



**CITY OF JACKSON**  
**MAYOR & BOARD OF ALDERMEN REGULAR MEETING**

**Monday, May 01, 2023 at 6:00 PM**  
**Board Chambers, City Hall, 101 Court St.**

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**AGENDA**

**CALL TO ORDER**

**INTRODUCTION OF GUESTS/VISITORS**

**ADOPTION OF AGENDA**

1. Motion adopting the Regular Meeting Agenda.

**APPROVAL OF MINUTES**

2. Motion approving the Minutes of the Regular Meeting of April 17, 2023.

**FINANCIAL AFFAIRS**

3. Motion approving payment of the semimonthly bills.

**ACTION ITEMS**

**Power, Light, and Water Committee**

4. Motion approving Task Order Authorization No. 23-08, in the amount of \$38,100.00, to Strickland Engineering, Inc., of Jackson, Missouri, relative to providing engineering services under the East Jackson Boulevard Roadway Lighting Project.
5. Motion authorizing the internal transfer of \$1,000,000.00 from the City of Jackson's Electric Surplus Fund to the Capital Projects Construction Fund, relative to the Jackson Fire Department Building Renovations Project.
6. Bill proposing an Ordinance authorizing the Mayor to sign a depository agreement with Wood & Huston Bank.
7. Bill proposing an Ordinance accepting the dedication of a Water Line Easement Deed from The Hamlet Group, LLC, relative to the Lee Avenue Water Line Extension Project.

**Street, Sewer, and Cemetery Committee**

8. Motion approving the Mayor's appointment of Mandi Gard to the Park Board, filling an unexpired term ending 2026.
9. Motion authorizing the City staff to prepare an application on behalf of the City of Jackson, Missouri, for the comprehensive rezoning of 403 and 409 East Main Street and 108 South Georgia Street, from I-2 (Heavy Industrial) District to C-3 (Central Commercial) District.

- [10.](#) Motion accepting the bid of Black Diamond Paving, LLC, of Oak Ridge, Missouri, in the amount of \$342,337.98, relative to the 2023 Asphalt Pavement Improvement Program.
- [11.](#) Bill proposing an Ordinance authorizing a contractual agreement with Black Diamond Paving, LLC, relative to the 2023 Asphalt Pavement Improvement Program.
- [12.](#) Bill proposing an Ordinance approving the Minor Plat of Independence Center Eighth Subdivision, as submitted by Douglas Siding, LLC.
- [13.](#) Bill proposing an Ordinance accepting the dedication of a Sanitary Sewer Easement Deed from Susan Jahn, relative to the South Old Orchard Road Lateral Sewer Project.
14. Motion to bring from the table a Bill proposing an Ordinance approving a text amendment to Chapter 65 (Zoning) regarding the addition of provisions for defining and limiting tiny houses.
- [15.](#) Bill proposing an Ordinance approving a text amendment to Chapter 65 (Zoning) regarding the addition of provisions for defining and limiting tiny houses.

## **NON-AGENDA CITIZEN INPUT**

### **INFORMATION ITEMS**

16. Report by Mayor
17. Reports by Board Members
18. Report by City Attorney
19. Report by City Administrator
20. Discussion of future agenda items

### **EXECUTIVE SESSION**

Authority is Section 610.021(2), RSMo, the leasing, purchase, or sale of real estate.

### **ADJOURN**

Posted on 04/28/2023 at 04:00 PM.



**CITY OF JACKSON**  
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**Monday, April 17, 2023 at 6:00 PM**  
**Board Chambers, City Hall, 101 Court St.**

**MINUTES**

The Board of Aldermen met in the Regular Session with Mayor Dwain L. Hahs in the chair and the following Board Members present: Joe Bob Baker, Mike Seabaugh, Tommy Kimbel, Paul Sander, David Hitt, Katy Liley, Wanda Young, and David Reiminger. Present-8; Absent-0.

The meeting is opened by Mayor Dwain L. Hahs with the Pledge of Allegiance and a Moment of Silent Prayer.

Mayor Dwain L. Hahs to recognize                     )  
 Guests and Visitors   )

Now comes forth Mayor Dwain L. Hahs to welcome guests and visitors.

Motion to Adopt the Agenda                                     )

Motion made by Alderman Baker, seconded by Alderwoman Liley, to adopt the agenda, as presented. Ayes-8; Nays-0; Absent-0.

Public Hearing to Consider a Text                             )  
 Amendment to Chapter 65 of the Code                     )  
 of Ordinances regarding the Addition of                     )  
 Provisions for Defining and Limiting                     )  
 Tiny Houses   )

Now comes forth a Public Hearing to consider a text amendment to Chapter 65 (Zoning) of the Code of Ordinances, regarding the addition of provisions for defining and limiting tiny houses.

All witnesses to be sworn in by City Clerk Liza Walker prior to their testimony at this public hearing.

Now comes forth Building and Planning Manager Larry Miller to state that the Planning & Zoning Commission voted to recommend the text amendment. It is requested that the City Clerk admit the case material, all exhibit files, and other support information into the record so it may be incorporated as part of the proposed ordinance.

Now comes forth Bob Lichtenegger, of 3019 Clear Spring Place, to speak in opposition of the proposed text amendment. Mr. Lichtenegger is opposed to the Special Use Permit and proposes having a separate ordinance to allow a development of tiny houses in a specific district.

Now comes forth Building & Planning Manager Larry Miller to state that a community unit plan would allow for a development of tiny homes.

Now comes for Alderwoman Katy Liley to question if tiny homes would require a public hearing either way.

Now comes forth Public Works Director Janet Sanders to confirm that both a zoning change request and a Special Event Permit would require a public hearing to accommodate tiny homes. Mrs. Sanders states that the current code allows for a 120 square foot house on a lot.

The Public Hearing is now closed by Mayor Hahs.

Motion to Approve the Minutes of the                     )  
 April 3, 2023, Regular Board Meeting                     )



**CITY OF JACKSON**  
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**Monday, April 17, 2023 at 6:00 PM**  
**Board Chambers, City Hall, 101 Court St.**

## MINUTES

Motion made by Alderman Reiminger, seconded by Alderman Seabaugh, to approve the minutes of the preceding Regular Board Meeting of Monday, April 3, 2023. Ayes-8; Nays-0; Absent-0.

Motion to Approve Bills of April, 2023     )

Now is presented the Semimonthly Bills Report, in the various funds for the month of April, 2023. Motion made by Alderman Hitt, seconded by Alderwoman Young, to approve the payment of Semimonthly Bills in the various funds for April, 2023. Ayes-8; Nays-0; Absent-0.

Motion to Approve the City Collector's     )  
 Electric, Water & Sewer, Taxes &     )  
 Licenses, and Refuse Report for     )  
 March, 2023     )

Motion made by Alderwoman Young, seconded by Alderman Kimbel, to approve the City Collector's Electric, Water & Sewer, Taxes & Licenses, and Refuse Report for March, 2023. Ayes-8; Nays-0; Absent-0.





# CITY OF JACKSON

## MAYOR & BOARD OF ALDERMEN REGULAR MEETING

Monday, April 17, 2023 at 6:00 PM

Board Chambers, City Hall, 101 Court St.

### MINUTES

## CITY COLLECTOR'S REPORT FOR MARCH 2023

DESCRIPTION	ELECTRIC FUND	WATER FUND	WASTEWATER FUND	LANDFILL FUND	GEN. REV. FUND	TOTAL
Service Charges (includes internal transfers)	1,303,109.55	245,968.80	206,562.09	61,505.67	-	1,817,146.11
Penalties	8,851.58	1,714.80	1,432.63	339.84	-	12,338.85
Sales Tax	36,185.70	7,344.18	-	-	-	43,529.88
Disconnect Fees	3,500.00	-	-	-	-	3,500.00
Returned Transaction Fees	510.00	-	-	-	-	510.00
Customer Relocation Fees	-	-	-	-	400.00	400.00
Trash Stickers	-	-	-	1,309.00	-	1,309.00
<b>UTILITY COLLECTIONS</b>	<b>1,352,156.83</b>	<b>255,027.78</b>	<b>207,994.72</b>	<b>63,154.51</b>	<b>400.00</b>	<b>1,878,733.84</b>
Adjustments - Services	-	-	-	-	-	-
Adjustments - Penalties	-	-	-	-	-	-
Adjustments - Taxes	-	-	-	-	-	-
Adjustments - Service Fees	-	-	-	-	-	-
<b>NET UTILITY COLLECTIONS</b>	<b>1,352,156.83</b>	<b>255,027.78</b>	<b>207,994.72</b>	<b>63,154.51</b>	<b>400.00</b>	<b>1,878,733.84</b>
Business/Contractor Licenses	-	-	-	-	1,445.00	1,445.00
Event Fees/Misc. Charges	-	-	-	-	-	-
<b>NON-UTILITY COLLECTIONS</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,445.00</b>	<b>1,445.00</b>
Misc. Adjustments	-	-	-	-	-	-
Interest on Collector's bank account	-	-	-	-	-	136.11
Cash in bank	-	-	-	-	-	1,880,314.95
Missouri Sales Tax payment	(36,185.70)	(7,344.18)	-	-	-	(43,529.88)
<b>TO CITY TREASURER</b>					<b>\$</b>	<b>1,836,785.07</b>

Respectfully Submitted,

City Collector



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**MINUTES**

Motion to Approve the March, 2023           )  
 City Clerk's and Treasurer's Reports       )

Motion made by Alderman Sander, seconded by Alderman Seabaugh, to approve the City Clerk's and City Treasurer's Reports for March, 2023. The City Clerk's Report is as follows: Electric Receipts – \$28,711.01; Cemetery Receipts – \$3,550.00; Water Receipts – \$6,704.06; Wastewater Receipts – \$0.00; General Revenue Receipts – \$60,666.15; Inmate Security Fund – \$4.00; Park Receipts – \$1,422.00; Park Foundation Receipts – \$9,150.00; Transportation Sales Tax Receipts – \$1,282.50; Recreational Development Receipts – \$46,010.00; Recreation Sales Tax Receipts – \$16,327.66; Trust & Agency Receipts – \$0.00; Landfill Receipts – \$129.60; Health Insurance - \$1,177.00; and Stormwater Maintenance Receipts – \$2,470.22. The Water & Light Deposit balance as of March 1, 2023 – \$281,394.60; Deposits - \$14,606.75; Refunds - \$13,832.69; balance as of March 31, 2023 – \$282,168.66. Ayes-8; Nays-0; Absent-0.



## CITY OF JACKSON

## MAYOR &amp; BOARD OF ALDERMEN REGULAR MEETING

Monday, April 17, 2023 at 6:00 PM

Board Chambers, City Hall, 101 Court St.

## MINUTES

CITY TREASURER'S REPORT FOR MARCH, 2023							
FUND	FUND BALANCES 03-01-2023	RECEIPTS	TRANSFER OF FUNDS	DISBURSEMENTS	FUND BALANCES 03-31-2023	INVESTMENTS	CASH BALANCE 03-31-2023
<b>ELECTRIC FUND</b>							
Operation & Maintenance	-	1,354,537.77	(313,479.42)	1,041,058.35	-	-	-
Electric Surplus	5,313,448.45	-	290,414.47	23,710.81	5,580,152.11	4,000,000.00	1,580,152.11
Electric Capital Projects Fund	6,169,725.86	-	-	1,344,882.90	4,824,842.96	4,800,000.00	24,842.96
<b>General Revenue</b>	1,682,877.70	155,797.71	422,935.40	638,052.78	1,623,558.03	1,570,000.00	53,558.03
<b>Landfill Fund</b>	491,206.01	63,288.82	(6,005.58)	39,977.00	508,512.25	245,000.00	263,512.25
<b>City Park Fund</b>	242,975.86	15,273.64	(6,745.51)	34,928.25	216,575.74	-	216,575.74
<b>Public Park Foundation Fund</b>	119,845.77	9,150.00	-	6,318.00	122,677.77	-	122,677.77
<b>Cemetery Fund</b>	994,331.00	12,079.06	(5,202.11)	12,098.23	989,109.72	971,834.80	17,274.92
<b>Band Fund</b>	295.15	8,529.06	-	8,824.21	-	-	-
<b>Stormwater Maintenance Fund</b>	284,016.32	2,470.22	-	-	286,486.54	61,000.00	225,486.54
<b>ARPA Fund</b>	2,849,213.00	-	-	11,648.57	2,837,564.43	2,500,000.00	337,564.43
<b>Road Use Tax Fund</b>	1,054,824.85	62,222.53	(19,166.66)	-	1,097,880.72	1,025,000.00	72,880.72
<b>Sales Tax Fund</b>	3,304,626.23	221,174.90	(500,000.00)	40,912.00	2,984,889.13	2,976,700.00	8,189.13
<b>Fire Protection Sales Tax Fund</b>	119,458.50	51,985.15	(168,110.65)	-	3,333.00	-	3,333.00
<b>Recreation Sales Tax</b>	237,304.61	68,312.34	(787.55)	31,542.06	273,287.34	-	273,287.34
<b>Public Safety Sales Tax</b>	233,245.61	103,962.77	(336,208.38)	-	1,000.00	-	1,000.00
<b>Trust and Agency Fund</b>	1,037,758.67	6,478.42	15,253.56	21,466.66	1,038,023.99	920,000.00	118,023.99
<b>Recreational Development</b>	45,267.04	46,010.00	-	752.84	90,524.20	-	90,524.20
<b>Transportation Sales Tax</b>	1,322,409.87	105,252.67	-	133,814.06	1,293,848.48	1,200,000.00	93,848.48
<b>I-55 Corridor Special Alloc.</b>	1,262.55	-	-	-	1,262.55	-	1,262.55
<b>Capital Projects Construction</b>	550,000.00	-	-	-	550,000.00	-	550,000.00
<b>Economic Development Reserve</b>	500,000.00	-	500,000.00	-	1,000,000.00	-	1,000,000.00
<b>CDBG Grant Fund</b>	-	-	-	-	-	-	-
<b>Health Insurance Fund</b>	725,557.45	33,208.47	145,742.66	191,717.23	712,791.35	-	712,791.35
<b>Inmate Security Fund</b>	15,677.12	96.00	-	-	15,773.12	-	15,773.12
<b>Equitable Sharing Fund</b>	3,617.07	-	-	-	3,617.07	-	3,617.07
<b>WATER &amp; SEWER FUND</b>							
Water Operation & Maint.	-	261,258.92	(167,823.05)	93,435.87	-	-	-
Water Replacement	729,166.63	-	3,510.08	7,726.97	724,949.74	715,000.00	9,949.74
Water & Sewer Revenue Bond	477,289.05	-	154,721.36	-	632,010.41	250,000.00	382,010.41
Water & Sewer Deprec. Res.	30,000.00	-	-	-	30,000.00	30,000.00	-
Water & Sewer Bond Reserve	50,000.00	-	-	-	50,000.00	50,000.00	-
Water & Sewer Contingent	30,000.00	-	-	-	30,000.00	30,000.00	-
Water & Sewer Surplus	9,330,723.54	53.24	114,326.53	58,799.37	9,386,303.94	8,611,703.38	774,600.56
Wastewater Operation & Maint.	-	208,415.45	(123,375.15)	85,040.30	-	-	-
Wastewater Replacement	1,077,658.74	-	-	-	1,077,658.74	716,333.97	361,324.77
<b>W &amp; S Construction Fund</b>	889,596.49	-	-	7,770.00	881,826.49	200,000.00	681,826.49
<b>TOTALS</b>	<b>39,913,379.14</b>	<b>2,789,557.14</b>	<b>-</b>	<b>3,834,476.46</b>	<b>38,868,459.82</b>	<b>30,872,572.15</b>	<b>7,995,887.67</b>
Respectfully Submitted,					Cash on Hand		1,475.00
					General Account		6,154,010.53
					Collectors Account		1,836,785.07
					Equitable Sharing Fund		3,617.07
Liza Walker, City Clerk/Treasurer (signed)					<b>TOTAL</b>		<b>7,995,887.67</b>



**CITY OF JACKSON**  
**MAYOR & BOARD OF ALDERMEN REGULAR MEETING**

Monday, April 17, 2023 at 6:00 PM

Board Chambers, City Hall, 101 Court St.

**MINUTES**

Motion to Accept the Certified Election )  
 Results for the April 4, 2023 Municipal )  
 Election, as Certified by Cape Girardeau )  
 County Election Authority Kara Clark )  
 Summers )

Motion made by Alderman Reiminger, seconded by Alderman Kimbel, to accept the certified election results for the April 4, 2023 Municipal Election, as certified by Cape Girardeau County Election Authority Kara Clark Summers. Ayes-8; Nays-0; Absent-0.

Motion to Change the Date of the Board )  
 of Aldermen Regular Meeting and Study )  
 Session in Observance of the )  
 Juneteenth Holiday )

Motion made by Alderman Reiminger, seconded by Alderman Seabaugh, to change the date of the Board of Aldermen Regular Meeting and Study Session from Monday, June 19, 2023, to Tuesday, June 20, 2023, in observance of the Juneteenth holiday. Ayes-8; Nays-0; Absent-0.

Motion to Accept the Quote of Main )  
 Street Flooring & Interiors, LLC, of )  
 Jackson, Missouri, relative to the Public )  
 Works Tile/Carpet Replacement Project )

Motion made by Alderman Reiminger, seconded by Alderman Sander, to accept the quote of Main Street Flooring & Interiors, LLC, of Jackson, Missouri, in the amount of \$1,509.71, relative to the Public Works Tile/Carpet Replacement Project. Ayes-8; Nays-0; Absent-0.

Ordinance No. 23-27 Re: To Authorize )  
 a Contractual Agreement with Main )  
 Street Flooring & Interiors, LLC, of )  
 Jackson, Missouri, relative to the Public )  
 Works Tile/Carpet Replacement Project )

The matter of authorizing a contractual agreement with Main Street Flooring & Interiors, LLC, of Jackson, Missouri, relative to the Public Works Tile/Carpet Replacement Project, came on for consideration. Alderman Reiminger introduced Bill No. 23-27, being for an ordinance entitled as follows:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF JACKSON, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY OF JACKSON, MISSOURI, AND MAIN STREET FLOORING, OF JACKSON, MISSOURI, RELATIVE TO THE PUBLIC WORKS TILE/CARPET REPLACEMENT PROJECT; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.**

On a motion made by Alderman Reiminger, seconded by Alderman Kimbel, Bill No. 23-27 was placed on its first reading and was read by title, considered and discussed and was duly passed by unanimous vote. On a motion by Alderman Reiminger, seconded by Alderman Kimbel, Bill No. 23-27 was placed on its second reading and final passage and was read by title, considered discussed, and was duly passed. The Mayor thereupon declared said Bill duly passed, and the Bill was then duly numbered Ordinance No. 23-27 and was signed and approved by Mayor Dwain L. Hahs and attested by the City Clerk. On roll call: Alderman Hitt-aye; Alderman Sander-aye; Alderman Seabaugh-aye; Alderman Reiminger-aye; Alderwoman Young-aye; Alderman Kimbel-aye; Alderwoman Liley-aye; and Alderman Baker-aye.



**CITY OF JACKSON**  
**MAYOR & BOARD OF ALDERMEN REGULAR MEETING**  
**Monday, April 17, 2023 at 6:00 PM**  
**Board Chambers, City Hall, 101 Court St.**

**MINUTES**

**BILL NO. 23-27**

**ORDINANCE NO. 23-27**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF JACKSON, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY OF JACKSON, MISSOURI, AND *MAIN STREET FLOORING, OF JACKSON, MISSOURI*, RELATIVE TO THE *PUBLIC WORKS TILE/CARPET REPLACEMENT PROJECT*; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.**

WHEREAS, the Mayor and Board of Aldermen have been presented a contract marked Exhibit A and attached hereto and incorporated herein as if fully set forth; and

WHEREAS, the Mayor and Board of Aldermen of the City of Jackson, Missouri, deem it advisable to enter into said contract.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI, AS FOLLOW:

Section 1. That the Mayor and Board of Aldermen of the City of Jackson, Missouri, approve the contract marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Jackson, a municipal corporation, and **Main Street Flooring, of Jackson, Missouri**. It is the belief of the Mayor and Board of Aldermen that it is in the best interest of the citizens of the City of Jackson, Missouri, that the City enters into said contract.

Section 2. That the Mayor is hereby authorized and directed to execute said contract for and on behalf of the City of Jackson, Missouri.

Section 3. That the City Clerk of the City of Jackson is hereby authorized and directed to attest to the signature of the Mayor on the attached contract.

Section 4. 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 a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. That this Ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: April 17, 2023.

SECOND READING: April 17, 2023.



**CITY OF JACKSON**  
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**Monday, April 17, 2023 at 6:00 PM**  
**Board Chambers, City Hall, 101 Court St.**

**MINUTES**

PASSED AND APPROVED this 17th day of April, 2023, by a vote of 8 ayes, 0 nays, 0 abstentions and 0 absent.

CITY OF JACKSON, MISSOURI

(SEAL)

By: Dwain L. Hahs (signed)  
 Mayor

ATTEST:

Liza Walker (signed)  
 City Clerk

Ordinance No. 23-28 Re: To Authorize )  
 the Issuance and Delivery of \$3,500,000 )  
 Principal Amount of Combined )  
 Waterworks and Sewerage System )  
 Revenue Bonds, Series 2023 )

The matter of authorizing the issuance and delivery of \$3,500,000 principal amount of Combined Waterworks and Sewerage System Revenue Bonds, Series 2023, came on for consideration. Alderman Reiminger introduced Bill No. 23-28, being for an ordinance entitled as follows:

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2023, OF THE CITY OF JACKSON, MISSOURI; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

The City Clerk reported that copies of the proposed Ordinance had been made available for public inspection prior to the time the Bill was introduced and under consideration by the Board of Aldermen.

On a motion made by Alderman Reiminger, seconded by Alderman Seabaugh, Bill No. 23-28 was placed on its first reading and was read by title, considered and discussed and was duly passed by unanimous vote. On a motion by Alderman Reiminger, seconded by Alderman Seabaugh, Bill No. 23-28 was placed on its second reading and final passage and was read by title, considered discussed, and was duly passed. The Mayor thereupon declared said Bill duly passed, and the Bill was then duly numbered Ordinance No. 23-28 and was signed and approved by Mayor Dwain L. Hahs and attested by the City Clerk. On roll call: Alderwoman Liley-aye; Alderman Hitt-aye; Alderman Reiminger-aye; Alderman Sander-aye; Alderman Seabaugh-aye; Alderwoman Young-aye; Alderman Baker-aye; and Alderman Kimbel-aye.

**BILL NO. 23-28**

**ORDINANCE NO. 23-28**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2023, OF THE CITY OF JACKSON, MISSOURI; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

**RECITALS**





**CITY OF JACKSON**  
**MAYOR & BOARD OF ALDERMEN REGULAR MEETING**

Monday, April 17, 2023 at 6:00 PM

Board Chambers, City Hall, 101 Court St.

**MINUTES**

**WHEREAS**, the City of Jackson, Missouri (the "City"), is a fourth-class city and political subdivision duly created, organized and existing under the laws of the State of Missouri, and pursuant to Chapter 250 of the Revised Statutes of Missouri, as amended (the "Act"), owns and operates a revenue producing combined waterworks and sewerage system serving the City and its inhabitants and others within its service area (the "System," as hereinafter more fully defined);

**WHEREAS**, the City desires to make certain extensions and improvements to the System and is authorized under the provisions of the Act to issue and sell revenue bonds for the purpose of providing funds for such purpose, provided that the principal of and interest on such revenue bonds shall be payable out of the revenues derived from the operation of the System;

**WHEREAS**, a bond election was duly held in the City on August 4, 2015 on the following question:

**QUESTION**

**Shall the City of Jackson, Missouri, issue its combined waterworks and sewerage system revenue bonds in the amount of \$11,500,000.00 for the purpose of acquiring, constructing, extending, and improving the waterworks system of the City; the cost of operation and maintenance of said system and the principal of and interest on said revenue bonds to be payable solely from the revenues derived by the City from the operation of its combined waterworks and sewerage system, including all future extensions and improvements thereto?**

and it was found and determined that more than a majority of the qualified electors of the City voting on the question had voted in favor of the issuance of said revenue bonds for the purpose aforesaid, the vote on said question having been 677 votes for said question to 224 votes against said question;

**WHEREAS**, the City has heretofore issued \$8,000,000 of the bonds so authorized and now proposes to issue the remaining \$3,500,000 of the bonds (the "Bonds") so authorized to provide funds for said purpose;

**WHEREAS**, plans and specifications for the Project (as hereinafter defined) and an estimate of the cost thereof have been prepared and made by the City's engineers and the same are hereby accepted and approved and are on file in the office of the City Clerk;

**WHEREAS**, upon the issuance of the Bonds, the City will have outstanding, in addition to the Bonds, the following obligations payable from System revenues:

<u>Description of Bonds</u>	<u>Date</u>	<u>Original Amount Issued</u>	<u>Outstanding Amount</u>
Combined Waterworks and Sewerage System Revenue Bonds, Series 2016 (the "Series 2016 Bonds")	April 12, 2016	\$4,000,000	\$2,710,000
Combined Waterworks and Sewerage System Revenue Bonds, Series 2019 (the "Series 2019 Bonds")	February 5, 2019	4,000,000	3,210,000

**WHEREAS**, it is hereby found and determined that it is necessary and advisable and in the best interest of the City and of its inhabitants at this time to authorize the issuance and delivery of revenue bonds pursuant to the Act as herein provided to provide funds for such purposes;



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

**ARTICLE I**  
**DEFINITIONS**

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

**“Act”** means Chapter 250 of the Revised Statutes of Missouri, as amended.

**“Bond Counsel”** means Gilmore & Bell, P.C., St. Louis, 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 or interest on any Bond is payable at the Maturity thereof or on any Interest Payment Date.

**“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 City’s Combined Waterworks and Sewerage System Revenue Bonds, Series 2023, in the original aggregate principal amount of \$3,500,000, authorized and issued 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 operations.

**“City”** means the City of Jackson, 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.

**“Consultant”** means an independent engineer or engineering firm having a favorable reputation for skill and experience in the construction, financing and operation of public utilities and the preparation of management studies and financial feasibility studies in connection therewith or a registered municipal advisor, selected by the City for the purpose of carrying out the duties imposed on the Consultant by this Ordinance.

**“Debt Service Account”** means the account by that name created by **Section 501**.

**“Debt Service Requirements”** means the aggregate principal payments (whether at maturity or pursuant to scheduled mandatory sinking fund redemption requirements) and net interest or interest like payments (after taking into account any applicable Subsidy Payments) on all System Revenue Bonds for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State of Missouri and having full trust powers.





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**“Defaulted Interest”** means interest on any 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 not subject to redemption prior to maturity or 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, premium, if any, and interest payments on such obligations;
  - (3) such cash and the principal of and interest on such United States Government Obligations serving as security for the 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 serving as security for the obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and
  - (6) the obligations are rated in the same rating category or higher as United States Government Obligations by a nationally recognized rating service.

**“Determination of Taxability”** means and shall be deemed to have occurred on the first to occur of the following:

- (a) on the date the City files any statement, supplemental statement or other tax schedule, return or document which discloses that an Event of Taxability has in fact occurred;
- (b) on the date the City is advised in writing by the Commissioner or any District Director of the Internal Revenue Service (or any other government official or agent exercising the same or a substantially similar function from time to time) that, based upon filings of the City or upon any review or audit of the City, an Event of Taxability has occurred; or
- (c) on the date the City receives notice from the Bondowner or any former Bondowner that the Internal Revenue Service (or any other government official or agent exercising the same or a substantially similar function from time to time) has assessed as includable in the gross income of such Bondowner or such former Bondowner the interest on the Bonds due to the occurrence of an Event of Taxability;



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provided, however, no Determination of Taxability shall occur under subparagraph (b) or (c) unless the City has been afforded the opportunity, at its expense, to contest any such assessment, provided that the period for contesting such assessment shall not exceed two years, and further, no Determination of Taxability shall occur until such contest, if made, has been finally determined; provided further, however, that upon demand from the Bondowner or any former Bondowner, the City shall promptly reimburse the Bondowner or former Bondowner for any payments, including any taxes, interest, penalties or other charges, such Bondowner or former Bondowner is obligated to make as a result of the Determination of Taxability.

**“Event of Taxability”** means (a) the occurrence or existence of any fact, event or circumstance (including, without limitation, the taking of any action by the City, the failure to take any action by the City, or the making by the City of any misrepresentation herein or in any certificate required to be given in connection with the issuance, sale or delivery of the Bonds) that has the effect of causing interest paid or payable on the Bonds to become includable, in whole or in part, in the gross income of the Bondowner or any former Bondowner for federal income tax purposes or (b) the entry of any decree or judgment by a court of competent jurisdiction, or the taking of any official action by the Internal Revenue Service or the Department of the Treasury, which decree, judgment or action is final and non-appealable under applicable procedural law, in either case, which has the effect of causing interest paid or payable on the Bonds to become includable, in whole or in part, in the gross income of the Bondowner or any former Bondowner for federal income tax purposes.

**“Expenses”** means all reasonable and necessary expenses of operation, maintenance and repair of the System and keeping the System in good repair and working order (other than interest paid on System Revenue Bonds and depreciation and amortization charges during the period of determination), including without limiting the generality of the foregoing, current maintenance charges, expenses of reasonable upkeep and repairs, salaries, wages, costs of materials and supplies, Paying Agent fees and expenses, annual audits, periodic Consultant's reports, a properly allocated share of charges for insurance, the cost of purchased water, gas and power, if any, obligations (other than for borrowed money or for rents payable under capital leases) incurred in the ordinary course of business, liabilities incurred by endorsement for collection or deposit of checks or drafts received in the ordinary course of business, deposits required to be made to a rebate fund for any System Revenue Bonds, short-term obligations incurred and payable within a particular fiscal year, other obligations or indebtedness incurred for the purpose of leasing (pursuant to a true or operating lease) equipment, fixtures, inventory or other personal property, and all other expenses incident to the operation of the System, but excluding all general administrative expenses of the City not related to the operation of the System.

**“Federal Tax Certificate”** means the Federal Tax Certificate, in substantially the form attached as **Exhibit B**, executed by the City on the date of issuance of the Bonds, as the same may be amended or supplemented in accordance with the provisions thereof.

**“Insurance Consultant”** means an individual or firm selected by the City qualified to survey risks and to recommend insurance coverage for entities engaged in operations similar to those of the System and having a favorable reputation for skill and experience in making such surveys and recommendations.

**“Interest Payment Date”** means the Stated Maturity of an installment of interest on any Bond.

**“Lender”** means Regions Equipment Finance Corporation, Birmingham, Alabama, the purchaser of the Bonds.



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

**“Net Revenues”** means all Revenues less all Expenses.

**“Ordinance”** means this Ordinance as from time to time amended in accordance with the terms hereof.

**“Outstanding”** means, when used with reference to Bonds, as of any particular date, all Bonds theretofore issued and delivered hereunder, except the following Bonds:

- (a) Bonds theretofore canceled 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 1101**; and
- (c) Bonds in exchange for or in lieu of which other Bonds have been registered and delivered hereunder.

**“Parity Bonds”** means the Series 2016 Bonds, the Series 2019 Bonds and any additional bonds or other obligations hereafter issued or incurred pursuant to **Section 902** and standing on a parity and equality with the Bonds with respect to the payment of principal and interest from the Net Revenues of the System.

**“Parity Ordinances”** means the Series 2016 Ordinance, the Series 2019 Ordinance and any additional ordinance or ordinances under which any Parity Bonds are hereafter issued pursuant to **Section 902**.

**“Paying Agent”** means the City Clerk and any successors and assigns.

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

- (a) United States Government Obligations;
- (b) bonds, notes or other obligations of the State of Missouri, or any political subdivision of the State of Missouri, that at the time of their purchase are rated in either of the two highest rating categories by a nationally recognized rating service;
- (c) repurchase agreements with any bank, bank holding company, savings and loan association, trust company or other financial institution organized under the laws of the United States or any state, that are continuously and fully secured by any one or more of the securities described in clause (a) or (b) above and have a market value, exclusive of accrued interest, at all times at least equal to the principal amount of such repurchase agreements and are held in a custodial or trust account for the benefit of the City;
- (d) obligations of the Government National Mortgage Association, the Federal Financing Bank, the Federal Intermediate Credit Corporation, Federal Banks for Cooperatives, Federal Land Banks, Federal Home Loan Banks, the Farmers Home Administration and the Federal Home Loan Mortgage Corporation;
- (e) certificates of deposit or time deposits, whether negotiable or nonnegotiable, issued by any bank or trust company organized under the laws of the



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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 such securities as are described above in clauses (a) through (c) above, inclusive, 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

(f) 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, limited liability company, firm, joint venture, association, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

**“Project”** means acquiring, constructing, extending and improving the System.

**“Project Fund”** means the fund by that name ratified by **Section 501**.

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

**“Revenue Fund”** means the fund by that name ratified by **Section 501**.

**“Revenues”** means all income and revenues derived from the operation of the System, including investment income, sales tax revenues which have been annually appropriated by the City or which are limited solely to the payment of improvements to or expenses of the System, and any amounts deposited in escrow in connection with the acquisition, construction, remodeling, renovation and equipping of facilities to be applied during the period of determination to pay interest on System Revenue Bonds, but excluding any profits or losses on the early extinguishment of debt or on the sale or other disposition, not in the ordinary course of business, of investments or fixed or capital assets and any other moneys of the City which have been appropriated by the Board of Aldermen to pay expenses of the System or other Debt Service Requirements.

**“Series 2016 Bonds”** means the City’s Combined Waterworks and Sewerage System Revenue Bonds, Series 2016, issued in the original principal amount of \$4,000,000.

**“Series 2016 Ordinance”** means Ordinance No. 16-32 of the City adopted on April 4, 2016 authorizing the issuance of the Series 2016 Bonds.

**“Series 2019 Bonds”** means the City’s Combined Waterworks and Sewerage System Revenue Bonds, Series 2019, issued in the original principal amount of \$4,000,000.

**“Series 2019 Ordinance”** means Ordinance No. 19-09 of the City adopted on January 23, 2019 authorizing the issuance of the Series 2019 Bonds.



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

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

**“Subsidy Payments”** means funds received (or with respect to **Section 902(b)** funds that are reasonably expected to be received) by the City that either (a) must be used or (b) have been used (or with respect to **Section 902(b)** are reasonably expected to be used) to reduce the interest or principal payments on System Revenue Bonds. Such Subsidy Payments include, but are not limited to, payments received by the City through a federal or State of Missouri program.

**“System”** means the entire combined waterworks plant and system and sewerage plant and system owned and operated by the City for the production, storage, treatment and distribution of water, and for the collection, treatment and disposal of sewage, to serve the needs of the City and its inhabitants and others, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements thereto hereafter made or acquired by the City.

**“System Revenue Bonds”** means, collectively, the Bonds, the Parity Bonds and all other revenue bonds or other obligations that are payable out of, or secured by, the Net Revenues of the System.

**“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, or securities which represent an undivided interest in such obligations, which obligations are rated in the same rating category or higher as the United States of America 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.** The City is authorized and directed to issue a series of bonds of the City, designated “Combined Waterworks and Sewerage System Revenue Bonds, Series 2023,” in the principal amount of \$3,500,000 (the “Bonds”), for the purpose of providing funds to pay the costs of the Project and the costs of issuing the Bonds.

### **Section 202. Description of Bonds.**

(a) The Bonds shall consist of one fully-registered bond. The Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be substantially in the form set forth in **Exhibit A** and shall be subject to registration, transfer and exchange as provided in **Section 205**. The Bonds shall be dated the date of original issuance and delivery thereof, shall become due on July 1, 2038 (subject to redemption prior to their Stated Maturity as provided in **Article III**) and shall bear interest at the rate of 3.64% per annum (computed on the basis of a 360-day year of twelve 30-day months) from the dated date thereof or from the most recent Interest Payment Date to which interest has been paid or duly provided for, payable semiannually on January 1 and July 1 in each year, beginning on January 1, 2024.





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(b) Notwithstanding the foregoing, upon the occurrence of a Determination of Taxability the interest rate on the Bonds shall be increased to a rate providing the Bondowners an after-tax yield on the Bonds at least equal to the after-tax yield the Bondowners could have received if a Determination of Taxability had not occurred (the "Taxable Rate"), and the Bonds shall thereafter bear interest at the Taxable Rate. Additionally, following a Determination of Taxability, the City agrees to pay to the Bondowners on demand (1) an amount equal to the difference between (i) the amount of interest that would have been paid to the Bondowners from the date of the original issuance of the Bonds to and including the date of the Determination of Taxability, had the Bonds borne interest at the Taxable Rate during such period, and (ii) the amount of interest actually paid to the Bondowners during such period, and (2) any interest, penalties or charges owed by the Bondowners as a result of interest on the Bonds becoming included in the gross income of the Bondowners, together with any and all attorneys' fees, court costs or other out-of-pocket costs incurred by the Bondowners in connection therewith.

**Section 203. Designation of Paying Agent.**

(a) The City Clerk 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 (herein called the "Paying Agent").

(b) 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. The Paying Agent may resign upon giving written notice by first-class mail to the City and the Bondowners not less than 60 days prior to the date such resignation is to take effect. No resignation or removal of the Paying Agent shall become effective until a successor has been appointed and has accepted the duties of the Paying Agent.

(c) Every Paying Agent appointed hereunder shall at all times be either (1) the City Clerk or (2) 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.

(d) The Paying Agent shall be paid its fees and expenses for its services in connection herewith, which fees and expenses shall be paid as other Expenses are paid.

**Section 204. Method and Place of Payment of Bonds.**

(a) The principal or Redemption Price of 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.

(b) The principal or Redemption Price of each Bond shall be paid at Maturity by check, electronic transfer 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 office of the Paying Agent. Notwithstanding anything contained herein to the contrary, the Bonds only need to be presented for payment upon final maturity or redemption in full.

(c) The interest payable on each 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 (1) by check or draft mailed by the Paying Agent to such Registered Owner at the address shown on the Bond Register or (2) by electronic transfer to



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such Registered Owner upon written notice signed by such Registered Owner and given to the Paying Agent by such Registered Owner not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the name and address of the bank (which shall be in the continental United States), its ABA routing number and the account number to which such Registered Owner wishes to have such transfer directed and an acknowledgment that an electronic transfer fee is payable.

(d) 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.

(e) The Paying Agent shall keep a record of payment of the principal and Redemption Price of and interest on all Bonds and shall, upon the written request of the City, forward a copy or summary of such records to the City.

**Section 205. Registration, Transfer and Exchange of Bonds.**

(a) 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 for the registration, transfer and exchange of Bonds as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

(b) The Bonds may be transferred in whole only, and the Lender agrees that it will only offer, sell, pledge, transfer or exchange any of the Bonds it purchases (1) in accordance with an available exemption from the registration requirements of Section 5 of the Securities Act of 1933, as amended, (2) in accordance with any applicable state securities laws and (3) in accordance with the provisions of this Ordinance. Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the 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.

(c) 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



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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. If 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.

(d) The City and the Paying Agent shall not be required (1) to register the transfer or exchange of any Bond after notice calling such Bond or portion thereof for redemption has been given or during the period of 15 days next preceding the first mailing of such notice of redemption, or (2) to register the transfer or exchange of 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**.

(e) 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 effectual 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.

(f) 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, Authentication and Delivery of Bonds.**

(a) Each of the Bonds, including any Bonds issued in exchange or as substitution for the Bonds initially delivered, shall be signed by the manual or facsimile signature of the Mayor, 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.

(b) The Mayor and City Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified and when duly executed, to deliver the Bonds to the Paying Agent for authentication.

(c) The Bonds shall have endorsed thereon a certificate of authentication substantially in the form set forth in **Exhibit A**, which shall be manually executed by an authorized signatory of the Paying Agent, but it shall not be necessary that the same signatory 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 or upon the order of the Lender, upon payment to the City of the purchase price of the Bonds.





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**Section 207. Mutilated, Destroyed, Lost and Stolen Bonds.**

(a) If (1) 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 (2) 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 and 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.

(b) 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 delivering a new Bond.

(c) Upon the issuance of any new Bond under this Section, the City or the Paying Agent 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) in connection therewith.

(d) 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 canceled 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 canceled and shall file an executed counterpart of such certificate with the City.

**Section 209. Sale of Bonds.** The City hereby accepts the Lender's proposal, a copy of which is attached as **Exhibit C**, to purchase the Bonds, and the Mayor or the City Administrator is authorized to execute the proposal. The City is authorized to sell the Bonds to the Lender at a purchase price of \$3,500,000. The Bonds shall be delivered to or upon the order of the Lender as soon as practicable after the adoption of this Ordinance, upon payment therefor in accordance with the terms of sale. The City agrees to pay the Lender's costs associated with the Lender's purchase of the Bonds, as set forth in the proposal.

**ARTICLE III**  
**REDEMPTION OF BONDS**

**Section 301. Redemption of Bonds.**

(a) *Optional Redemption.* At the option of the City, the Bonds or portions thereof may be called for redemption and payment prior to their Stated Maturity on July 1, 2031 and thereafter as a whole or in part on 10 days' written notice at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date.

(b) *Mandatory Redemption.* The Bonds will be subject to mandatory redemption and payment prior to their Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The payments specified in **Section 602(b)** that are to be deposited into the Debt Service Account shall be sufficient to redeem, and the City shall redeem on July 1 in each year, the following principal amounts of the Bonds:



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**Bonds maturing July 1, 2038**

<u>Year</u>	<u>Principal Amount</u>
2024	\$160,000
2025	180,000
2026	190,000
2027	195,000
2028	205,000
2029	210,000
2030	220,000
2031	230,000
2032	240,000
2033	250,000
2034	260,000
2035	270,000
2036	285,000
2037	295,000
2038 <sup>†</sup>	310,000

<sup>†</sup> Final Maturity

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 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 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. Each 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 the Bonds on such mandatory Redemption Date, and any excess of such amount shall be credited on future mandatory redemption obligations for the Bonds in chronological order, and the principal amount of the Bonds 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) or (2) above, the City will, on or before the 45th day next preceding each mandatory Redemption Date, furnish to the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1) and (2) 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 Maturity, Redemption Date and Redemption Price of the Bonds to be called for redemption. If any 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 City or by the escrow agent on behalf of the City not less than 45 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 in the case of any 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 City shall hold in the Debt Service Account moneys available and sufficient to effect the required redemption.



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(b) Bonds shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof. When less than all of the Outstanding Bonds are to be redeemed, such Bonds shall be redeemed in inverse order of their Stated Maturity or mandatory Redemption Date.

(c) In the case of a partial redemption of Bonds, when Bonds of denominations greater than \$5,000 are then Outstanding, 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). Notwithstanding anything contained herein to the contrary, the Bonds only need to be presented for payment upon final maturity or redemption in full.

### **Section 303. Notice and Effect of Call for Redemption.**

(a) 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 10 days prior to the Redemption Date to each Registered Owner of the Bonds to be redeemed at the address shown on the Bond Register.

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

(1) the Redemption Date;

(2) the Redemption Price;

(3) if less than all Outstanding Bonds are to be redeemed, the identification number and Stated Maturity (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;

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

(5) the place where such Bonds are to be surrendered for payment of the Redemption Price.

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

(d) All notices of optional redemption shall be irrevocable.

(e) Official notice of redemption having been given as aforesaid, the Bonds or portions of the 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 portions of the Bonds shall



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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 redeemed shall be canceled and destroyed by the Paying Agent as provided herein and shall not be reissued.

### ARTICLE IV SECURITY FOR BONDS

#### **Section 401. Security for Bonds.**

(a) The Bonds shall be special, limited obligations of the City payable solely from, and secured as to the payment of principal and interest by a pledge of, the Net Revenues of the System, and the City hereby pledges said Net Revenues to the payment of the principal of and interest on the Bonds. The Bonds shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional or statutory provision, limitation or restriction, and the taxing power of the City is not pledged to the payment of the Bonds, either as to principal or interest.

(b) 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 which 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 interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Ordinance.

(c) The Bonds shall stand on a parity and be equally and ratably secured with respect to the payment of principal and interest from the Net Revenues of the System and in all other respects with any Parity Bonds. The Bonds shall not have any priority with respect to the payment of principal or interest from the Net Revenues or otherwise over any Parity Bonds, and any Parity Bonds shall not have any priority with respect to the payment of principal or interest from the Net Revenues or otherwise over the Bonds.

### ARTICLE V CREATION AND RATIFICATION OF FUNDS AND ACCOUNTS; DEPOSIT AND APPLICATION OF BOND PROCEEDS

**Section 501. Establishment of Funds and Accounts.** There are hereby created or ratified and ordered to be established and maintained in the treasury of the City the following separate funds and accounts to be known respectively as the:

- (a) Combined Waterworks and Sewerage System Project Fund (the "Project Fund").
- (b) Combined Waterworks and Sewerage System Revenue Fund (the "Revenue Fund").
- (c) Debt Service Account for Combined Waterworks and Sewerage System Revenue Bonds, Series 2023 (the "Debt Service Account").

The funds and accounts referred to above shall be maintained and administered by the City solely for the purposes and in the manner as provided in the Act and in this Ordinance and the Parity Ordinances so long as any of the Bonds or the Parity Bonds remain outstanding within the meaning of this Ordinance and the Parity Ordinances.



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**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 in the Project Fund and applied in accordance with **Section 503**.

**Section 503. Application of Moneys in the Project Fund.**

(a) Moneys in the Project Fund shall be used solely for the purpose of paying (1) the costs of the Project in accordance with the plans and specifications therefor prepared by the Consultant or the City's engineer(s), heretofore approved by the Board of Aldermen of the City and on file in the office of the City Clerk, including any alterations in or amendments to said plans and specifications deemed advisable by the Consultant or the City's engineer(s) and approved by the Board of Aldermen of the City and (2) the costs of issuing the Bonds.

(b) Withdrawals from the Project Fund shall be made only when authorized by the Board of Aldermen of the City and only on duly authorized and executed warrants or vouchers therefor accompanied by a certificate executed by the Consultant or the City's engineer(s) 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 services 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 Project Fund of all costs and expenses incident to the issuance of the Bonds and interest accruing on the Bonds during the period of construction of the Project or withdrawals of sums for investment or reinvestment purposes under the terms of this Ordinance without a certificate from the Consultant or the City's engineer(s).

(c) Upon completion of the Project, all surplus moneys remaining in the Project Fund and not required for the payment of unpaid costs thereof shall be deposited into the Debt Service Account.

## ARTICLE VI APPLICATION OF REVENUES

**Section 601. Revenue Fund.** The City covenants and agrees that from and after the delivery of the Bonds, and continuing as long as any of the Bonds remain Outstanding hereunder, all of the Revenues derived and collected from the operation of the System shall, as and when received, be paid and deposited into the Revenue Fund unless otherwise specifically provided by this Ordinance. Said Revenues shall be segregated and kept separate and apart from all other moneys, revenues, funds and accounts of the City and shall not be commingled with any other moneys, revenues, funds and accounts of the City. The Revenue Fund shall be administered and applied solely for the purposes and in the manner provided in this Ordinance and the Parity Ordinances.

**Section 602. Application of Moneys in Funds and Accounts.** The City covenants and agrees that from and after the delivery of the Bonds, and continuing as long as any of the Bonds remain Outstanding hereunder, it will on the first day of each month administer and allocate all of the moneys then held in the Revenue Fund as follows:

(a) *Operation and Maintenance.* There shall first be paid and credited from month to month as a first charge against the Revenue Fund the Expenses of the System as the same becomes due and payable.

(b) *Debt Service Account.* There shall next be paid and credited monthly to the Debt Service Account, to the extent necessary to meet on each Bond Payment Date the payment of all interest on and principal of the Bonds, the following sums:





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(1) Beginning on June 1, 2023, and continuing on the first day of each month thereafter to and including December 1, 2023, an amount not less than 1/7 of the amount of interest becoming due on the Bonds on January 1, 2024, and thereafter, beginning on January 1, 2024, and continuing on the first day of each month thereafter, so long as any of the Bonds remain Outstanding and unpaid, an amount not less than 1/6 of the amount of interest that will become due on the Bonds on the next succeeding Interest Payment Date; and

(2) Beginning on June 1, 2023, and continuing on the first day of each month thereafter to and including June 1, 2024, an amount not less than 1/13 of the amount of principal becoming due on the Bonds on July 1, 2024, and thereafter, beginning on July 1, 2024, and continuing on the first day of each month thereafter, so long as any of the Bonds remain Outstanding and unpaid, an amount not less than 1/12 of the amount of principal that will become due on the Bonds on the next succeeding Maturity date.

The amounts required to be paid and credited to the Debt Service Account pursuant to this Section shall be paid at the same time and on a parity with the amounts at the time required to be paid and credited to the debt service accounts established for the payment of principal and interest on the Parity Bonds under the provisions of the Parity Ordinances.

All amounts paid and credited to the Debt Service Account shall be expended and used by the City for the sole purpose of paying the interest on and principal of the Bonds as and when the same becomes due on each Bond Payment Date.

If at any time the moneys in the Revenue Fund are insufficient to make in full the payments and credits at the time required to be made to the Debt Service Account and to the debt service accounts established to pay the principal of and interest on any Parity Bonds, the available moneys in the Revenue Fund shall be divided among such debt service accounts in proportion to the respective principal amounts of said series of Parity Bonds at the time outstanding which are payable from the moneys in said debt service accounts.

(c) *Surplus Moneys.* After all payments and credits required at the time to be made under the provisions of paragraphs (a) and (b) of this Section have been made, all moneys remaining in the Revenue Fund may be expended and used for the following purposes as determined by the governing body of the City:

(1) Paying the cost of the operation, maintenance and repair of the System to the extent that may be necessary;

(2) Paying the cost of extending, enlarging or improving the System;

(3) Preventing default in, anticipating payments into or increasing the amounts in the Debt Service Account referred to in paragraph (b) of this Section, or establishing or increasing the amount of any debt service account, debt service reserve account or depreciation and replacement account created by the City for the payment of the Parity Bonds;

(4) Calling, redeeming and paying prior to their Stated Maturity, or, at the option of the City, purchasing in the open market at the best price obtainable not exceeding the Redemption Price (if any bonds are callable), the Bonds or the Parity Bonds, including principal, interest and redemption premium, if any; or



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(5) Any other lawful purpose in connection with the operation of the System and benefiting the System.

So long as any of the Bonds remain Outstanding, no moneys derived from the operation of the System shall be diverted to any other purpose.

(d) *Deficiency of Payments into Funds and Accounts.* If at any time the Revenues are insufficient to make any payment on the date or dates hereinbefore specified, the City will make good the amount of such deficiency by making additional payments or credits out of the first available Revenues thereafter received from the operation of the System, such payments and credits being made and applied in the order hereinbefore specified in this Section.

**Section 603. Transfer of Funds to Paying Agent.** The City Administrator or other authorized officer of the City is hereby authorized and directed to withdraw from the Debt Service Account sums sufficient to pay the principal of and interest on the Bonds as and when the same becomes due on any Bond Payment Date, and to forward such sums to the Paying Agent in a manner which ensures the Paying Agent will have available funds in such amounts on or before the Business Day immediately preceding each Bond Payment Date. If, through lapse of time, or otherwise, the Registered Owners of Bonds are no longer entitled to enforce payment of their obligations, it shall be the duty of the Paying Agent forthwith to 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.

**Section 604. 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 605. Nonpresentment of Bonds.** If any Bond is not presented for payment when the principal thereof becomes due at Maturity and if funds sufficient to pay such Bond have been made available to the Paying Agent, then 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, without liability for interest thereon, 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. Notwithstanding anything contained herein to the contrary, the Bonds only need to be presented for payment upon final maturity or redemption in full.

**ARTICLE VII**  
**DEPOSIT AND INVESTMENT OF MONEYS**

**Section 701. Deposit and Investment of Moneys.**

(a) Moneys in each of the funds and accounts 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.



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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.

(b) Moneys held in any fund or account referred to in this Ordinance may be invested in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than the date when the moneys invested may be needed for the purpose for which such fund or account was created. All earnings on any investments held in any fund or account shall accrue to and become a part of such fund or account. In determining the amount held in any fund or account under any of the provisions of this Ordinance, obligations shall be valued at the lower of the cost or the market value thereof.

**ARTICLE VIII**  
**GENERAL COVENANTS AND PROVISIONS**

The City covenants and agrees with each of the Registered Owners of any of the Bonds that so long as any of the Bonds remain Outstanding and unpaid it will comply with each of the following covenants:

**Section 801. Efficient and Economical Operation.** The City will continuously own and will operate the System as a revenue producing facility in an efficient and economical manner and will keep and maintain the same in good repair and working order. The City will establish and maintain such rules and regulations for the use of the System as may be necessary to assure maximum utilization and most efficient operation of the System.

**Section 802. Rate Covenant.** The City in accordance with and subject to applicable legal requirements will fix, establish, maintain and collect such rates and charges for the use and services furnished by or through the System which, together with other Revenues, will be sufficient to (a) pay the costs of the operation and maintenance of the System; (b) pay the principal of and interest on the Bonds as and when the same becomes due at the Maturity thereof or on any Interest Payment Date; (c) enable the City to have in each fiscal year Net Revenues not less than 110% of the actual Debt Service Requirements for such fiscal year; and (d) provide reasonable and adequate reserves for the payment of the Bonds and the interest thereon and for the protection and benefit of the System as provided in this Ordinance. The City will require the prompt payment of accounts for service rendered by or through the System and will promptly take whatever action is legally permissible to enforce and collect delinquent charges. The City will, from time to time as often as necessary, in accordance with and subject to applicable legal requirements, revise the rates and charges aforesaid in such manner as may be necessary or proper so that the Net Revenues will be sufficient to cover the obligations under this Section and otherwise under the provisions of this Ordinance. If in any fiscal year Net Revenues are an amount less than as hereinbefore provided, the City will immediately employ a Consultant to make recommendations with respect to such rates and charges. A copy of the Consultant's report and recommendations shall be filed with the City Clerk and the Lender and shall be furnished to any Registered Owner of the Bonds requesting a copy of the same, at the cost of such Registered Owner. The City shall, to the extent feasible, follow the recommendations of the Consultant.

**Section 803. Reasonable Charges for all Services.** None of the facilities or services provided by the System will be furnished to any user (excepting the City itself) without a reasonable charge being made therefor. If the Revenues derived from the System are at any time insufficient to pay the reasonable Expenses of the System and also to pay all interest on and principal of the Bonds as and when the same becomes due, then the City will thereafter pay into the Revenue Fund a fair and reasonable payment in accordance with effective applicable rates and charges for all services furnished to the City or any of its departments by the System, and such payments will continue so long as the same may be necessary in order to prevent or reduce the amount of any default in the payment of the interest on or principal of the Bonds.





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**Section 804. Restrictions on Mortgage or Sale of System.** The City will not mortgage, pledge or otherwise encumber the System or any part thereof, nor will it sell, lease or otherwise dispose of the System or any material part thereof; provided, however, the City may:

(a) sell at fair market value any portion of the System which has been replaced by other similar property of at least equal value, or which ceases to be necessary for the efficient operation of the System, and in the event of sale, the City will apply the proceeds to either (1) redemption of Outstanding Bonds in accordance with the provisions governing repayment of Bonds in advance of their Stated Maturity, or (2) replacement of the property so disposed of by other property the revenues of which shall be incorporated into the System as hereinbefore provided;

(b) cease to operate, abandon or otherwise dispose of any property which has become obsolete, nonproductive or otherwise unusable to the advantage of the City;

(c) lease, (1) as lessor, any real or personal property which is unused or unimproved, or which has become obsolete, nonproductive or otherwise unusable to the advantage of the City, or which is being acquired as a part of a lease/purchase financing for the acquisition and/or improvement of such property, and/or (2) as lessee, with an option of the City to purchase, any real or personal property for the extension and improvement of the System. Property being leased as lessor and/or lessee pursuant to this subparagraph (c) shall not be treated as part of the System for purposes of this **Section 804** and may be mortgaged, pledged or otherwise encumbered; and

(d) sell, lease or convey all or substantially all of the System to another entity or enter into a management contract with another entity, with the prior written consent of the Registered Owners (which will not be unreasonably withheld), if:

(1) The transferee entity is a political subdivision organized and existing under the laws of the State of Missouri, or instrumentality thereof, or an organization described in Section 501(c)(3) of the Code, and expressly assumes in writing the due and punctual payment of the principal of and premium, if any, and interest on all outstanding System Revenue Bonds according to their tenor, and the due and punctual performance and observance of all of the covenants and conditions of this Ordinance;

(2) If there remains unpaid any System Revenue Bond which bears interest that is not includable in gross income under the Code, the City receives an opinion of Bond Counsel, in form and substance satisfactory to the City, to the effect that under then existing law the consummation of such sale, lease or conveyance, whether or not contemplated on any date of the delivery of such System Revenue Bond, would not cause the interest payable on such System Revenue Bond to become includable in gross income under the Code;

(3) The City receives a certificate of the Consultant which demonstrates and certifies that immediately upon such sale or conveyance the transferee entity will not, as a result thereof, be in default in the performance or observance of any covenant or agreement to be performed or observed by it under this Ordinance;

(4) Such transferee entity possesses such licenses to operate the System as may be required if it is to operate the System; and

(5) The City receives an opinion of Bond Counsel, in form and substance satisfactory to the City, as conclusive evidence that any such sale, lease or conveyance, and any such assumption, is permitted by law and complies with the provisions of this Section.



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**Section 805. Insurance.** The City will carry and maintain insurance with respect to the System and its operations against such casualties, contingencies and risks (including but not limited to property and casualty, fire and extended coverage insurance upon all of the properties forming a part of the System insofar as the same are of an insurable nature, public liability, business interruption or workers' compensation and employee dishonesty insurance), such insurance to be of the character and coverage and in such amounts as would normally be carried by other enterprises engaged in similar activities of comparable size and similarly situated. In the event of loss or damage, the City, with reasonable dispatch, will use the proceeds of such insurance in reconstructing and replacing the property damaged or destroyed, or in paying the claims on account of which such proceeds were received, or if such reconstruction or replacement is unnecessary or impracticable, then the City will pay and deposit the proceeds of such insurance into the Revenue Fund. The City will annually review the insurance it maintains with respect to the System to determine that it is customary and adequate to protect its property and operations. The City may elect to be self-insured for all or any part of the foregoing requirements if (a) the City annually obtains a written evaluation with respect to such self-insurance program from an Insurance Consultant, (b) the evaluation is to the effect that the self-insurance program is actuarially sound, (c) unless the evaluation states that such reserves are not necessary, the City deposits and maintains adequate reserves for the self-insurance program with a corporate trustee, who may be the Paying Agent, and (d) in the case of workers' compensation, adequate reserves created by the City for such self-insurance program are deposited and maintained in such amount and manner as are acceptable to the State of Missouri. The City shall pay any fees and expenses of such Insurance Consultant in connection therewith. The cost of all insurance obtained pursuant to the requirements of this Section shall be paid as an Expense out of the Revenues.

**Section 806. Books, Records and Accounts.** The City will install and maintain proper books, records and accounts (entirely separate from all other records and accounts of the City) in which complete and correct entries will be made of all dealings and transactions of or in relation to the System. Such accounts shall show the amount of Revenues received from the System, the application of such Revenues, and all financial transactions in connection therewith. Said books shall be kept by the City according to standard accounting practices as applicable to the operation of facilities comparable to the System.

**Section 807. Annual Budget.** Prior to the commencement of each fiscal year, the City will cause to be prepared and filed with the City Clerk a budget setting forth the estimated receipts and expenditures of the System for the next succeeding fiscal year. Upon request, the City Clerk will mail a copy of said budget to the Lender. Said annual budget shall be prepared in accordance with the requirements of the laws of Missouri and shall contain all information that is required by such laws.

**Section 808. Annual Audit.**

(a) Within 210 days after the end of the fiscal year, the City will cause an audit to be made of the System for the preceding fiscal year by a certified public accountant or firm of certified public accountants to be employed for that purpose and paid from the Revenues. Said annual audit shall cover in reasonable detail the operation of the System during such fiscal year and shall evidence compliance with the rate covenant contained in **Section 802**.

(b) The City shall provide a copy of the audit to the Lender within 210 days after the end of the fiscal year. The audit shall at all times during usual business hours be open to examination and inspection by any taxpayer, any user of the services of the System, any Registered Owner of any of the Bonds or by anyone acting for or on behalf of such taxpayer, user or Registered Owner.



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(c) As soon as possible after the completion of the annual audit, the governing body of the City shall review the audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Ordinance and the Act, the City will promptly cure such deficiency and will promptly proceed to increase the rates and charges to be charged for the use and services furnished by the System as may be necessary to adequately provide for such requirements.

**Section 809. Right of Inspection.** The Lender and any Registered Owner or Owners of not less than 10% of the principal amount of the Bonds then Outstanding shall have the right at all reasonable times to inspect the System and all records, accounts and data relating thereto, and shall be furnished all such information concerning the System and the operation thereof which the Lender or such Registered Owner or Owners may reasonably request.

**Section 810. Administrative Personnel.** The City shall use its best efforts to employ at all times administrative personnel experienced and well qualified to operate the System. The City further agrees that such administrative personnel shall be employed in sufficient numbers to ensure that the System will be operated in a prudent and efficient manner, following procedures generally accepted within the United States of America.

**Section 811. Performance of Duties and Covenants.** The City will faithfully and punctually perform all duties, covenants and obligations with respect to the operation of the System now or hereafter imposed upon the City by the Constitution and laws of the State of Missouri and by the provisions of this Ordinance.

**Section 812. Tax Covenants.**

(a) The City covenants and agrees that it will comply with all applicable provisions of the Code, including Sections 103 and 141 through 150, necessary to maintain the exclusion from federal gross income of the interest on the Bonds.

(b) The City also covenants and agrees to comply with all provisions and requirements of the Federal Tax Certificate, which is hereby approved, with such changes therein as shall be approved by the Mayor and the Assistant City Administrator, which officers are hereby authorized to execute the Federal Tax Certificate for and on behalf of the City, such officers' signatures thereon being conclusive evidence of their approval thereof.

**Section 813. Parity Bond Certification.** The City hereby represents and covenants that the Bonds directed to be issued by this Ordinance are so issued in full compliance with the restrictions and conditions upon which the City may issue additional bonds payable out of the revenues derived from the operation of the System and which stand on a parity with the Parity Bonds heretofore issued and outstanding, as set forth and contained in the Parity Ordinances, and that the Bonds herein directed to be issued are so issued in all respects on a parity and equality with the Parity Bonds heretofore issued and outstanding.

## ARTICLE IX ADDITIONAL BONDS AND OBLIGATIONS

**Section 901. Senior Lien Bonds.** The City covenants and agrees that so long as any of the Bonds remain Outstanding, the City will not issue any additional bonds or incur or assume any other debt obligations appearing as liabilities on the balance sheet of the System for the payment of moneys determined in accordance with generally accepted accounting principles consistently applied, including capital leases as defined by generally accepted accounting principles, payable out of the Net Revenues of the System or any part thereof which are superior to the Bonds.



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**Section 902. Parity Lien Bonds and Other Obligations.** The City covenants and agrees that so long as any of the Bonds remain Outstanding, it will not issue any additional bonds or other long-term obligations payable out of the Net Revenues of the System or any part thereof which stand on a parity or equality with the Bonds ("Parity Bonds") unless the following conditions are met:

(a) The City shall not be in default in the payment of principal of or interest on any Bonds or any Parity Bonds at the time outstanding or in making any payment at the time required to be made into the respective funds and accounts created by and referred to in this Ordinance or any Parity Ordinance (unless such additional revenue bonds or obligations are being issued to provide funds to cure such default); and

(b) The City shall either:

(1) Certify that the average annual Net Revenues as set forth in the two most recent annual audits for fiscal years preceding the issuance of additional bonds have been equal to at least 110% of the average annual debt service required to be paid out of said revenues in any succeeding fiscal year on account of both principal (at maturity or upon mandatory redemption) and interest becoming due with respect to all System Revenue Bonds of the City, including the additional bonds proposed to be issued. In determining the Net Revenues for the purpose of this subsection, the City may retain a Consultant who may adjust said Net Revenues by adding thereto, if the City has made any increase in rates for the use and services of the System and such increase has been in effect at any time during the two fiscal years for which annual audits are available preceding the issuance of additional bonds, the amount, as estimated by the Consultant, of the additional Net Revenues which would have resulted from the operation of the System during said fiscal years had such rate increase been in effect for the entire period; or

(2) Obtain a certification from a Consultant that the average annual Net Revenues projected to be derived by the City for the two fiscal years immediately following the fiscal year in which the improvements to the System, the cost of which is being financed by such additional bonds, are to be in commercial operation, shall be equal to at least 110% of the average annual debt service required to be paid out of said revenues in any succeeding fiscal year following such commercial operation on account of both principal (at maturity or upon mandatory redemption) and interest becoming due with respect to all System Revenue Bonds of the City, including the additional bonds proposed to be issued. In determining the projected Net Revenues for the purpose of this subsection, the Consultant may adjust said Net Revenues by adding thereto any estimated increase in Net Revenues resulting from any increase in rates for the use and services of the System which, in the opinion of the Consultant, are economically feasible and reasonably considered necessary based on projected operations of the System.

(c) Additional revenue bonds of the City issued under the conditions set forth in this Section shall stand on a parity with the Bonds and shall enjoy complete equality or lien on and claim against the Net Revenues with the Bonds, and the City may make equal provision for paying said bonds and the interest thereon out of the Revenue Fund and may likewise provide for the creation of reasonable debt service accounts and debt service reserve accounts for the payment of such additional bonds and the interest thereon out of moneys in the Revenue Fund.

**Section 903. Junior Lien Bonds and Other Obligations.** Nothing contained in this Section shall prohibit or restrict the right of the City to issue additional revenue bonds or other revenue obligations for any lawful purpose in connection with the operation of the System and benefiting the System and to provide that the principal of and interest on said revenue bonds or



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obligations shall be payable out of the Net Revenues of the System, provided at the time of the issuance of such additional revenue bonds or obligations the City is not in default in the performance of any covenant or agreement contained in this Ordinance (unless such additional revenue bonds or obligations are being issued to provide funds to cure such default), and provided further that such additional revenue bonds or obligations shall be junior and subordinate to the Bonds so that if at any time the City is in default in paying either interest on or principal of the Bonds, or if the City is in default in making any payments required to be made by it under the provisions of paragraph (a) or (b) of **Section 602**, the City shall make no payments of either principal of or interest on said junior and subordinate revenue bonds or obligations until said default or defaults be cured. If any such junior and subordinate revenue bonds or obligations are issued, the City, subject to the provisions aforesaid, may make provision for paying the principal of and interest on said revenue bonds or obligations out of moneys in the Revenue Fund. Principal and interest payments on any junior and subordinate bonds or obligations payable from Net Revenues shall be made on the same days as principal and interest are due on the Parity Bonds.

**Section 904. Refunding Bonds.** The City shall have the right, without complying with the provisions of **Section 902**, to refund any of the Bonds under the provisions of any law then available, and the refunding bonds so issued shall enjoy complete equality of pledge with any of the Bonds or the Parity Bonds which are not refunded, if any, upon the Net Revenues; provided, however, that if only a portion of the Bonds are refunded and if said Bonds are refunded in such manner that the refunding bonds bear a higher average rate of interest or become due on a date earlier than that of the Bonds which are refunded, then said Bonds may be refunded without complying with the provisions of **Section 902** only by and with the written consent of the Registered Owners of a majority in principal amount of the Bonds not refunded.

**ARTICLE X**  
**DEFAULT AND REMEDIES**

**Section 1001. Acceleration of Maturity Upon Default.** The City covenants and agrees that if it defaults in the payment of the principal of or interest on any of the Bonds as the same becomes due on any Bond Payment Date, or if the City or its governing body or any of the officers, agents or employees thereof fail or refuse to comply with any of the provisions of this Ordinance or of the Constitution or statutes of the State of Missouri, and such default continues for a period of 30 days after written notice specifying such default has been given to the City by the Registered Owner of any Bond then Outstanding, then, at any time thereafter and while such default continues, the Registered Owners of not less than 25% in principal amount of the Bonds then Outstanding may, by written notice to the City filed in the office of the City Clerk or delivered in person to said City Clerk, declare the principal of all Bonds then Outstanding to be due and payable immediately, and upon any such declaration given as aforesaid, all of said Bonds shall become and be immediately due and payable, anything contained in this Ordinance or in the Bonds to the contrary notwithstanding. This provision, however, is subject to the condition that if at any time after the principal of said Outstanding Bonds has been so declared to be due and payable, all arrears of interest upon all of said Bonds, except interest accrued but not yet due on such Bonds, and all arrears of principal upon all of said Bonds has been paid in full and all other defaults, if any, by the City under the provisions of this Ordinance and under the provisions of the statutes of the State of Missouri have been cured, then and in every such case the Registered Owners of a majority in principal amount of the Bonds then Outstanding, by written notice to the City given as hereinbefore specified, may rescind and annul such declaration and its consequences, but no such rescission or annulment shall extend to or affect any subsequent default or impair any rights consequent thereon.

**Section 1002. Other 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%





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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 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 1003. Limitation on Rights of Bondowners.** No one or more Bondowners secured hereby shall have any right in any manner whatsoever 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 Bondowners.

**Section 1004. 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 any Bondowner 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 Bondowners 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 Bondowners 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 1005. No Obligation to Levy Taxes.** Nothing contained in this Ordinance shall be construed as imposing on the City any duty or obligation to levy any taxes either to meet any obligation incurred herein or to pay the principal of or interest on the Bonds.

**ARTICLE XI**  
**DEFEASANCE**

**Section 1101. Defeasance.**

(a) When any or all of the Bonds or the interest payments thereon have been paid and discharged, then the requirements contained in this Ordinance and the pledge of Net Revenues made hereunder and all other rights granted hereby shall terminate with respect to the Bonds or interest payments so paid and discharged. Bonds or the 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, money 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 said Bonds,



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and/or interest to accrue on such Bonds to the Stated Maturity or Redemption Date, as the case may be, or if default in such payment shall have occurred on such date, then to the date of the tender of such payments; provided, however, that if any such Bonds shall be redeemed prior to the Stated Maturity thereof, (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)**. Any money 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 commercial bank or trust company in trust for the respective Registered Owners of the Bonds, and such money shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or other commercial bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

(b) To accomplish a defeasance of the Bonds or the interest payments thereon when the City will rely on interest to be earned on any Defeasance Obligations deposited as described in paragraph (a) above, the City shall cause to be delivered to the Paying Agent (1) a report of an independent firm of nationally recognized certified public accountants verifying the sufficiency of the escrow established to pay the Bonds in full at Maturity ("Verification Report"), (2) an escrow trust agreement between the City and an escrow agent, and (3) an opinion of Bond Counsel to the effect that the Bonds are no longer "Outstanding" under this Ordinance; each Verification Report and defeasance opinion shall be acceptable in form and substance and addressed to the City. Bonds shall be deemed "Outstanding" under this Ordinance unless and until they are in fact paid and retired or the criteria of this Section are met.

**ARTICLE XII**  
**MISCELLANEOUS PROVISIONS**

**Section 1201. Amendments.**

(a) 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 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:

- (1) extend the maturity of any payment of principal or interest due upon any Bond;
- (2) effect a reduction in the amount which the City is required to pay by way of principal of or interest on any Bond;
- (3) permit the creation of a lien on the Net Revenues of the System prior or equal to the lien of the Bonds or Parity Bonds;
- (4) permit preference or priority of any Bonds over any other Bonds;
- (5) alter the optional Redemption Date of any Bond; or
- (6) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Ordinance.



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(b) 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 respect with the written consent of the Registered Owners of all of the Bonds at the time Outstanding.

(c) 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 herein or in connection with any other change herein which is not materially adverse to the interests of the Bondowners.

(d) 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 any Bondowner 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.

(e) 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.

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

**Section 1202. Notices, Consents and Other Instruments by Bondowners.**

(a) Any notice, consent, request, direction, approval, objection or other instrument required by this Ordinance 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 (other than the assignment of ownership of a Bond, which is provided for in the form of Bond attached as **Exhibit A**), 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:

(1) 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.

(2) 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.

(b) 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, 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





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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 1203. Electronic Transactions.** The parties agree that the transaction described herein may be conducted and related documents may be sent, received and stored by electronic means.

**Section 1204. Further Authority.** The officers of the City, including the Mayor, the City Administrator, the Assistant City Administrator and the City Clerk, shall be, and they hereby are, 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 1205. 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 1206. Governing Law.** This Ordinance shall be governed by and constructed in accordance with the applicable laws of the State of Missouri.

**Section 1207. Effective Date.** This Ordinance shall take effect and be in full force and effect from and after its passage and approval.

FIRST READING: April 17, 2023.

SECOND READING: April 17, 2023.

PASSED AND APPROVED this 17th day of April, 2023, by a vote of 8 ayes, 0 nays, 0 abstentions and 0 absent.

CITY OF JACKSON, MISSOURI

(SEAL)

By: Dwain L. Hahs (signed)  
 Mayor

ATTEST:

Liza Walker (signed)  
 City Clerk

Motion to Approve Task Order )  
 Authorization No. 23-07 to Koehler )  
 Engineering & Land Surveying, Inc., of )  
 Cape Girardeau, Missouri, relative to )  
 Providing Engineering Services under ( )  
 the Civic Center Pavilion and )  
 Playground Project )

Motion made by Alderwoman Liley, seconded by Alderman Baker, to approve Task Order Authorization No. 23-07, in the amount of \$15,370.00, to Koehler Engineering & Land Surveying, Inc., of Cape Girardeau, Missouri, relative to providing engineering services under the Civic Center Pavilion and Playground Project. Ayes-8; Nays-0; Absent-0.



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Ordinance No. 23-29 Re: To Authorize a )  
 Municipal and Cost Apportionment )  
 Agreement with the Missouri Highways )  
 and Transportation Commission, relative )  
 to the Highway 61 Bridge Replacement )  
 and Roadway Improvement Project )

The matter of authorizing a Municipal and Cost Apportionment Agreement with the Missouri Highways and Transportation Commission, relative to the Highway 61 Bridge Replacement and Roadway Improvement Project, came on for consideration. Alderwoman Liley introduced Bill No. 23-29, being for an ordinance entitled as follows:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF JACKSON, MISSOURI, TO EXECUTE A MUNICIPAL AND COST APPORTIONMENT AGREEMENT BY AND BETWEEN THE CITY OF JACKSON, MISSOURI, AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, RELATIVE TO THE HIGHWAY 61 BRIDGE REPLACEMENT AND ROADWAY IMPROVEMENT PROJECT; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.**

On a motion made by Alderwoman Liley, seconded by Alderman Hitt, Bill No. 23-29 was placed on its first reading and was read by title, considered and discussed and was duly passed by unanimous vote. On a motion by Alderwoman Liley, seconded by Alderman Hitt, Bill No. 23-29 was placed on its second reading and final passage and was read by title, considered discussed, and was duly passed. The Mayor thereupon declared said Bill duly passed, and the Bill was then duly numbered Ordinance No. 23-29 and was signed and approved by Mayor Dwain L. Hahs and attested by the City Clerk. On roll call: Alderman Baker-aye; Alderman Seabaugh-aye; Alderman Reiminger-aye; Alderman Sander-aye; Alderwoman Young-aye; Alderwoman Liley-aye; Alderman Hitt-aye; and Alderman Kimbel-aye.

**BILL NO. 23-29**

**ORDINANCE NO. 23-29**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF JACKSON, MISSOURI, TO EXECUTE A MUNICIPAL AND COST APPORTIONMENT AGREEMENT BY AND BETWEEN THE CITY OF JACKSON, MISSOURI, AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, RELATIVE TO THE HIGHWAY 61 BRIDGE REPLACEMENT AND ROADWAY IMPROVEMENT PROJECT; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.**

WHEREAS, the Mayor and Board of Aldermen have been presented a Municipal and Cost Apportionment Agreement marked Exhibit A and attached hereto and incorporated herein as if fully set forth; and

WHEREAS, the Mayor and Board of Aldermen of the City of Jackson, Missouri, deem it advisable to enter into said agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI, AS FOLLOW:



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Section 1. That the Mayor and Board of Aldermen of the City of Jackson, Missouri, approve the agreement marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Jackson, a municipal corporation, and the **Missouri Highways and Transportation Commission**. It is the belief of the Mayor and Board of Aldermen that it is in the best interest of the citizens of the City of Jackson, Missouri, that the City enters into said agreement.

Section 2. That the Mayor is hereby authorized and directed to execute said agreement for and on behalf of the City of Jackson, Missouri.

Section 3. That the City Clerk of the City of Jackson is hereby authorized and directed to attest to the signature of the Mayor on the attached agreement.

Section 4. 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 a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. That this Ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: April 17, 2023.

SECOND READING: April 17, 2023.

PASSED AND APPROVED this 17th day of April, 2023, by a vote of 8 ayes, 0 nays, 0 abstentions and 0 absent.

(SEAL)

CITY OF JACKSON, MISSOURI

ATTEST:

By: Dwain L. Hahs (signed)  
 Mayor

Liza Walker (signed)  
 City Clerk

Ordinance No. 23-30 Re: To Grant a )  
 Temporary Easement for Highway )  
 Purposes to the Missouri Highways and )  
 Transportation Commission, relative to )  
 the Highway 61 Bridge Replacement )  
 and Roadway Improvement Project )

The matter of granting a Temporary Easement for Highway Purposes to the Missouri Highways and Transportation Commission, relative to the Highway 61 Bridge Replacement and Roadway Improvement Project, came on for consideration. Alderwoman Liley introduced Bill No. 23-30, being for an ordinance entitled as follows:



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**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF JACKSON, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY OF JACKSON, MISSOURI AND *MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION*, RELATIVE TO GRANTING A *TEMPORARY EASEMENT DEED FOR HIGHWAY PURPOSES*; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.**

On a motion made by Alderwoman Liley, seconded by Alderwoman Young, Bill No. 23-30 was placed on its first reading and was read by title, considered and discussed and was duly passed by unanimous vote. On a motion by Alderwoman Liley, seconded by Alderwoman Young, Bill No. 23-30 was placed on its second reading and final passage and was read by title, considered discussed, and was duly passed. The Mayor thereupon declared said Bill duly passed, and the Bill was then duly numbered Ordinance No. 23-30 and was signed and approved by Mayor Dwain L. Hahs and attested by the City Clerk. On roll call: Alderman Reiminger-aye; Alderman Baker-aye; Alderwoman Liley-aye; Alderman Seabaugh-aye; Alderwoman Young-aye; Alderman Hitt-aye; Alderman Kimbel-aye; and Alderman Sander-aye.

**BILL NO. 23-30**

**ORDINANCE NO. 23-30**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF JACKSON, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY OF JACKSON, MISSOURI AND *MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION*, RELATIVE TO GRANTING A *TEMPORARY EASEMENT DEED FOR HIGHWAY PURPOSES*; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.**

WHEREAS, the Mayor and Board of Aldermen have heretofore reviewed an easement deed marked Exhibit A and attached hereto and incorporated herein as if fully set forth; and

WHEREAS, the Mayor and Board of Aldermen of the City of Jackson, Missouri, deem it advisable to grant this easement deed.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI, AS FOLLOW:

Section 1. That the Mayor and Board of Aldermen of the City of Jackson, Missouri, approve granting the easement marked Exhibit A and attached hereto and incorporated herein as if fully set forth from the City of Jackson, a municipal corporation, to **Missouri Highways and Transportation Commission**. It is the belief of the Mayor and Board of Aldermen, that it is in the best interest of the citizens of the City of Jackson, Missouri, that the City grants the attached easement.

Section 2. That the Mayor and City Clerk of the City of Jackson, Missouri, are hereby authorized to do all acts and execute all instruments appropriate and necessary to grant said deed.

Section 3. The City Clerk of the City of Jackson, Missouri, is hereby directed to file a copy of said deed with the Recorder of Deeds, Cape Girardeau County, Missouri.



**CITY OF JACKSON**  
**MAYOR & BOARD OF ALDERMEN REGULAR MEETING**  
**Monday, April 17, 2023 at 6:00 PM**  
**Board Chambers, City Hall, 101 Court St.**

**MINUTES**

Section 4. That this Ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: April 17, 2023.

SECOND READING: April 17, 2023.

PASSED AND APPROVED this 17th day of April, 2023, by a vote of 8 ayes, 0 nays, 0 abstentions and 0 absent.

(SEAL)

CITY OF JACKSON, MISSOURI

ATTEST:

By: Dwain L. Hahs (signed)  
 Mayor

Liza Walker (signed)  
 City Clerk

Motion to Lay on the Table a Bill )  
 Proposing an Ordinance to Approve a )  
 Text Amendment to Chapter 65 (Zoning))  
 Regarding the Addition of Provisions for )  
 Defining and Limiting Tiny Houses )

Now comes forth Alderwoman Liley to state that she would like to replace the Special Use Permit option with a zoning district option for tiny homes. Motion made by Alderwoman Liley, seconded by Alderman Sander, to Lay on the Table a Bill proposing an Ordinance to approve a text amendment to Chapter 65 (Zoning) regarding the addition of provisions for defining and limiting tiny houses. Ayes-8; Nays-0; Absent-0.

Mayor Hahs presents a Plaque to )  
 Alderman Kimbel )

Now comes forth Mayor Hahs to present to Alderman Tommy Kimbel a plaque in recognition of his years of service to the citizens of the City of Jackson as Alderman from 2011-2023 and as Police Officer from 1979-1996. Members of the Board of Aldermen thank Tommy Kimbel for his service to the City of Jackson.

Motion to Adjourn the Meeting, *Sine Die* )

Motion made by Alderman Baker, seconded by Alderwoman Liley, to adjourn *sine die* at 6:36 P.M. Ayes-8; Nays-0; Absent-0.

ATTEST:

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk



**CITY OF JACKSON**  
**MAYOR & BOARD OF ALDERMEN REGULAR MEETING**

Monday, April 17, 2023 at 6:00 PM

Board Chambers, City Hall, 101 Court St.

**MINUTES – NEW BOARD**

Oath of Office to Newly Elected Officials )

Now is presented the Oath of Office to Mayor – Dwain L. Hahs, Ward 1 Alderwoman – Wanda Young, Ward 2 Alderman – David Hitt, Ward 3 Alderwoman – Katy Liley, and Ward 4 Alderwoman – Shana Williams by City Clerk/Treasurer Liza Walker. The Board Members are sworn into office. The oaths are received and commissions are ordered by Mayor Dwain L. Hahs to be issued to each of the elected officials.

The Board of Aldermen met in the New Board Session with Mayor Dwain L. Hahs in the chair and the following Board Members present: Joe Bob Baker, Mike Seabaugh, Paul Sander, Shana Williams, David Hitt, Katy Liley, Wanda Young, and David Reiminger. Present-8; Absent-0.

Motion to Approve the Mayor's )  
 Appointments to Various Committees, )  
 Boards, and Positions )

Power, Light, & Water Committee

David Reiminger – Chairman, President of the Board  
 Mike Seabaugh  
 Paul Sander  
 Shana Williams

Street, Sewer, & Cemetery Committee

Katy Liley – Chairwoman  
 Joe Bob Baker  
 David Hitt  
 Wanda Young

Planning & Zoning Board

1. Michelle Doughen	2027
2. Anthony Koeller	2027
3. Tina Weber	2026
4. Bill Fadler	2026
5. Eric Fraley	2026
6. Harry Dryer	2025
7. Heather Harrison	2025
8. Angelia Thomas	2024
9. Beth Emmendorfer	2024
Dwain L. Hahs	Mayor
Joe Bob Baker	Alderman Assigned
Mike Seabaugh	Alderman Assigned
Larry Miller	Building & Planning Manager

Historic Preservation Commission

1. Lois Long	2026
2. T. Wayne Lewis	2026
3. Terri Tomlin	2025
4. Sara Appel	2025
5. Marybeth Niederkorn	2024
Jeff Long	Alternate, 2025
Estelee Wood	Alternate, 2024
David Reiminger	Liaison Member
Larry Miller	Building & Planning Manager





**CITY OF JACKSON**  
**MAYOR & BOARD OF ALDERMEN REGULAR MEETING**

Monday, April 17, 2023 at 6:00 PM

Board Chambers, City Hall, 101 Court St.

**MINUTES – NEW BOARD**

Park Board

1. Michelle Flath	2026
2. Luke Dry	2026
3.	2026
4. Whitney Tate	2025
5. Darin Pettit	2025
6. Robert Lichtenegger	2025
7. Cathy Reiminger	2024
8. Rodney Ladreiter	2024
9. David Seabaugh	2024
Katy Liley	Aldерwoman Assigned
Shana Williams	Aldерwoman Assigned
Jason Lipe	Parks & Rec Director

Community Outreach Board

1. Marco Otten	2026
2. Ted Clark	2026
3.	2026
4.	2026
5.	2026
6. Leigha Kopf	2025
7. Cindy Lichtenegger	2025
8.	2025
9.	2025
10.	2025
11. Alynda Smithey	2024
12. Rick Murray	2024
13. Andrea Talley	2024
14. Angelia Thomas	2024
15.	2024
Wanda Young	Aldерwoman Assigned
David Hitt	Alderman Assigned
Jason Mouser	Fire Chief
James Humphreys	Police Chief
Jason Lipe	Parks & Rec. Director

Zoning Board of Adjustment

1. Brent Wills	2028
2. Jason Liley	2027
3. Kevin Schaper	2026
4. Howard Hemmann	2025
5. Kenneth White	2024
	Alternate, 2028
Lynette Moore	Alternate, 2027
Wade Bartels	Alternate, 2024
Larry Miller	Building & Planning Manager

Now comes forth, Dwain L. Hahs, to appoint the Chairman and members to the Power, Light, and Water Committee and the Chairwoman and members to the Street, Sewer, and Cemetery Committee and David Reiminger as the President of the Board of Aldermen and the members to the various boards, committees, and positions.

Motion to Approve the Mayor's )  
 Appointment of Members to Various )  
 Boards, Committees, and Positions; and )  
 Michelle Spooler to the Office of )



**CITY OF JACKSON**  
**MAYOR & BOARD OF ALDERMEN REGULAR MEETING**

**Monday, April 17, 2023 at 6:00 PM**

**Board Chambers, City Hall, 101 Court St.**

**MINUTES – NEW BOARD**

Municipal Judge of the 32<sup>nd</sup> Judicial )  
 Circuit Court )

Motion by Alderman Reiminger, seconded by Alderman Hitt, to approve the Mayor's appointments of the Chairman and members to the Power, Light, and Water Committee and the Chairwoman and members to the Street, Sewer, and Cemetery Committee; David Reiminger as the President of the Board of Aldermen; the members to the various boards, committees, and positions, as recommended on the Mayor's Committee Appointments list; and to appoint Michelle Spooler to the office of Municipal Judge of the 32<sup>nd</sup> Judicial Circuit Court. Ayes-8; Nays-0; Absent-0.

City Administrator James Roach )  
 requests Closed Session )

Now comes forth City Administrator James Roach to request to proceed into closed session for three items of real estate in accordance with Section 610.021(2) RSMo.

Motion to Recess the Meeting to Study )  
 Session )

On a motion by Alderman Baker, seconded by Alderwoman Liley, to recess the meeting at 6:51 P.M., to convene to the Study Session. Ayes-8; Nays-0; Absent-0.

.....  
 Returned to Open Session at 7:33 P.M., from Study Session.

Motion to Proceed into Closed Session )  
 and to Adjourn the Meeting )

Meeting concluded at 7:33 P.M. On a motion by Alderman Baker, seconded by Alderwoman Liley, it is ordered that the Board now convene into closed session for three items of real estate in accordance with Section 610.021(2) RSMo and that the meeting will stand adjourned upon the adjournment of the closed session. On roll call: Alderman Seabaugh-aye; Alderman Sander-aye; Alderman Baker-aye; Alderwoman Liley-aye; Alderwoman Williams-aye; Alderman Reiminger-aye; Alderman Hitt-aye; and Alderwoman Young-aye. Ayes-8; Nays-0; Absent-0.

**ATTEST:**

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**City Clerk**

# MEMO



**To:** Mayor and Board of Aldermen  
**From:** Don Schuette  
**Date:** Thursday, April 27, 2023  
**Re:** Engineering Services - East Jackson Boulevard Roadway Lighting Project

---

Please see attached the fee proposal from Strickland Engineering for updating the design and bidding documents for the East Jackson Boulevard Roadway Lighting Project. This project includes the section of highway near Gloria to Old Orchard Road.

After review of the scope of services and associated cost estimate, we recommend the City enter into an agreement with Strickland Engineering for this phase of the above referenced project.

If you have questions or concerns, please let me know.

Thank you,

Don Schuette

Director of Electric Utilities



# STRICKLAND ENGINEERING

113 W. Main Street, Suite 1 Jackson, MO 63755  
Tel. 573-243-4080 Fax 573-243-2191  
www.stricklandengineering.com

April 11, 2023

Mr. Don Schuette  
Director of Electric Utilities  
City of Jackson  
101 Court Street  
Jackson, Missouri 63755

RE: East Jackson Blvd  
Roadway Lighting  
Engineering Services

Dear Mr. Schuette:

Strickland Engineering is pleased to submit a fee proposal for engineering services for updating the design and bidding documents of the East Jackson Boulevard Roadway Lighting project on East Jackson Blvd from north of Gloria Street near Alliance Bank to Old Orchard Road. The following information summarizes the scope of work, engineering fee and schedule of rates.

## SCOPE OF SERVICES

### Design Phase

- Review lighting calculations from suppliers for LED fixtures.
- Update the plans to reflect current field conditions and modify lighting layout as necessary.
- Update the contract documents as required to have the project ready to bid when desired by the City.
- Bid phase services to assist City.
- Construction phase services to assist City.

## COMPENSATION

The City shall compensate the Engineer for performance of the services on an hourly basis plus expenses. Total payment by the City to the Engineer shall not exceed \$38,100, without prior written authorization by the City. The following rate schedule will be used as the basis of compensation.

### Engineering Fee

Total Engineering Fee	\$38,100.00
-----------------------	-------------

### Rate Schedule

Engineer V	\$175.00/hr
Engineer IV	\$150.00/hr
Engineer III	\$125.00/hr
Engineer II	\$100.00/hr
PLS	\$100.00/hr
Surveyor I	\$75.00/hr
Survey Technician III	\$50.00/hr

Survey Crew	\$125.00/hr
Engineering Designer IV	\$90.00/hr
Engineering Designer III	\$80.00/hr
Engineering Designer II	\$70.00/hr
Engineering Designer I	\$65.00/hr
Engineering Technician III	\$80.00/hr
Engineering Technician II	\$55.00/hr
Engineering Technician I	\$50.00/hr
Administrative Secretary	\$40.00/hr
Professional Consultants	cost + 10%
Wide Format Copy, 24 x 36	\$2.20/sheet
Wide Format Copy, 30 x 42	\$3.30/sheet
Wide Format Copy, Half Set	\$1.10/sheet
Copies, 8-1/2 x 11	\$0.08/sheet
Postage	cost
Auto travel	\$0.655/mile
Other expenses	cost

Please contact me if you have any questions regarding this proposal. I look forward to working with you on this project.

Sincerely,



Brian W. Strickland, PE, PLS  
Project Manager



COST PROPOSAL WORKSHEET FOR :

## HIGHWAY LIGHTING

FEE ESTIMATE FOR  
CITY OF JACKSON - JACKSON BLVD LIGHTING

Date: 4/13/2023

Prepared by: BS

## LABOR:

<u>Task No.</u>	<u>Task Description</u>	<u>Task M.H.</u>	<u>Task Cost</u>	<u>Eng V</u>	<u>Eng IV</u>	<u>Surv I</u>	<u>Eng Des IV</u>	<u>Surv</u>	<u>Admin</u>
1	Survey to locate new improvements	56.0	\$6,200	8.0		24.0		24.0	
2	Lighting calculations	16.0	\$2,400		16.0				
3	Plans & specs	100.0	\$14,300	20.0	60.0		20.0		
4	Bid phase services	32.0	\$5,200	16.0	16.0				
5	Construction phase services	60.0	\$10,000	40.0	20.0				
6		0.0	\$0						
7		0.0	\$0						
8		0.0	\$0						
		TOTAL M.H:	264.0	84.0	112.0	24.0	20.0	24.0	0.0
		TOTAL ESTIMATED LABOR COSTS :	\$38,100						
		USE:	\$38,100						

Notes:

## EXPENSES:

Item

Hubs	0	\$	0.28	\$0
Lathes	0	\$	0.38	\$0
Filing Fee	0	\$	30.00	\$0
Mileage	0	\$	0.49	\$0
Reproduction & Photocopy	--	SAY		\$0
Postage	--	SAY		\$0
Misc. Direct Expenses		SAY		\$0
ESTIMATED DIRECT EXPENSES				\$0
TOTAL ESTIMATED COST:				<b>\$38,100</b>

<u>Total Cost</u>	<u>PERSONNEL CLASSIFICATIONS LEGEND:</u>	
	Eng V	Engineer V
	Eng IV	Engineer IV
	Surv I	Surveyor I
	Eng Des IV	Engineering Designer IV
	Surv	Survey Crew
	Admin	Administrative

BILL NO. 23-\_\_

ORDINANCE NO. 23-\_\_

**A BILL TO ENACT AN ORDINANCE TO AUTHORIZE SELECTION OF DEPOSITORIES FOR DEMAND DEPOSITS OF CITY FUNDS; AND TO AUTHORIZE THE SELECTION OF DEPOSITORIES FOR THE INVESTMENT OF IDLE CITY FUNDS; AND TO AUTHORIZE THE MAYOR TO SIGN DEPOSITORY AGREEMENTS WITH DEPOSITORIES.**

WHEREAS, the City of Jackson, desires to enter into a depository agreement with **Wood & Huston Bank** for the deposit of Demand Deposits or checking account funds; and

WHEREAS, the City of Jackson, desires to enter into a depository agreement with said banks regarding the investment of idle City Funds.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI, AS FOLLOW:

1. That the Mayor is hereby, authorized and directed to sign a depository agreement with **Wood & Huston Bank**. Said agreements are attached hereto and incorporated herein by reference.
2. That all of said depository agreements shall have a one-year term under a depository agreement as required by state statute.
3. That said banks shall be depositories for all demand deposits of checking account funds of the City in an unlimited amount subject only to the deposit of securities as required by; Sections 110.010 and 110.020, RSMo.
4. That said banks shall be authorized to hold idle investment funds of the City, subject to the required deposit of securities as required by Section 110.010 and 110.020, RSMo.
5. The Treasurer of the City shall, whenever the City accumulates idle funds, invest said funds in time certificates of deposits, based upon the highest sealed bids received from the designated depositories. All of such investment funds shall be in One Hundred Thousand Dollars (\$100,000.00)

or more increments. The Treasurer shall notify the depositories of available money for bid by phone, electronic transmission or United States Mail.

6. This ordinance shall take effect and be in force from and after its passage and approval and shall repeal all ordinances or parts thereof in conflict herewith.

FIRST READING: May 1, 2023.

SECOND READING: May 1, 2023.

PASSED AND APPROVED this 1st day of May, 2023, by a vote of \_ ayes, \_ nays, \_ abstentions and \_ absent.

CITY OF JACKSON, MISSOURI

(SEAL)

ATTEST:

BY: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

*Water Line Easement Deed – The Hamlet Group, LLC  
Lee Avenue Water Line Extension Project*

**BILL NO. 23-\_\_**

**ORDINANCE NO. 23-\_\_**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY CLERK  
TO ATTEST TO THE CITY’S ACCEPTANCE OF CERTAIN PROPERTY  
DEEDED TO THE CITY, WHICH SAID PROPERTY IS PARTICULARLY  
SET FORTH IN THE ATTACHED WATER LINE EASEMENT DEED.**

WHEREAS, **The Hamlet Group, LLC of Jackson, Missouri**, of the County of Cape Girardeau, State of Missouri, deeded to the City of Jackson, Missouri, the property described in the Water Line Easement Deed, attached hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI, AS FOLLOW:

Section 1. That the Mayor and Board of Aldermen of the City of Jackson, Missouri, do hereby accept the Deed which is attached hereto, subject to all of the terms and conditions therein expressed.

Section 2. That the Mayor and city Clerk of the City of Jackson, Missouri, are hereby authorized to do all acts and execute all instruments appropriate and necessary to accept said deed.

Section 3. The City Clerk of the City of Jackson, Missouri, is hereby directed to file a copy of said deed with the Recorder of Deeds, Cape Girardeau County, Missouri.

Section 4. This ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: May 1, 2023.

SECOND READING: May 1, 2023.

PASSED AND APPROVED this 1st day of May, 2023, by a vote of \_ ayes, \_ nays, \_ abstentions and \_ absent.

CITY OF JACKSON, MISSOURI

(SEAL)

BY: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



**TITLE OF DOCUMENT:** WATER LINE EASEMENT DEED

**DATE OF DOCUMENT:**

**GRANTOR:** THE HAMLET GROUP, LLC

**GRANTORS MAILING ADDRESS:** 112 S. BROADVIEW  
CAPE GIRARDEAU, MISSOURI 63701

**GRANTORS DEED RECORDING:** DOCUMENT NO. 2017-11344

**GRANTEE:** CITY OF JACKSON, MISSOURI  
101 COURT ST.  
JACKSON, MISSOURI 63755

**PROPERTY ADDRESS:** 1900 LEE AVENUE  
JACKSON, MISSOURI 63755

**LEGAL DESCRIPTION OF EASEMENT:** SEE PAGE 1 OF DEED

## WATER LINE EASEMENT DEED

April **THIS DEED**, made and entered into this 26<sup>th</sup> day of \_\_\_\_\_, 2023, by and between **THE HAMLET GROUP, LLC**, a Missouri Limited Liability Company, of the County of Cape Girardeau, State of Missouri, Grantor, and **THE CITY OF JACKSON, MISSOURI**, a Municipal Corporation, of the County of Cape Girardeau, State of Missouri, Grantee.

**WITNESSETH**, that the said Grantor, for and in consideration of the sum of \$70,000.00 and Other Good and Valuable Consideration, paid by the said Grantee, the receipt of which is hereby acknowledged, does by these presents **GRANT** unto the said Grantee, **AN EASEMENT** for the following purposes:

To construct, maintain, repair, replace and operate a water line and necessary appurtenances thereto, over, upon, across, under, in and through the following described real estate in the City of Jackson, County of Cape Girardeau, and State of Missouri, to-wit:

Part of the United States Private Survey No. 244 & 179, Township 31 North, Range 12 East of the Fifth Principal Meridian in the City of Jackson, Cape Girardeau County, Missouri, more particularly described as follows:

Beginning at the intersection of the southeast right of way of Lee Avenue, 40' wide and the northeast property line of the land now of formerly of IRSI Mo Corp as recorded in deed book 2009 page 5441, Cape Girardeau County records; THENCE along a curve to the right having a radius of 2,759.98 feet, an arc length of 250.37, and a central angle of 5 degrees 11 minutes 51 seconds; THENCE North 48 degrees 42 minutes 51 seconds East, 176.00 feet; THENCE leaving the right of way of Lee Avenue, South 41 degrees 13 minutes 30 seconds East, 19.25 feet; THENCE South 48 degrees 46 minutes 30 seconds West 175.46 feet; THENCE along a curve to the left having a radius of 2739.98 feet, an arc length of 251.05 feet, and a central angle of 5 degrees 14 minutes 59 seconds to the aforementioned northeast property line; THENCE North 40 degrees 49 minutes 15 seconds West 18.95 feet to the POINT OF BEGINNING.

The herein described area contains 8,119 square feet, and is subject to all easements, right of way, restrictions and license affecting the same, either written or implied.

**TO HAVE AND TO HOLD** the said **EASEMENT**, together with all rights and appurtenances to the same belonging, unto the said Grantee, and to its successors, heirs and assigns forever.

**IN CONSIDERATION OF THE FOREGOING**, the parties mutually agree as follows:

1. The Grantee agrees that the use hereby granted shall be limited exclusively to water utility facilities and uses incidental thereto.
2. The Grantee agrees that it will indemnify and hold harmless the Grantor from all claims and actions at law and in equity which may arise out of, or as a consequence of negligence of the Grantee, or its authorized agents, servants, employees or assigns, in maintaining, repairing and utilizing the easement granted hereunder.
3. The Grantor hereby reserves the right to use the easement premises in any manner that will not prevent or interfere with the exercise by the Grantee of the rights granted hereunder; provided, however, that the Grantor shall not obstruct, or permit to be obstructed, the easement premises at any time whatsoever without the express prior written consent of the Grantee.
4. The Grantor agrees that the Grantee may assign the rights granted to it hereunder to any assignee who demonstrates sufficient competence and gives adequate assurances that any work to be performed pursuant to such assignment shall be conducted in a skillful manner, and that the owner's interest in the easement premises shall be protected to the same extent as hereunder.
5. The Grantee agrees to restore the surface of the ground belonging to the Grantor which is disturbed or damaged as a result of said water utility installation or any future maintenance work and shall be restored at least to the conditions which existed before work was begun.
6. The Grantor agrees to provide to Grantee a free water tap at no charge to Grantee.
7. The Grantee acknowledges that the continued access of delivery trucks to Grantor's property is of paramount importance. Grantee agrees that it shall maintain ingress and egress for delivery trucks to Grantor's property at all times during installation, repairs or maintenance to the water utility.
8. The Grantee shall pay to Grantor the sum of Seventy Thousand dollars (\$70,000.00) in return for this Water Line Easement Deed and said sum shall be paid within thirty (30) days from date of execution.

*[Remainder of page intentionally left blank. Signatures appear on following page.]*

IN WITNESS WHEREOF, the said Grantor has executed these presents the day and year first above written.

THE HAMLET GROUP, LLC

\_\_\_\_\_, Managing Member

STATE OF MISSOURI

)

) ss.

COUNTY OF CAPE GIRARDEAU

)

On this 26 day of April, 2023, before me personally appeared Jason Coaker, to me known to be the person who executed the within document as the Managing Member of The Hamlet Group, LLC, a Missouri limited liability company, and is authorized by the Operating Agreement of said limited liability company to execute the within document on behalf of said limited liability company, and acknowledged to me that he executed the same as his free act and deed and as the free act and deed of said limited liability company for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year first above written.

Notary Public

State of Missouri

County of Cape Girardeau

My term expires: 5/13/24



# MEMO

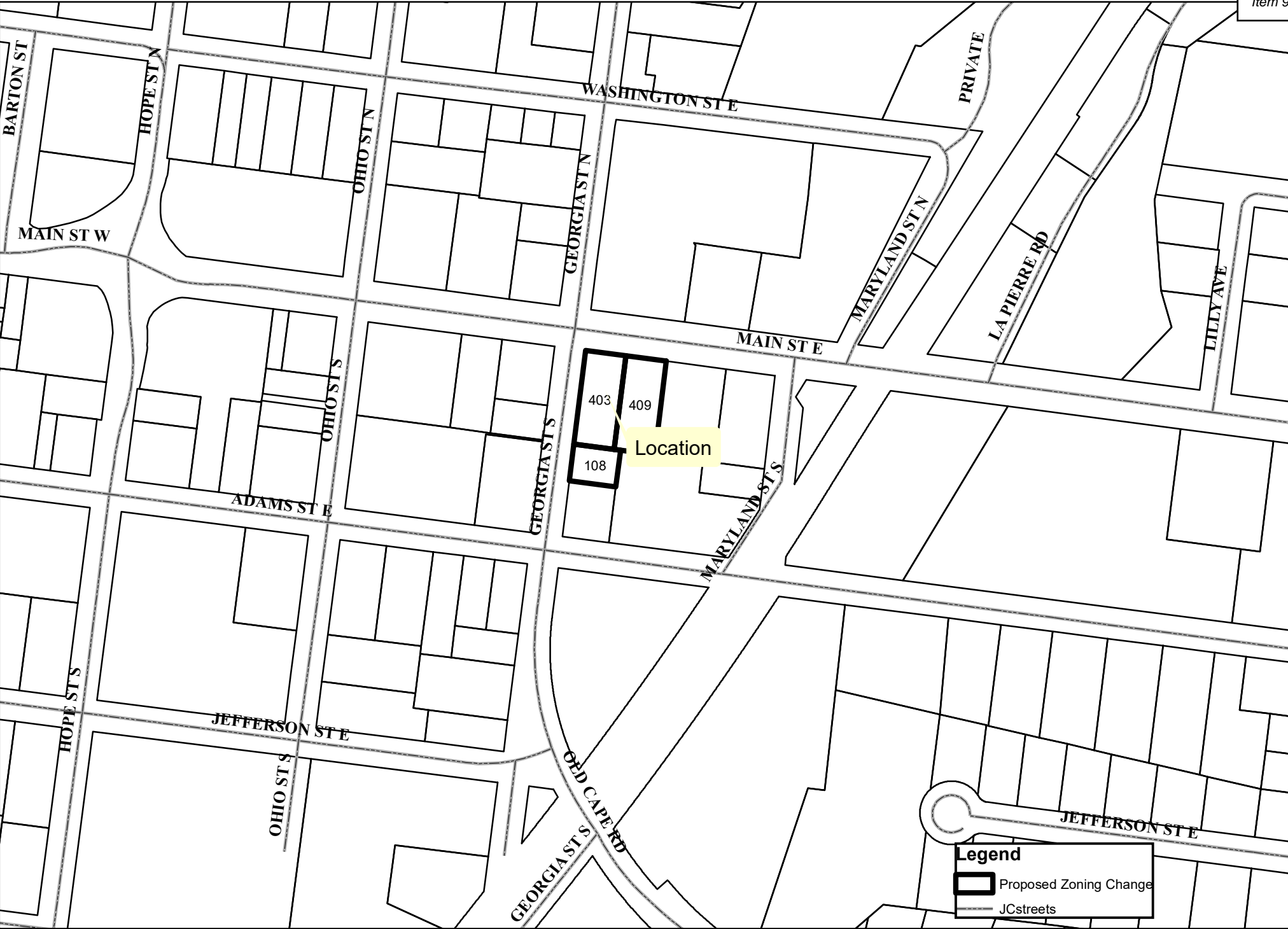


**TO:** Mayor Hahs and Members of the Board of Aldermen  
**FROM:** Larry Miller, Building & Planning Manager  
**DATE:** April 11, 2023  
**SUBJECT:** Comprehensive Rezoning E Main Street and S Georgia Street

---

- Three properties are currently zoned I-2 Heavy Industrial District and are now used as single-family residences. This falls under nonconforming use, and all nonconforming uses that are more than 65% destroyed must comply with the zoning district's regulations. This means they could not build back as a single family since it is an I-2 Heavy Industrial District.
- Banks do not want to lend money for these types of nonconforming uses.
- Rezoning to a C-3 Central Business District would allow these properties to continue as single-family residences.

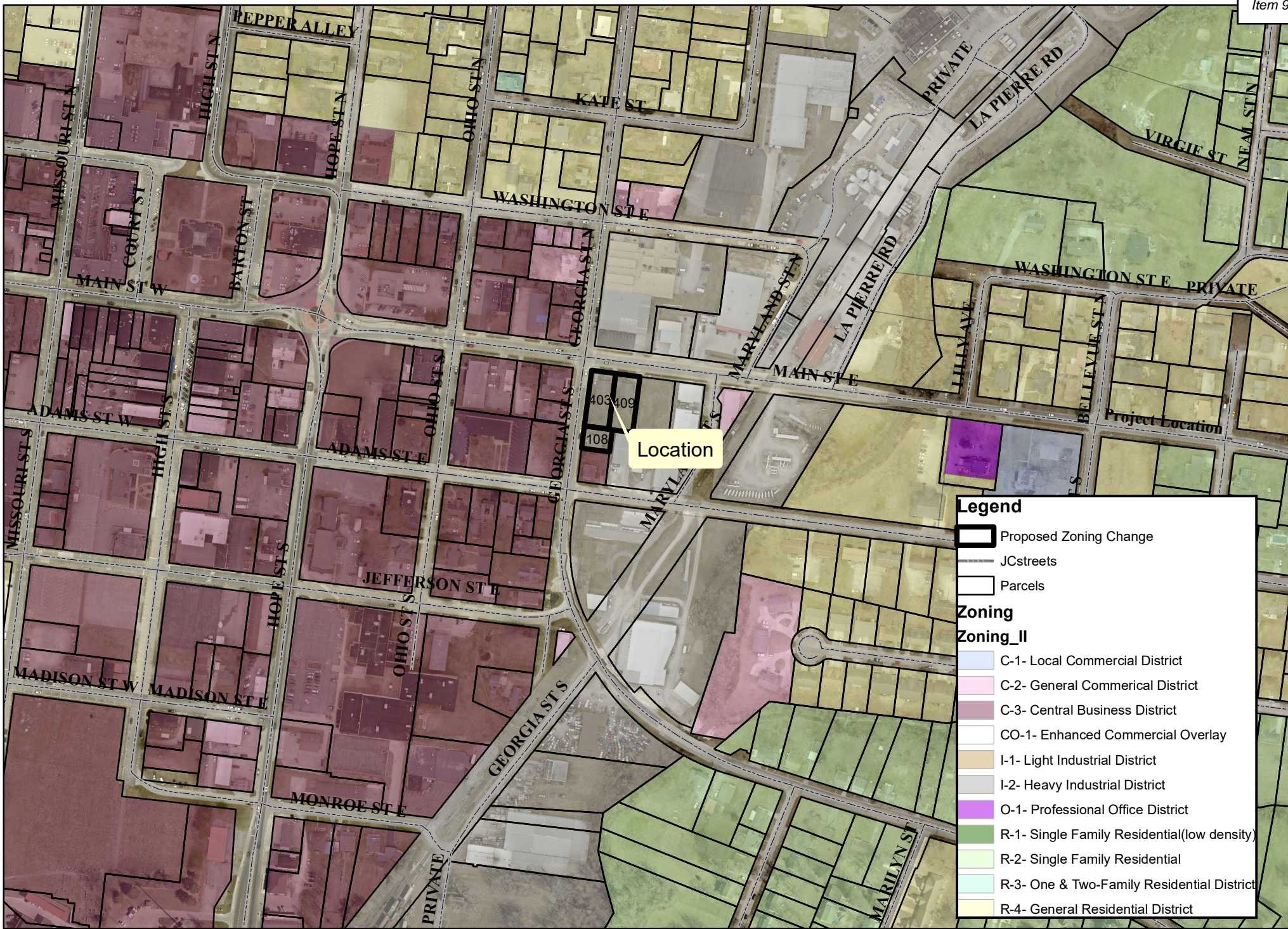




108 South Georgia Street, 403/409 East Main  
Proposed Zoning Change from I-2 Heavy Industrial District to C-3 Central Business District

3/28/2023  
By: TChaffi

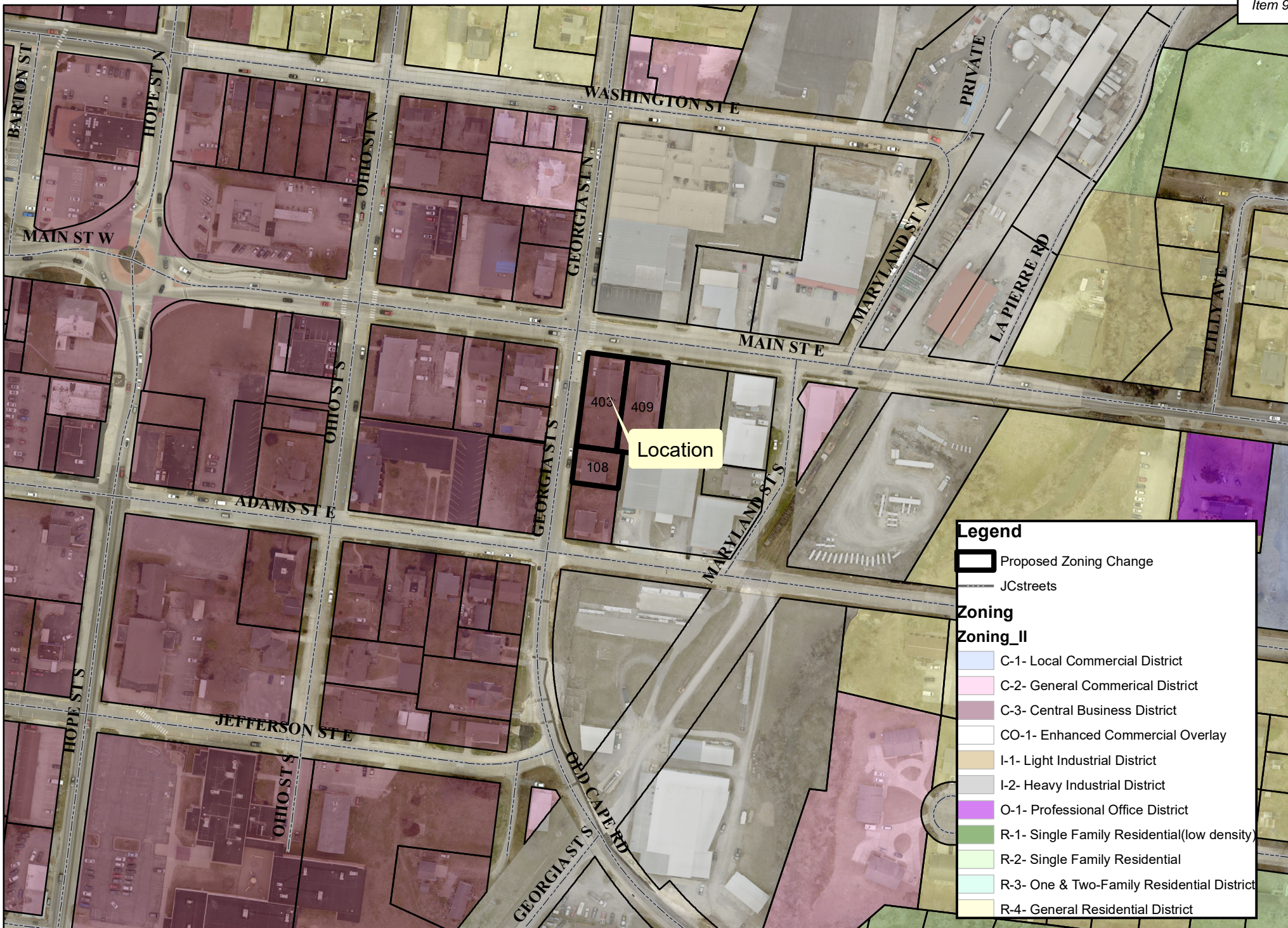




108 South Georgia Street, 403/409 East Main  
Current Zoning Change from I-2 Heavy Industrial District to C-3 Central Business District

3/28/2023  
By: TChaffi





**Legend**

- Proposed Zoning Change
- JCstreets

**Zoning**

**Zoning\_II**

- C-1- Local Commercial District
- C-2- General Commerical District
- C-3- Central Business District
- CO-1- Enhanced Commercial Overlay
- I-1- Light Industrial District
- I-2- Heavy Industrial District
- O-1- Professional Office District
- R-1- Single Family Residential(low density)
- R-2- Single Family Residential
- R-3- One & Two-Family Residential District
- R-4- General Residential District



108 South Georgia Street, 403/409 East Main  
 Proposed Zoning Change from I-2 Heavy Industrial District to C-3 Central Business District

3/28/2023  
 By: TChaffi



## PUBLIC WORKS MEMORANDUM

# City of Jackson

TO: Mayor and Board of Aldermen

CC: Jim Roach, City Administrator

FROM: Anna Bergmark, City Engineer

DATE: April 24, 2023

RE: 2023 Asphalt Pavement Improvement Program Bid Tabulations

Attached you will find the bid tabulations for the 2023 Asphalt Pavement Improvement Program. Staff recommends awarding the project to Black Diamond Paving LLC of Oak Ridge MO, for \$342,337.98.



2023 Asphalt Pavement Program  
 Bid Opening: April 18, 2023 10 am  
 Opened By: Anna Bergmark  
 Witnessed By: George Harris

BASE BID				ENGINEER'S ESTIMATE		Black Diamond Paving		Jokerst	
ITEM	DESCRIPTION	EST. QTY.	UNITS	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
101	Milling	11,349	SY	\$6.00	\$68,096.40	\$7.50	\$85,120.50	\$8.00	\$90,795.20
102	Excavation	720	CY	\$60.00	\$43,176.00	\$41.00	\$29,503.60	\$42.00	\$30,223.20
103	Aggregate	816	TON	\$35.00	\$28,563.50	\$33.00	\$26,931.30	\$54.00	\$44,069.40
104	Tack Coat	697	GAL	\$6.00	\$4,182.00	\$5.00	\$3,485.00	\$11.00	\$7,667.00
105	Asphalt	1,798	TON	\$120.00	\$215,724.00	\$109.75	\$197,297.58	\$130.00	\$233,701.00
BASE BID No. 1 TOTAL:				\$359,741.90		\$342,337.98		\$406,455.80	
TOTAL BID PRICE (BASE BID):				\$359,741.90		\$342,337.98		\$406,455.80	

BILL NO. 23-\_\_

ORDINANCE NO. 23-\_\_

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF JACKSON, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY OF JACKSON, MISSOURI, AND *BLACK DIAMOND PAVING, LLC, OF OAK RIDGE, MISSOURI*, RELATIVE TO THE 2023 ASPHALT PAVEMENT IMPROVEMENT PROGRAM; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.**

WHEREAS, the Mayor and Board of Aldermen have been presented a contract marked Exhibit A and attached hereto and incorporated herein as if fully set forth; and

WHEREAS, the Mayor and Board of Aldermen of the City of Jackson, Missouri, deem it advisable to enter into said contract.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI, AS FOLLOW:

Section 1. That the Mayor and Board of Aldermen of the City of Jackson, Missouri, approve the contract marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Jackson, a municipal corporation, and **Black Diamond Paving, LLC, of Oak Ridge, Missouri**. It is the belief of the Mayor and Board of Aldermen that it is in the best interest of the citizens of the City of Jackson, Missouri, that the City enters into said contract.

Section 2. That the Mayor is hereby authorized and directed to execute said contract for and on behalf of the City of Jackson, Missouri.

Section 3. That the City Clerk of the City of Jackson is hereby authorized and directed to attest to the signature of the Mayor on the attached contract.

Section 4. 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 a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. That this Ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: May 1, 2023.

SECOND READING: May 1, 2023.

PASSED AND APPROVED this 1st day of May, 2023, by a vote of \_ ayes, \_ nays, \_ abstentions and \_ absent.

CITY OF JACKSON, MISSOURI

(SEAL)

ATTEST:

BY: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

BILL NO. 23-\_\_

ORDINANCE NO. 23-\_\_

**AN ORDINANCE ACCEPTING THE PLAT OF INDEPENDENCE CENTER EIGHTH SUBDIVISION, A RESUBDIVISION OF LOTS 10A AND 10B; ACCEPTING DEDICATION OF EASEMENTS, STREETS AND PROPERTIES DESCRIBED; ACCEPTING RESTRICTIONS, IF ANY, FILED THEREWITH; AUTHORIZING THE RECORDING OF SAID PLAT; ACCEPTING IMPROVEMENTS CONSTRUCTED OR TO BE CONSTRUCTED AND INDICATED ON SAID PLAT; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.**

WHEREAS, Douglas Siding, LLC, has platted Independence Center Eighth, a Resubdivision of Lots 10A and 10B, as located within the corporate limits of the City of Jackson, Missouri; and,

WHEREAS, the developer has designed the required improvements and has committed to construct said improvements; and,

WHEREAS, the developer has complied with all of the city ordinances and, in particular, Chapter 57 of the Code of Ordinances of the City of Jackson, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI, AS FOLLOW:

Section 1. That the Mayor and Board of Aldermen of the City of Jackson, Missouri, do hereby accept the final plat of Independence Center Eighth, a Resubdivision of Lots 10A and 10B, which is attached hereto as Exhibit A, including all easements, right-of-way streets and improvements indicated thereon and subject to the terms and conditions expressed therein.

Section 2. That the Mayor and City Clerk of the City of Jackson, Missouri, are hereby authorized to do all acts and execute all instruments appropriate and necessary to accept said plat.

Section 3. The City Clerk of the City of Jackson, Missouri, is hereby directed to file a copy of said plat with the Recorder of Deeds, Cape Girardeau County, Missouri.

Section 4. This ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: May 1, 2023.

SECOND READING: May 1, 2023.

PASSED AND APPROVED this 1st day of May, 2023, by a vote of \_\_\_\_\_ ayes, \_\_\_\_\_ nays, \_\_\_\_\_ abstentions and \_\_\_\_\_ absent.

(SEAL)

CITY OF JACKSON, MISSOURI

BY: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



## SUBDIVISION APPLICATION FORM

### City of Jackson, Missouri

EXHIBIT

A

tabbies

NAME OF SUBDIVISION: INDEPENDENCE CENTER EIGHTHDATE OF APPLICATION: 03-29-2023

PROPERTY OWNERS: (all legal property owners exactly as listed on the deed)

Names, Addresses & Phone #s: DOUGLAS SIDING LLC  
 1826 LEWIS DRIVE  
 JACKSON, MO 63755

**CONTACT PERSON HANDLING APPLICATION:**Contact's Name: DOUG DOUGLAS

Contact's Mailing Address: RT 4 BOX 111  
 MARBLE HILL, MO 63764

Contact's Phone: 573-576-2224**ENGINEER / SURVEYOR:**

Company Name, Addresses & Phone #: STRICKLAND ENGINEERING  
 113 W. MAIN ST., SUITE 1  
 JACKSON, MO 63755

**TYPE OF SUBDIVISION APPLICATION:** (check all applicable items)☐ Preliminary plat approval☐ Final plat approval☒ Minor subdivision approval☐ Re-subdivision plat approval**LEGAL DESCRIPTION OF TRACT:** (attach separate page if necessary)

**ZONING:** Indicate the current zoning district classification of the entire tract to be developed (circle all that apply):

R-1 Single Family Residential  
 R-2 Single Family Residential  
 R-3 One and Two Family Residential  
 R-4 General Residential  
 MH-1 Mobile Home Park  
 CO-1 Enhanced Commercial Overlay

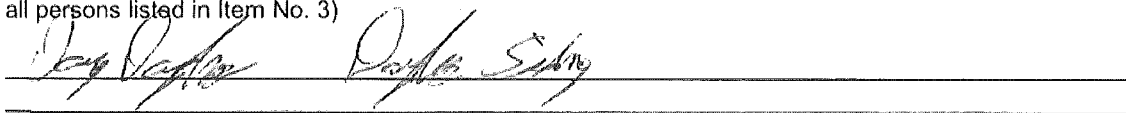
C-1 Local Commercial  
 C-2 General Commercial  
 C-3 Central Business District  
 C-4 Planned Commercial District  
 CO-1 Enhanced Commercial Overlay  
 I-1 Light Industrial  
 I-2 Heavy Industrial  
 I-3 Planned Industrial Park

O-1 PROFESSIONAL OFFICE  
DISTRICT

Will a rezoning or a special use permit request be submitted in conjunction with the proposed development? YES ☐ NO ☒

**OWNERS' SIGNATURES:**

I state upon my oath that all of the information contained in this application is true. (Original signatures of all persons listed in Item No. 3)



Please submit the completed application along with the applicable application fee to:

Janet Sanders  
Building & Planning Superintendent  
City of Jackson  
101 Court Street  
Jackson, MO 63755

Ph: 573-243-2300 ext. 29  
Fax: 573-243-3322  
Email: [jsanders@jacksonmo.org](mailto:jsanders@jacksonmo.org)



STRICKLAND  
ENGINEERING

113 W. Main Street, Suite 1 Jackson, MO 63755  
Tel. 573-243-4080 Fax 573-243-2191  
www.stricklandengineering.com

April 5, 2023

City Of Jackson  
Attn: Mr. Larry Miller  
101 Court Street  
Jackson MO 63755

RE: Independence Center Eighth Subdivision

Dear Mr. Miller:

The developers of the Independence Center Eighth Subdivision are requesting the following variance for the above subject property:

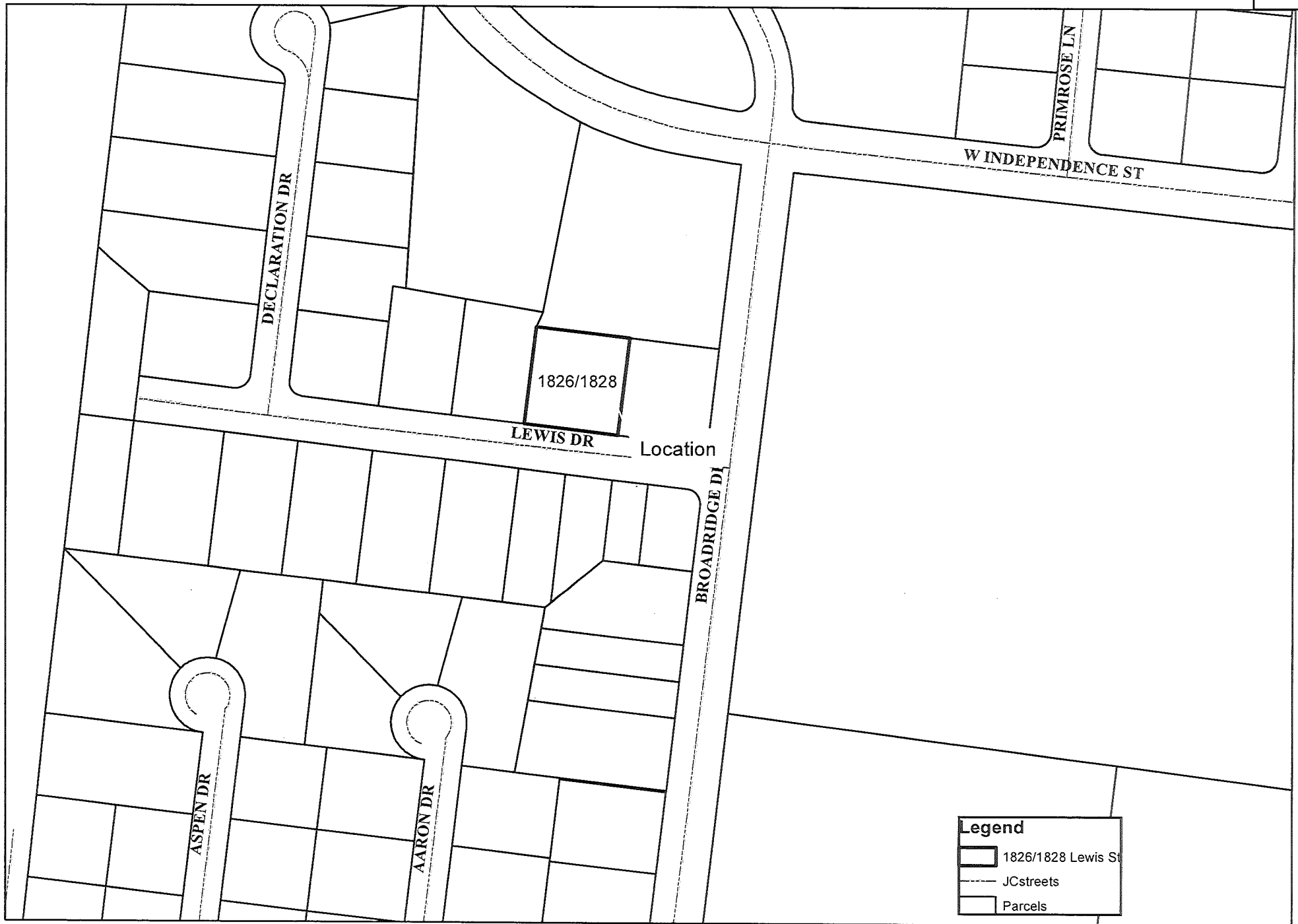
- A variance from the requirement for a 10' utility easement around the boundary of the subdivision.

Please contact me if you have any questions or need any further information.

Sincerely,

Doug Douglas, Member  
Douglas Siding, LLC





1826/1828 Lewis Drive  
Proposed Property Change

4/4/2023  
By: TChaffin

# MINOR SUBDIVISION PLAT INDEPENDENCE CENTER EIGHTH SUBDIVISION

A RESUBDIVISION OF LOT 10 OF INDEPENDENCE CENTER THIRD, AS  
RECORDED IN DOCUMENT NO. 2015-08435, BEING PART OF U.S.P.S. NO. 326,  
TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE FIFTH PRINCIPAL MERIDIAN  
IN THE CITY OF JACKSON, CAPE GIRARDEAU COUNTY, MISSOURI



NORTH BASS  
MISSOURI STATE PLANE  
COORDINATE SYSTEM 1983  
EAST ZONE  
MDOOT VRS NAD83(2011)



## REFERENCES

1. DOCUMENT NO. 2016-00825 (SUBJECT)
2. DOCUMENT NO. 2016-02069
3. DOCUMENT NO. 2016-11702
4. DOCUMENT NO. 2022-03905
5. DOCUMENT NO. 2015-06435

## FLOODPLAIN NOTE

NO LOTS WITHIN INDEPENDENCE CENTER  
EIGHTH ARE LOCATED WITHIN A FLOOD  
HAZARD ZONE AS SHOWN ON THE FLOOD  
INSURANCE RATE MAP, COMMUNITY PANEL  
205295 0105 FOR CAPE GIRARDEAU  
COUNTY, MISSOURI, EFFECTIVE DATE  
SEPTEMBER 25, 2011.

ACCURACY STANDARD: TYPE URBAN

## BUILDING SETBACKS

30' FRONT SETBACKS  
25' REAR SETBACKS  
8' SIDE SETBACKS

## ZONING CLASSIFICATION

"O-1" PROFESSIONAL OFFICE DISTRICT

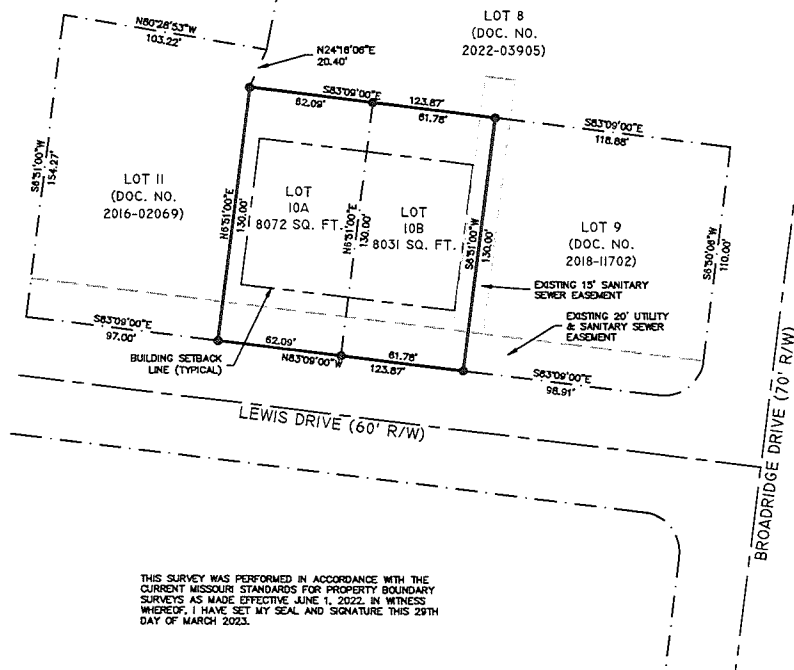
NO. OF LOTS = 2

SMALLEST LOT SIZE : 8031 SQ. FT.  
LARGEST LOT SIZE : 8072 SQ. FT.

## LEGEND

1. 1/2" IRON ROD (SET)
2. 5/8" IRON ROD W/ALUM CAP (SET)
3. IRON ROD W/CAP (FOUND)
4. IRON ROD (FOUND)
5. IRON PIPE
6. STONE
7. COTTON PICKER SPINDLE
8. CHISELED CROSS
9. GRADER BLADE
10. ALUMINUM MONUMENT
11. RIGHT-OF-WAY MARKER
12. (M) MEASURED
13. (R) RECORDED

--- PROPERTY/LOT LINE  
--- BUILDING SETBACK LINE  
--- EASEMENT LINE  
--- CENTERLINE  
--- SUBDIVISION BOUNDARY LINE



THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE  
CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY  
SURVEYS AS MADE EFFECTIVE JUNE 1, 2022. IN WITNESS  
WHEREOF, I HAVE SET MY SEAL AND SIGNATURE THIS 29TH  
DAY OF MARCH 2023.

RODNEY W. AMOS, MO-PLS 200700072  
113 WEST MAIN STREET  
JACKSON, MISSOURI 63735

STATE OF MISSOURI  
COUNTY OF CAPE GIRARDEAU

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023 AND DULY

RECORDED IN DOCUMENT NUMBER \_\_\_\_\_

ANDREW DAVID BLATTNER  
RECORDER OF DEEDS OF CAPE GIRARDEAU COUNTY, MISSOURI

## SUBDIVISION DEDICATION

THE UNDERSIGNED, DOUGLAS SIDING, L.L.C., A MISSOURI LIMITED LIABILITY COMPANY, THE OWNER OF ALL OF LOT 10,  
INDEPENDENCE CENTER THIRD, JACKSON, MISSOURI, AS RECORDED IN DOCUMENT NO. 2015-08435 IN THE LAND  
RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 10; THENCE NORTH 0°31'00" EAST ALONG THE WEST LINE OF  
SAID LOT 10, 130.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 10; THENCE LEAVING SAID WEST LINE, SOUTH  
83°04'00" EAST ALONG THE NORTH LINE OF SAID LOT 10, 123.87 FEET TO THE NORTHEAST CORNER OF SAID LOT 10;  
THENCE LEAVING SAID NORTH LINE, SOUTH 0°31'00" WEST ALONG THE EAST LINE OF SAID LOT 10, 130.00 FEET TO  
THE SOUTHEAST CORNER OF SAID LOT 10, ALSO BEING A POINT ON THE NORTH RIGHT OF WAY LINE OF LEWIS DRIVE;  
THENCE LEAVING SAID EAST LINE, NORTH 83°04'00" WEST ALONG THE SOUTH LINE OF SAID LOT 10, ALSO BEING THE  
NORTH RIGHT OF WAY LINE OF SAID LEWIS DRIVE, 123.87 FEET TO THE POINT OF BEGINNING.

THE HEREIN DESCRIBED TRACT CONTAINS 0.37 ACRES, (16,103 SQ. FT.) MORE OR LESS, AND IS SUBJECT TO ALL  
EASEMENTS, RIGHTS OF WAY, RESTRICTIONS AND LICENSES AFFECTING THE SAME, EITHER WRITTEN OR IMPLIED.

WE DECLARE THAT WE HAVE CAUSED THE FOREGOING DESCRIBED TRACT OF LAND TO BE SUBDIVIDED INTO LOTS AS  
NUMBERED AND DESIGNATED ON THE ANNEXED PLAT AND THAT WE HAVE NAMED SAID SUBDIVISION "INDEPENDENCE  
CENTER EIGHTH SUBDIVISION", AND DO DEDICATE ALL RIGHT-OF-WAYS WITHIN THE AFORESAID SUBDIVISION TO THE  
PUBLIC USE FOREVER FOR STREET AND UTILITY USE, AND DO HEREBY ESTABLISH AND DEDICATE TO THE PUBLIC USE  
FOREVER PERMANENT UTILITY, SEWER AND DRAINAGE EASEMENTS ACROSS CERTAIN PORTIONS OF THE AFORESAID  
SUBDIVISION WHICH ARE SET FORTH ON THE ANNEXED PLAT.

DETAILED RESTRICTIONS FOR ALL LOTS IN "INDEPENDENCE CENTER THIRD" HAVE BEEN RECORDED IN A SEPARATE  
INSTRUMENT IN DOCUMENT NO. 2015-08434 IN THE LAND RECORDS OF THE COUNTY RECORDERS OFFICE.

IN WITNESS WHEREOF, I HAVE CAUSED THESE PRESENTS TO BE SIGNED BY US THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2023.

DOUG DOUGLAS, MEMBER  
DOUGLAS SIDING, L.L.C.  
A MISSOURI LIMITED LIABILITY CORPORATION

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, BEFORE ME APPEARED DOUG DOUGLAS, TO ME PERSONALLY  
KNOWN, BEING A MEMBER OF DOUGLAS SIDING, L.L.C., WHO BEING BY ME DULY SWORN DID SAY THAT HE IS THE  
PERSON DESCRIBED HEREIN AND DID EXECUTE THE FOREGOING INSTRUMENT AND WHO ACKNOWLEDGED THAT HE  
EXECUTED THE SAME AS HIS FREE ACT AND DEED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL ON THE DAY AND YEAR  
ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_\_

I, LIZA WALKER, CITY CLERK OF THE CITY OF JACKSON, MISSOURI HEREBY  
DECLARE THAT THIS PLAT WAS PRESENTED TO AND APPROVED BY THE BOARD  
OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI ON THE \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2022, BY BILL NO. \_\_\_\_\_ ORDINANCE

NO. \_\_\_\_\_

LIZA WALKER, CITY CLERK

APPROVED BY:

DWAIN HAYS, MAYOR

JANET SANDERS, PUBLIC WORKS  
DIRECTOR

HARRY DRYER, CHAIRMAN PLANNING  
AND ZONING COMMISSION

**STRICKLAND  
ENGINEERING**

113 WEST MAIN STREET  
JACKSON, MISSOURI 63755  
TEL: 573-243-1080  
FAX: 573-243-2191

CIVIL - MECHANICAL - ELECTRICAL ENGINEERING - LAND SURVEYING

**RECORD PLAT FOR  
INDEPENDENCE CENTER  
EIGHTH SUBDIVISION  
JACKSON, MO**

SCALE 1"=40'  
DATE 03-29-2023  
DRAWN BY RA  
CHECKED BY DR  
PROJECT # 23-050

*Deed of Dedication – Sanitary Sewer Easement  
South Old Orchard Road Lateral Sewer District Project*

**BILL NO. 23-\_\_**

**ORDINANCE NO. 23-\_\_**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY CLERK  
TO ATTEST TO THE CITY’S ACCEPTANCE OF CERTAIN PROPERTY  
DEEDED TO THE CITY, WHICH SAID PROPERTY IS PARTICULARLY  
SET FORTH IN THE ATTACHED SANITARY SEWER EASEMENT DEED.**

WHEREAS, **Susan Jahn, of Jackson, Missouri**, of the County of Cape Girardeau, State of Missouri, deeded to the City of Jackson, Missouri, the property described in the Sanitary Sewer Easement Deed, attached hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI, AS FOLLOW:

Section 1. That the Mayor and Board of Aldermen of the City of Jackson, Missouri, do hereby accept the Deed which is attached hereto, subject to all of the terms and conditions therein expressed.

Section 2. That the Mayor and city Clerk of the City of Jackson, Missouri, are hereby authorized to do all acts and execute all instruments appropriate and necessary to accept said Deed.

Section 3. The City Clerk of the City of Jackson, Missouri, is hereby directed to file a copy of said Deed with the Recorder of Deeds, Cape Girardeau County, Missouri.

Section 4. This ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: May 1, 2023.

SECOND READING: May 1, 2023.

PASSED AND APPROVED this 1st day of May, 2023, by a vote of \_ ayes, \_ nays, \_ abstentions and \_ absent.

CITY OF JACKSON, MISSOURI

(SEAL)

BY: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**TITLE OF DOCUMENT:** SANITARY SEWER EASEMENT DEED

**DATE OF DOCUMENT:** APRIL 24, 2023

**GRANTOR:** SUSAN JAHN

**GRANTORS MAILING ADDRESS:** 4012 COUNTY ROAD 306  
JACKSON, MISSOURI 63755

**GRANTORS DEED RECORDING:** BOOK 1049, PAGE 634

**GRANTEE:** CITY OF JACKSON, MISSOURI  
101 COURT STREET  
JACKSON, MISSOURI 63755

**PROPERTY ADDRESS:** 4012 COUNTY ROAD 306  
JACKSON, MISSOURI 63755

**LEGAL DESCRIPTION OF EASEMENT:** SEE PAGES 2 & 3 OF DEED

**DEED OF DEDICATION**  
**SANITARY SEWER EASEMENT**

**THIS DEED**, made and entered into this 24<sup>th</sup> day of April, 2023, by and between **SUSAN JAHN**, a single person, of the County of Cape Girardeau, State of Missouri, Grantor, and **THE CITY OF JACKSON, MISSOURI**, a Municipal Corporation, of the County of Cape Girardeau, State of Missouri, Grantee.

**WITNESSETH**, that the said Grantor, for and in consideration of the sum of \$5,000.00 and Other Good and Valuable Consideration, paid by the said Grantee, the receipt of which is hereby acknowledged, does by these presents **GRANT** unto the said Grantee, **AN EASEMENT** for the following purposes:

To construct, maintain, repair, replace, and operate a sanitary sewer line and necessary appurtenances thereto over, upon, across, under, in, and through the following described real estate situated in the County of Cape Girardeau and State of Missouri, to-wit:

Permanent Easement:

THAT PART OF U.S.P.S. 202, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF JACKSON, CAPE GIRARDEAU COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF FRACTIONAL SECTION 9, TOWNSHIP 31 NORTH, RANGE 13 EAST; THENCE NORTH 83°57'05" WEST, 132.00 FEET; THENCE SOUTH 20°24'55" WEST, 686.50 FEET TO A POINT ON THE SOUTH LINE OF U.S.P.S 202; THENCE LEAVING SAID SOUTH LINE, SOUTH 04°33'22" WEST, 63.86 FEET; THENCE NORTH 79°45'16" WEST, 283.42 FEET; THENCE NORTH 65°37'02" WEST, 396.73 FEET; THENCE NORTH 42°41'00" WEST, 397.39 FEET; THENCE NORTH 36°00'20" WEST, 77.72 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 24°23'10" WEST, 23.00 FEET; THENCE NORTH 36°00'20" WEST, 50.62 FEET; THENCE NORTH 89°43'28" EAST, 13.95 FEET; THENCE NORTH 14°38'53" EAST, 11.22 FEET; THENCE SOUTH 36°00'20" EAST, 38.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 813 SQUARE FEET, MORE OR LESS, SUBJECT TO ANY EASEMENTS OF RECORD.

Temporary Easement:

THAT PART OF U.S.P.S. 202, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF JACKSON, CAPE GIRARDEAU COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:



COMMENCE AT THE SOUTHWEST CORNER OF FRACTIONAL SECTION 9, TOWNSHIP 31 NORTH, RANGE 13 EAST; THENCE NORTH 83°57'05" WEST, 132.00 FEET; THENCE SOUTH 20°24'55" WEST, 686.50 FEET TO A POINT ON THE SOUTH LINE OF U.S.P.S 202; THENCE LEAVING SAID SOUTH LINE, SOUTH 04°33'22" WEST, 63.86 FEET; THENCE NORTH 79°45'16" WEST, 283.42 FEET; THENCE NORTH 65°37'02" WEST, 396.73 FEET; THENCE NORTH 42°41'00" WEST, 397.39 FEET; THENCE NORTH 36°00'20" WEST, 77.72 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 36°00'20" WEST, 38.22 FEET; THENCE NORTH 14°38'53" EAST, 19.40 FEET; THENCE SOUTH 36°00'20" EAST, 41.99 FEET; THENCE SOUTH 24°23'10" WEST, 17.25 FEET TO THE POINT OF BEGINNING AND CONTAINING 602 SQUARE FEET, MORE OR LESS, SUBJECT TO ANY EASEMENTS OF RECORD.

**TO HAVE AND TO HOLD** the said **EASEMENT**, together with all rights and appurtenances to the same belonging, unto the said Grantee, and to its successors, heirs and assigns forever.

**IN CONSIDERATION OF THE FOREGOING**, the parties mutually agree as follows:

1. The Grantee agrees that the use hereby granted shall be limited exclusively to utility facilities and uses incidental thereto.
2. The Grantee agrees that it will indemnify and hold harmless the Grantor from all claims and actions at law and in equity which may arise out of, or as a consequence of negligence of the Grantee, or its authorized agents, servants, employees or assigns, in maintaining, repairing and utilizing the easement granted hereunder.
3. The Grantor hereby reserves the right to use the easement premises in any manner that will not prevent or interfere with the exercise by the Grantee of the rights granted hereunder; provided, however, that the Grantor shall not obstruct, or permit to be obstructed, the easement premises at any time whatsoever without the express prior written consent of the Grantee.
4. The Grantor agrees that the Grantee may assign the rights granted to it hereunder to any assignee who demonstrates sufficient competence and gives adequate assurances that any work to be performed pursuant to such assignment shall be conducted in a skillful manner, and that the owner's interest in the easement premises shall be protected to the same extent as hereunder.
5. The Grantee agrees to restore the surface of the ground to the same condition in which it was before the start of the improvement or any future maintenance work, as near as practicable.

IN WITNESS WHEREOF, the said Grantor has executed these presents this 24<sup>th</sup>  
day of April, 2023.

Susan Jahn  
SUSAN JAHN

STATE OF MISSOURI )  
COUNTY OF CAPE GIRARDEAU ) ss.

On this 24<sup>th</sup> day of April, 2023, before me personally appeared Susan Jahn, to me known to be the person described in and who executed the foregoing instrument and acknowledged to me that she executed the same as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year first above written.

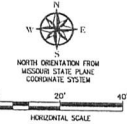
Rodney W. Bollinger, Notary Public  
State of Missouri  
County of Cape Girardeau  
My term expires: \_\_\_\_\_



RODNEY W. BOLLINGER  
My Commission Expires  
May 13, 2024  
Cape Girardeau County  
Commission #12473742

# EASEMENT EXHIBIT FOR THE CITY OF JACKSON

THAT PART OF U.S.P.S. 202 AND U.S.P.S. 788 SECTION 9, TOWNSHIP 31 NORTH,  
RANGE 13 EAST, CAPE GIRARDEAU COUNTY, STATE OF MISSOURI.



## Legend

- PROPOSED PERMANENT EASEMENT
- PROPOSED TEMPORARY CONSTRUCTION EASEMENT
- AREA IN PERMANENT EASEMENT
- AREA IN TEMPORARY EASEMENT
- 1 POINT OF BEGINNING OF TEMPORARY EASEMENT 1 FOR HAHN.
- 2 POINT OF BEGINNING OF TEMPORARY EASEMENT 2 FOR HAHN.
- 3 POINT OF BEGINNING OF TEMPORARY EASEMENT AND PERMANENT EASEMENT FOR JANSEN AND PERMANENT EASEMENT FOR HAHN.
- 4 POINT OF BEGINNING OF TEMPORARY EASEMENT AND PERMANENT EASEMENT FOR BRANDES.
- 5 POINT OF BEGINNING OF TEMPORARY EASEMENT AND PERMANENT EASEMENT FOR JANSEN.

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N41° 30' 57"E	32.32'
L2	S48° 23' 03"E	15.00'
L3	S04° 41' 30" W	42.92'
L4	S04° 41' 30" W	5.59'
L5	S48° 23' 03"E	20.00'
L6	S48° 23' 03"E	13.00'
L7	S04° 41' 30" W	39.48'
L8	S04° 41' 30" W	40.28'
L9	S04° 41' 30" W	30.22'
L10	N14° 38' 53"E	19.40'
L11	N89° 43' 20"E	13.95'
L12	N14° 38' 53"E	11.22'

N/F  
SUSAN R. JAHN  
DEED BOOK 1049 PAGE 634

N/F  
THE BRANDES FAMILY  
PROTECTION TRUST  
DOC. 2017-11552

N/F  
GERALD J. JANSEN AND  
LINDA K. JANSEN TRUST  
DOC. 2018-11569

N/F  
GERALD J. JANSEN AND  
LINDA K. JANSEN TRUST  
DOC. 2018-11569

N/F  
KB413 LLC  
DOC. 2021-13604

N/F  
KB413 LLC  
DOC. 2021-13604

## DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT 1 FROM KIRBY J. HAHN TRUST

THAT PART OF U.S.P.S. 788, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF JACKSON, CAPE GIRARDEAU COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF FRACTIONAL SECTION 9, TOWNSHIP 31 NORTH, RANGE 13 EAST, THENCE NORTH 83°57'05" WEST, 132.00 FEET, THENCE SOUTH 27°43'05" WEST, 68.50 FEET TO A POINT ON THE SOUTH LINE OF U.S.P.S. 202, THENCE LEAVING SAID SOUTH LINE, SOUTH 04°32'22" WEST, 63.00 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 41°30'57" EAST, 32.32 FEET, THENCE SOUTH 48°23'03" EAST, 15.00 FEET, THENCE SOUTH 41°30'57" WEST, 42.92 FEET, THENCE NORTH 14°38'53" EAST, 19.40 FEET, THENCE NORTH 04°32'22" EAST, 11.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 810 SQUARE FEET, MORE OR LESS, SUBJECT TO ANY EASEMENTS OF RECORD.

## DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT 2 FROM KIRBY J. HAHN TRUST

THAT PART OF U.S.P.S. 788, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF JACKSON, CAPE GIRARDEAU COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE SOUTH 41°30'57" EAST, 32.32 FEET, THENCE SOUTH 48°23'03" EAST, 15.00 FEET, THENCE SOUTH 41°30'57" WEST, 42.92 FEET, THENCE NORTH 14°38'53" EAST, 19.40 FEET, THENCE NORTH 04°32'22" EAST, 11.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 810 SQUARE FEET, MORE OR LESS, SUBJECT TO ANY EASEMENTS OF RECORD.

## DESCRIPTION OF SANITARY SEWER EASEMENT FROM KIRBY J. HAHN TRUST

THAT PART OF U.S.P.S. 788, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF JACKSON, CAPE GIRARDEAU COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE SOUTH 41°30'57" EAST, 32.32 FEET, THENCE SOUTH 48°23'03" EAST, 15.00 FEET, THENCE SOUTH 41°30'57" WEST, 42.92 FEET, THENCE NORTH 14°38'53" EAST, 19.40 FEET, THENCE NORTH 04°32'22" EAST, 11.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 810 SQUARE FEET, MORE OR LESS, SUBJECT TO ANY EASEMENTS OF RECORD.

## DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT FROM GERALD J. JANSEN AND LINDA K. JANSEN REVOCABLE TRUST

THAT PART OF U.S.P.S. 202 AND U.S.P.S. 788, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF JACKSON, CAPE GIRARDEAU COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE NORTH 41°30'57" EAST, 32.32 FEET, THENCE SOUTH 48°23'03" EAST, 15.00 FEET, THENCE SOUTH 41°30'57" WEST, 42.92 FEET, THENCE NORTH 14°38'53" EAST, 19.40 FEET, THENCE NORTH 04°32'22" EAST, 11.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 810 SQUARE FEET, MORE OR LESS, SUBJECT TO ANY EASEMENTS OF RECORD.

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THENCE SOUTH 41°30'57" EAST, 32.32 FEET, THENCE SOUTH 48°23'03" EAST, 15.00 FEET, THENCE SOUTH 41°30'57" WEST, 42.92 FEET, THENCE NORTH 14°38'53" EAST, 19.40 FEET, THENCE NORTH 04°32'22" EAST, 11.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 810 SQUARE FEET, MORE OR LESS, SUBJECT TO ANY EASEMENTS OF RECORD.

## DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT FROM THE BRANDES FAMILY PROTECTION TRUST

THAT PART OF U.S.P.S. 202, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF JACKSON, CAPE GIRARDEAU COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF FRACTIONAL SECTION 9, TOWNSHIP 31 NORTH, RANGE 13 EAST, THENCE NORTH 83°57'05" WEST, 132.00 FEET, THENCE SOUTH 27°43'05" WEST, 68.50 FEET TO A POINT ON THE SOUTH LINE OF U.S.P.S. 202, THENCE LEAVING SAID SOUTH LINE, SOUTH 04°32'22" WEST, 63.00 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 41°30'57" EAST, 32.32 FEET, THENCE SOUTH 48°23'03" EAST, 15.00 FEET, THENCE SOUTH 41°30'57" WEST, 42.92 FEET, THENCE NORTH 14°38'53" EAST, 19.40 FEET, THENCE NORTH 04°32'22" EAST, 11.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 810 SQUARE FEET, MORE OR LESS, SUBJECT TO ANY EASEMENTS OF RECORD.

## DESCRIPTION OF SANITARY SEWER EASEMENT FROM THE BRANDES FAMILY PROTECTION TRUST

THAT PART OF U.S.P.S. 202, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF JACKSON, CAPE GIRARDEAU COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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## DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT FROM SUSAN R. JAHN

THAT PART OF U.S.P.S. 202, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF JACKSON, CAPE GIRARDEAU COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF FRACTIONAL SECTION 9, TOWNSHIP 31 NORTH, RANGE 13 EAST, THENCE NORTH 83°57'05" WEST, 132.00 FEET, THENCE SOUTH 27°43'05" WEST, 68.50 FEET TO A POINT ON THE SOUTH LINE OF U.S.P.S. 202, THENCE LEAVING SAID SOUTH LINE, SOUTH 04°32'22" WEST, 63.00 FEET, THENCE NORTH 79°43'05" WEST, 28.42 FEET, THENCE NORTH 83°57'05" WEST, 36.73 FEET, THENCE NORTH 42°41'00" WEST, 30.43 FEET, THENCE NORTH 30°07'00" WEST, 77.72 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 30°07'00" WEST, 30.22 FEET, THENCE NORTH 14°38'53" EAST, 19.40 FEET, THENCE NORTH 30°07'00" EAST, 41.68 FEET, THENCE SOUTH 24°23'05" WEST, 17.25 FEET TO THE POINT OF BEGINNING AND CONTAINING 480 SQUARE FEET, MORE OR LESS, SUBJECT TO ANY EASEMENTS OF RECORD.

## DESCRIPTION OF SANITARY SEWER EASEMENT FROM SUSAN R. JAHN

THAT PART OF U.S.P.S. 202, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF JACKSON, CAPE GIRARDEAU COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**KOEHLER**  
Professional Engineers & Land Surveyors

194 Coker Lane  
Cape Girardeau, Missouri 63701  
PH: (573) 335-3028 FAX: (573) 335-3049

DRAWN BY	REV/DAT	DESCRIPTION	INITIALS
ALEX RICHMOND			
CHECKED BY			
CHRISTOPHER KOEHLER			
BURST DATE			
DRAWING DATE	FEBRUARY 2022		
DRAWING NO.	30182		



BILL NO. 23-\_\_

ORDINANCE NO. 23-\_\_

**AN ORDINANCE AMENDING CHAPTER 65 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSON, MISSOURI, RELATIVE TO DEFINING AND LIMITING TINY HOMES; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.**

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

Section 1. That Chapter 65, Article I, Section 65-2, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended by **ADDING** the following definitions to read as follows:

**“Sec. 65-2. Definitions.**

\*\*\*

*Tiny house, portable.* A dwelling that is six hundred (600) square feet or less in floor area, excluding lofts, and is constructed on a chassis or skids, regardless of added porches, stairways, decks, or other additions.

*Tiny House, permanent.* A dwelling that is six hundred (600) square feet or less in floor area that is constructed on-site without a chassis and is permanently anchored to a foundation or concrete slab.”

Section 2. That Chapter 65, Article I, Section 65-8, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-8. - R-4 General residential district regulations.**

(1) *Use regulations.* A building or premises shall be used only for the following purposes:

\*\*\*

g. Tiny house, permanent, when part of a community unit plan, with a special use permit only.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-8, Subpart (1) g. has been added and the original Subpart (1) g. should now be Subpart (1) h.; and the Subparts that follow should be re-lettered accordingly.**

Section 3. That Chapter 65, Article I, Section 65-9, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-9. – MH-1 Mobile home park district regulations.**

The regulations set forth in this section, or set forth elsewhere in this chapter, are the regulations of the MH-1 mobile home park district. The purpose of the MH-1 mobile home park district is to provide suitable locations for the placement of mobile homes, with safeguards for the health and safety of mobile home residents. References to lot sizes, setbacks, and lot coverage shall be interpreted to mean the area designated for each mobile home stand within the mobile home park.

(1) *Use regulations.* A building or premises shall be used only for the following purposes:

- a. Mobile home parks conforming to the provisions ~~hereof~~ of Article II.
- b. Manufactured / mobile homes.
- c. Tiny house, portable.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-9, that Subpart (1) a. has been modified; that Subparts (1) b. and c. have been added; and that the original Subpart (1) b. should now be Subpart (1) d.; and the Subparts that follow should be re-lettered accordingly.**

Section 4. That Chapter 65, Article I, Section 65-10, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-10. - O-1 Professional office district regulations.**

(1) *Use regulations.* The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section, are the regulations of the O-1 professional office district. The purpose of the O-1 professional office district is to provide adequate space in appropriate locations suitable for accommodating medical, dental and similar services, as well as professional offices. Bulk limitations are designed to provide maximum compatibility with less intensive land use in adjacent residential districts and with more intensive land use in adjacent commercial districts. The O-1 professional office district is to act in the capacity of a transition and supporting zone.

\*\*\*

- h. Tiny house, permanent, when part of a community unit plan, with a special use permit only.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-10, Subpart (1) h. has been added; that the original Subpart (1) h. should now be Subpart (1) i.; and the Subparts that follow should be re-lettered accordingly.**

Section 5. That Chapter 65, Article I, Section 65-11, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-11. - C-1 Local commercial district regulations.**

- (1) *Use regulations.* The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section, are the regulations of the C-1 Local Commercial district. The purpose of the C-1 district is to provide for retail trade and personal services to meet the regular needs and for the convenience of residents of adjacent residential areas. C-1 Local commercial districts are intended to be a closely associated and integral element of local neighborhoods.

\*\*\*

- g. Tiny house, permanent, when part of community unit plan, with a special use permit only.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-11, Subpart (1) g. has been added; that the original Subpart (1) g. should now be Subpart (1) h.; and the Subparts that follow should be re-lettered accordingly.**

Section 6. That Chapter 65, Article I, Section 65-12, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-12. - C-2 General Commercial district regulations.**

The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the regulations of the C-2 General commercial district. The purpose of the C-2 General commercial district is to provide areas for general commerce and services typically associated with major thoroughfares.

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:



\*\*\*

- g. Tiny house, permanent or portable, when part of a community unit plan, with a special use permit only.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-12, Subpart (1) g. has been added; the original Subpart (1) g. should now be Subpart (1) h.; and the Subparts that follow should be re-lettered accordingly.**

Section 7. That Chapter 65, Article II, Section 65-62, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-62. – Permits and restrictions.**

\*\*\*

- (2). *RV parks location.* RV parks will be allowed in the C-2 District, with a special use permit only.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article II, Section 65-62, Subpart (2) has been modified.**

Section 8. It is the intent of the Mayor and Board of Aldermen and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of the City of Jackson, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

Section 9. 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 a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 10. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 11. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: May 1, 2023.

SECOND READING: May 1, 2023.

PASSED AND APPROVED this 1st day of May, 2023, by a vote of \_\_\_\_\_ ayes, \_\_\_\_\_ nays, \_\_\_\_\_ abstentions and \_\_\_\_\_ absent.

(SEAL)

CITY OF JACKSON, MISSOURI

BY: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk