

Bill No. 5280

Ordinance No. 24-034

Requested by: Amanda Brauer

Sponsored by: Terry Hollander

AN ORDINANCE APPROVING A SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SAINT PETERS FOR RECONSTRUCTION AND IMPROVEMENT OF SPENCER ROAD

WHEREAS, in St. Charles County Ordinance 18-110, St. Charles County's governing body approved a Transportation Improvement Plan that includes the reconstruction and improvement by the City of Saint Peters of Spencer Road; and

WHEREAS, in St. Charles County Ordinance 20-003, St. Charles County's governing body approved a first amendment to the original agreement that includes the reconstruction and improvement by the City of Saint Peters of Spencer Road; and

WHEREAS, the Spencer Road reconstruction and improvement project is to improve Spencer Road from Willott Road to Thoele Road / Springwood Drive; and

WHEREAS, the approved Transportation Improvement Plan further authorizes St. Charles County to contribute up to \$1,434,128 generated by St. Charles County's Transportation Sales Tax, also known as the Road and Bridge Capital Improvements Sales Tax, to the costs of the Spencer Road project; and

WHEREAS, an amendment to the Agreement is necessary to reflect an increase in the County's maximum contribution amount from \$434,128 to an amount not to exceed \$1,434,128; and

WHEREAS, the City of Saint Peters will be reimbursed from federal funds for 80% of actual construction costs, up to a maximum of \$1,207,340; and

WHEREAS, the estimated project cost has increased from \$1,750,000 to \$3,000,000; and

WHEREAS, Section 70.220 of the Revised Statutes of Missouri, as amended, authorizes intergovernmental contracts between political subdivisions for the purposes herein set out.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The County Executive or his designee is hereby authorized to execute an amendment to the agreement with the City of Saint Peters for the reconstruction and improvement of the Spencer Road, which was authorized by St. Charles County Ordinance 18-110 and Ordinance 20-003.

Section 2. The amendment to the agreement, authorized by this ordinance, shall be substantially the same in form and content as **EXHIBIT A** attached hereto.

- Section 3. Failure of the County Council to appropriate funds in a fiscal year required for this project will automatically terminate the agreement authorized by this ordinance at the point that the appropriation is not passed.
- Section 4. The County Executive has indicated that compliance with all the terms of the agreement authorized by this ordinance shall be the responsibility of the Managing Director of the Roads and Traffic Office.
- Section 5. This ordinance shall be in full force and effect from and after the date of its passage and approval. Each agreement with another political subdivision shall be valid upon passage of an authorizing ordinance or resolution of the governing body of that political subdivision, as required by Chapter 70 of the Revised Statutes of the State of Missouri.

April 8, 2024
DATE PASSED

April 15, 2024
DATE APPROVED BY COUNTY EXECUTIVE

T. Hallander
CHAIR OF THE COUNCIL

[Signature]
COUNTY EXECUTIVE

ATTEST: [Signature]
COUNTY REGISTRAR



EXHIBIT A

SECOND AMENDMENT TO THE AGREEMENT BY AND BETWEEN ST. CHARLES COUNTY AND THE CITY OF SAINT PETERS TO AMEND THEIR CONTRACT FOR USE OF ST. CHARLES COUNTY TRANSPORTATION SALES TAX FUNDS FOR RECONSTRUCTION AND IMPROVEMENT OF SPENCER ROAD

This Second Amendment to the Agreement by and between ST. CHARLES COUNTY, MISSOURI (hereinafter "County") and the CITY OF SAINT PETERS (hereinafter "Municipality"), pursuant to Section 70.220 R.S.Mo., hereby amends the Agreement by and between the County and Municipality for use of St. Charles County Transportation Sales Tax Funds to reconstruct and install safety improvements to Spencer Road, executed on February 4, 2019.

Whereas, the Municipality and County have executed a cost share agreement authorized by County Ordinance No. 18-110 that outlines a funding partnership for the construction of the above-referenced road improvement project; and

Whereas, the Municipality and County have executed a first amendment agreement authorized by County Ordinance 20-003

Whereas, except as set forth below by the amendments herein, the terms, conditions and project scope shall remain the same as set out in the above-referenced original, executed Agreement.

NOW THEREFORE, in consideration of the above premises and the mutual covenants herein contained, and other good and valuable consideration, the parties agree as follows:

Section 1. The parties therefore amend SECTION ONE of the above-referenced Agreement as specified below. Additions are shown in bold type (**example addition**) and deletions are shown in bracketed strikethrough text (~~[example deletion]~~).

The County Executive has been authorized by Ordinance 18-110 to execute this agreement with the Municipality for the use beginning in fiscal year 2019 of St. Charles County Transportation Sales Tax funds for improvements to the Project in an amount not to exceed [~~\$434,128~~] **\$1,434,128** ("County Contribution Amount").

Section 2. The parties therefore amend SECTION TWO of the Agreement mentioned above as shown below. Additions are shown in bold type (**example addition**) and deletions are shown in bracketed strikethrough text (~~[example deletion]~~).

The Municipality will provide design, right-of-way, and construction services to reconstruct the Project from approximately Willott Road to Thoele Road / Springwood Drive. The Project shall be constructed substantially similar to the improvements outlined in the application submitted to the County and reviewed by the Road Board. The cost of the Project is estimated as [~~\$1,750,000~~] **\$3,000,000**.

[Remainder of page left blank intentionally. Signature page follows.]

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date last written below.

Executed by the County this _____ day of _____, 20____

Executed by the Municipality this _____ day of _____, 20____

CITY OF SAINT PETERS, MISSOURI

ST. CHARLES COUNTY, MISSOURI

By _____ By _____

Title _____ Title _____

ATTEST:

ATTEST:

By _____ By _____

Title _____ County Registrar

CERTIFICATE OF DIRECTOR OF FINANCE

I certify that there is a balance otherwise unencumbered to the credit of the appropriation to which this contract is chargeable, and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet this obligation.

SIGNED: _____
Tracy Bayne, Acting Director of Finance

DATED: _____