

Bill No. 5281

Ordinance No. 24-035

Requested by: Amanda Brauer

Sponsored by: Mike Elam

AN ORDINANCE APPROVING A FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF DARDENNE PRAIRIE FOR RECONSTRUCTION AND IMPROVEMENT OF STUMP ROAD

WHEREAS, in St. Charles County Ordinance 19-109, St. Charles County's governing body approved a Transportation Improvement Plan that includes the reconstruction and improvement by the City of Dardenne Prairie of Stump Road; and

WHEREAS, the Stump Road reconstruction and improvement project is to improve Stump Road from Highway N to Feise Road; and

WHEREAS, the approved Transportation Improvement Plan further authorizes St. Charles County to contribute up to \$1,092,523.20 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 Stump Road project; and

WHEREAS, an amendment to the Agreement is necessary to reflect an increase in the County's maximum contribution amount from \$1,092,523.20 to an amount not to exceed \$1,400,000; and

WHEREAS, the City of Dardenne Prairie will be reimbursed from federal funds for 40% of actual construction costs, up to a maximum of \$910,436; and

WHEREAS, an increase in estimated project cost from \$2,276,090 to \$2,650,000; 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 Dardenne Prairie for the reconstruction and improvement of the Stump Road, which was authorized by St. Charles County Ordinance 19-109.

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

FIRST AMENDMENT TO THE AGREEMENT BY AND BETWEEN ST. CHARLES COUNTY AND THE CITY OF DARDENNE PRAIRIE TO AMEND THEIR CONTRACT FOR USE OF ST. CHARLES COUNTY TRANSPORTATION SALES TAX FUNDS FOR PROPOSED IMPROVEMENTS TO STUMP ROAD

This First Amendment to the Agreement by and between ST. CHARLES COUNTY, MISSOURI (hereinafter "County") and the CITY OF DARDENNE PRAIRIE (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 Stump Road, executed on January 7, 2020.

Whereas, the Municipality and County have executed a cost share agreement authorized by County Ordinance No. 19-109 that outlines a funding partnership for the construction of the above-referenced road improvement project; and

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 19 - 109 to execute this agreement with the Municipality for the use beginning in fiscal year 2020 of St. Charles County Transportation Sales Tax funds for improvements to the Project in an amount not to exceed [~~\$1,092,523.20~~] **1,400,000.00** ("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 Highway N to Feise Road. 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 [~~\$2,276,090.00~~] **\$2,650,000.00**.

[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 DARDENNE PRAIRIE, 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: _____