses not to follow the rules and regulations, the Department staff reserves the option of ceasing operations on the project.

I have read and understand the above Eagle Scout Award Project Policy, and will do my best to adhere to the Rules and Regulations set for therein. If, or my volunteers, do not follow the outlined rules, Peculiar Parks & Recreation has the right to cease operations, resulting in the unsuccessful completion of my project.

NAME OF BOY SCOUT: SETH KELLEY DATE: FEB 19, 2015

ADDRESS: 23006 S. MOORE RD CITY: PECULIAR STATE: MO ZIP CODE: 64078

HOME PHONE: _____ CELL PHONE: 816-352-5619

EMAIL: JEFFERY.KELLEY@ZTEUSA.COM

TROOP LEADER: DAN BARNES PHONE NUMBER: 816-304-4590 TROOP NUMBER: 1032

SIGNATURE: Seth Kelley

V. APPROVED PROJECT LIST

The Peculiar Parks & Recreation Department has provided a list of potential Eagle Scout Projects available for Eagle Scout Candidates to choose from. See Appendix A.

VI. ANNUAL REVIEW

The Peculiar Park Board shall review this Overnight Camping Policy as needed to ensure the best possible service to the public.

Eagle Scout Award Project Ideas

Raisbeck Trail Enhancements

- Construction of Bat Houses in the wooded areas of Raisbeck Park
- Construction of a 2 rung, split rail fence along nature trail
- Construction of 3 to 4 natural looking benches along the trail
- Construction of Blue Bird or Martin Houses
- Clear out dead limbs/tree debris in the Raisbeck Natural areas
- Construct & post Nature Trail sign-age including Trail Head signs

Raisbeck Arboretum

- Identify and map out each tree
- Developed a brochure/map of arboretum
- Tree Planting within Raisbeck Park to add to tree listing

Raisbeck Sports Complex

- Bleacher Repair & Paint
- Picnic Table Repair & Paint
- Refurbishing Raisbeck Playground equipment & mulch
- General Landscaping & Beautification
- Field Location Sign at park entrance (see picture #1)
- Replace Chain Link Parking lot fence with Natural Split rail fence
- Informational Kiosk (see picture #2)

Mayor's Park / Shari Dr. Park

- Install baseball field backstops for practicing
- Install Soccer goals for practice fields
- Bike Rack for neighborhood children
- Build a Walking bridge to access Mayor's Park
- Install Player benches near the practice backstops

McKernan Park

- Picnic Table Repair & Paint

City Lake

- Porta-Pot enclosures (see picture #3)
- Volleyball Courts (sand or grass)
- Sitting Benches along the shoreline at the lake
- Picnic Table Repair & Paint
- General Landscaping & Beautification
- Tree Planting along Shoreline & throughout Park

Other Ideas

- Build an Archery Range
- Storage Shed at City Lake or another Park
- Repainting of parking lot lines
- Construction of 1st Aid kits for sports teams
- Fire Ring with Sitting Benches
- Flag Pole & Installation
- Garbage Dumpster Enclosure
- General Landscaping & Beautification at Park Monument Signs

Railbed Trail Projects

- Connecting links of the Railbed to the downtown trail

Picture #1



Picture #2



Picture #3



City Administrator
Brad Ratliff

City Clerk
Janet Burlingame

City Engineer
Carl Brooks

Business Office
Street, Peculiar, MO 64078
Trudy Prickett



Chief of Police
Harry Gurin

City Planner
Cliff McDonald

City Attorney
Reid Holbrook

Municipal Offices – 250 S. Main

Parks Director
Phone: (816)779-5212 Facsimile: (816)779-1004

Nathan Musteen

To: Board of Aldermen

From: Brad Ratliff

Date: February 26, 2015

Re: Changing Mayor's Term to 4 years.

GENERAL INFORMATION

Applicant: Staff

Status of Applicant: N/A

Requested Actions: Approve first reading of Bill increasing Mayor's term to 4 years.

Date of Application: January 27, 2015

Property Location (if applicable):

PROPOSAL

Per RSMo 79.050 the Board of Aldermen may pass an ordinance to increase the term for Mayor from 2 years to 4 years subject to a simple majority vote of the residents.

Staff feels 4 year terms would be beneficial for the City as it will allow better long range planning as well as continuity.

Another benefit will be the decrease in annual election costs.

For general elections the City has paid approx. \$18,546.79 from 2010 to current. An average of \$3,709.36 per election.

If the terms are brought to 4 years there will be a 2 year gap with no general election.

KEY ISSUES

This Bill will increase the term for Mayor to 4 years subject to voter approval at the April 7, 2015 election.

STAFF COMMENTS AND SUGGESTIONS

STAFF RECOMMENDATION

Approval of the first reading of the proposed Ordinance

BILL NO. 2015-06
ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI INCREASING THE TERM OF MAYOR.

WHEREAS, Section 79.050, Missouri Revised Statutes, provides that the Board of Aldermen may provide by ordinance, after approval of a majority of the voters voting at an election at which the issue is submitted, for a four year term for mayor; and

WHEREAS, the Board deems it advisable and in the best interests of the citizens of the City of Peculiar to provide a four year term for mayor.

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

SECTION I. The term for Mayor is hereby increased from two (2) years to four (4) years.

SECTION II. This ordinance shall only become effective after receiving a majority vote of the citizens of Peculiar.

SECTION III: The effective date of this ordinance shall be April 7, 2015.

First Reading: February 17, 2015

Second Reading: _____

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS __ DAY OF MARCH, 2015, BY THE FOLLOWING VOTE:

Alderman Ford _____
Alderman Fines _____
Alderman Ray _____

Alderman McCrea _____
Alderman Turner _____
Alderman Roberts _____

Approved:

Attest:

Holly Stark, Mayor

Janet Burlingame, City Clerk

The ordinance before you is for the issuance of the remainder of our general obligations bonds for the 211th Street Interchange. The bond proceeds will be used for the interchanges construction along with the \$8,000,000 in grant funds received from MODOT. The Missouri Department of Transportation requires our funds to be in place by April 9th.

The bonds will mature from 2017 until 2035 (20 years) and also have an options to redeem them early if we are fortunate to get TIGER Grant funds we are pursuing.

Joey McLiney will be here to discuss and review the ordinance with the board. He will also discuss where he anticipates the tax-levy as well as three different scenarios for maturing the debt.

McLiney And Company
Kansas City, Missouri
(816) 221-4042
(415) 508-7922

BILL NO. 2015-07
ORDINANCE NO. _____

OF

PECULIAR, MISSOURI

PASSED

MARCH __, 2015

AUTHORIZING

GENERAL OBLIGATION STREET BONDS
SERIES 2015

600536.60026

ORDINANCE

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- Exhibit A-1 – Form of Current Interest Bond
- Exhibit A-2 – Form of Capital Appreciation Bond
- Exhibit B – Certificate of Final Terms
- Exhibit C – Table of Compound Accreted Values
- Exhibit D – Form of Continuing Disclosure Agreement
- Exhibit E – Form of Bond Purchase Agreement

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION STREET BONDS, SERIES 2015, OF PECULIAR, MISSOURI; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

WHEREAS, Peculiar, Missouri (the “City”), is a city of the fourth class and political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Missouri; and

WHEREAS, the City is authorized under the provisions of Article VI, Section 26 of the Constitution of Missouri, 1945, as amended, and Section 95.115, RSMo, to incur indebtedness and issue and sell general obligation bonds of the City to evidence such indebtedness for lawful purposes, upon obtaining the approval of the required majority of the qualified electors of the City voting on the question to incur such indebtedness; and

WHEREAS, pursuant to such authority, an election was duly held in the City at the municipal election on April 7, 2009, on the question whether to issue the general obligation bonds of the City in the amount of \$8,000,000 for the purpose of extending and improving the streets and roads of the City, at least 90% of the bond proceeds to be used to build an interchange and connecting roads to the interchange and no more than 10% of bond proceeds to be used for improvements to existing streets; and

WHEREAS, the votes cast at said election were duly canvassed as provided by law, and it was found and declared that not less than four-sevenths of the qualified voters of the City voting at said election on said question voted in favor of the issuance of said bonds, the vote on said question having been 226 votes for the issuance of said bonds and 108 votes against the issuance of said bonds; and

WHEREAS, the City has heretofore issued \$1,039,998.80 principal amount of the bonds authorized at said election, pursuant to an ordinance of the City passed on October 1, 2012, and desires to issue the remaining principal amount of the bonds so authorized at said election; and

WHEREAS, it is hereby found and determined that it is necessary and advisable and in the best interest of the City and its inhabitants at this time to authorize the issuance and delivery of said bonds for the purposes aforesaid;

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

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Ordinance shall have the following meanings:

“Authorized Denominations” means (a) with respect to any Current Interest Bonds, \$5,000 or any integral multiple thereof, and (b) with respect to any Capital Appreciation Bonds, the principal amount of such Capital Appreciation Bonds such that the Maturity Amount thereof shall be \$5,000 or any integral multiple thereof.

“Bond Counsel” means Gilmore & Bell, P.C., Kansas City, Missouri, or other attorneys or firm of attorneys with a nationally recognized standing in the field of municipal bond financing selected by the City.

“Bond Payment Date” means any date on which principal of, Compound Accreted Value, or interest on any Bond is payable.

“Bond Purchase Agreement” means the Bond Purchase Agreement between the City and the Purchaser in substantially the form attached hereto as **Exhibit E**.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Paying Agent.

“Bondowner,” “Owner” or “Registered Owner” when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register.

“Bonds” means the General Obligation Street Bonds, Series 2015, authorized and issued by the City pursuant to this Ordinance.

“Business Day” means a day, other than a Saturday, Sunday or holiday, on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its banking operations.

“Capital Appreciation Bonds” means the Bonds described in **Section 202** hereof and the Certificate of Final Terms attached hereto as **Exhibit B** which provide for interest to be compounded semiannually on March 1 and September 1 until paid at the Stated Maturity.

“Cede & Co.” means Cede & Co., as nominee name of The Depository Trust Company, New York, New York.

“City” means the City of Peculiar, Missouri, and any successors or assigns.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations of the Treasury Department proposed or promulgated thereunder.

“Compound Accreted Value” means, with respect to any Capital Appreciation Bond on any date of calculation, the initial principal amount of such Bond plus interest accrued and compounded from the date of such Bond to the date of calculation, as follows:

(1) if the date of calculation is March 1 or September 1 of any year, the Compound Accreted Value shall be the amount shown on **Exhibit C** attached hereto; and

(2) if the date of calculation is any date other than March 1 or September 1, the Compound Accreted Value shall be:

$$CAV_1 + [(CAV_2 - CAV_1) \times D/180]$$

where:

CAV_1 = the Compound Accreted Value of such Bond as of the March 1 or September 1 next preceding the date of calculation, as shown on **Exhibit C**.

CAV_2 = the Compound Accreted Value of such Bond as of the March 1 or September 1 next succeeding the date of calculation, as shown on **Exhibit C**.

D = the number of days from the March 1 or September 1 next preceding the date of calculation, to the date of calculation, using a 360-day year of twelve 30-day months.

“Continuing Disclosure Agreement” means the Continuing Disclosure Agreement between the City and the Dissemination Agent and attached to this Ordinance as **Exhibit D**.

“Current Interest Bonds” means the Bonds described in **Section 202** hereof and the Certificate of Final Terms attached hereto as **Exhibit B** which provide for the payment of interest semiannually on March 1 and September 1 in each year, beginning March 1, 2016.

“Dated Date” means the date of the Bonds as specified in **Exhibit B**.

“Debt Service Fund” means the fund by that name referred to in **Section 501** hereof.

“Defaulted Interest” means interest on any Current Interest Bond which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning

their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) the obligations are rated in a rating category by Moody's or Standard & Poor's Ratings Group that is no lower than the rating category then assigned by that rating agency to United States Government Obligations.

"Dissemination Agent" means First Bank of Missouri, Gladstone, Missouri, and any successors or assigns.

"Federal Tax Certificate" means the City's Federal Tax Certificate relating to the Bonds, as the same may be amended or supplemented in accordance with the provisions thereof.

"Interest Payment Date" means the Stated Maturity of an installment of interest on any Current Interest Bond.

"Maturity" when used with respect to any Bond means the date on which the principal or Maturity Amount of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or by call for redemption or otherwise.

"Maturity Amount" means, with respect to any Capital Appreciation Bonds, the Compound Accreted Value thereof at Maturity.

"Ordinance" means this Ordinance as from time to time amended in accordance with the terms hereof.

"Original Principal Amount" means the Original Principal Amount of the Bonds authorized in **Section 201** hereof and specified in the Certificate of Final Terms attached hereto as **Exhibit B**.

"Outstanding" means, when used with reference to Bonds, as of any particular date of determination, all Bonds theretofore authenticated and delivered hereunder, except the following Bonds:

(a) Bonds theretofore cancelled by the Paying Agent or delivered to the Paying Agent for cancellation;

(b) Bonds deemed to be paid in accordance with the provisions of **Section 701** hereof; and

(c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means First Bank of Missouri, Gladstone, Missouri, and any successors or assigns.

“Permitted Investments” means any of the following securities, if and to the extent the same are at the time legal for investment of the moneys held in the funds and accounts listed in **Section 501** hereof:

(a) United States Government Obligations;

(b) certificates of deposit or time deposits, whether negotiable or nonnegotiable, issued by any bank or trust company organized under the laws of the United States or any state, provided that such certificates of deposit or time deposits shall be either (1) continuously and fully insured by the Federal Deposit Insurance Corporation, or (2) continuously and fully secured by United States Government Obligations which shall have a market value, exclusive of accrued interest, at all times at least equal to the principal amount of such certificates of deposit or time deposits; and

(c) any other securities or investments that are lawful for the investment of moneys held in such funds or accounts under the laws of the State of Missouri.

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Project” means extending and improving the streets and roads of the City by paying part of the cost of building an interchange and connecting roads to the interchange.

“Purchase Price” means the Purchase Price authorized in **Section 210** hereof and specified in the Certificate of Final Terms attached hereto as **Exhibit B**.

“Purchaser” means the original purchaser of the Bonds specified in the Certificate of Final Terms attached hereto as **Exhibit B**.

“Record Date” for the interest payable on Current Interest Bonds on any Interest Payment Date means the 15th day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

“Redemption Date” when used with respect to any Bond to be redeemed means the date fixed for such redemption pursuant to the terms of this Ordinance.

“Redemption Price” when used with respect to any Bond to be redeemed means the price at which such Bond is to be redeemed pursuant to the terms of this Ordinance, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Replacement Bonds” means Bonds issued to the beneficial owners of the Bonds in accordance with **Section 212(b)** hereof.

“Securities Depository” means, initially, The Depository Trust Company, New York, New York, and its successors and assigns.

“Series 2015 Project Fund” and **“Project Fund”** means the Series 2015 Project Fund referred to in **Section 501** hereof.

“Special Record Date” means the date fixed by the Paying Agent pursuant to **Section 204** hereof for the payment of Defaulted Interest.

“Stated Maturity” when used with respect to any Current Interest Bond or any installment of interest thereon means the date specified in such Current Interest Bond and this Ordinance as the fixed date on which the principal of such Current Interest Bond or such installment of interest is due and payable, and when used with respect to any Capital Appreciation Bond means the date specified in such Capital Appreciation Bond as the fixed date on which the Maturity Amount on such Capital Appreciation Bond is due and payable.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payments on obligations issued or guaranteed by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the City.

ARTICLE II

AUTHORIZATION OF BONDS

Section 201. Authorization of Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Street Bonds, Series 2015 (the “Bonds”), of the City in the Original Principal Amount specified in the Certificate of Final Terms attached hereto as **Exhibit B** for the purpose of providing funds to extend and improve the streets and roads of the City by paying part of the cost of building an interchange and connecting roads to the interchange (the “Project”).

Section 202. Description of Bonds. The Bonds shall consist of fully registered Current Interest Bonds and Capital Appreciation Bonds, without coupons, and shall be issued in Authorized Denominations. The Current Interest Bonds shall be numbered from R-1 consecutively upward in order of issuance. The Capital Appreciation Bonds shall be numbered from CR-1 consecutively upward in order of issuance.

The Bonds shall be substantially in the forms set forth in **Exhibits A-1** and **A-2** attached hereto, and shall be subject to registration, transfer and exchange as provided in **Section 205** hereof. The Bonds shall be dated and shall become due in the amounts on the Stated Maturities in the years specified in the Certificate of Final Terms attached hereto as **Exhibit B** (subject to redemption prior to Stated Maturity as provided in **Article III** hereof), shall bear interest at the rates per annum, and shall be issued with such terms and provisions specified in the Certificate of Final Terms attached hereto as **Exhibit B** subject to the following terms and conditions:

- (a) The Original Principal Amount of the Bonds shall not exceed \$6,960,000.
- (b) The maximum sale price to the Purchaser, including premium but excluding underwriting discount, shall not exceed 110% of Original Principal Amount.
- (c) The true interest cost on the Bonds, as described in Section 108.170(6), RSMo, shall not exceed 4.00%.
- (d) The debt service becoming due on the Bonds in each fiscal year shall not exceed the following amounts:

<u>Fiscal Year ending September 30</u>	<u>Maximum Annual Debt Service</u>
2016	\$510,000.00
2017	580,000.00
2018	578,250.00
2019	579,637.50
2020	599,650.00
2021	588,562.50
2022	591,787.50
2023	603,637.50
2024	599,250.00
2025	598,900.00
2026	618,450.00
2027	623,450.00
2028	633,450.00
2029	653,450.00
2030	670,387.50
2031	780,000.00
2032	810,000.00
2033	810,000.00
2034	810,000.00
2035	860,000.00

- (e) The last maturity date of the Bonds shall not be later than March 1, 2035.
- (f) The underwriting discount specified in the Purchase Price shall not exceed 1.50% of the Original Principal Amount.
- (g) The Current Interest Bonds shall be subject to redemption at the option of the City beginning no later than March 1, 2020, and thereafter at not to exceed 101% of the principal amount thereof.

(h) The Purchase Price of the Bonds shall be not less than \$7,000,000.

The Certificate of Final Terms attached hereto as **Exhibit B**, shall be completed and shall be executed by the Mayor, and the signature of Mayor on said Certificate of Final Terms, attested by the City Clerk, shall constitute conclusive evidence of the approval of both the Mayor and the Board of Aldermen of the City.

The Current Interest Bonds shall bear interest at the rates specified in the Certificate of Final Terms attached hereto as **Exhibit B** (computed on the basis of a 360-day year of twelve 30-day months) from the Dated Date thereof as specified in Certificate of Final Terms attached hereto as **Exhibit B** or from the most recent Interest Payment Date to which interest has been paid or duly provided for, payable semiannually on March 1 and September 1 in each year, beginning on March 1, 2016.

The principal amount of the Capital Appreciation Bonds shall bear interest at the rates specified in the Certificate of Final Terms attached hereto as **Exhibit B** (computed on the basis of a 360-day year of twelve 30-day months) from the Dated Date thereof as specified in the Certificate of Final Terms attached hereto as **Exhibit B**, with interest compounded semiannually on March 1 and September 1 in each year, beginning on September 1, 2015, to the Compound Accreted Values shown on **Exhibit C** attached hereto, payable at maturity only.

Section 203. Designation of Paying Agent. First Bank of Missouri, Gladstone, Missouri, is hereby designated as the City's paying agent for the payment of principal of and interest on the Bonds and as bond registrar with respect to the registration, transfer and exchange of Bonds (the "Paying Agent").

The City will at all times maintain a Paying Agent meeting the qualifications herein described for the performance of the duties hereunder. The City reserves the right to appoint a successor Paying Agent by (1) filing with the Paying Agent then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent and appointing a successor, and (2) causing notice of the appointment of the successor Paying Agent to be given by first class mail to each Bondowner. No resignation or removal of the Paying Agent shall become effective until a successor has been appointed and has accepted the duties of Paying Agent.

Every Paying Agent appointed hereunder shall at all times be a commercial banking association or corporation or trust company located in the State of Missouri organized and in good standing and doing business under the laws of the United States of America or of the State of Missouri and subject to supervision or examination by federal or state regulatory authority.

Section 204. Method and Place of Payment of Bonds. The principal of, Compound Accreted Value of, or Redemption Price and interest on the Bonds shall be payable in any coin or currency of the United States of America that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal of, Compound Accreted Value or Redemption Price of each Bond shall be paid at Maturity by check or draft to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal corporate trust office of the Paying Agent.

The interest payable on each Current Interest Bond on any Interest Payment Date shall be paid to the Registered Owner of such Bond as shown on the Bond Register at the close of business on the Record

Date for such interest by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or by electronic transfer to such Registered Owner.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Registered Owner of such Bond on the relevant Record Date and shall be payable to the Registered Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The City shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, by first class mail, postage prepaid, to each Registered Owner of a Bond entitled to such notice at the address of such Registered Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal, Compound Accreted Value and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the City.

Section 205. Registration, Transfer and Exchange of Bonds. The City covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Paying Agent as herein provided. Each Bond when issued shall be registered in the name of the owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal payment corporate trust operations office of the Paying Agent, the Paying Agent shall transfer or exchange such Bond for a new Bond or Bonds in any authorized denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange. Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Paying Agent, duly executed by the Registered Owner thereof or by the Registered Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Paying Agent shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The City shall pay the fees and expenses of the Paying Agent for the registration, transfer and exchange of Bonds provided for by this Ordinance and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Paying Agent, are the responsibility of the Registered Owners of the Bonds. In the event any Registered Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Registered Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Registered Owner hereunder or under the Bonds.

The City and the Paying Agent shall not be required (a) to register the transfer or exchange of any Bond after notice calling such bond or portion thereof for redemption has been mailed by the Paying Agent pursuant to **Section 303** hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange any Bond during a period beginning at the opening of business on the day after receiving written notice from the City of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to **Section 204** hereof.

The City and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Registered Owner or upon the Registered Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Paying Agent, the Bond Register may be inspected and copied by the Registered Owners of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Registered Owners whose authority is evidenced to the satisfaction of the Paying Agent.

Section 206. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be signed by the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk and shall have the official seal of the City affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bond ceases to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor and City Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds to be registered in the office of the State Auditor of Missouri as provided by law, and, when duly executed and registered, to deliver the Bonds to the Paying Agent for authentication.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form set forth in **Exhibits A-1** and **A-2** attached hereto, which shall be manually executed by an authorized officer or employee of the Paying Agent, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Ordinance or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Paying Agent. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Ordinance. Upon authentication, the Paying Agent shall deliver the Bonds to the Purchaser upon payment of the Purchase Price.

Section 207. Mutilated, Destroyed, Lost and Stolen Bonds. If (a) any mutilated Bond is surrendered to the Paying Agent or the Paying Agent receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the City and the Paying Agent such

security or indemnity as may be required by the Paying Agent, then, in the absence of notice to the City or the Paying Agent that such Bond has been acquired by a bona fide purchaser, the City shall execute and the Paying Agent shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the Paying Agent, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the City may require the payment by the Registered Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the City, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds.

Section 208. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the City.

Section 209. Preliminary and Final Official Statement. A Preliminary Official Statement to be used by the Purchaser to offer the Bonds for sale is hereby authorized and approved, and the final Official Statement is hereby authorized and approved by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor is hereby authorized to execute the final Official Statement as so supplemented, amended and completed, and the use and public distribution of the final Official Statement by the Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the City are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the date of payment for and delivery of the Bonds.

For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the City hereby deems the information regarding the City contained in the Preliminary Official Statement to be “final” as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the City are hereby authorized, if requested, to provide the Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of such Rule.

The City agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of Rule 15c2-12(b)(4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 210. Sale of Bonds. Upon completion and execution of the Certificate of Final Terms attached hereto as **Exhibit B**, the Mayor is hereby authorized to enter into a Bond Purchase Agreement

between the City and the Purchaser in substantially the form attached hereto as **Exhibit E** under which the City agrees to sell the Bonds to the Purchaser at the Purchase Price specified in **Exhibit B**, upon the terms and conditions set forth therein and with such changes therein as shall be approved by the Mayor, which officer is hereby authorized to execute the Bond Purchase Agreement for and on behalf of the City, such officer's signature thereon being conclusive evidence of his or her approval thereof.

Section 211. Book-Entry Bonds; Securities Depository.

(a) The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no beneficial owner will receive certificates representing their respective interests in the Bonds, except in the event the Paying Agent issues Replacement Bonds as provided in subsection (b) hereof. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Paying Agent authenticates and delivers Replacement Bonds to the beneficial owners as described in subsection (b).

(b) (1) If the City determines (A) that the Securities Depository is unable to properly discharge its responsibilities, or (B) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (C) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, or (2) if the Paying Agent receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, then the Paying Agent shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Paying Agent shall register in the name of and authenticate and deliver Replacement Bonds to the beneficial owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (1)(A) or (1)(B) of this subsection (b), the City, with the consent of the Paying Agent, may select a successor securities depository in accordance with **Section 211(c)** hereof to effect book-entry transfers. In such event, all references to the Securities Depository herein shall relate to the period of time when at least one Bond is registered in the name of the Securities Depository or its nominee. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Paying Agent, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the City, the Paying Agent or Owners are unable to locate a qualified successor of the Securities Depository in accordance with **Section 211(c)** hereof, then the Paying Agent shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Paying Agent may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Bonds, their addresses and principal amount held. The cost of printing, registration, authentication and delivery of Replacement Bonds shall be paid for by the City.

(c) In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the City may appoint a successor Securities Depository provided the Paying Agent and the City receive written evidence with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and

Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Paying Agent upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in appropriate denominations and form as provided herein.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption of Bonds.

(a) **Optional Redemption of Bonds.** At the option of the City, certain Current Interest Bonds specified in the Certificate of Final Terms attached hereto as **Exhibit B** or portions thereof may be called for redemption and payment prior to their Stated Maturity in whole or in part on the dates and at the redemption prices set forth in specified in the Certificate of Final Terms attached hereto as **Exhibit B**. The Capital Appreciation Bonds shall not be subject to redemption or payment prior their stated maturity.

(b) **Mandatory Redemption.** The Current Interest Term Bonds specified in the Certificate of Final Terms attached hereto as **Exhibit B** will be subject to mandatory redemption and payment prior to Stated Maturity in part on the dates and in the principal amounts specified in the Certificate of Final Terms attached hereto as **Exhibit B**, at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date.

At its option, to be exercised on or before the 45th day next preceding any mandatory Redemption Date, the City may: (1) deliver to the Paying Agent for cancellation Current Interest Term Bonds subject to mandatory redemption on said mandatory Redemption Date, in any aggregate principal amount desired; or (2) furnish the Paying Agent funds, together with appropriate instructions, for the purpose of purchasing any Current Interest Term Bonds subject to mandatory redemption on said mandatory Redemption Date from any Registered Owner thereof, whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical; or (3) receive a credit with respect to the mandatory redemption obligation of the City under this Section for any Current Interest Term Bonds subject to mandatory redemption on said mandatory Redemption Date which, prior to such date, have been redeemed (other than through the operation of the mandatory redemption requirements of this subsection (b)) and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this subsection (b). Each Current Interest Term Bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the City to redeem Current Interest Term Bonds of the same Stated Maturity on such mandatory Redemption Date, and any excess of such amount shall be credited on future mandatory redemption obligations for Current Interest Term Bonds of the same Stated Maturity in chronological order, and the principal amount of Current Interest Term Bonds of the same Stated Maturity to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the City intends to exercise any option granted by the provisions of clauses (1), (2) or (3) above, the City will, on or before the 45th day next preceding each mandatory Redemption Date, furnish the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1), (2) and (3) are to be complied with with respect to such mandatory redemption payment.

Section 302. Selection of Bonds to Be Redeemed.

(a) The Paying Agent shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Paying Agent at least 45 days prior to the Redemption Date of written instructions from the City specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. If the Bonds are refunded more than 90 days in advance of such Redemption Date, any escrow agreement entered into by the City in connection with such refunding shall provide that such written instructions to the Paying Agent shall be given by the escrow agent on behalf of the City not more than 90 days prior to the Redemption Date. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in **Section 303** are met. The foregoing provisions of this paragraph shall not apply to the mandatory redemption of Bonds hereunder, and Bonds shall be called by the Paying Agent for redemption pursuant to such mandatory redemption requirements without the necessity of any action by the City and whether or not the Paying Agent shall hold in the Debt Service Fund moneys available and sufficient to effect the required redemption.

(b) Bonds shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof. Bonds of less than a full Stated Maturity shall be selected by the Paying Agent in \$5,000 units of principal amount in such equitable manner as the Paying Agent may determine.

(c) In the case of a partial redemption of Bonds at the time outstanding in denominations greater than \$5,000, then for all purposes in connection with such redemption each \$5,000 of face value shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of face value represented by any Bond are selected for redemption, then upon notice of intention to redeem such \$5,000 unit or units, the Registered Owner of such Bond or the Registered Owner's duly authorized agent shall present and surrender such Bond to the Paying Agent (1) for payment of the Redemption Price and interest to the Redemption Date of such \$5,000 unit or units of face value called for redemption, and (2) for exchange, without charge to the Registered Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Registered Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of the \$5,000 unit or units of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. Unless waived by any Registered Owner of Bonds to be redeemed, official notice of any redemption shall be given by the Paying Agent on behalf of the City by mailing a copy of an official redemption notice by first class mail at least 30 days prior to the Redemption Date to the State Auditor of Missouri, the Purchaser of the Bonds and each Registered Owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds of a maturity are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;

(d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and

(e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal corporate trust office of the Paying Agent.

The failure of any Registered Owner to receive notice given as heretofore provided or any defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on that date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the City defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Registered Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

The Paying Agent is also directed to comply with any mandatory or voluntary standards established by the Securities and Exchange Commission and then in effect for processing redemptions of municipal securities. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

For so long as the Securities Depository is effecting book-entry transfers of the Bonds, the Paying Agent shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the beneficial owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a beneficial owner of a Bond (having been mailed notice from the Paying Agent, the Securities Depository, a Participant or otherwise) to notify the beneficial owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

ARTICLE IV

SECURITY FOR AND PAYMENT OF BONDS

Section 401. Security for the Bonds. The Bonds shall be general obligations of the City payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 402. Levy and Collection of Annual Tax. For the purpose of providing for the payment of the principal of and interest on the Bonds as the same become due, there is hereby levied upon all of the taxable tangible property within the City a direct annual tax sufficient to produce the amounts necessary for the payment of such principal and interest as the same becomes due and payable in each year.

The taxes referred to above shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the City are levied and collected. The proceeds derived from said taxes shall be deposited in the Debt Service Fund, shall be kept separate and apart from all other funds of the City and shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due, taking into account scheduled mandatory redemptions, and the fees and expenses of the Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS; DEPOSIT AND APPLICATION OF MONEYS

Section 501. Establishment of Funds. There have been or shall be established in the treasury of the City and shall be held and administered by the Treasurer of the City the following separate funds:

- (a) Series 2015 Street Project Fund (the "Project Fund").
- (b) Debt Service Fund.

Section 502. Deposit of Bond Proceeds. The net proceeds received from the sale of the Bonds shall be deposited simultaneously with the delivery of the Bonds as follows:

- (a) All accrued interest received from the sale of the Bonds, if any, shall be deposited in the Debt Service Fund and applied in accordance with **Section 503** hereof.
- (b) The remaining proceeds of the Bonds, in the amount specified in the Certificate of Final Terms attached hereto as **Exhibit B**, will be deposited in the Project Fund and applied in accordance with **Section 503** hereof.

Section 503. Application of Moneys in the Project Fund. Moneys in the Series 2015 Project Fund shall be used by the City solely and for the purpose of (a) paying costs of the Project for which the Bonds have been voted and authorized, as hereinbefore provided, in accordance with the plans and specifications therefor on file in the office of the City Clerk; and (b) paying the costs and expenses of issuing the Bonds.

Withdrawals from the Series 2015 Project Fund shall be made only upon duly authorized and executed order of the Board of Aldermen therefor accompanied by a certificate executed by the City's

engineers that such payment is being made for a purpose within the scope of this Ordinance and that the amount of such payment represents only the contract price of the property, equipment, labor, materials or service being paid for or, if such payment is not being made pursuant to an express contract, that such payment is not in excess of the reasonable value thereof. Nothing hereinbefore contained shall prevent the payment out of the Series 2015 Project Fund of all costs and expenses incident to the issuance of the Bonds without a certificate from the City's engineers.

Upon completion of the purpose for which the Bonds have been issued, any surplus remaining in the Series 2015 Project Fund shall be transferred to and deposited in the Debt Service Fund and applied to the next installment of principal and/or interest due on the Bonds.

Section 504. Application of Moneys in Debt Service Fund. All amounts paid and credited to the Debt Service Fund shall be used by the City for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Paying Agent. The Treasurer is authorized and directed to withdraw from the Debt Service Fund sums sufficient to pay both principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the business day immediately preceding the dates when such principal, interest and fees of the Paying Agent will become due. If, through the lapse of time or otherwise, the Registered Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance and shall be held in trust by the Paying Agent for the benefit of the Registered Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Fund after the retirement of the indebtedness for which the Bonds were issued and all other indebtedness of the City shall be transferred and paid into the general revenue fund of the City.

Section 505. Deposits and Investment of Moneys. Moneys in each of the funds created by and referred to in this Ordinance shall be deposited in a bank or banks or other legally permitted financial institutions located in the State of Missouri that are members of the Federal Deposit Insurance Corporation. All such deposits shall be continuously and adequately secured by the banks or financial institutions holding such deposits as provided by the laws of the State of Missouri. All moneys held in the funds created by this Ordinance shall be kept separate and apart from all other funds of the City so that there shall be no commingling of such funds with any other funds of the City.

Moneys held in any fund referred to in this Ordinance may be invested in accordance with this Ordinance and the Federal Tax Certificate in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any fund shall accrue to and become a part of such fund.

Section 506. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

Section 507. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the City to the Registered Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Registered Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Ordinance or on, or with respect to, said Bond. If any Bond is not presented for payment within one year following the date when such Bond becomes due at Maturity, the Paying Agent shall repay to the City the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the City, and the Registered Owner thereof shall be entitled to look only to the City for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the City shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

ARTICLE VI

REMEDIES

Section 601. Remedies. The provisions of this Ordinance, including the covenants and agreements herein contained, shall constitute a contract between the City and the Registered Owners of the Bonds, and the Registered Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Registered Owners of Bonds similarly situated:

- (a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Registered Owner or Owners against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Ordinance excluding **Section 802** hereof or by the Constitution and laws of the State of Missouri;
- (b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and
- (c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Registered Owners of the Bonds.

Section 602. Limitation on Rights of Bondowners. The covenants and agreements of the City contained herein and in the Bonds shall be for the equal benefit, protection and security of the legal owners of any or all of the Bonds. All of the Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, or date of Maturity or right of prior redemption as provided in this Ordinance. No one or more Bondowners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Registered Owners of such Outstanding Bonds.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Bondowners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy

conferred herein. No waiver of any default or breach of duty or contract by the Registered Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies consequent thereon. No delay or omission of any Bondowner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Registered Owners of the Bonds by this Ordinance may be enforced and exercised from time to time and as often as may be deemed expedient. If any suit, action or proceedings taken by any Bondowner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or has been determined adversely to such Bondowner, then, and in every such case, the City and the Registered Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Bondowners shall continue as if no such suit, action or other proceedings had been brought or taken.

Section 604. Exception for Continuing Disclosure. This **Article VI** shall not apply to **Section 802** of this Ordinance regarding continuing disclosure requirements, and Bondholders or Beneficial Owners of Bonds shall have no remedies for enforcement of said **Section 802** other than the remedies provided in said **Section 802**.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Bonds or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Ordinance and the pledge of the City's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Ordinance if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State of Missouri and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned thereon, will be sufficient for the payment of the principal or Redemption Price of and Compound Accreted Value of said Bonds and/or interest to accrue on such Bonds to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments; provided, however, that if any such Bonds are to be redeemed prior to their Stated Maturity, (1) the City shall have elected to redeem such Bonds, and (2) either notice of such redemption shall have been given, or the City shall have given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Paying Agent to redeem such Bonds in compliance with **Section 302(a)** of this Ordinance. Any moneys and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the City, for the purpose of paying and discharging any of the Bonds or the interest payments thereon, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Registered Owners of such Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All moneys and Defeasance Obligations deposited with the Paying Agent or other bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Ordinance.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

Section 801. Tax Covenants.

(a) The City covenants and agrees that (1) it will comply with all applicable provisions of the Code necessary to maintain the exclusion from federal gross income of the interest on the Bonds and (2) comply with all provisions and requirements of the Federal Tax Certificate. The Mayor is hereby authorized to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the City. The City will also pass such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

(b) The covenants contained in this Section and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to **Article VII** of this Ordinance or any other provision of this Ordinance until the final Maturity of all Bonds Outstanding.

Section 802. Continuing Disclosure. The Mayor is hereby authorized to enter into the Continuing Disclosure Agreement in substantially the form attached hereto as **Exhibit D**, under which the City agrees that it will provide its audited financial statements, certain operating data and notices of certain material events to each nationally recognized municipal securities information repository, in compliance with Rule 15c2-12 promulgated by the Securities and Exchange Commission. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Agreement shall not be considered a default under this Ordinance. Remedies for a default under the Continuing Disclosure Agreement shall be limited to those set forth in the Continuing Disclosure Agreement.

Section 803. Principal Amount of the Bonds. In determining whether the Bondowners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Ordinance, the term “principal amount” shall mean the principal amount of Current Interest Bonds Outstanding as of the date of determination and the Compound Accreted Value of Capital Appreciation Bonds as of the most recent Interest Payment Date preceding such date.

Section 804. Amendments. The Continuing Disclosure Agreement is exempt from the provisions of this Section and are subject to amendment and modification only as provided therein. The rights and duties of the City and the Bondowners, and the terms and provisions of the Bonds or of this Ordinance, may be amended or modified at any time in any respect by ordinance of the City with the written consent of the Registered Owners of not less than a majority in principal amount and Compound Accreted Value of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Registered Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the City Clerk, but no such modification or alteration shall:

(a) extend the maturity of any payment of principal, Compound Accreted Value or interest due upon any Bond;

(b) effect a reduction in the amount which the City is required to pay as principal of, Redemption Price, Compound Accreted Value or interest on any Bond;

- (c) permit preference or priority of any Bond over any other Bond; or
- (d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Ordinance.

Any provision of the Bonds or of this Ordinance may, however, be amended or modified by ordinance duly adopted by the governing body of the City at any time in any legal respect with the written consent of the Registered Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Bondowners, the City may amend or supplement this Ordinance for the purpose of curing any formal defect, omission, inconsistency or ambiguity therein or in connection with any other change therein which is not materially adverse to the interests of the Bondowners.

Every amendment or modification of the provisions of the Bonds or of this Ordinance, to which the written consent of the Bondowners is given, as above provided, shall be expressed in an ordinance adopted by the governing body of the City amending or supplementing the provisions of this Ordinance and shall be deemed to be a part of this Ordinance. A certified copy of every such amendatory or supplemental ordinance, if any, and a certified copy of this Ordinance shall always be kept on file in the office of the City Clerk, and shall be made available for inspection by the Registered Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Ordinance, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental ordinance or of this Ordinance will be sent by the City Clerk to any such Bondowner or prospective Bondowner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the City Clerk a copy of the ordinance of the City hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Registered Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The City shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Ordinance which affects the duties or obligations of the Paying Agent under this Ordinance.

Section 805. Amendment to the City's Budget. The City hereby amends its budget for the fiscal year ending September 30, 2015, to take into account the authorization of the issuance of the Bonds.

Section 806. Notices, Consents and Other Instruments by Bondowners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Bondowners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Bondowners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Ordinance, and shall be conclusive in favor of the City and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

- (a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Registered Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Ordinance, Bonds owned by the City shall be disregarded and deemed not to be Outstanding under this Ordinance, except that, in determining whether the Bondowners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Bondowners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Bondowners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the City.

Section 807. Further Authority. The officers of the City, including the Mayor and City Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 808. Severability. If any section or other part of this Ordinance, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance.

Section 809. Governing Law. This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 810. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the Board of Aldermen.

Section 811. Electronic Transactions. The parties agree that the transaction described herein may be conducted and related documents may be stored by electronic means.

PASSED by the Board of Aldermen of the City of Peculiar, Missouri, and **APPROVED** by the Mayor this _____ day of March, 2015.

Alderman Ford _____
Alderman Fines _____
Alderman Ray _____

Alderman McCrea _____
Alderman Turner _____
Alderman Roberts _____

Approved:

Attest:

Holly Stark, Mayor

Janet Burlingame, City Clerk

This Bond is one of an authorized series of bonds of the City designated “General Obligation Street Bonds, Series 2015,” aggregating the principal amount of \$ _____ (the “Bonds”), issued by the City for the purpose of providing funds to extend and improve the streets and roads of the City by paying part of the cost of building an interchange and connecting roads to the interchange (the “Project”) under the authority of and in full compliance with the Constitution and laws of the State of Missouri, and pursuant to an election duly held in the City and an ordinance duly passed (the “Ordinance”) and proceedings duly and legally had by the governing body of the City. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the Ordinance.

At the option of the City, Current Interest Bonds or portions thereof maturing on March 1, 20__, and thereafter may be redeemed and paid prior to maturity on March 1, 20__, and thereafter in whole or in part at any time in such amounts for each maturity as shall be determined by the City (Bonds of less than a full maturity to be selected in multiples of \$5,000 principal amount in such equitable manner as the Paying Agent shall designate) at the Redemption Prices set forth below, expressed as percentages of principal amount, plus accrued interest thereon to the Redemption Date:

<u>Redemption Dates</u>	<u>Redemption Prices</u>
March 1, 20__ to February __, ____	____%
March 1, ____ and thereafter	____%

Current Interest Bonds maturing on March 1, 20__, are subject to mandatory redemption and payment prior to maturity pursuant to the mandatory redemption requirements of the Ordinance on March 1, 20__, and on each March 1 thereafter prior to maturity, at a redemption price equal to 100% of the Principal Amount thereof plus accrued interest to the Redemption Date.

Current Interest Bonds shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof. When less than all of the Outstanding Current Interest Bonds are to be redeemed, such Bonds shall be redeemed from such Stated Maturities as are selected by the City, and Bonds of less than a full Stated Maturity shall be selected by the Paying Agent in \$5,000 units of principal amount in such equitable manner as the Paying Agent may determine.

Notice of redemption, unless waived, is to be given by the Paying Agent by mailing an official redemption notice by first class mail at least 30 days prior to the Redemption Date to the State Auditor of Missouri, the original purchaser of the Bonds and to each Registered Owner of each of the Bonds to be redeemed at the address shown on the Bond Register maintained by the Paying Agent. Notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall, on the Redemption Date, become due and payable at the Redemption Price therein specified, and from and after such date (unless the City defaults in the payment of the Redemption Price) such Bonds or portions of Bonds shall cease to bear interest.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Ordinance. One Bond certificate with respect to each date on which the Bonds are stated to mature, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository’s participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The City and the Paying Agent will recognize the Securities

Depository nominee, while the registered owner of this Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfers of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfers of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The City and the Paying Agent will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of and interest on this Bond shall be made in accordance with existing arrangements among the City, the Paying Agent and the Securities Depository.

EXCEPT AS OTHERWISE PROVIDED IN THE ORDINANCE, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY.

The Bonds are issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. This Bond may be exchanged at the office of the Paying Agent for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations upon the terms provided in the Ordinance.

This Bond is transferable by the Registered Owner hereof in person or by the Registered Owner's agent duly authorized in writing, at the office of the Paying Agent, but only in the manner, subject to the limitations and upon payment of the charges provided in the Ordinance and upon surrender and cancellation of this Bond. The City shall pay all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks.

The Bonds constitute general obligations of the City payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

This Bond may be transferred or exchanged, as provided in the Ordinance, only on the Bond Register kept for that purpose at the principal corporate trust office of the Paying Agent, upon surrender of this Bond together with a written instrument of transfer or authorization for exchange satisfactory to the Paying Agent duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any authorized denomination having the same Maturity Date and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Ordinance and upon payment of the charges therein prescribed. The City and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or Redemption Price hereof and interest due hereon and for all other purposes.

The proceedings relating to the issuance of the Bonds have been presented to and filed with the State Auditor of Missouri, who has examined the same and has issued a certificate that such proceedings comply with the laws of the State of Missouri and that the conditions of the contract under which the Bonds were ordered to be issued have been complied with.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Ordinance until the Certificate of Authentication hereon has been executed by the Paying Agent.

IT IS HEREBY CERTIFIED AND DECLARED that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the Bonds have existed, happened and been performed in due time, form and manner as required by law; that a direct annual tax upon all taxable tangible property situated in the City has been levied for the purpose of paying the principal of and interest on the Bonds when due; and that the total indebtedness of the City, including this Bond and the series of which it is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, PECULIAR, MISSOURI, has caused this Bond to be executed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk and its official seal to be affixed or imprinted hereon.

CERTIFICATE OF AUTHENTICATION PECULIAR, MISSOURI

This Bond is one of the Bonds of the issue described in the within-mentioned Ordinance.

By: _____
Mayor

Registration Date: _____

FIRST BANK OF MISSOURI,
Paying Agent

(SEAL)

ATTEST:

By: _____
Authorized Signatory

City Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

Print or Type Name, Address and Social Security Number
or other Taxpayer Identification Number of Transferee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ agent to transfer the within Bond on the Bond Register kept by the Paying Agent for the registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bond in every particular.

Signature Guaranteed By:

(Name of Eligible Guarantor Institution as defined by SEC Rule 17 Ad-15 (17 CFR 240.17 Ad-15))

By: _____
Title: _____

EXHIBIT A-2

FORM OF CAPITAL APPRECIATION BOND

EXCEPT AS OTHERWISE PROVIDED IN THE ORDINANCE (DESCRIBED HEREIN), THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY (DESCRIBED HEREIN) OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY.

**UNITED STATES OF AMERICA
STATE OF MISSOURI**

**Registered
No. CR-_____**

**Registered Maturity Amount
\$_____**

PECULIAR, MISSOURI

**GENERAL OBLIGATION STREET BOND
SERIES 2015**

Interest Rate

Maturity Date

Dated Date

CUSIP Number

REGISTERED OWNER: CEDE & CO.

ORIGINAL PRINCIPAL AMOUNT: DOLLARS

MATURITY AMOUNT: DOLLARS

PECULIAR, MISSOURI, a city of the fourth class and political subdivision of the State of Missouri (the "City"), for value received, hereby acknowledges itself to be indebted and promises to pay to the registered owner shown above, or registered assigns, the Maturity Amount shown above on the Maturity Date shown above, representing the Original Principal Amount shown above plus interest accrued and compounded thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months) from the Dated Date shown above to the Maturity Date shown above, with interest compounded semiannually on March 1 and September 1 in each year, beginning on September 1, 2015, to the Compound Accreted Values provided in the Ordinance (defined herein), until said Maturity Amount has been paid.

The principal of and interest accrued and compounded on this Bond shall be paid at Maturity by check or draft to the person in whose name this Bond is registered at the Maturity Date, upon presentation and surrender of this Bond at the principal corporate trust operations office of **FIRST BANK OF MISSOURI**, in the City of Gladstone, Missouri (the "Paying Agent"). The principal of and interest accrued and compounded on this Bond shall be payable by check or draft in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

This Bond is one of an authorized series of bonds of the City designated “General Obligation Street Bonds, Series 2015,” aggregating the principal amount of \$_____ (the “Bonds”) issued by the City for the purpose of providing funds to extend and improve the streets and roads of the City by paying part of the cost of building an interchange and connecting roads to the interchange (the “Project”) under the authority of and in full compliance with the Constitution and laws of the State of Missouri, and pursuant to an election duly held in the City and an ordinance duly passed (the “Ordinance”) and proceedings duly and legally had by the governing body of the City. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the Ordinance.

The Capital Appreciation Bonds are not subject to redemption and payment prior to their Stated Maturity.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Ordinance. One Bond certificate with respect to each date on which the Bonds are stated to mature, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository’s participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The City and the Paying Agent will recognize the Securities Depository nominee, while the registered owner of this Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfers of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfers of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The City and the Paying Agent will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of and interest on this Bond shall be made in accordance with existing arrangements among the City, the Paying Agent and the Securities Depository.

EXCEPT AS OTHERWISE PROVIDED IN THE ORDINANCE, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY.

The Bonds are issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. This Bond may be exchanged at the office of the Paying Agent for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations upon the terms provided in the Ordinance.

This Bond is transferable by the Registered Owner hereof in person or by the Registered Owner’s agent duly authorized in writing, at the office of the Paying Agent, but only in the manner, subject to the limitations and upon payment of the charges provided in the Ordinance and upon surrender and cancellation of this Bond. The City shall pay all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks.

The Bonds constitute general obligations of the City payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are irrevocably pledged for the prompt payment of the Bonds as the same become due.

This Bond may be transferred or exchanged, as provided in the Ordinance, only on the Bond Register kept for that purpose at the principal corporate trust office of the Paying Agent, upon surrender of this Bond together with a written instrument of transfer or authorization for exchange satisfactory to the Paying Agent duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any authorized denomination of the same maturity and in the same aggregate Maturity Amount shall be issued to the transferee in exchange therefor as provided in the Ordinance and upon payment of the charges therein prescribed. The City and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof and interest accrued and compounded hereon and for all other purposes.

The proceedings relating to the issuance of the Bonds have been presented to and filed with the State Auditor of Missouri, who has examined the same and has issued a certificate that such proceedings comply with the laws of the State of Missouri and that the conditions of the contract under which the Bonds were ordered to be issued have been complied with.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Ordinance until the Certificate of Authentication hereon has been executed by the Paying Agent.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions and things required to be done and to exist precedent to and in the issuance of the Bonds have been done and performed and do exist in due and regular form and manner as required by the constitution and laws of the State of Missouri; that a direct annual tax upon all taxable tangible property situated in the City has been levied for the purpose of paying the Bonds when due; and that the total indebtedness of the City, including this Bond and the series of which it is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, PECULIAR, MISSOURI, has caused this Bond to be executed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk and its official seal to be affixed or imprinted hereon.

CERTIFICATE OF AUTHENTICATION PECULIAR, MISSOURI

This Bond is one of the Bonds of the issue described in the within-mentioned Ordinance.

By: _____
Mayor

Registration Date: _____

FIRST BANK OF MISSOURI,
Paying Agent

(SEAL)

ATTEST:

By: _____
Authorized Signatory

City Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

Print or Type Name, Address and Social Security Number
or other Taxpayer Identification Number of Transferee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ agent to transfer the within Bond on the Bond Register kept by the Paying Agent for the registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bond in every particular.

Signature Guaranteed By:

(Name of Eligible Guarantor Institution as defined by SEC Rule 17 Ad-15 (17 CFR 240.17 Ad-15))

By: _____
Title: _____

**EXHIBIT B
TO ORDINANCE**

**CERTIFICATE OF FINAL TERMS FOR
GENERAL OBLIGATION STREET BONDS, SERIES 2015**

PECULIAR, MISSOURI

1. **Original Principal Amount – Section 101, Section 201 and Section 202(a)** (not to exceed \$6,960,000):..... \$ _____
2. **Sale price to the Purchaser** (including premium but excluding underwriting discount) as a percentage of Original Principal Amount (not to exceed 110% of Original Principal Amount) – **Section 202(b)**: %
3. **Purchase Price - Section 101, Section 202(h) and Section 210** (not less than \$7,000,000): \$ _____, being the Original Principal Amount plus an original issue premium of \$ _____ less an underwriting discount of \$ _____, together with accrued interest to the date of delivery and payment.
4. **Purchaser – Section 101 and Section 210**: _____.
5. **Dated Date, Maturity Schedule and Interest Rates for Series 2015 Bonds – Section 101 and Section 202**:

CURRENT INTEREST BONDS

Dated Date: _____, 20__

Serial Bonds

<u>Maturity</u> <u>March 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>	<u>Maturity</u> <u>March 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>
---	---	--	---	---	--

Term Bonds

<u>Maturity</u> <u>March 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>
---	---	--

CAPITAL APPRECIATION BONDS

Dated Date: _____, 2015

- | | <u>Stated Maturity</u>
<u>March 1</u> | <u>Principal</u>
<u>Amount</u> | <u>Annual Rate</u>
<u>of Interest</u> |
|----|--|---|--|
| 6. | <u>True interest cost on the Bonds calculated pursuant to Section 108.170(6), RSMo (not to exceed ____%) - Section 202(c):</u> % | | |
| 7. | <u>Annual Debt Service Payments</u> – each fiscal year (not to exceed amounts in Section 202(d)): | | |

	<u>Fiscal Year ending September 30</u>	<u>Annual Debt Service</u>
	2016	
	2017	
	2018	
	2019	
	2020	
	2021	
	2022	
	2023	
	2024	
	2025	
	2026	
	2027	
	2028	
	2029	
	2030	
	2031	
	2032	
	2033	
	2034	
	2035	

8. Final Stated Maturity of the Bonds (to be not later than March 1, 2035) – **Section 202(e)**: March 1, 20__
9. Underwriting discount (not to exceed 1.10% of Original Principal Amount) – **Section 202(f)** and **Section 210**: \$ _____, which is ____% of Original Principal Amount
10. Optional Redemption - Section 202(g) and Section 301(a): At the option of the City, the Current Interest Bonds or portions thereof maturing on March 1, 20__, and thereafter may be called for redemption and payment prior to the Stated Maturity thereof on March 1, 20__, and thereafter in whole or in part at any time in such amounts for each Stated Maturity as shall be determined by the City at the Redemption Prices set forth below, expressed as percentages of principal amount, plus accrued interest thereon to the Redemption Date:

Redemption Dates

Redemption Prices

March 1, 20__ to February __, ____
March 1, ____ and thereafter

___%
___%

11. **Mandatory Redemption - Section 301(b):**

The Current Interest Term Bonds maturing on March 1, 20__, shall be redeemed and paid as follows:

<u>Year</u>	<u>Principal</u>
<u>March 1</u>	<u>Amount</u>

*Final Maturity

12. **Bond Proceeds - Section 502(b):**..... \$ _____

APPROVED this _____ day of _____, 2015.

(SEAL)

Mayor

ATTEST:

City Clerk

**EXHIBIT C
TO ORDINANCE**

**TABLE OF COMPOUND ACCRETED VALUES
OF CAPITAL APPRECIATION BONDS
(PER \$5,000 MATURITY AMOUNT)**

**EXHIBIT D
TO ORDINANCE**

FORM OF CONTINUING DISCLOSURE AGREEMENT

**EXHIBIT E
TO ORDINANCE**

FORM OF BOND PURCHASE AGREEMENT

City Administrator
Brad Ratliff

City Clerk
Janet Burlingame

City Engineer
Carl Brooks

Business Office
Trudy Prickett



Chief of Police
Harry Gurin

City Planner
Cliff McDonald

City Attorney
Reid Holbrook

Parks Director
Nathan Musteen

Municipal Offices – 250 S. Main Street, Peculiar, MO 64078
Phone: (816)779-5212 Facsimile: (816)779-1004

To: Board of Aldermen
From: Clifford L. McDonald
Date: March 2, 2015
Re: Public Hearing on the Re-zoning Application, Submitted by Paula Still, for 325 and 355 West 4th Street, from A-C Arts and Culture Overlay District, with an Underlying C-1 General Business District Zoning to A-C Arts and Culture Overlay District with an Underlying R-2 Two-Family Dwelling District.

GENERAL INFORMATION

Applicant: Paula Still

Status of Applicant: N/A

Requested Actions: Board of Aldermen to consider the Re-zoning Application for 325 and 355 West 4th Street, from A-C Arts and Culture Overlay District with an Underlying C-1 General Business District Zoning to A-C Arts and Culture Overlay District with an Underlying R-2 Two-Family Dwelling District Zoning.

Date of Application: December 17, 2014

Purpose: Review the Re-zoning Application for 325 and 355 West 4th Street in accordance with established procedure, and render a decision either for or against the Re-zoning.

Property Location (if applicable): 325 and 355 West 4th Street; see attached Beacon Map (Attch 1).

PROPOSAL

A Public Hearing is scheduled for the Board of Aldermen tonight on this Rezoning Application
See "Requested Actions" above.

PREVIOUS ACTIONS

The Planning Commission held a Public Hearing on this Rezoning Application at their February 12th, 2015 meeting. Following the Public Hearing, the Planning Commission approved the Rezoning Application by a vote of 5:1

KEY ISSUES

In order for the Board to approve or deny an application for a map amendment, they shall make findings of fact to determine whether the application is found to be compatible with the following five (5) issues IAW Municipal Code, SECTION 400.2450:

- 1. Consistency with the Comprehensive Plan, neighborhood development plan (if applicable) and any other official planning and development policies of the City;**
 - a. 325 and 355 West 4th Street are currently Zoned A-C, Arts and Culture Overlay District with an underlying zoning of C-1, General Business District (see Attch 2). The current C-1, General Business District zoning is not consistent with the Future Land Use Plan of the City of Peculiar's Comprehensive Plan.
 - b. The City of Peculiar's Future Land Use Plan (FLP) identifies these properties, 325 and 355 West 4th Street, as Low Density Residential (LDR) - (see Attch 3). 355 W. 4th Street is 0.693 Acres and 325 W. 4th Street is 1.190 Acres in size.
 - c. The *City of Peculiar 2008 Comprehensive Plan*, page 129, defines the Characteristics and Compatible Uses of LDR as Single and Two-family residential dwellings (see Attch 4).
 - d. The proposed Re-zoning of 325 and 355 West 4th Street to R-2, Two-Family Dwelling District as the underlying zoning district beneath District A-C Arts and Culture Overlay District is consistent with, and supported by, the City's Comprehensive Plan.
- 2. The impact of projected vehicular traffic volumes and site access is not detrimental with regard to the surrounding traffic flow, pedestrian safety and accessibility of emergency vehicles and equipment;**
 - a. 325 and 355 West 4th Street being re-zoned to R-2, Two-Family Dwelling District has no significant impact on projected traffic volumes and is not detrimental to surrounding traffic flow, pedestrian safety or accessibility of emergency vehicles and equipment to the area.
- 3. Adequacy of existing public utilities and facilities or of provisions to accommodate resulting additional demands which may be imposed upon roads and streets, water supply and storage, storm sewerage, sanitary sewerage and wastewater treatment;**
 - a. Currently both 325 and 355 West 4th Street have city provided utility services and street access. The proposed zoning change has no impact on public utilities or facilities and will not create a significant impact/demand upon roads and streets resulting from additional traffic.
- 4. Compatibility of the proposed district classification with nearby properties;**
 - a. The properties to the North of 355 West 4th Street consist of the old Rail Road bed and S. Peculiar Drive, both of which are zoned C-1, General Business District (see Attch 2).
 - b. 325 and 355 West 4th Street are bordered to the West by properties zoned R-1, Single Family Dwelling District (see Attch 2).
 - c. The property immediately South of 325 West 4th Street is a Duplex, 265 W. 4th Street Apt A & B (see Attch 5). The other properties which border the South of 325 West 4th Street are Single Family Dwellings, zoned A-C Arts & Culture Overlay District with an underlying zoning of C-1, General Business District.
 - d. The requested R-2, Two-Family Dwelling District zoning would buffer the West R-1 Single Family Dwelling District from S. Peculiar Drive and future commercial development to the East. The proposed district classification is compatible with adjacent properties.

5. If vacant, the length of time the property has remained vacant as zoned.

- a. Both properties, 325 and 355 West 4th Street, are developed and occupied; neither are vacant.

STAFF COMMENTS AND SUGGESTIONS

The City's Future Land Use Plan identifies these parcels for development into Low Density Residential, which supports either Single Family Dwellings or Two-family Dwellings near/adjacent to a road designated as a collector (such as S. Peculiar Drive). Retaining the C-1 General Business District zoning is not practical - MoDOT will not permit direct access from S. Peculiar Drive and W. 4th Street lacks access & traffic flow to support a C-1 District. The best use of these properties, given their proximity to S. Peculiar Drive and the pending trail to the East is an R-2, Two-Family Dwelling which will buffer the adjoining Single Family Dwellings.

STAFF RECOMMENDATION

Staff recommends the Board of Aldermen consider approving the Re-zoning of 325 and 355 West 4th Street as presented.

ATTACHMENTS

- (1) Beacon Location Map, 325 & 355 W. 4th Street
- (2) Zoning Map, 325 & 355 W. 4th Street
- (3) Future Land Use Map, 325 & 355 W. 4th Street
- (4) LDR Definition, 2008 Comp Plan
- (5) Duplex, 265 W. 4th Street

STAFF CONTACT: Clifford McDonald
Phone: 779-2226
E-mail: cmcdonald@cityofpeculiar.com

Date Created: 1/7/2015

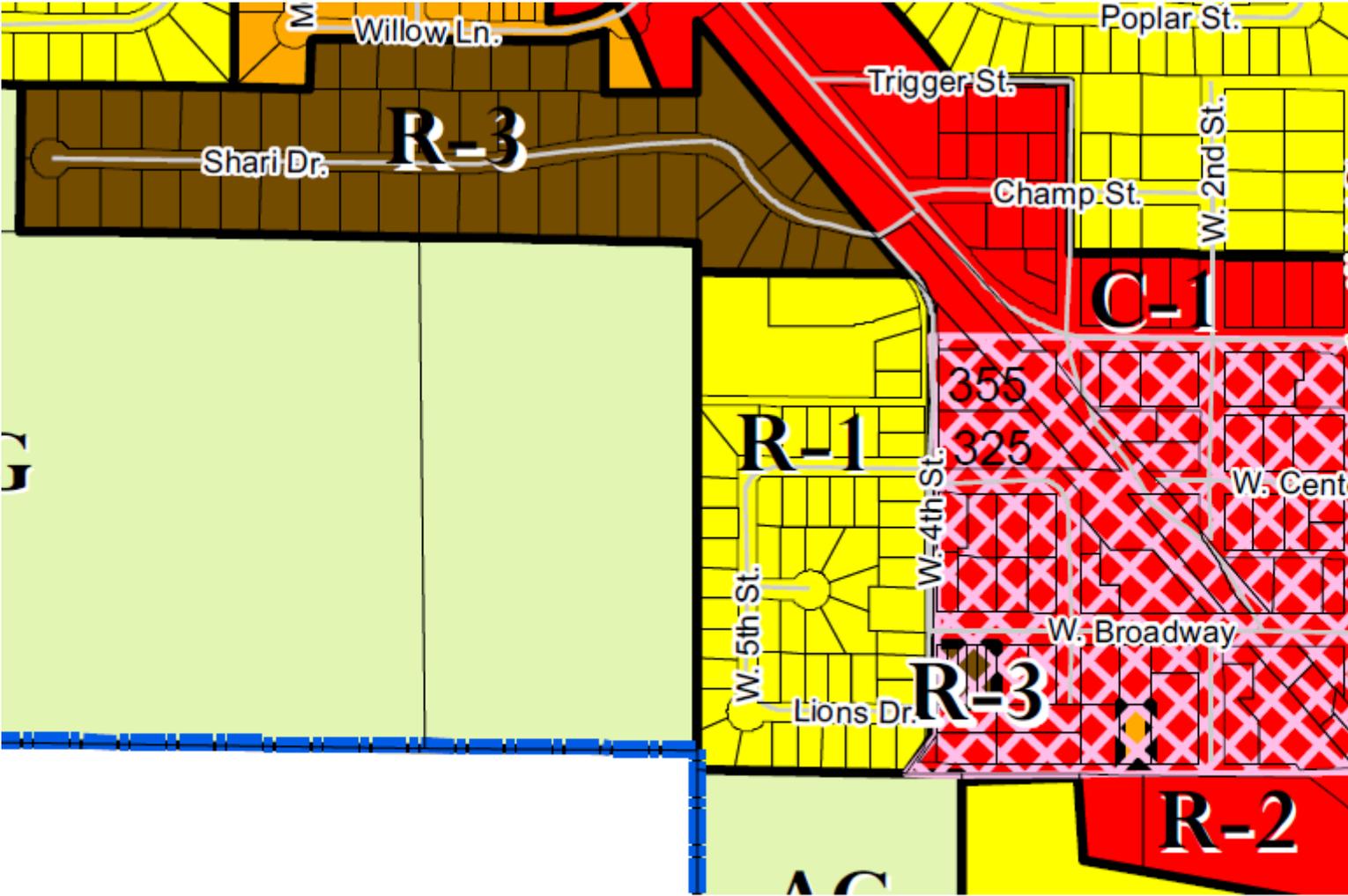


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 developed by
The Schneider Corporation
www.schneidercorp.com

ATTCH 1

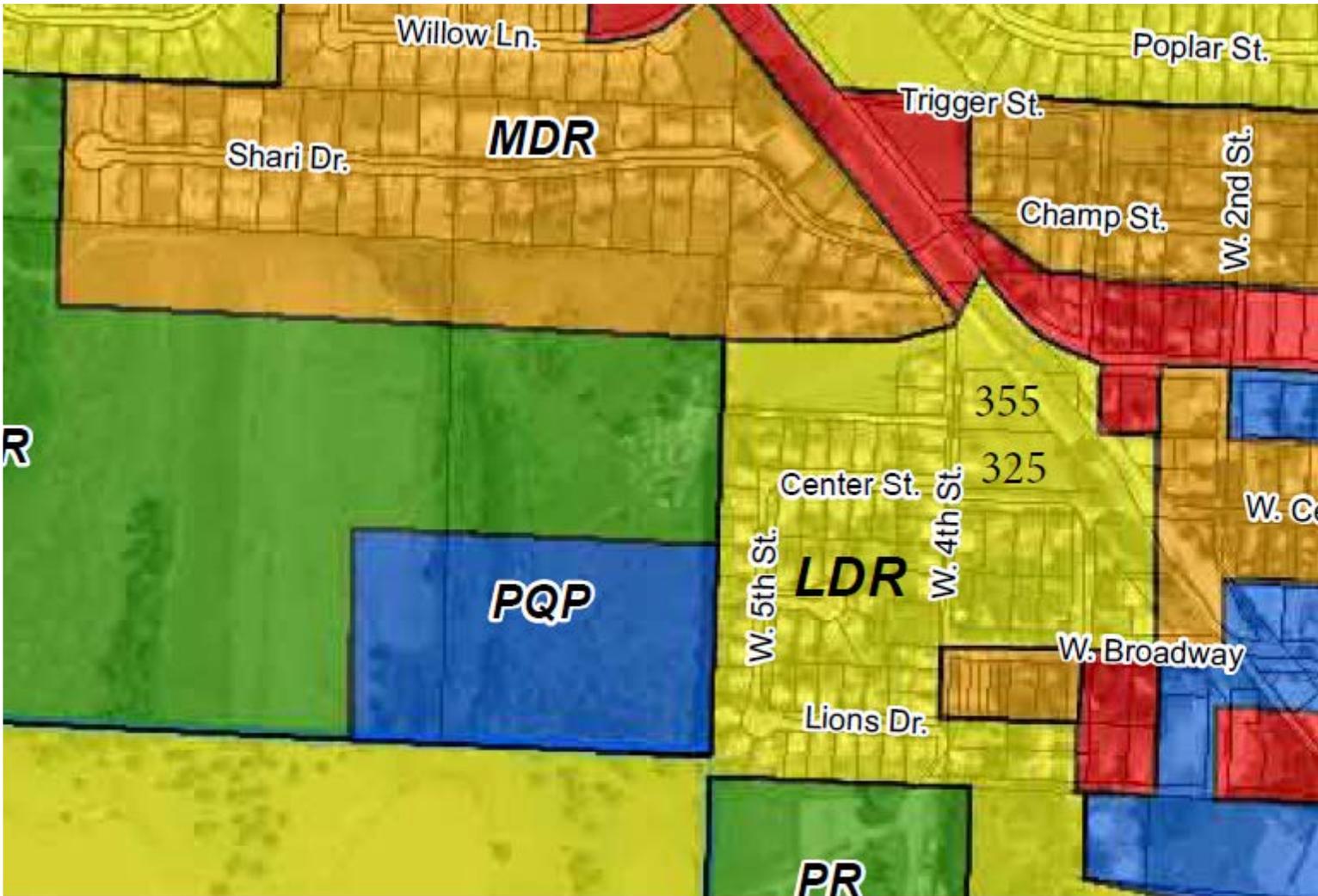
CITY OF PECULIAR - ZONING MAP



ATTCH 2

Atch 2

CITY OF PECULIAR – FUTURE LAND USE PLAN



ATTCH 3

Attch 3

LDR: Low Density Residential

INTENT

The Low Density Residential land use area is intended for typical suburban scale residential development densities.

LOCATION

This category represents the most common residential land use type, and is located throughout town.

CHARACTERISTICS

Characteristics of the LDR category include:

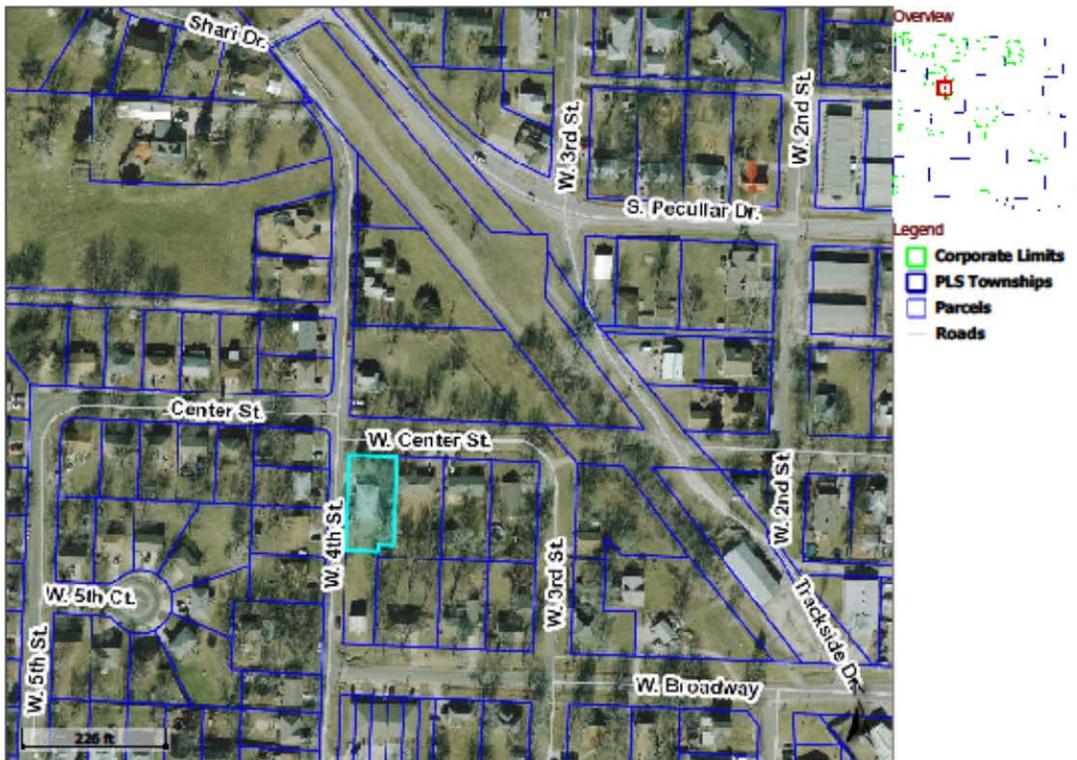
- Locations throughout town to provide convenient access to transportation routes, commercial areas, jobs, schools, parks and recreation areas, and public services.
- Two-family residential dwellings should be located along streets classified as collectors or higher.
- Accessory structures should be limited in size to reinforce the pedestrian scale of neighborhoods.
- Pedestrian connectivity will be important; the public sidewalk system should provide adequate opportunities for residents to walk to destinations or for enjoyment.
- The area will include densities ranging from one to four dwelling units per acre.

COMPATIBLE USES

- Single- and two-family residential dwellings
- Public and quasi-public uses
- Group homes
- Home occupations.



Date Created: 1/6/2015



Parcel ID	070516104000034000	Alternate ID	n/a	Owner Address	HAMPTON, WILLIAM SCOTT
Sec/Twp/Rng	16-45-32	Class	Residential		12400 E 233RD ST
Property Address	265 W 4TH APT A & B ST PECULIAR	Acres	0.250		PECULIAR MO 640780000
District	6717001				
Brief Tax Description	ORIG PECULIAR LOTS 10,11 & 12 BLK 24 DUPLEX <i>(Note: Not to be used on legal documents)</i>				

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BILL NO. 2015-08
ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING THE REZONING OF MRS. PAULA STILL'S PROPERTIES COMMONLY KNOWN AS 325 W. 4TH STREET AND 355 W. 4TH STREET, PECULIAR, MISSOURI.

WHEREAS, Mrs. Paula Still has requested the rezoning of 325 W. 4th Street and 355 W. 4th Street from A-C Arts and Culture Overlay District, with an Underlying C-1, General Business District Zoning to A-C Arts and Culture Overlay District, with an Underlying R-2, Two-Family Dwelling District Zoning; and

WHEREAS, the Owner has met the requirements for rezoning these parcels from A-C Arts and Culture Overlay District, with an Underlying C-1, General Business District Zoning to A-C Arts and Culture Overlay District, with an Underlying R-2, Two-Family Dwelling District; and

WHEREAS, the Planning Commission held a Public Hearing on February 12, 2015, for this rezoning request and subsequent to that hearing has recommended approval of this rezoning request to the Board of Aldermen; and

WHEREAS, the Board of Aldermen held a Public Hearing on March 2, 2015 to receive public comment relative to the rezoning request and no formal protest was received or heard.

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

Section 1. The requested rezoning of Mrs. Paula Still's properties described as:

Lots 13 thru 22, inclusive, Block 9, original town of Peculiar, Cass County, Missouri, except that part taken in Right of way of St. Louis-San Francisco Railroad. Contains 1.190 acres, more or less, commonly known as 325 W. 4th Street, Peculiar, Missouri; and

All that part of 8 through 12, in Block 9, in the town of Peculiar, lying west of the Railroad Right of way, Cass County, Missouri, and all that part of lots 1 and 2, Block 9, in the town of Peculiar, Cass County, Missouri, except that part in Railroad Right of way. Contains 0.693 acres, more or less, commonly known as 355 W. 4th Street, Peculiar, Missouri

from A-C Arts and Culture Overlay District with an Underlying C-1, General Business District to A-C Arts and Culture Overlay District with an Underlying R-2, Two-Family Dwelling District in the City of Peculiar is hereby approved.

Section 2. No amendment of the City of Peculiar's Future Land Use Plan (of the City's Comprehensive Plan) to reflect this change is required.

Effective Date. The effective date of this Ordinance shall be the ____ day of _____, 2015.

First Reading: _____

Second Reading: _____

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS ____ DAY OF _____, 2015, BY THE FOLLOWING VOTE:

Alderman Fines _____
Alderman Ford _____
Alderman McCrea _____

Alderman Ray _____
Alderman Roberts _____
Alderman Turner _____

APPROVED:

ATTEST:

Holly Stark, Mayor

Janet Burlingame, City Clerk

City Administrator
Brad Ratliff

City Clerk
Janet Burlingame

City Engineer
Carl Brooks

Business Office
Trudy Prickett



Municipal Offices – 250 S. Main Street, Peculiar, MO 64078
Phone: (816)779-5212 Facsimile: (816)779-1004

Chief of Police
Harry Gurin

City Planner
Cliff McDonald

City Attorney
Reid Holbrook

Parks Director
Nathan Musteen

To: Board of Alderman
From: Clifford L. McDonald
Date: March 2, 2015
Re: *Public Hearing* – Board of Aldermen to consider Amendments to Chapter 400, Zoning Regulations of the City of Peculiar Municipal Code.

GENERAL INFORMATION

Applicant: City Staff

Status of Applicant: N/A

Requested Actions: Board of Aldermen to conduct a Public Hearing at tonight’s meeting to consider the proposed Amendments to Section 400.130: General Regulations; Section 405.500: Land Disturbance and Erosion Control; Section 405.950: Sediment in Public Right-of-way, Notice To Remove, Penalty; and approval of a new Chapter 425: Erosion and Sediment Control of the City’s Municipal Code.

Date of Application: March 2, 2015

Purpose: The purpose is to establish a new Chapter 425: Erosion and Sediment Control of the City’s Municipal Code and amend the other Sections of Chapter 400 and Chapter 405 necessary to implement this change.

Property Location (if applicable): City Wide

PROPOSAL

See “Requested Actions” above.

PREVIOUS ACTIONS

The Planning Commission has worked diligently revising the City’s Land-Disturbance Permit requirements since August, 2014. A number of issues needed to be addressed with this revision and they are listed in Atch 1 for your information. After in-depth study and review, the Commission believes the best solution is to implement a new Erosion and Sediment Control Chapter, amend corresponding references in the Municipal Code, and rewrite the Land-Disturbance Permit Ordinance to specify permit requirements only. The Planning Commission held a Public Hearing to discuss and review these changes to Chapter 400 on February 12th, 2015; no one objected to the proposed changes. Following the Public Hearing the Commission unanimously approved the proposed changes to Chapter 400, Chapter 405 and the new Chapter 425 presented tonight for the Board’s consideration.

KEY ISSUES

The Ordinance presented for approval will establish a new Chapter 425: Erosion and Sediment Control in the City's Municipal Code; this Ordinance is primarily based upon the City of Olathe's requirements and has been reviewed by our City Attorney. The proposed amendments to Sections 400.130, 405.500 and 405.950 are necessary to update cross-references in the Municipal Code to this new Chapter.

STAFF COMMENTS AND SUGGESTIONS

The proposed changes to Sections 400.130, 405.500 and 405.950 are provided in Attachment 2 for your information.

STAFF RECOMMENDATION

Staff Recommends Approval of the Ordinance as presented.

ATTACHMENTS

1. Land Disturbance Permit Revision Status
2. Proposed Changes to Municipal Code Sections
3. Ordinance to Amend Chapter 400, Chapter 405 and Establish Chapter 425

STAFF CONTACT: Clifford L. McDonald,
PH: 816-779-2226
E-mail: cmcdonald@cityofpeculiar.com

City of Peculiar
Land Disturbance Permit Revision Status
February 12th, 2015

Peculiar's Land Disturbance Permit (LDP) Ordinance has a number of issues which should be amended; the Status of the revisions is as follows:

1. **Minimum area requirement changed from 500 to 2,000 Square Feet. Additionally One (1) Acre or larger aligns Peculiar's Permit to MDNR's Land Disturbance Permit requirements.**
STATUS: Complete – see SECTION 500.140 EXCEPTIONS

2. **Reference the City's MS-4 Permit criteria in the Ordinance (Best Management Practices (BMP's), Storm Water Pollution Prevention Plan (SWPPP), Maximum Extent Practicable), etc..**
STATUS: Complete – see SECTIONS 425.010 PURPOSE/INTENT, 425.020 ADMINISTRATION, 425.030 DEFINITIONS, 425.050 EROSION AND SEDIMENT CONTROL PLANS, 500.130 LAND DISTURBANCE PERMIT APPLICATION

3. **Ensure the Ordinance requires an LDP for the “cumulative” disturbance of One (1) Acre or more when multiple projects/phases occur.**
STATUS: Complete – see SECTION 500.130 LDP APPLICATION

4. **Require a “Performance Bond” or “Security” be provided to the City to ensure large areas of land disturbance can:**
 - a. **Maintain Erosion Control Measures as approved in the LDP**
 - b. **Be restored/reseeded should the development fail/go-under.***STATUS: Complete* – see SECTION 500.180 BMPs SECURITY

5. **Adopt APWA criteria: KC APWA Specifications & Design Guidance Documents: Section 2150-Erosion and Sediment Control, and Section 5100-Site Work and Erosion and Sediment Control.**
STATUS: Incomplete – Ordinance is drafted to Amend SECTION 500.065 by adopting these APWA Documents by the City – shall be presented to the Board of Aldermen March 2, 2015.

6. **Provide guidance for Closure of a Permit and refund of fee/release of Security.**
STATUS: Complete – See SECTION 425.060, paragraph E, which lists the City Engineer and/or Codes Enforcement Officer and conditions for closure.

7. **Add Reference/Definition for “Stream Buffer” to the Ordinance**
STATUS: Complete – see SECTION 425.030 DEFINITIONS

Atch 1

8. Amend “Definitions” in the Ordinance to list all Acronyms above their Definition

STATUS: Complete – see SECTION 425.030 DEFINITIONS

9. Consider a minimum fee for LDPs of less than One (1) Acre – ensure the City has a means of enforcing requirements and restoring the site if necessary.

STATUS: Incomplete –

- a. Have Board consider a minimum fee of \$300.00 if no other Building/Utility Permit is issued for the site. Fee to be added to Comprehensive Fee Schedule.

10. Amend Municipal Code references of Erosion and Sediment to Chapter 425.

STATUS: Complete – See proposed Amendments to Chapter 400 to align cross-references and establish a new Chapter 425 for Erosion and Sediment Control

***MUNICIPAL CODE SECTIONS REVIEWED FOR “EROSION & SEDIMENT” CROSS-REFERENCE TO
NEW CHAPTER 425***

- 1. **400.130**
- 2. **400.170**
- 3. **405.240**
- 4. **405.500**
- 5. **405.950**
- 6. **500.070**
- 7. **500.130**
- 8. **500.140**
- 9. **500.150**
- 10. **500.160**
- 11. **500.200**

SECTIONS REVIEWED FOR “LAND DISTURBANCE PERMIT” CROSS-REFERENCE

- 1. **400.200**
- 2. **400.640**
- 3. **405.500**
- 4. **420.020**
- 5. **500.190**

Atch 1

**PROPOSED CHANGES TO MUNICIPAL CODE SECTIONS WITH
EROSION AND SEDIMENT CONTROL IN CHAPTER 425
& LAND DISTURBANCE PERMIT IN CHAPTER 500**

1. **400.130** No person shall engage in construction activity without meeting all applicable requirements for stormwater management in accordance with Chapter [415](#), erosion and sedimentation control in accordance with Chapter ~~500~~ [425](#) and the preservation of minimum flood corridors in accordance with Chapter [410](#) of the Peculiar Municipal Code. [Ord. No. 11042013 §VI, 11-4-2013]
2. **400.200 - OK**
3. **405.240 - OK**
4. **405.260 - OK**
5. **405.290 – OK**
6. **400.640 para B.8.s(9) - OK**
7. **405.500** [Ord. No. 111808 §1(405-413), 11-18-2008]

A.

All subdivision of land shall comply with the ~~land disturbance~~ **Erosion and Sediment Control** provisions of Chapter ~~500~~ [425](#) of the Peculiar Municipal Code ~~and the following provisions:~~

B.

~~In order to control erosion and sedimentation during and after land preparation, the subdivider, his successors and assigns shall provide for disturbing only the areas needed for construction; removing only those trees, shrubs and grasses that must be removed by construction; installing required sediment basins and diversion dikes before disturbing the land that drains into them; and temporarily stabilizing each segment of graded or otherwise disturbed land by seeding and mulching or by other approved methods.~~

C.

~~As land preparation is completed, the subdivider, his successors and assigns shall permanently stabilize each segment with perennial vegetation and structural measures. Diversion dikes and sediment basins shall be leveled after areas that drain into them are stabilized and permanent vegetation shall be established on those areas. Sediment basins that are to be retained for stormwater detention shall be seeded to permanent vegetation no later than nine (9) months after completion of the sediment basins and shall be permanently maintained by the subdivider or his successors and assigns.~~

D.

~~The land shall be graded and shaped as per the approved grading plan.~~

8. **405.950** [Ord. No. 111808 §1(405-603), 11-18-2008] **(DELETE ENTIRELY)**

A.

~~All land disturbance and earth moving activities shall comply with the land disturbance provisions of Chapter [500](#) and the nuisance provisions of Chapter [215](#) of the Peculiar Municipal Code and the following provisions.~~

B.

~~In addition to any other penalties provided herein, any person responsible for sediment deposited upon any street, alley, sidewalk, public way, storm drainage system or public ground within the corporate limits of the City as a result of tracking, runoff or other erosion and sedimentation from a building or development site shall remove the same within a reasonable period of time as required by the City Engineer. Whenever the person responsible for sediment deposited upon any street, alley, sidewalk, public way, storm drainage system or public ground within the City refuses or neglects to remove the same, the City may elect to remove the sediment and the expense of such removal shall be recoverable in an action at law.~~

9. **500.170 (DELETE ENTIRELY)**

10. **500.200 (DELETE ENTIRELY)**

11. **500.140 (DELETE ENTIRELY)**

12. **500.130 (DELETE ENTIRELY)**

13. **500.180 (DELETE ENTIRELY)**

BILL NO. 2015-09
ORDINANCE NO. _____

AN ORDINANCE AMENDING ONE (1) SECTION OF CHAPTER 400, TWO (2) SECTIONS OF CHAPTER 405 AND ESTABLISHING CHAPTER 425, EROSION AND SEDIMENT CONTROL OF THE PECULIAR MUNICIPAL CODE.

WHEREAS, the City Planner has recommended amendments to CHAPTER 400, SECTION 400.130; CHAPTER 405, SECTIONS 405.500 and 405.950 and establishing a new CHAPTER 425, EROSION AND SEDIMENT CONTROL of the City of Peculiar Municipal Code, and

WHEREAS, the Planning Commission (“Commission”) recommended approval of the changes to the above listed Sections of Chapter 400, Chapter 405 and Chapter 425 of the City Municipal Code following a Public Hearing held February 12, 2015.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI THAT CHAPTER 400, SECTION 400.130; CHAPTER 405, SECTIONS 405.500 AND 405.950 AND CHAPTER 425, EROSION AND SEDIMENT CONTROL OF THE CITY MUNICIPAL CODE BE AMENDED AND ESTABLISHED AS FOLLOWS:

SECTION I: That Section 400.130, Paragraph D. be removed in its entirety and replaced with the following:

D. No person shall engage in construction activity without meeting all applicable requirements for: the preservation of minimum flood corridors in accordance with Chapter **410**, stormwater management in accordance with Chapter **415** and erosion and sediment control in accordance with Chapter **425** and of the Peculiar Municipal Code.

SECTION II: That Section 405.500 be removed in its entirety and replaced with the following:

SECTION 405.500: LAND DISTURBANCE AND EROSION CONTROL

All subdivision of land shall comply with the land disturbance and erosion and sediment control provisions of Chapter **425** of the Peculiar Municipal Code.

SECTION III: That Section 405.950 be removed in its entirety and replaced with the following:

SECTION 405.950: RESERVED

SECTION IV: That a new Chapter 425 of the Peculiar Municipal Code be established to read as follows:

CHAPTER 425: EROSION AND SEDIMENT CONTROL

SECTION 425.010 PURPOSE/INTENT

The purpose of this Chapter is to protect the health, safety, and property of the citizens of the City of Peculiar and protect waters of the City and State from pollution resulting from the effects of erosion and sediment deposition from land disturbances. This Chapter establishes uniform requirements for land disturbance activities in order to control the occurrence of erosion and the transportation of sediment to the City Municipal Separate Storm Sewer System (MS4).

SECTION 425.020 ADMINISTRATION

A. Authority. The City Engineer shall be responsible for the administration and enforcement of this Chapter. The City Engineer may waive the requirements for maps, plans, reports or drawings, if the City Engineer finds that the information otherwise submitted or to be submitted will be sufficient to show that the proposed work will conform to the requirements of this Chapter.

B. Right of Entry. Whenever the City Engineer or Codes Enforcement Officer has cause to believe that there exists, or potentially exists, in or upon any premises, any condition which constitutes a violation of this Chapter, the City Engineer and/or Codes Enforcement Officer are authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this Chapter. If entry is refused, the City Engineer and/or Codes Enforcement Officer shall have recourse to the remedies provided by law to secure entry.

C. Erosion and Sediment Control Standards. The City Engineer shall adopt and maintain Erosion and Sediment Control Standards to assist in the administration of this Chapter. The Erosion and Sediment Control Standards shall be based on, but not limited to, the following principles:

1. Fit the Development to existing site conditions.
2. Minimize the extent of exposure.
3. Minimize duration of exposure.

4. Break work activities into phases when possible.
5. When possible, protect disturbed areas from any unnecessary run-on of Stormwater from adjacent sites, at least during the construction period.
6. Stabilize disturbed areas.
7. Keep runoff velocities low.
8. Retain Sediment on the site.
9. Inspect and maintain control measures.
10. Use performance measures and outcomes.
11. Timely employment and maintenance of all measures.
12. BMPs as identified by the City Engineer.

D. Time Requirement. Where Land Disturbance activities have temporarily or permanently ceased on a portion of a project site for over twenty-one (21) consecutive days, the disturbed areas shall be protected from Erosion by stabilizing the areas with mulch or other similarly effective soil stabilizing BMPs, unless the timeframe for compliance is extended by the City Engineer. Where implementation of stabilization measures is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.

E. Other Pollutants. In addition to Sediment, the Erosion and Sediment Control Plan shall provide for the control of other Pollutants related to the Land Disturbance activity that might cause an adverse impact to water quality, including, but not limited to, discarded building materials, concrete truck washout, fuel, hydraulic fluids, chemicals, litter, and sanitary wastes.-

SECTION 425.030: DEFINITIONS

As used in this Chapter, the following terms shall have the definitions hereinafter set forth:

ACCEPTED OR ACCEPTANCE: A determination by the City Engineer that the document under review meets the minimum applicable standards.

BMP: Best Management Practices.

BEST MANAGEMENT PRACTICE (BMP): Stormwater management practice used to prevent or control the discharge of pollutants and minimize runoff to waters of the City of Peculiar. BMPs may include structural or non-structural solutions, a schedule of activities, prohibition of practices, maintenance procedures, or other management practices.

CITY: City of Peculiar, Missouri.

CLEARING: Any activity which removes the vegetative surface cover from the land.

DEPARTMENT: City of Peculiar Engineering Department.

DISCHARGE: Any substance disposed, deposited, spilled, poured, injected, seeped, leached, pumped, dumped, leaked, or placed by any means such that it can reasonably be expected to enter, intentionally or unintentionally, into waters of the City or waters of the State, or on any area draining directly or indirectly into the MS4.

EROSION: The wearing away of land due to the action of gravity, wind, water or mechanical forces.

EROSION AND SEDIMENT CONTROL PLAN: A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequence to be used to control erosion and sediment on a development site before, during and after construction.

FEMA: Federal Emergency Management Agency

GRADING: The act of altering the ground surface to a desired grade or contour by cutting, filling, leveling and/or smoothing.

GRUBBING: To dig up and remove the roots, uproot.

LAND DISTURBANCE: Any activity that exposes soil including clearing, grubbing, grading, excavating, filling and other related activities.

LAND DISTURBANCE PERMIT: The document issued by MODNR and the City approving the SWPPP and authorizing land disturbance activity in accordance with the SWPPP.

MEP: Maximum Extent Practicable

MAXIMUM EXTENT PRACTICABLE (MEP): MEP refers to management practices, control techniques, system design and engineering methods for the control of stormwater and reduction of pollutants. MEP is achieved, in part, through a process of selecting and implementing different design options with various structural and non-structural stormwater best management practices (BMPs), where ineffective BMP options may be rejected and replaced with more effective BMP options.

MODNR: Missouri Department of Natural Resources.

MS4: Municipal Separate Storm Sewer System.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): Those artificial and natural facilities within the City, whether publicly or privately owned, by which storm water may be conveyed to a watercourse or waters of the State, including, but not limited to, any roads with drainage systems, streets, catch basins, natural and artificial channels, aqueducts, stream beds,

gullies, curbs, gutters, berms, ditches, swales, open fields, parking lots, impervious surfaces used for parking, or storm drains, however, sanitary sewers are not included in the definition of the City's separate storm sewer system.

NOV: Notice of violation.

NOTICE OF VIOLATION (NOV): Written notice from the City Engineer or Codes Enforcement Officer to the Permit Holder that the construction site is in violation of approved erosion control measures or SWPPP.

POLLUTION: Any alteration of the quality of waters of the City or waters of the State to a degree that they are rendered harmful, detrimental or injurious to humans, natural life, vegetation or property, to the public health, safety and welfare, or otherwise impairs the usefulness or public enjoyment of waters for any lawful and reasonable purpose, including interference with the proper functioning of the MS4.

RESPONSIBLE PARTY: The property owner or person authorized to act on the property owner's behalf; or any person allowing, causing or contributing to a violation of this Chapter.

RIPARIAN CORRIDOR: Strips of herbaceous and woody vegetation located parallel to perennial and intermittent streams and adjacent to open bodies of water. Riparian Buffers capture sediment and other pollutants in surface runoff water before these enter the adjoining surface waterbody.

SEDIMENT: Mineral or organic matter generated as a result of erosion.

SEDIMENT CONTROL: Measures that prevent eroded sediment from leaving a site.

SITE: A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

START OF CONSTRUCTION: The first (1st) land-disturbing activity associated with a development, including preparation such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

STOP WORK ORDER: That upon notice from the City Engineer or the Code Enforcement Officer, that work on any property that is contrary to the provisions of this Chapter or in an unsafe and dangerous manner, or in conflict with the approved construction documents, such work shall be stopped.

STORM WATER: Any surface or shallow subsurface flow, runoff, or drainage consisting entirely of water from rainstorm or frozen precipitation events.

SWPPP: Storm Water Pollution Prevention Plan.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP): A plan developed by a qualified professional engineer or person certified in erosion and sediment control to establish controls to limit erosion and transport of sediment and other pollutants from the site. The SWPPP includes a description of all construction activity, temporary and permanent erosion and sediment control BMPs, permanent stormwater management and other pollution prevention techniques to be implemented throughout the life of the construction project.

STREAM BUFFER: An area defined by the City of Peculiar for the protection of riparian corridors and floodplains (See Municipal Code SECTIONS 400.1640 and 400.1650).

WATER QUALITY STANDARDS: The standards, required under the Clean Water Act, which Missouri has adopted to control and remedy water pollution (10 CSR 20-7.031). Water quality standards have three (3) parts: water use classifications, water quality criteria, and an antidegradation policy.

WATERCOURSE: Any body of water, including, but not limited to, lakes, ponds, rivers and streams.

WATERS OF THE CITY: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, sinkholes, springs, wetlands, wells and channels, and other bodies of surface or subsurface waters, natural or artificial, lying within the boundaries of the City.

WATERS OF THE STATE: Any water, surface or underground, lying within the boundaries of the City over which the Missouri Department of Natural Resources has authority with respect to Clean Water Law.

WATERWAY: A channel that directs surface runoff to a watercourse or to the public storm water system.

SECTION 425.040: GENERAL PROVISIONS

A. Any Person undertaking Land Disturbance activities, including the clearing, grading, excavating, filling, storing, and disposing of soil and earth materials, shall comply with the requirements and standards set forth in this Chapter. Permit requirements for Land Disturbance activities are described in Chapter 500, Article IV Land-Disturbance Permits.

B. Applicability. Regardless of whether or not a Land Disturbance activity requires a Permit, any Person engaged in any Land Disturbance activity shall comply with the spirit and intent of this Chapter. At a minimum, such Persons shall employ BMPs for Erosion and Sediment Control in proportion to the scale of the activity to reduce the amount of Sediment or other Pollutants in Stormwater Discharges

associated with those activities.

C. Responsible Person(s). The responsible Person(s) are the Landowner of the property upon which a Land Disturbance takes place and any Person(s) performing a Land Disturbance activity. When a Permit is issued, a Landowner is responsible for Land Disturbance activities from Permit issuance to closure, unless the City approves a transfer of responsibility to a new Landowner when land is sold.

SECTION 425.050: EROSION AND SEDIMENT CONTROL PLANS

A. All proposed Land Disturbance activity that requires a Permit in accordance with Chapter 500, Article IV Land-Disturbance Permits shall be depicted on a site-specific Erosion and Sediment Control Plan. Land Disturbance activities that do not require a Permit in accordance with this Chapter are required to employ applicable BMPs included in standard details provided by the City Engineer. The Erosion and Sediment Control Plan shall be submitted to the City Engineer for review and approval in accordance with the procedure described in Subsection B below. The Plan shall include, at a minimum, the following information:

1. Proposed site map.
2. Limits of areas to be disturbed.
3. Proposed Erosion and Sediment Control BMPs to be employed.
4. Phasing of Erosion and control measures.
5. Final stabilization plan for each phase.
6. Details and specifications for any sections of the final storm sewer system that must be constructed after the removal of BMPs such as temporary Sediment basins.
7. Work schedule.
8. Maintenance and inspection requirements.

The City Engineer may require any additional information or data deemed appropriate to ensure compliance with the intent, purpose and provisions of this Chapter.

B. Review and Approval of Erosion and Sediment Control Plans. The Erosion and Sediment Control Plan shall be of sufficient clarity to indicate the location, manner, nature and extent of the work proposed. The Plan shall clearly show that the proposed work will conform to the provisions of this Title, the Erosion and Sediment Control

Standards, and other relevant laws, ordinances, policies, rules and regulations as determined by the City Engineer. The City Engineer shall review the submitted documents to determine compliance with the Erosion and Sediment Control Standards. If the City Engineer finds that the Plan is in compliance with this Chapter, the Applicant shall be eligible to request a Permit. If the City Engineer finds that the Plan is not in compliance before the Plan can be resubmitted to determine compliance with this Chapter, the City Engineer shall advise the Applicant which elements of the Plan are not in compliance.

C. Preparation of Plans. Erosion and Sediment Control Plans submitted to the City for review must be prepared under the supervision of and sealed by a licensed professional engineer or landscape architect or by a Certified Professional in Erosion and Sediment Control (CPESC). The engineer or landscape architect must be licensed to practice in the State. The City Engineer may waive this Plan preparation requirement if the Applicant's Plan consists entirely of utilizing Standard Specification and Design Criteria adopted by the City in Chapter 500, Section 500.065.

D. Amended Plans. Work shall be installed and maintained in accordance with the approved Plan. If Erosion control measures installed per the approved Plan do not function as intended, the Developer and/or contractor may make field adjustments to the Erosion control facilities with the approval of the City's Engineer or Codes Enforcement Officer. Significant design modifications that do not conform to the general intent of the approved Plan must be authorized by the City Engineer prior to installation.

SECTION 425.060: INSPECTION

A. Initial Inspection. The Permit holder shall notify the City Engineer when initial Erosion and Sediment Control measures are installed in accordance with the Erosion and Sediment Control Plan. No Land Disturbance activities shall begin prior to approval from the City Engineer that all pre-construction Erosion and Sediment Control measures are correctly installed per the approved Plan. The Contractor shall maintain on the job-site at all times the City-approved Erosion and Sediment Control Plan and the Stormwater Pollution Prevention Plan as approved by MODNR under the State Operating Permit. Failure to maintain these records on site will be grounds for a Stop Work Order.

B. Maintenance of Control Measures. All prescribed Erosion and Sediment Control measures shall be maintained in good order and in compliance with the Erosion and Sediment Control Plan at all times.

C. Routine Inspection. It shall be the duty of the Permit holder to routinely inspect the construction site and maintain effective Erosion and Sediment Control measures. Routine inspections shall be performed once per month or more frequently if required on the Plan and within twenty-four hours following each rainfall event of 1/2" or more within any twenty-four hour period. A log shall be kept of these inspections. Any deficiencies shall be noted in a report of the inspection and include the action taken to correct the deficiency. Inspection reports shall be kept on site as part of the Stormwater Pollution Prevention Plan and submitted to the City Engineer upon request. The inspection report shall include the following minimum information:

1. Inspector's name.
2. Date of inspection.
3. Observations relative to the effectiveness of the Erosion and Sediment Control measures.
4. Actions necessary to correct deficiencies.
5. Signature of Person performing the inspection.

D. The City Engineer or Codes Enforcement Officer may also perform inspections of the Land Disturbance site to verify compliance with the Erosion and Sediment Control Plan. Should it be found that Erosion and Sediment Control methods are ineffective or are not being maintained properly, the City Engineer or Codes Enforcement Officer may take enforcement actions described within this Chapter.

E. Closure of Land Disturbance Activities. Once the Land Disturbance site is stabilized a final inspection shall be requested by the Applicant. The Land Disturbance site shall be considered stabilized when Perennial Vegetation, pavement, buildings or structures using permanent materials, cover all areas that have been disturbed. Perennial Vegetation shall be considered established and completed for stabilization when it has established a healthy and growing stand with a density of at least 70 percent of undisturbed areas at the site.

F. Removal of Temporary Erosion and Sediment Control Measures. Subsequent to a satisfactory final inspection of the Land Disturbance, all temporary Erosion and

Sediment Control measures must be removed and the final segments of the Storm Sewer System shall be constructed in the manner described within the approved plans. Such removal shall be complete prior to closure of the Permit which authorized the Land Disturbance.

SECTION 425.070: ENFORCEMENT

A. In General. The City Engineer and Codes Enforcement Officer shall enforce the provisions of this Chapter through routine activities that include receiving inspection reports from the Permit holder when requested, inspections, and communication with Developers and/or contractors. However, if these methods fail, the City Engineer or Codes Enforcement Officer may proceed with any or all of the following enforcement measures:

1. Refusal of Inspection. Request for an inspection of any permitted construction activity may be denied if it is found that Erosion and Sediment control measures have not been implemented, are found to be ineffective, or are not maintained. If an inspection is refused, a notice of violation or a Stop Work Order may be issued. No further inspections will be performed until the Erosion and Sediment Control measures have been implemented or violations of this Chapter are abated.

2. Notice of Violation. The City Engineer and Codes Enforcement Officer are authorized to serve a notice of violation on any Person found to be doing work in violation of the provisions of this Chapter. Such notice shall direct the discontinuance of the illegal action or condition and order the abatement of the violation by the responsible Person.

3. Stop Work Order. The City Engineer and Codes Enforcement Officer are authorized to issue a Stop Work Order for any or all construction activity within the established boundary of the Permit. The Stop Work Order shall be in writing and shall be given to the Property Owner involved, or the Property Owner's agent or to the Person doing the work. In addition, notice of the Stop Work Order shall be posted on the site. Upon issuance of a Stop Work Order, the cited work shall immediately cease. The Stop Work Order shall state the reason for the Order and the conditions under which the cited work will be permitted to resume. Any Person who shall continue to work after having been served with a Stop Work Order, except such work as that Person is directed by the City to perform to remove a violation or unsafe condition, is guilty of a public offense and may be subject to penalties as prescribed in Section 425.090.

4. Abatement. Should any Person fail to comply with the provisions of this

Chapter, the City Engineer or Codes Enforcement Officer are authorized to correct or abate such violation.

(a) City expenditures to correct or abate a violation shall be assessed as a fee against the Permit holder. The City will keep a record of the abatement costs. The fee shall be paid prior to recommencement of work on the Site and prior to any further inspections. If the fee is not paid within thirty (30) days of the date the invoice is sent to the Permit holder, the City Engineer is authorized, as the City Engineer deems appropriate, to expend additional abatement funds to provide permanent soil stabilization on the site. Such additional expenditures shall also be assessed as a fee against the Permit holder.

(b) Should the Permit become suspended, revoked, or expired with the fee not paid, all City expenditures to correct or abate the violation may be assessed against the BMPs Security. Abatement lien and special assessment and collection procedure shall apply if work is done without the issuance of a Permit. The City Clerk, at the time of certifying other City taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against the lot or parcel of land.

B. Violations and penalties.

1. Any Person who violates a provision of this Chapter, fails to comply with any of the requirements thereof or fails to comply with a directive issued by the City Engineer or Codes Enforcement Officer is guilty of a public offense and shall be subject to penalties as provided in the Section 425.090.

2. The City Engineer or Codes Enforcement Officer shall be permitted to cite the Property Owner, or any/all Persons identified on a Permit as being legally responsible to the City for any violations of the Chapter pertaining to that Permit.-

SECTION 425.080: VARIANCES

A. The City Engineer may grant a variance to the Erosion and Sediment Control Standards, provided all of the following conditions are met:

1. The variance complies with the general spirit and intent of the Erosion and Sediment Control Standards.
2. The granting of the variance will not adversely affect the rights of adjacent Landowners.
3. The granting of the variance will not result in substantial public expense, create nuisances, cause fraud on or cause harm to the public or conflict with existing local, federal or State laws, rules or regulations.

4. The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

B. Appeals of decisions made by the City Engineer related to Erosion and Sediment Control Standards shall be made to the City of Peculiar Board of Adjustments.

SECTION 425.090: PENALTIES FOR VIOLATIONS-ACTIONS

The violation of any provision of this Article is a misdemeanor, and any Person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00); and the City shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this Article and to abate nuisances maintained in violation thereof; and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure, or land. Each day any violation of this Article shall continue shall constitute a separate offense.

SECTION 425.100: MISCELLANEOUS

Other Laws. Neither this Article nor any administrative decision made under this Article exempts the Permit holder or any other Person from other requirements of this Title, State and federal laws, or from procuring other required Permits, including any State or federal Stormwater Permits authorized under the NPDES, or limits the right of any Person to maintain, at any time, any appropriate action at law or in equity, for relief or damages against the Permit holder or any Person arising from the activity regulated by this Chapter.

SECTION II: The effective date of this ordinance shall be _____, 2015.

First Reading: _____

Second Reading: _____

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS ____ DAY OF _____, 2015, BY THE FOLLOWING VOTE:

Alderman Ford _____
Alderman Fines _____
Alderman McCrea _____

Alderman Ray _____
Alderman Roberts _____
Alderman Turner _____

APPROVED:

ATTEST:

Holly Stark, Mayor

Janet Burlingame, City Clerk

City Administrator
Brad Ratliff

City Clerk
Janet Burlingame

City Engineer
Carl Brooks

Business Office
Trudy Prickett



Chief of Police
Harry Gurin

City Planner
Cliff McDonald

City Attorney
Reid Holbrook

Parks Director
Nathan Musteen

Municipal Offices – 250 S. Main Street, Peculiar, MO 64078
Phone: (816)779-5212 Facsimile: (816)779-1004

To: Board of Alderman
From: Clifford L. McDonald
Date: March 2, 2015
Re: Board of Aldermen to consider Amendments to Chapter 500: General Provisions, Article IV: Land-Disturbance Permits of the City of Peculiar Municipal Code.

GENERAL INFORMATION

Applicant: City Staff

Status of Applicant: N/A

Requested Actions: Board of Aldermen to review the proposed Amendments to Chapter 500: General Provisions, Article IV: Land-Disturbance Permits of the City of Peculiar Municipal Code and consider the associated Ordinance for approval.

Date of Application: March 2, 2015

Purpose: The purpose is to revise the requirements of Chapter 500 regarding Land-Disturbance Permits to align with the new Chapter 425: Erosion and Sediment Control of the City's Municipal Code.

Property Location (if applicable): City Wide

PROPOSAL

See "Requested Actions" above.

PREVIOUS ACTIONS

The Planning Commission has worked diligently revising the City's Land-Disturbance Permit requirements since August, 2014. A number of issues needed to be addressed with this revision and they are listed in Atch 1 for your information. After in-depth study and review, the Commission believes the best solution is to implement a new Erosion and Sediment Control Chapter, amend corresponding references in the Municipal Code, and rewrite the Land-Disturbance Permit Ordinance to specify permit requirements only. The Planning Commission reviewed and approved of these proposed changes to Chapter 500 on February 12th, 2015.

KEY ISSUES

The Ordinance presented for approval will delete the existing Article IV: Land Disturbance Permits in its entirety and replace it with requirements which correspond to securing a Land-Disturbance Permit and which support the new Chapter 425: Erosion and Sediment Control in the City's Municipal Code. This Ordinance is primarily based upon the Land-Disturbance Permit requirements for the Cities of Lee's Summit and Raymore.

STAFF COMMENTS AND SUGGESTIONS

The proposed changes to Chapter 500, Article IV, Land-Disturbance Permit have been reviewed by the City Attorney, City Engineer and the Planning Commission; Staff Recommends Approval as presented.

STAFF RECOMMENDATION

Staff Recommends Approval of the Ordinance as presented.

ATTACHMENTS

1. Land Disturbance Permit Revision Status
2. Ordinance to Amend Chapter 500, Article IV: Land-Disturbance Permits

STAFF CONTACT: Clifford L. McDonald,
PH: 816-779-2226
E-mail: cmcdonald@cityofpeculiar.com

City of Peculiar
Land Disturbance Permit Revision Status
February 12th, 2015

Peculiar's Land Disturbance Permit (LDP) Ordinance has a number of issues which should be amended; the Status of the revisions is as follows:

1. **Minimum area requirement changed from 500 to 2,000 Square Feet. Additionally One (1) Acre or larger aligns Peculiar's Permit to MDNR's Land Disturbance Permit requirements.**
STATUS: Complete – see SECTION 500.140 EXCEPTIONS

2. **Reference the City's MS-4 Permit criteria in the Ordinance (Best Management Practices (BMP's), Storm Water Pollution Prevention Plan (SWPPP), Maximum Extent Practicable), etc..**
STATUS: Complete – see SECTIONS 425.010 PURPOSE/INTENT, 425.020 ADMINISTRATION, 425.030 DEFINITIONS, 425.050 EROSION AND SEDIMENT CONTROL PLANS, 500.130 LAND DISTURBANCE PERMIT APPLICATION

3. **Ensure the Ordinance requires an LDP for the “cumulative” disturbance of One (1) Acre or more when multiple projects/phases occur.**
STATUS: Complete – see SECTION 500.130 LDP APPLICATION

4. **Require a “Performance Bond” or “Security” be provided to the City to ensure large areas of land disturbance can:**
 - a. **Maintain Erosion Control Measures as approved in the LDP**
 - b. **Be restored/reseeded should the development fail/go-under.***STATUS: Complete* – see SECTION 500.180 BMPs SECURITY

5. **Adopt APWA criteria: KC APWA Specifications & Design Guidance Documents: Section 2150-Erosion and Sediment Control, and Section 5100-Site Work and Erosion and Sediment Control.**
STATUS: Incomplete – Ordinance is drafted to Amend SECTION 500.065 by adopting these APWA Documents by the City – shall be presented to the Board of Aldermen March 2, 2015.

6. **Provide guidance for Closure of a Permit and refund of fee/release of Security.**
STATUS: Complete – See SECTION 425.060, paragraph E, which lists the City Engineer and/or Codes Enforcement Officer and conditions for closure.

7. **Add Reference/Definition for “Stream Buffer” to the Ordinance**
STATUS: Complete – see SECTION 425.030 DEFINITIONS

Atch 1

8. Amend “Definitions” in the Ordinance to list all Acronyms above their Definition

STATUS: Complete – see SECTION 425.030 DEFINITIONS

9. Consider a minimum fee for LDPs of less than One (1) Acre – ensure the City has a means of enforcing requirements and restoring the site if necessary.

STATUS: Incomplete –

- a. Have Board consider a minimum fee of \$300.00 if no other Building/Utility Permit is issued for the site. Fee to be added to Comprehensive Fee Schedule.

10. Amend Municipal Code references of Erosion and Sediment to Chapter 425.

STATUS: Complete – See proposed Amendments to Chapter 400 to align cross-references and establish a new Chapter 425 for Erosion and Sediment Control

MUNICIPAL CODE SECTIONS REVIEWED FOR “EROSION & SEDIMENT” CROSS-REFERENCE TO NEW CHAPTER 425

1. **400.130**
2. **400.170**
3. **405.240**
4. **405.500**
5. **405.950**
6. **500.070**
7. **500.130**
8. **500.140**
9. **500.150**
10. **500.160**
11. **500.200**

SECTIONS REVIEWED FOR “LAND DISTURBANCE PERMIT” CROSS-REFERENCE

1. **400.200**
2. **400.640**
3. **405.500**
4. **420.020**
5. **500.190**

Atch 1

BILL NO. 2015-10
ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 500: GENERAL PROVISIONS, ARTICLE IV: LAND-DISTURBANCE PERMITS OF THE PECULIAR MUNICIPAL CODE.

WHEREAS, the City Planner has recommended amending Chapter 500: General Provisions, Article IV: Land-Disturbance Permits of the City of Peculiar Municipal Code, to incorporate new criteria for Erosion and Sediment Control, and

WHEREAS, both the Planning Commission and City Engineer have reviewed and approved the amendments to Chapter 500: General Provisions, Article IV: Land-Disturbance Permits of the City of Peculiar Municipal Code, to incorporate new criteria for Erosion and Sediment Control.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI THAT CHAPTER 500: GENERAL PROVISIONS, ARTICLE IV: LAND-DISTURBANCE PERMITS OF THE PECULIAR MUNICIPAL CODE BE AMENDED AS FOLLOWS:

SECTION I: That Chapter 500: General Provisions, Article IV: Land-Disturbance Permits, of the Peculiar Municipal Code be removed in its entirety and replaced with the following language:

ARTICLE IV: Land-Disturbance Permits

Section 500.120 Permit Required

- A. All land disturbances, including residential and commercial development projects, shall provide adequate erosion control to protect public streets, public storm sewer systems, adjacent property, streams and surface waters from being polluted with sediment and silt and shall comply with the provisions set forth in Chapter 425: Erosion and Sediment Control.
- B. Unless exempted by Section 500.140, a Land Disturbance Permit is required for any public or private entity that intends to cause or causes a condition that allows for erosion, including but not limited to striping vegetation, clearing and grubbing land, or creating any type of land disturbance. The Contractor/Developer or Owner that intends to cause or causes a condition that allows for erosion shall apply for a land disturbance permit.

Section 500.130 Land-Disturbance Permit Application

- A. Applications for a Land Disturbance Permit shall be submitted to the City Engineer. Applications shall be accompanied by
 - 1. An Erosion and Sediment Control Plan
 - 2. A Grading Plan

3. A permit application fee
4. BMPs Securities
5. An MODNR Land-Disturbance Permit
6. An MODNR State Operating Permit
7. SWPPP (Storm Water Pollution Prevention Plan)

Note: Items 5, 6 & 7 are required for a cumulative land disturbance of one (1) acre or more. Where practical, drawings may be combined to contain all required plans.

Section 500.140 Exceptions

- A. The following activities are exceptions and do not require a land disturbance permit;
1. Single-family residences which have a cumulative land disturbance of less than one (1) acre.
 2. Any land disturbance activity of less than 2000 square feet.
 3. Landscaping, home gardening or reestablishment of lawn areas.
 4. Agricultural activities in connection with the production, harvesting, storage, drying, or raising of agricultural products and livestock.
 5. Any emergency activity that is immediately necessary for the protection of life, property or natural resources.

Section 500.150 Erosion and Sediment Control Plan

A site-specific Erosion and Sediment Control Plan conforming to the requirements of Chapter 425: EROSION AND SEDIMENT CONTROL, SECTION 425.050 Erosion and Sediment Control Plan shall be submitted to the City Engineer.

Section 500.160 Grading Plan

- A. The grading plan must contain all of the information set forth below.
1. Existing and proposed contours of the entire site taken at two foot intervals to define existing and proposed topography of the entire site. The maximum allowable slope is one foot of vertical rise for three feet of horizontal run (3:1).
 2. Contour lines that extend a minimum of 100 feet off site or sufficient to show on- and off-site drainage.
 3. Property lines shown in true location with respect to the plan's topographic information.
 4. Location and graphic representation of all existing and proposed natural and manmade drainage facilities including both piped and overland facilities. Overland swales must have a minimum grade of two percent.
 5. Name(s), address(es) and telephone number(s) of the person(s) responsible for the preparation of the site plan and grading plan.

6. Location of final surface runoff, erosion and sediment control measures.
7. Location and elevation of any building or structure located within 50 feet of the property boundaries.
8. Other information required by the City Engineer or their designee.

Section 500.170 Land-Disturbance Permit Fee

A permit fee approved by the Board of Aldermen and listed in the Comprehensive Fee Schedule, maintained in the City Clerk's office, must be submitted with the land disturbance permit application.

Section 500.180 BMPs Security

The City Engineer shall require the applicant to provide security equal to the estimated cost to install and maintain the approved erosion and sediment control measures for the duration of the land-disturbance permit as defined in Chapter 425, Section 425.060, paragraph E, if the land disturbance is within the watershed of a public or private lake or pond, if the erosion and sediment control plan is for an area of one acre or greater or if the estimated cost to install and maintain the approved erosion and sediment control measures is \$2,000.00 or greater. The applicant has two options to secure the performance of work:

- a. *Option 1: Performance bond.* The applicant may furnish a performance bond, approved by the City Engineer; or
- b. *Option 2: Letter of credit agreement.* The applicant may enter into a letter of credit agreement with the city, whereby the applicant will submit a letter of credit from a bank approved by the City Engineer.

Section 500.190 Compatibility with Other Regulations and Requirements

Nothing in this Section shall be deemed to supersede permitting requirements imposed by any law, rule or regulation of other Federal, State or local agencies, or of the City. In the event of conflict between these requirements and any other such law, rule or regulation, the more restrictive laws, rules or regulations shall apply.

SECTION II: The effective date of this ordinance shall be _____, 2015.

First Reading: _____

Second Reading: _____

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS ___ DAY OF _____, 2015, BY THE FOLLOWING VOTE:

Alderman Fines _____
Alderman Ford _____
Alderman McCrea _____

Alderman Ray _____
Alderman Roberts _____
Alderman Turner _____

Approved:

Attest:

Holly Stark, Mayor

Janet Burlingame, City Clerk

City Administrator
Brad Ratliff

City Clerk
Janet Burlingame

City Engineer
Carl Brooks

Business Office
Trudy Prickett



Municipal Offices – 250 S. Main Street, Peculiar, MO 64078
Phone: (816)779-5212 Facsimile: (816)779-1004

Chief of Police
Harry Gurin

City Planner
Cliff McDonald

City Attorney
Reid Holbrook

Parks Director
Nathan Musteen

To: Board of Alderman
From: Clifford L. McDonald
Date: March 2, 2015
Re: Board of Aldermen to consider Amendments to Section 500.065, Adoption of Standard Specification and Design Criteria of the City of Peculiar Municipal Code.

GENERAL INFORMATION

Applicant: City Staff

Status of Applicant: N/A

Requested Actions: Board of Aldermen to review the proposed Amendments to Section 500.065, Adoption of Standard Specification and Design Criteria of the City of Peculiar Municipal Code and consider the associated Ordinance for approval.

Date of Application: March 2, 2015

Purpose: The purpose is for the City of Peculiar to adopt the most current Standard Specification and Design Criteria published by the Kansas City Metropolitan Chapter of the American Public Works Association to support the new Chapter 425: Erosion and Sediment Control and the revised Chapter 500, Article IV Land-Disturbance of the City's Municipal Code.

Property Location (if applicable): City Wide

PROPOSAL

See "Requested Actions" above.

PREVIOUS ACTIONS

The Planning Commission has worked diligently revising the City's Land-Disturbance Permit requirements since August, 2014. A number of issues needed to be addressed with this revision and they are listed in Atch 1 for your information. After in-depth study and review, the Commission believes the best solution is to implement a new Erosion and Sediment Control Chapter, amend corresponding references in the Municipal Code, rewrite the Land-Disturbance Permit Ordinance and have the City adopt the most current Standard Specification and Design Criteria from the KC Metro Chapter of the APWA. The Planning Commission reviewed and approved of these proposed changes to Section 500.065 on February 12th, 2015.

KEY ISSUES

The Ordinance presented for approval will delete existing Paragraph A in its entirety and replace it with the listed Standard Specifications, Design Criteria and Standard Details identified by Title and Date. The City adopted 2004 APWA documents in 2008, however several new criteria are available (such as Erosion and Sediment Control, 9/2010 and Storm Drainage BMP Manual, 12/2012) which were not published at that time. The Board of Aldermen cannot “delegate” their authority to another entity (such as APWA, or NEC (National Electric Code)) to approve or adopt codes/criteria for the City of Peculiar. Thus, whenever new Building Codes or criteria are published the Board must formally adopt them to be legally binding.

STAFF COMMENTS AND SUGGESTIONS

The proposed changes to Section 500.065 have been reviewed by the City Attorney, City Engineer and the Planning Commission; Staff Recommends Approval as presented.

STAFF RECOMMENDATION

Staff Recommends Approval of the Ordinance as presented.

ATTACHMENTS

1. Ordinance to Amend Section 500.065, Paragraph A, Adoption of Standard Specification and Design Criteria

STAFF CONTACT: Clifford L. McDonald,
PH: 816-779-2226
E-mail: cmcdonald@cityofpeculiar.com

BILL NO. 2015-11
ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 500.065 ADOPTION OF STANDARD SPECIFICATION AND DESIGN CRITERIA OF THE PECULIAR MUNICIPAL CODE TO ADOPT KANSAS CITY APWA STANDARD SPECIFICATION AND DESIGN CRITERIA.

WHEREAS, the City Planner has recommended amending Section 500.065 of the City of Peculiar Municipal Code, to adopt new Kansas City APWA Standard Specification and Design Criteria, and

WHEREAS, the City Engineer has recommended approval of the amendments to Section 500.065 of the City of Peculiar Municipal Code, to adopt new Kansas City APWA Standard Specification and Design Criteria.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI THAT SECTION 500.065 ADOPTION OF STANDARD SPECIFICATION AND DESIGN CRITERIA OF THE CITY MUNICIPAL CODE BE AMENDED AS FOLLOWS:

SECTION I: That Section 500.065, Paragraph A, of the Peculiar Municipal Code be removed in its entirety and replaced with the following language:

A. The following Standard Specification and Design Criteria published by the Kansas City Metropolitan Chapter of the American Public Works Association (APWA) is hereby adopted to regulate the construction of Public infrastructure improvements within the City of Peculiar. Copies are to be kept on file with the City Clerk and City Engineer.

1. Standard Specifications:
 - a. Section 2100- Grading and Site Preparation (5/2008);
 - b. Section 2150 - Erosion and Sediment Control (5/2008);
 - c. Section 2200 - Paving (5/2001)
 - d. Section 2300 - Incidental Construction (7/2009)
 - e. Section 2400 - Seeding and Sodding (10/1981)
 - f. Section 2500 – Sanitary Sewers (12/1992)
 - g. Section 2600 – Storm Sewers (4/1996)
 - h. Section 2700 - Structures (11/1998)

- i. Section 2800 – Street Lights (12/1982)
 - j. Section 2900 – Waterlines (12/1984)
2. Design Criteria:
- a. Section 5100 - Erosion and Sediment Control (9/2010)
 - b. Section 5200 - Streets (4/1996)
 - c. Section 5300 - Incidental Construction and Local Bicycle Facility Design Guidance (12/2002)
 - d. Section 5500 – Sanitary Sewers and Appurtenances (4/1996)
 - e. Section 5600 - Storm Drainage Systems and Facilities (2/16/2011)
 - f. Section 5700 – Structures (12/1986)
 - g. Section 5800 - Street Lighting (12/1982)
 - h. Section 5900 – Utility Coordination for Capital Improvements Projects (3/2010)
 - i. Storm Drainage BMP Manual – Reference Best Management Practices (12/2012)
3. Standard Details:
- a. Standard Details
 - b. Standard Details II

SECTION II: The effective date of this ordinance shall be _____, 2015.

First Reading: _____

Second Reading: _____

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS ___ DAY OF _____, 2015, BY THE FOLLOWING VOTE:

Alderman Fines _____
Alderman Ford _____
Alderman McCrea _____

Alderman Ray _____
Alderman Roberts _____
Alderman Turner _____

Approved:

Attest:

Holly Stark, Mayor

Janet Burlingame, City Clerk

City Administrator
Brad Ratliff

City Clerk
Janet Burlingame

City Engineer
Carl Brooks

Business Office
Trudy Prickett



Chief of Police
Harry Gurin

City Planner
Cliff McDonald

City Attorney
Reid Holbrook

Parks Director
Nathan Musteen

Municipal Offices – 250 S. Main Street, Peculiar, MO 64078
Phone: (816)779-5212 Facsimile: (816)779-1004

To: Board of Alderman
From: Clifford L. McDonald
Date: March 2, 2015
Re: *Building Permit Fee Reduction for Thirty (30) Single Family Residences*

GENERAL INFORMATION

Applicant: City Staff

Status of Applicant: N/A

Requested Actions: Board of Aldermen to consider approving a Resolution to issue a Memorandum to reduce Single Family Residence Building Permit Fees by \$2,000.00 for the next thirty (30) Single Family Residence Permits issued by the City.

Date of Application: March 2, 2015

Purpose: The purpose is to reduce the Cost of thirty (30) Building Permits for new Single Family Residence construction to help attract builders, generate more construction activity and promote future development.

Property Location (if applicable): City Wide

PROPOSAL

See “Requested Actions” above.

PREVIOUS ACTIONS

Last year the Board of Aldermen approved reducing the Building Permit Fee for the next twenty (20) Single Family Residence Permits by \$2,000.00. This proved to be very successful - the City has issued all twenty (20) of these Building Permits.

KEY ISSUES

The Board of Aldermen should consider approving the Resolution to reduce Single Family Residence Building Permit Fees to attract builders, continue promoting construction and generate future development. The fees proposed for reduction are primarily “Administrative” in nature; no “Hard Costs” are incurred by any department of the City of Peculiar with this proposal.

STAFF COMMENTS AND SUGGESTIONS

Nothing promotes new home construction better than having new frameworks going up. This is a continued promotal action for the Board of Aldermen’s consideration to instigate additional activity in Peculiar’s housing market.

A number of items bear consideration in rendering this decision which are presented below for your information:

1. The housing market is recovering, as evidenced by the Home Builders Association of Greater Kansas City Residential Building Permit Statistics (Atch 1). In the lower right hand corner you will notice that the Total Units Issued Year-to-date is at their highest level since 2007. As a whole, Cass County issued 305 permits last year, with One Hundred Fifty Nine (159) in the City of Raymore, Eleven (11) in the City of Belton, and Nineteen (19) in the City of Peculiar (despite what the report says).
2. The City of Peculiar currently has an inventory of Four Hundred Fifty Three (453) Single Family Dwelling lots in District R-1 available for construction (see Atch 2).
3. In September, 2012 the City of Harrisonville waived Impact Fees for the next 25 Residential Living Units built in their city. This represents a Building Permit reduction of approximately \$2,600.00; little activity has been generated, Harrisonville is still on this initial Twenty Five (25) incentive program.
4. Last year I contacted Community Development Officials and City Planners for Northern Cass County to compare Building Permit costs in the local area (see Atch 3); the City of Peculiar was the most expensive.
5. I recommend the \$2,000.00 Building Permit Fee reduction be achieved by reducing:
 - Building Permit Fee by \$995.75, or more (Fee for \$100,000 Bldg Cost)
 - Plumbing Inspection by \$4.25 (Fee is \$15.00), and
 - Sewer Tap Fee by \$1,000.00 (Fee is \$2,100.00).
6. The following Fees are not affected and remain fully funded:
 - Water Tap (\$1,600.00)
 - East/West Growth (roads) (\$1,000.00)
 - Park Fee (\$300.00), and
 - Storm Water (\$300.00)
7. Lastly, a typical residence valued at \$140,000.00 generates approximately \$400.00/year in revenue for the City (\$250.00 City Tax and \$150.00 for Sanitary Sewer Bond payments). I can only support a Fee Reduction of \$2,000.00 as it takes approximately Five (5) Years for the City to recoup this investment.

STAFF RECOMMENDATION

Staff Recommends Approval of the Resolution and the proposed Building Permit Fee reduction.

ATTACHMENTS

1. Home Builders Association, Residential Permit Statistics
2. City of Peculiar, Available Lot Inventory
3. Cass County Building Permit Cost Comparison

STAFF CONTACT: Clifford L. McDonald,
PH: 816-779-2226
E-mail: cmcdonald@cityofpeculiar.com

DECEMBER 2014

	Single Family Units [^]	M-F Units Sale%	M-F Units Rent	Total Units	S-F Units YTD	M-F Sale YTD	M-F Rent YTD	Total Units YTD
CASS COUNTY								
Archie	0	0	0	0	9	0	0	9
Belton	1	0	0	1	11	0	0	11
Cass County	5	0	0	5	46	0	0	46
Cleveland	0	0	0	0	0	0	0	0
Drexel	0	0	0	0	0	0	0	0
Garden City	0	0	0	0	0	0	0	0
Harrisonville	0	0	0	0	5	0	0	5
Lake Winnebago	0	0	0	0	4	0	0	4
Lee's Summit	1	0	0	1	26	0	0	26
Peculiar	7	0	0	7	14	0	0	14
Pleasant Hill	3	0	0	3	18	0	0	18
Raymore	14	56	0	70	103	56	0	159
Village of Loch Lloyd	0	0	0	0	13	0	0	13
	31	56	0	87	249	56	0	305
CLAY COUNTY								
Clay County	0	0	0	0	21	0	0	21
Excelsior Springs	0	0	0	0	2	0	0	2
Gladstone	0	0	0	0	5	0	0	5
Kansas City	70	0	0	70	581	0	741	1322
Kearney	5	0	0	5	59	0	0	59
Lawson	0	0	0	0	1	0	0	1
Liberty	0	0	0	0	30	0	0	30
North Kansas City	0	0	0	0	13	0	0	13
Pleasant Valley	0	0	0	0	0	0	0	0
Smithville	7	0	0	7	57	0	0	57
	82	0	0	82	769	0	741	1510
JACKSON COUNTY								
Blue Springs	3	0	0	3	165	0	108	273
Buckner	0	0	0	0	0	0	0	0
Grain Valley	1	0	0	1	68	0	0	68
Grandview	0	0	0	0	7	0	0	7
Greenwood	2	0	0	2	37	0	0	37
Independence	3	0	0	3	57	0	0	57
Jackson County	8	0	0	8	56	0	0	56
Kansas City	14	0	44	58	98	0	628	726
Lake Lotawana	0	0	0	0	12	0	0	12
Lee's Summit	24	0	88	112	295	0	250	545
Oak Grove	0	0	0	0	18	0	0	18
Raytown	0	0	0	0	0	0	0	0
Sugar Creek	0	0	0	0	0	0	0	0
	55	0	132	187	813	0	986	1799
PLATTE COUNTY								
Edgerton	0	0	0	0	0	0	0	0
Kansas City	7	0	0	7	162	0	355	517
Parkville	12	0	0	12	66	0	0	66
Platte City	0	0	0	0	1	0	0	1
Platte County	5	0	0	5	104	0	0	104
Riverside	0	0	0	0	0	0	0	0
Weatherby Lake	3	0	0	3	13	0	0	13
Weston	0	0	0	0	0	0	0	0
	27	0	0	27	346	0	355	701
JOHNSON COUNTY								
De Soto	4	0	0	4	17	0	0	17
Edgerton	0	0	0	0	0	0	0	0
Fairway	0	0	0	0	1	0	0	1
Gardner	7	0	0	7	78	0	0	78
Johnson County	5	0	0	5	51	0	0	51
Leawood	4	0	0	4	86	0	0	86
Lenexa	8	0	0	8	188	0	506	694
Merriam	2	0	0	2	6	0	0	6
Mission Hills	0	0	0	0	4	0	0	4
Olathe	20	0	95	115	505	0	311	816
Overland Park	19	0	0	19	388	0	552	940
Prairie Village	0	0	0	0	16	0	0	16
Shawnee	14	0	0	14	203	0	0	203
Spring Hill	2	0	0	2	43	0	0	43
Westwood	0	0	0	0	0	0	91	91
	85	0	95	180	1586	0	1460	3046

	Single Family Units [^]	M-F Units Sale%	M-F Units Rent	Total Units	S-F Units YTD	M-F Sale YTD	M-F Rent YTD	Total Units YTD
LEAVENWORTH COUNTY								
Basehor	12	0	0	12	113	0	0	113
Lansing	4	0	0	4	22	0	0	22
Leav. County	3	0	0	3	54	0	0	54
Tonganoxie	1	0	0	1	10	0	0	10
	0	0	0	0	25	0	0	25
WYANDOTTE COUNTY								
Bonner Springs	20	0	0	20	224	0	0	224
Edwardsville	1	0	0	1	12	0	0	12
KCK/WyandotteCo	0	0	0	0	1	0	0	1
	17	0	0	17	168	0	312	480
MIAMI COUNTY								
Louisburg	18	0	0	18	181	0	312	493
Miami County	0	0	0	0	4	0	0	4
Osawatomie	5	0	0	5	42	0	0	42
Paola	0	0	0	0	0	0	0	0
Spring Hill	0	0	0	0	1	0	0	1
	0	0	0	0	5	0	0	5
December 2014	5	0	0	5	52	0	0	52
	323	56	227	606	4220	56	3854	8130

Comparison of Single Family Building Units for Greater Kansas City

(Cass, Clay, Jackson, Platte, Johnson, Leavenworth, Miami, Wyandotte Counties)

Month/Year	2007	2008	2009	2010	2011	2012	2013	2014
January	353	221	96	137	90	188	273	283
February	475	262	129	145	121	182	224	219
March	824	353	131	252	180	270	335	361
April	687	441	184	228	210	277	444	441
May	677	231	189	213	230	294	337	381
June	616	260	204	239	262	268	333	359
July	546	311	196	180	204	288	409	358
August	515	293	207	243	205	260	354	347
September	397	264	219	173	202	379	384	377
October	597	314	226	279	205	331	369	465
November	385	167	192	173	185	283	340	306
December	313	115	182	209	207	279	288	323
Annual Total	6,385	3,232	2,155	2,471	2,301	3,299	4,090	4,220

All numbers shown in the box above are ACTUAL numbers.

Comparison of Permits By Units Issued Year to Date*

	S-F Units	M-F Units	Total Units
2007	6385	1520	7905
2008	3232	1830	5062
2009	2155	1497	3652
2010	2471	253	2724
2011	2301	600	2901
2012	3299	1775	5074
2013	4090	2879	6969
2014	4220	3910	8130

*The Single Family number is units and includes both attached and detached units.
 %Multi-Family units are in buildings with 5 or more units and are divided by sale/rent.
 # Not available at time of report

Permit information reflects the most recent data at time of publication. In order to ensure accurate recording of residential building permit statistics, the HBA may revise monthly and year-to-date figures when updated data is made available.

Residential Subdivisions		Light Industrial Subdivisions		Commercial Subdivisions	
Subdivision	Available Lots	Subdivision	Available Lots	Subdivision	Available Lots
Bradley's Crossing	47	Bradley's Crossing	11	Bradley's Crossing	5
Bridle Trail	0	Forest Scott Industrial Park	6	Irongate	8
Carriage Meadows	43	Kerr Industrial Park	10	Peculiar Junction	17
Centennial Farms	37	S. Peculiar Industrial Park	6	Twin Oaks	5
Copper Creek	37	Peculiar Junction	3		
Fox's Den (41 lots)	0				
Frontier Estates	4				
Harper Farm	13				
Harvest Hills	3				
Jenkins Estates	0				
North Pointe Village	26				
Olive Branch	42				
Quail Run	0				
Setter's Pointe	40				
Shadow Glen	34				
Tuscany	18				
Tuscany Estates	3				
Twin Oaks	66				
Windmill County Estates	40				
Available Lots:	453	Available Lots:	36	Available Lots:	35

Last Update: February 3rd, 2015

Single Family Residential, Home value \$120,000 approx 1,250 SF						
	<i>Peculiar</i>	<i>Raymore</i>	<i>Belton</i>	<i>Pleasant Hill</i>	<i>Harrisonville</i>	<i>Grandview</i>
Permit fees	\$ 1,106.00	\$ 480.00	\$ 705.00	\$ 1,105.75	\$ 372.00	\$ 680.00
Water Tap	1,600.00	2,263.00	3,490.00	1,700.00	838.74	1,860.00
inspection fee					100.00	
Sewer Tap	2,100.00	2,263.00	2,000.00	950.00	1,374.00	50.00
inspection fee					100.00	
Plumbing						
inspection fee	15.00					128.00
Electrical					1,565.00	
inspection fee	10.00	45.00				128.00
Mechanical						
inspection fee	20.00	35.00				128.00
Storm Water	300.00	-				
Misc. Deposit/Fees			115.00			
Park Fee	300.00	300.00	-	\$181.60		-
Growth/Impact Fee	1,000.00	1,794.00	809.01	\$1,010.00		-
Review/Final Inspection Fees		84.00				135.00
Subtotal:	\$ 6,451.00	\$ 7,264.00	\$ 7,119.01	\$ 4,947.35	\$ 4,349.74	\$ 3,109.00
Fire District - APFF	1,000.00	0.00	0.00	0.00	0.00	0.00
Total:	\$ 7,451.00	\$ 7,264.00	\$ 7,119.01	\$ 4,947.35	\$ 4,349.74	\$ 3,109.00
With PWSD #10 Tap	\$ 8,851.00	\$ 8,001.00				
With PWSD #2 Tap	\$ 10,351.00		\$ 8,129.01			

Note: PWSD 10's water tap Fee is \$3,000

Note: PWSD 2's water tap Fee is \$4,500

APFF: Adequate Public Facilities Fee

COUNCIL BILL 055

RESOLUTION 035-12

A RESOLUTION OF DECLARING A MORATORIUM ON THE COLLECTION OF IMPACT FEES (CONNECTIN FEES) FOR THE NEXT 25 RESIDENTIAL LIVING UNITS WITHIN THE LIMITS OF THE CITY OF HARRISONVILLE.

WHEREAS, the Finance Committee of the City of Harrisonville, Missouri, has recommended to the Board of Aldermen that the City temporarily waive impact fees (Connection Fees) for residential housing.

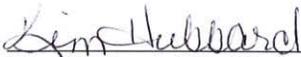
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY HARRISONVILLE, MISSOURI, that City Staff shall not charge any impact fees (Connection Fees) for the next 25 residential living units, effective with the passage of this resolution. Said impact fees are outlined in Sections 700.800 to 700.810 (Water and Sewer) and Section 700.820 (Electric).

READ by title only and DULY PASSED by the Board of Aldermen and APPROVED by the Mayor of the City of Harrisonville, Missouri, this 24th day of September, 2012.



Mayor Kevin Wood

ATTEST:



Kim Hubbard, City Clerk

WITNESS my hand and seal this 24th day of September, 2012.

RESOLUTION 2015-09

**A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI
REDUCING BUILDING PERMIT FEES FOR THE NEXT THIRTY (30) BUILDING PERMITS
ISSUED FOR NEW SINGLE FAMILY DWELLINGS.**

WHEREAS, The City of Peculiar has established charges and/or fees for City services which represent the City's cost(s) to process such permits and/or provide and maintain public infrastructure; and

WHEREAS, the City of Peculiar recognizes the competitiveness of the housing market in Northern Cass County and the recovering economy; and

WHEREAS, the City of Peculiar desires to stimulate the issuance of Building Permits for constructing Single Family Dwellings within the City to promote future growth and development.

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

Section 1. The City of Peculiar shall reduce Building Permit Fees for the next thirty (30) Building Permits issued for new Single Family Dwellings by Two Thousand Dollars (\$2,000.00) for each permit.

Section 2. A Building Permit issued with this reduced fee shall be rescinded by the City if construction does not start within sixty (60) days of the date of issue.

Section 3. *Effective Date.* The effective date of this Resolution shall be ___ day of March, 2015.

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

Alderman Ford	_____	Alderman Ray	_____
Alderman Fines	_____	Alderman Roberts	_____
Alderman McCrea	_____	Alderman Turner	_____

APPROVED:

ATTEST:

Holly Stark, Mayor

Janet Burlingame, City Clerk

City Administrator
Brad Ratliff

City Clerk
Janet Burlingame

City Engineer
Carl Brooks

Business Office
Trudy Prickett



Chief of Police
Harry Gurin

City Planner
Cliff McDonald

City Attorney
Reid Holbrook

Parks Director
Nathan Musteen

Municipal Offices – 250 S. Main Street, Peculiar, MO 64078
Phone: (816)779-5212 Facsimile: (816)779-1004

To: Board of Alderman
From: Clifford L. McDonald
Date: March 2, 2015
Re: Amended Comprehensive Fee Schedule, Resolution 2015-XXX

GENERAL INFORMATION

Applicant: City Staff

Status of Applicant: N/A

Requested Actions: Approval of the Resolution to adopt the Amended Comprehensive Fee Schedule (“Schedule”) listing the various charges/fees assessed by the City for services performed. (See attached Resolution and Comprehensive Fee Schedule, Amended March 2015)

Date of Application: March 2, 2015

Purpose: The purpose of the Schedule is to compile the various Permit Fees, Tap Fees and Development Fees into one (1) Comprehensive Fee Schedule for City Staff and Public information. The Amended Schedule reflects changes & updates as of March 2015.

Property Location (if applicable): City Wide

PROPOSAL

See “Requested Actions” above.

PREVIOUS ACTIONS

Board of Aldermen established the last Comprehensive Fee Schedule in April, 2013. It is typically amended to reflect changes on an annual basis or as necessitated by Ordinance changes.

KEY ISSUES

The Board of Aldermen should consider the attached Resolution for approval to provide an updated Fee Schedule the reference of City Staff and the public.

STAFF COMMENTS AND SUGGESTIONS

The Board of Aldermen should consider the attached Resolution and Amended Comprehensive Fee Schedule for approval. City staff has added new fees to reflect changes in Section 700.010 (Water & Sewer Fees) and the proposed Land-Disturbance Permit Fee (changes are highlighted in yellow on the proposed Fee Schedule).

STAFF RECOMMENDATION

Staff Recommends Approval of the Resolution.

ATTACHMENTS

1. Draft Comprehensive Fee Schedule (with yellow highlights)
-

STAFF CONTACT:

Clifford L. McDonald,

PH: 816-779-2226

E-mail: cmcdonald@cityofpeculiar.com

CITY OF PECULIAR
COMPREHENSIVE FEE SCHEDULE (Amended, March 2015)
IAW SECTION 400.100: FEES

PLANNING

Special Use Permit	\$250
Rezone {Zoning & Comp Plan Amendments}	\$450
Preliminary Plats	\$200 minimum + \$10 per lot
Final Plats	\$200 minimum + \$10 per lot
Variance	\$250 + Court Reporter Costs
Sign	\$ Based on 1997 UBC Valuation Table
Temporary Use Permit	\$20
Temporary Sign Permit	\$20
Public Notice (Newspaper & Certified Mailing)	\$ Actual Cost of Public Noticing

OTHER FEES

Utilities:

Outside Meter Testing	\$50.00
Water Tap - Residential ¾"	\$1,600 + PWSD #7 fee (\$200 or \$400) if applicable
Water Tap - Commercial 1"	\$1,900
Water Tap - Commercial, > 1"	\$1,900 + Parts Cost
Water Tap – Irrigation	\$1,000
Sewer Tap - Residential (Districts R-1, R-2, RE and A-C)	\$2,100
Sewer Tap - Commercial (Districts R-3, R-4, O-C, C-1, C-2 and C-P)	\$2,625 + \$50 per trap
Sewer Tap - Industrial Building (District I-1 and I-2)	\$3,000
Sewer Tap - Non-Resident (Outside City Limits)	\$3,000
Utility Deposit (Water and Sewer) – Residential (Owner Dwelling)	\$150
Utility Deposit (Water and Sewer) – Residential (Rental Dwelling)	\$200
Utility Deposit (Water and Sewer) - Commercial	\$300
Utility Deposit (Sewer only) – Residential or Commercial	\$100

Building Permits:

Real Estate Home Inspection (Water Service for 24 hours)	\$50
Building Permit {Residential, Commercial & Industrial}	\$ Based on 1997 UBC Valuation Table
Building Permit {Driveway, Deck, Pool and Shed}	\$ Based on 1997 UBC Valuation Table
Fence	\$10
Plumbing Inspection Fee - Residential	\$15
Plumbing Inspection Fee - Commercial	\$20
HVAC Inspection Fee - Residential	\$20
HVAC Inspection Fee - Commercial & Industrial	\$35
Electrical Inspection Fee - Residential	\$10
Electrical Inspection Fee - Commercial & Industrial	\$20
Demolition	\$100
Street Cut/ROW Excavation	\$25
Storm Water	\$300
Park Fee Residential	\$300
Park Fee Commercial & Industrial	\$ ____ (\$0.017 per sq. ft.)
East/West Growth Fee Residential	\$1,000
East/West Growth Fee Commercial	\$ 2,625
East/West Growth Fee Industrial	\$ 3,000
Commercial/Industrial Building Plan Review	\$ Actual Cost of Contracted Service (if necessary)

Public Works:

Land-Disturbance Permit (Fully Credited towards an associated Building Permit)	\$300
City Engineer Preliminary Site Plan Review	\$200 + \$50/hr for every hour over (4) hours
City Engineer Final Site Plan Review	\$400 + \$50/hr for every hour over (8) hours
City Engineer Preliminary Plat Review	\$400 + \$50/hr for every hour over (8) hours
City Engineer Final Plat & Infrastructure Review	\$800 + \$50/hr for every hour over (16) hours
Public Works Contract Inspector	\$40 per hour

RESOLUTION 2015-10

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI APPROVING AN AMENDED COMPREHENSIVE FEE SCHEDULE, DATED MARCH 2015

WHEREAS, the City of Peculiar has established a comprehensive fee schedule In-Accordance-With Section 400.100: Fees of the Municipal Code to show charges and/or fees for services provided by the City; and

WHEREAS, The City of Peculiar recognizes the established charges and/or fees for City services should represent the City's cost(s) to process such permits and/or entitlements; and

WHEREAS, the City of Peculiar established a comprehensive fee schedule with the intent to be revised from time to time as necessary.

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

Section 1. The City of Peculiar establishes An Amended Comprehensive Fee Schedule, Dated March, 2015, shown as Exhibit A, which may be modified as necessary, as approved by the Board of Aldermen.

Section 2. *Effective Date.* The effective date of this Resolution shall be ___ day of March, 2015.

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

Alderman Fines	_____	Alderman Ray	_____
Alderman Ford	_____	Alderman Roberts	_____
Alderman McCrea	_____	Alderman Turner	_____

APPROVED:

ATTEST:

Holly Stark, Mayor

Janet Burlingame, City Clerk

City Administrator
Brad Ratliff

City Clerk
Nick Jacobs

City Engineer
Carl Brooks

Business Office
Trudy Prickett



Municipal Offices – 250 S. Main Street, Peculiar, MO 64078
Phone: (816)779-5212 Facsimile: (816)779-1004

Chief of Police
Harry Gurin

City Planner
Cliff McDonald

City Attorney
Reid Holbrook

Parks Director
Nathan Musteen

February 24, 2015

To: Mayor and Board of Aldermen

From: Carl Brooks, City Engineer

Re: Peculiar Monument Sign in Bradley's Crossing
Approval of Agreement for Transportation Enhancement Funds, NTE \$92,000

Attached please find a proposed supplemental agreement between the City and the Missouri Highways and Transportation Commission outlining procedures for the above project and its financing.

In September 2006 the project was selected to receive funds through the Federal Highway Administration's Transportation Enhancement Program. This program will provide reimbursement to the City for 80% of eligible costs, not-to-exceed \$92,000.

As you may recall, City staff has selected the design firm of Landplan Engineering, PA, for the project and will present the supplemental agreement of the consultant's contract to the Mayor and Board of Aldermen under this cover. The supplemental agreement consultant contract must then be reviewed and approved by the Missouri Department of Transportation (MoDOT). The firm of Landplan Engineering, PA will provide the design and City staff will administer the bidding, award and construction phase improvements.

The purposes of this Supplemental Agreement is for the Engineer to provide additional services to the Local Agency for design services for the revised design of the project and to completely remove the construction inspection services from the Engineer's scope of services. The additional services shall be in an amount not to exceed (five thousand four hundred forty dollars and ninety two cents) (\$5,440.92) without further authorization.

Staff recommends approval of the attached supplemental agreement. Following the City's execution of the agreement, we must return eight (8) originals of the supplemental agreement and three (3) copies of the ordinance authorizing its execution to MoDOT. MoDOT will then issue a Notice to Proceed, signifying that we may begin to incur eligible costs.

Carl Brooks, P. E.

**SUPPLEMENTAL AGREEMENT NO. 2
TO
ENGINEERING SERVICES CONTRACT
The North 71 Highway Greenway Project
Sponsored by the City of Peculiar
Federal Project Number: STP-9900(491)**

This Supplemental Agreement is made part of an agreement dated January 8, 2008, between the City of Peculiar, Missouri, hereinafter referred to as "Local Agency" and Landplan Engineering, P.A., hereinafter referred to as "Engineer" for design, bidding assistance and construction inspection of project STP-9900(491). The purposes of this Supplemental Agreement is for the Engineer to provide additional services to the Local Agency for design services for the revised design of the project and to completely remove the construction inspection services from the Engineer's scope of services. The additional services shall be in an amount not to exceed (five thousand four hundred forty dollars and ninety two cents) (\$5,440.92) without further authorization. Attachment A outlines the cost breakdown for this Supplemental Agreement.

Supplement Agreement No. 2 accepted as defined herein:

OWNER: City of Peculiar, MO ENGINEER: Landplan Engineering, P.A.

BY: _____ BY: _____

TITLE: City Administrator TITLE: Principal

DATE: _____ DATE: _____

ATTEST:

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____ DATE: _____

Executed by the City on the ____ day of _____, 20__.

**ATTACHMENT A
SUPPLEMENTAL AGREEMENT NO. 2
FEBRUARY 12, 2015**

(CONSTRUCTION/DESIGN) Phase Services (Additional):

	<u>Hours</u>	<u>Rate</u>	<u>Cost</u>
Engineer	20.5	\$33.99	\$696.80
Landscape Architect	18.0	\$32.66	\$587.88
Technician	30.0	\$23.70	\$711.00
 Subtotal			 \$1,995.68
Payroll Overhead (est. at 17.9% x Subtotal)			\$357.23
General and Administrative Overhead (est. at 151.32% x Subtotal)			\$3,019.86
 Other Direct Costs			
Printing			\$68.16
Subtotal			\$68.16
 Fixed Fee (available only for significant supplemental agreements)			
 Total Supplemental Agreement No. 2			 \$5,440.92
 Summary (Construction or Design Phase):			
Original Agreement			\$7,907.55
Supplemental Agreement No. 1			\$6,695.00
 Total			 \$20,043.47

BILL NO. 2015-12
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PECULIAR, MISSOURI AUTHORIZING THE MAYOR
TO SUBMIT THE SUPPLEMENTAL TRANSPORTATION ENHANCEMENT GRANT
APPLICATION ON BEHALF OF THE BOARD OF ALDERMEN.**

WHEREAS, the Board of Aldermen has determined that it is appropriate for the Mayor to submit the Supplemental Transportation Enhancement Grant Application (“Application”) in order for the City to pursue funding for Entry Marker sign construction from the Federal Highway Administration on behalf of the Missouri Department of Transportation (MoDOT); and

WHEREAS, the City of Peculiar, Missouri (“City”), is a city of the fourth class that desires an Entry Marker sign to enhance the appearance leading into the City; and

WHEREAS, the City agrees to provide a minimum of twenty percent (20%) in matching funds, as described in the application, for the purposes of sign construction and/or associated enhancements; and

WHEREAS, the Application is supported by the Board of Aldermen; will promote and provide a public image for Peculiar; and is consistent with the goals of the 2008 Comprehensive Plan.

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

Section I. The Board of Aldermen hereby directs and authorizes the Mayor to submit the aforesaid application, attached hereto as Exhibit A, in order for the City to pursue funding for Entry Marker sign construction from the Federal Highway Administration on behalf of MoDOT.

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

SECTION III: The effective date of this ordinance shall be _____, 2015.

First Reading: _____

Second Reading: _____

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS ___ DAY OF _____, 2015, BY THE FOLLOWING VOTE:

Alderman Fines _____
Alderman Ford _____
Alderman McCrea _____

Alderman Ray _____
Alderman Roberts _____
Alderman Turner _____

APPROVED:

Holly Stark, Mayor

ATTEST:

Janet Burlingame, City Clerk

City Administrator
Brad Ratliff

City Clerk
Nick Jacobs

City Engineer
Carl Brooks

Business Office
Trudy Prickett



Chief of Police
Harry Gurin

City Planner
Cliff McDonald

City Attorney
Reid Holbrook

Parks Director
Nathan Musteen

Municipal Offices – 250 S. Main Street, Peculiar, MO 64078
Phone: (816)779-5212 Facsimile: (816)779-1004

To: Mayor & Board of Aldermen
From: Carl Brooks, City Engineer (cbrooks@cityofpeculiar.com)
Date: February 24 2015
Re: Engineering Interlocal Agreement between Belton and Peculiar

GENERAL INFORMATION

Applicant: City staff
Requested Actions: Approval of resolution
Purpose: Interlocal Agreement by and between the City of Belton, Missouri and the City of Peculiar, Missouri
Property Location: 211th Street and Mullen Road, Cass County

PROPOSAL

The City of Belton has an existing Wastewater Treatment Plant (WWTP) adjacent to the city limits of northwest Peculiar, MO; and the City of Belton has determined that its WWTP can treat a limited volume of wastewater that may be generated from the new growth near and around the west side of I-49 and 211th Street.

PREVIOUS ACTIONS

The City of Peculiar has received a grant from the Missouri Department of Natural Resources in the amount of \$50,000, with \$10,000 being local matching funds; and the City of Peculiar has entered into a professional service agreement with Carollo Engineers for a “Wastewater System Engineering Report” to study the feasibility to sewer the area west of I-49 and 211th Street by Belton’s WWTP.

In addition, the Board of Aldermen and Mayor of both Belton and Peculiar have approved by an ordinance and entered into an intergovernmental agreement regarding the understanding to settle any outstanding annexation boundary ambiguities between the City of Peculiar and the City of Belton.

KEY ISSUES

This interlocal agreement is nonbinding in terms of the manner to ensure the most effective and economically feasible relationship.

STAFF COMMENTS AND SUGGESTIONS

City staff suggests that the Board of Aldermen approve the resolution by and between the City of Peculiar and the City of Belton.

STAFF RECOMMENDATION

City staff recommends approval of the resolution.

ATTACHMENTS

Interlocal Agreement
Resolution 2015-11

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT (hereinafter referred to as the Agreement) is made and entered into this ____ day of _____, 2015, by and between the CITY OF BELTON, MISSOURI (hereinafter referred to as BELTON) and the CITY OF PECULIAR, MISSOURI (hereinafter referred to as Peculiar).

WHEREAS, BELTON and PECULIAR are both municipal corporations organized and existing under Missouri state law and is the owner and operator of a wastewater system conveying, pumping facility, force main and treating wastewater for the citizens of both cities; and

WHEREAS, BELTON has an existing wastewater treatment plant (“WWTP”) south of and adjacent to the intersection of Mullen Road and 211th Street in unincorporated Cass County; and

WHEREAS, BELTON has determined that its WWTP can treat a limited volume of wastewater (the average daily flow at build-out conditions for this area is 1.1 mgd, and the projected peak flow from this area is 3.3 mgd) at may be generated from new growth near and around the west side of I-49 and the future 211th Street Interchange that Peculiar is planning to construct; and

WHEREAS, PECULIAR has determined it may be in its best interest when necessary to purchase capacity in the Belton WWTP and possibly contract with Belton to maintain the system necessary to convey and the pump the new wastewater to the WWTP; and

WHEREAS, BELTON has determined that it may be beneficial to the region to be a provider of wastewater treatment services at the WWTP; and

WHEREAS, BELTON and PECULIAR have determined that it may be mutually beneficial and the most efficient use of their respective municipal powers to express in a nonbinding agreement the general terms and provisions for wastewater treatment services provided by BELTON to PECULIAR; and

WHEREAS, cooperation between units of local government can be advantageous to users of both communities, BELTON and PECULIAR enter into this agreement to formally pursue opportunities which may allow PECULIAR to utilize the BELTON WWTP and may include other relevant services; and

WHEREAS, it is the desire of BELTON and PECULIAR to enter into an Interlocal Agreement to evidence said cooperation; and

WHEREAS, PECULIAR has entered into an engineering agreement with Carollo Engineers with a MDNR grant to perform a feasibility study and an engineering report on the possibility of BELTON treating the flow generated from new growth near and around the west side of I-49 and the future 211th Street Interchange; and

WHEREAS, BELTON and PECULIAR are entering into this Agreement to state in general terms and in a nonbinding manner their plans to ensure the most effective and economically feasible relationship; and

WHEREAS, the parties desire to enter into this Agreement without changing their respective service or corporate boundaries; and

WHEREAS, the governing body of BELTON having the power to enter into interlocal agreements authorized execution of this Agreement on the ____ day of _____, 2015; and

WHEREAS, the governing body of PECULIAR having the power to enter into interlocal agreements authorized the execution of this Agreement on the ____ day of _____, 2015; and

WHEREAS, the parties will consider entering into a separate binding services contract setting forth the terms and conditions of treating wastewater at the WWTP; and

NOW, THEREFORE, in consideration of the above and foregoing recitals, the mutual promises and covenants hereinafter contained, and for good and valuable consideration, the parties agree as follows:

ARTICLE I

Purpose

The purpose of this Agreement is:

1. To set out in general and in nonbinding terms the understanding between BELTON and PECULIAR in order to allow BELTON and PECULIAR to seek all necessary approvals and funding required in order to pursue a mutually beneficial relationship regarding the treatment of wastewater at the WWTP that may be produced by new growth near the future 211th Street and I-49 Interchange (the average daily flow at build-out conditions for this area is 1.1 million gallons per day (MGD), and the projected peak flow from this area is 3.3 MGD); and
2. To set out the intent of the parties regarding the design and construction and maintenance of wastewater utility infrastructure for the purpose of conveying, pumping and treating wastewater from PECULIAR, including wastewater lines, metering facilities, pump stations and force mains.

ARTICLE II

Duration

The parties hereto agree that this Agreement shall exist and remain in force and effect until otherwise modified or terminated as described in this Article II or in Article III, paragraph 4. The parties intend to enter into a comprehensive services contract in the future which contains the details, including terms, conditions and rates for conveying, pumping and treating wastewater by BELTON for PECULIAR. This Agreement shall terminate as a matter of law in the event PECULIAR and BELTON do not enter into a services contract as described herein.

ARTICLE III

Design and Construction of Wholesale Delivery Facility

1. PECULIAR intends to provide conveyance and pumping station infrastructure sufficient to transfer the wastewater to the WWTP to be treated.
2. BELTON intends to make improvements in 2014-2015 to the current WWTP. The WWTP will be capable of treating the additional flow from the area of PECULIAR described in this document. However, in order to treat that additional volume and new growth in, and possibly around Belton long term, the WWTP will require other improvements at certain times that will require PECULIAR to participate in the costs through rates or other financing mechanisms to be determined at those times. The design and construction of all wastewater infrastructure, including easements, required to service the 211th Street and I-49 area to the point of delivery will be under the sole and complete jurisdiction of PECULIAR but only with BELTON approval of the all design elements and specifications. PECULIAR will pay 100% of the project cost for all expenses incurred in the design and construction of the system of delivery, metering, pumping station and force main. If it is determined that an alternate funding strategy is in the best interest of both parties, BELTON will consider it and may approve it as long as BELTON implements a full-cost recovery rate structure and PECULIAR agrees to charge the new customers that rate structure.
3. BELTON will collaborate with PECULIAR annually and perform rate analyses every three years to be utilized to determine user rates charged to PECULIAR. The rate analyses and resulting rate structure will be according to American Water Works Association best practices and will be designed such that all costs necessary to make improvements and maintain all infrastructure are captured in a responsible manner.
4. PECULIAR will be responsible for or reimburse BELTON for the maintenance of the conveyance system, metering facility and pumping facility therein, including the force main from the pumping station to the WWTP.
5. If BELTON or PECULIAR terminates the services contract, the terminating party will provide the other party notice of its intent to terminate the contract in writing with at least five (5) year prior notice. If the services contract is terminated, the entire wastewater conveyance infrastructure will become the sole property of PECULIAR.

Simultaneously, connection to the WWTP will be terminated and treatment services no longer provided. The parties may mutually agree upon termination to leave the connecting infrastructure in place pursuant to the terms and conditions of an Emergency Interconnect Agreement mutually agreed to and executed prior to the stated termination date of the Agreement.

ARTICLE IV

Financing

1. PECULIAR will be responsible, in accordance with its Code of Ordinances, for financing the wastewater conveyance system connected to the BELTON WWTP.
2. BELTON will be responsible for any upgrades required at the WWTP on the part of PECULIAR in order to provide treatment services, and costs will be recovered in full through user rates.

ARTICLE V

No Separate Legal Entity

No separate legal entity shall be created under this Agreement. BELTON shall be responsible for administering this cooperative undertaking.

ARTICLE VI

Successors, Assigns, and Modifications

The public agencies mutually agree that this Agreement is not binding but merely an expression of intent. Neither party shall assign or modify this Agreement without the written consent of the other party.

ARTICLE VII

Contingencies

1. The parties acknowledge and agree that the ability to enter into a future binding contract is contingent upon approval of an Interconnection Plan and future agreements by various Missouri state agencies and other jurisdictions having authority over the matters contained herein. It is the express goal and objective of the parties to secure any and all necessary approvals from the appropriate Missouri state agencies and jurisdictions in as expeditious a manner as possible.
2. This Interlocal Agreement merely sets forth the intent of the parties and does not in and of itself impose any rights, duties or obligations on either party but is merely a statement of intent to cooperate and pursue the execution of a binding services contract which will contain all of the operational requirements and expectations of the parties related to the conveyance and treatment of wastewater for PECULIAR.

ARTICLE VIII

Placing Agreement in Force

The parties shall cause this Agreement to be executed in quadruple. Thereafter, the parties shall cause this Agreement to be filed with the Register of Deeds of Cass County, MO, as amended. Each party shall receive a duly executed copy of this Agreement for their official records.

IN WITNESS WHEREOF, the above and foregoing Interlocal Agreement has been executed in quadruple by each of the parties hereto on the date and year first above written.

**CITY OF PECULIAR,
MISSOURI**

**CITY OF BELTON,
MISSOURI**

By _____
Holly Stark- Mayor

By _____
Jeff Davis - Mayor

ATTEST:

ATTEST:

Nick Jacobs – City Clerk

Patti Ledford - City Clerk

Approved as to form:

Approved as to form:

Reid F. Holbrook – City Attorney

Aaron G. March - City Attorney

The foregoing Agreement was approved this ____ day of _____, 2015.

BELTON ACKNOWLEDGEMENT

STATE OF MISSOURI)
) ss:
CASS COUNTY)

BE IT REMEMBERED that on this ____ day of _____, 2015, before me, the undersigned, a Notary Public in and for the County and State aforesaid came Jeff Davis, Mayor of the City of Belton, a municipal corporation created by virtue of the laws of the State of Missouri, who is personally known to me to be such Mayor of Belton, and who is personally known to me to be the same person who executed, as such officer, the within instrument on behalf of said City, and such person duly acknowledged the execution of the same to be the act and deed of CITY OF BELTON, MISSOURI.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Notary Public

My appointment expires:

PECULIAR ACKNOWLEDGEMENT

STATE OF MISSOURI)
) ss.
CASS COUNTY)

BE IT REMEMBERED that on this ____ day of _____, 2015, before me, the undersigned, a Notary Public in and for the County and State aforesaid came Holly Stark, Mayor of the CITY OF PECULIAR, a municipal corporation of the State of Missouri, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument on behalf of said City, and such person duly acknowledged the execution of the same to be the act and deed of the CITY OF BELTON.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Notary Public

My appointment expires:

RESOLUTION 2015-11

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI AUTHORIZING THE MAYOR TO ENTER INTO A INTER LOCAL AGREEMENT WITH THE CITY OF BELTON FOR A MUTUAL UNDERSTANDING OF THE POTENTIAL OF SANITARY SERVICES FOR THE CITY OF PECULIAR TO BE PROVIDED BY THE CITY OF BELTON AS RECOMMENDED IN THE PROPOSED PRELIMINARY WASTEWATER SYSTEM ENGINEERING REPORT/FACILITY PLAN FOR THE CITY OF PECULIAR, MO PREPARED BY CAROLLO ENGINEERS

WHEREAS, the City of Peculiar and the City of Belton agree that there is a mutual benefit to both communities to have some of Peculiar’s wastewater flow be conveyed and treated by the City of Belton’s WWTP, and

WHEREAS, this Preliminary Wastewater System Engineering/Facility Plan would review and provide recommendations in the best interest for the wastewater customers of the City of Peculiar and the City of Belton; and

WHEREAS, City staff has collaborated to acquire engineering services through a grant for a wastewater study;

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

Section 1. The Mayor be and hereby authorized to enter into a Inter Local Agreement with City of Belton and execute on behalf of the City of Peculiar in regards to the preliminary wastewater system engineering report/facility plan for the City of Peculiar with Carollo Engineers to investigate the possibility of providing sewer service to the Northwest area of the City of Peculiar as cost effective as possible.

Section 2. *Effective Date.* The effective date of this Resolution shall be the ___ day of March 2015.

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

Alderman Fines _____
Alderman Ford _____
Alderman McCrea _____

Alderman Ray _____
Alderman Roberts _____
Alderman Turner _____

Approved:

Attest:

Holly J. Stark, Mayor

Janet Burlingame, City Clerk