



CITY OF BALLWIN

14811 Manchester Road, Ballwin, MO 63011

RESOLUTION

INTRODUCED BY

ALDERMEN TERBROCK, FINLEY, HARDER, DOGAN, FLEMING, LEAHY, KERLAGON, BOLAND

A RESOLUTION AUTHORIZING THE GREAT STREETS STEERING COMMITTEE TO DEVELOP A FINAL DRAFT OF A BILL TO BE SUBMITTED FOR LEGISLATION.

WHEREAS, the Great Streets steering committee has directed legal counsel, together with the assistance of state representatives from the area served, to draft a bill authorizing the formation of a special district; and

WHEREAS, the draft legislation has been reviewed by the Board of Aldermen of the City of Ballwin.

THEREFORE, BE IT RESOLVED that the Great Streets steering committee shall be authorized to develop a final draft to be filed for legislation. The final draft will be reviewed and approval would have to be given before final actions are taken.

THIS RESOLUTION, HAVING BEEN DULY CONSIDERED AND VOTED UPON BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, WAS PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

TIM POGUE, MAYOR

ATTEST:

ROBERT KUNTZ, CITY ADMINISTRATOR

DRAFT

Great Streets Steering Committee Intergovernmental Agreement Outline

District Powers and Duties

Purpose:

The purpose of this agreement by and between the Missouri Cities of Ballwin, Ellisville and Wildwood is to promote, enhance and expand sustainable long term economic development and business activities in the Manchester Rd. corridor through the implementation of the Manchester Road Great Streets Master Plan as adopted by the member municipalities. It is intended that implementation of the Master Plan will be accomplished through the establishment of a special district (District) in accordance with existing Missouri State Statutes, or, if deemed necessary and appropriate, pursuant to the adoption of specific enabling legislation authorizing creation of such a special District by the Missouri Legislature.

District activities may include, but are not limited to, the creation, construction and operation of private and public improvements and transportation facilities, marketing, lobbying and the sponsorship and coordination of related activities to promote and prioritize place-making throughout the district and the realization of town centers that will become long term economic assets to the member municipalities.

Recitals

To be determined by legal counsel

Definitions

Master Plan – The 2011 Manchester Road Great Streets Master Plan as amended and adopted by the Member Municipality.

Member Municipalities – Manchester Rd. corridor cities that have formally adopted the 2011 Manchester Road Great Streets Plan. This list presently includes the cities of Ballwin, Ellisville, and Wildwood but may be expanded to include other geographically adjoining cities willing and interested in becoming part of this agreement.

District Boundaries – Generally along the Manchester Road corridor as described on the Illustrative Master Plan Map of the Master Plan as adopted by each of the Member Municipalities.

Other definitions determined by legal counsel.

Board of Directors:

The District shall be governed by a Board of Directors composed of five (5) members. (This may be subject to amendment if additional municipalities become Member Municipalities.)

(1) The membership of the Board of Directors shall be determined as follows:

(a) One (1) member shall be appointed by the Mayor of each of the three original Member Municipalities. (This may be subject to amendment if additional municipalities become Member Municipalities.)

(b) One (1) member appointed by the West County Chamber of Commerce Board of Directors shall be the owner of a commercially zoned property within the District.

(c) One (1) member, appointed by the West County Chamber of Commerce Board of Directors shall be the owner of a business but not the owner of property within the District.

(2) Members of the Board of Directors shall serve 3 year overlapping terms of office. (The form of initial terms of office of the directors is to be establishment in the bylaws of the District)

(3) Voting rights of the Board of Directors shall be granted on the basis of 1 vote per member.

District Powers:

Under no circumstances are the proposed powers of the District to be interpreted as permitting or authorizing any activity or endeavor by the District within the corporate limits of a member municipality that is within the scope of that municipality's authority as defined by Missouri statute unless such municipality has expressly authorized and/or permitted such activity or endeavor.

The District shall have powers, except to the extent any such power has been limited by any enabling legislation, necessary to carry out and effectuate the purposes and provisions of the district including, but not limited to, the following:

(1) To adopt, amend, and repeal bylaws necessary or convenient to administer District affairs and responsibilities and carry out the purposes of the District, provided such bylaws are not inconsistent with the ordinances of the Cities in which the District is created.

(2) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and achieve the purposes of the District.

(3) To accept grants, guarantees and donations of real property, personal property, labor, services, or other things of value from any public or private source.

(4) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting or other assistance as is deemed appropriate, advisable or necessary by the Board of Directors to carry out the purpose and intent of the District.

- (5) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real property, personal property, or any interest in such property.
- (6) To buy, sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest in such property within the boundaries of the District as is determined to be necessary by the Board of Directors to carry out the intent and purposes of the District.
- (7) To levy and collect Member Municipal assessments, and real and personal Property taxes and other revenues as provided in the enabling legislation. However, no taxes shall be levied on any property exempt from taxation pursuant to state statute. Nothing contained herein shall prevent any tax exempt property from voluntarily contributing its proportionate tax to the District.
- (8) To fix, charge, and collect fees, rents, and other charges for use of any of the following:
 - (a) The District's real property;
 - (b) The District's personal property;
 - (c) Any of the District's interests in real or personal property, or any activity, service or endeavor of the District
- (9) To borrow money from any public or private source, issue bonds or other obligations, and provide security for the repayment of the same as provided in state statute.
- (10) To make expenditures, create reserve funds and use its revenues and reserves as necessary to carry out its powers or duties and the provisions and purposes of the District.
- (11) Within District boundaries, to own, provide assistance to or to construct, reconstruct, install, repair, equip and maintain any of the following publically owned improvements:
 - (a) Streets, highways, roads, intersections, alleys, bridges, culverts, interchanges, ramps, tunnels, overpasses and underpasses, traffic signs, traffic signals, and directional signs;
 - (b) Sidewalks, pedestrian and bicycle ways;
 - (c) Parks, lawns, trees, and any other landscape;
 - (d) Utilities, drainage, storm water and sanitary sewer systems, detention, water quality preservation and flooding protection systems including the utilization of all best management practices and other site improvements;
 - (e) Parking lots, garages or other vehicular parking and circulation facilities;

- (f) Streetscape features, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls, and barriers;
- (g) Information booths, bus stops, and other shelters, rest areas, rest rooms, public buildings and kiosks;
- (h) Paintings, murals, display cases, sculptures, art and fountains;
- (i) Any other useful, necessary, or desired improvement consistent with the Mast Plan.

(12) To operate or to contract for the provision of parking facilities, and buses, minibuses, or other modes of transportation within District boundaries.

(13) To provide or contract for cleaning, maintenance, and/or other services to property within the District or in which the District has an interest.

(14) To produce and promote business activity via tourism, recreational or cultural activity or special event in the District by, but not limited to, advertising, decoration of any public place in the district, promotion and hosting such activity and special events, and furnishing entertainment in any public place.

(15) To support business activity and economic development in the District including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers, tenants, residents and businesses.

(16) To carry out any other powers set forth in the District enabling legislation.

(17) To sue and be sued.

(18). Nothing in this agreement shall be construed to delegate to the District any sovereign right held by any member municipality to regulate the use and development of land, promote order, safety, health, morals, and general welfare of the public.

(19) The District shall not have the power of eminent domain to acquire real property. The District may enter into joint agreements with the member municipalities to acquire real property through eminent domain, but such authority shall be retained by the member municipalities and shall only be used as is provided by Missouri statute.

(Draft 3/3/12)

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**MISSOURI HOUSE OF REPRESENTATIVES
MEMORANDUM**

To: Speaker Timothy Jones
Julie McNitt, House Research

From: Kristina Jenkins
Drafting Services Coordinator

Date: March 22, 2013

RE: Manchester Road Great Streets Master Plan (2101H.011a)

This rough draft creates a special district to oversee the enhancement of economic development activities arising from the Manchester Road Great Streets Master Plan. The draft also specifies that a board of directors shall vote on district matters and outlines the powers and duties of the board.

Please contact my office at (573) 751-2979 if you have any questions or concerns regarding this piece of legislation.

ROUGH DRAFT NO. 1

AN ACT

To amend chapter 67, RSMo, by adding thereto three new sections relating to the Manchester Road Great Streets Master Plan.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Chapter 67, RSMo, is amended by adding thereto three new sections, to be known as sections 67.5040, 67.5042, and 67.5044, to read as follows:

67.5040. 1. As used in sections 67.5040 to 67.5044, the following terms shall mean:

(1) "Master plan", the 2011 Manchester Road Great Streets Master Plan as amended and adopted by the member municipalities;

(2) "Member municipalities", any city that has adopted the 2011 Manchester Road Great Streets Master Plan.

67.5042. 1. A special district is hereby created to implement the master plan. The district shall be governed by a five-member board of governors to be comprised of one member appointed by the:

(1) Mavor of a city of the fourth classification with more than twenty-eight thousand but fewer than thirty-one thousand inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

(2) Mavor of a home rule city with more than nine thousand but fewer than ten thousand inhabitants;

(3) Mavor of a home rule city with more than thirty-three

thousand but fewer than thirty-seven thousand inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

(4) West County Chamber of Commerce board of directors, to be an owner of a commercially zoned property within the district;
and

(5) West County Chamber of Commerce board of directors, to be an owner of a business but not the owner of commercially zoned property within the district.

2. Members of the board of directors shall serve three year terms. The initial terms of office shall be established in the district bylaws.

3. Each member of the board of directors shall be given one vote with regard to district matters.

67.5044. 1. The special district board of directors shall have powers necessary to carry out the purposes and provisions of the district including, but not limited to:

(1) Adopt, amend, and repeal bylaws necessary to administer the district affairs and responsibilities of the district, provided such bylaws are not inconsistent with any municipal ordinance adopted by any member municipalities;

(2) Make and enter into contracts and other instruments with public or private entities that are necessary to exercise its powers;

(3) Accept grants, guarantees, and donations of real property, personal property, labor, services, or any other thing of value from any public or private source;

(4) Employ or contract for such managerial, engineering,

legal, technical, clerical, accounting, or other assistance as is deemed necessary by the board of directors;

(5) Acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real or personal property, or any interest in such property;

(6) Buy, sell, lease, exchange, transfer, assign, mortgage, pledge, or otherwise dispose of any real or personal property or any interest in such property within the boundaries of the district as is determined to be necessary by the board of directors;

(7) Level and collect assessments, real and personal property taxes, and other revenues from member municipalities. However, no taxes shall be levied on any property exempt from taxation. Nothing contained herein shall prevent any tax exempt property from voluntarily contributing its proportionate tax to the district;

(8) Fix, charge, and collect fees, rents, and other charges for use of any of the district's real or personal property, the district's interests in real or personal property, or any activity, service, or endeavor of the district;

(9) Borrow money from any public or private source, issue bonds or other obligations, and provide security for the repayment of the same as provided by law;

(10) Make expenditures, create reserve funds and use its revenues and reserves;

(11) Own, provide assistance to, or to construct, reconstruct, install, repair, equip, and maintain within the boundaries of the member municipalities any of the following

publically owned:

(a) Streets, highways, roads, intersections, alleys, bridges, culverts, interchanges, ramps, tunnels, overpasses, underpasses, traffic signs, traffic signals, and directional signs;

(b) Sidewalks and pedestrian and bicycle ways;

(c) Parks, lawns, trees, and any other landscape;

(d) Utilities, drainage, storm water and sanitary sewer systems, detention, water quality preservation and flooding protection systems including the utilization of all best management practices and other site improvements;

(e) Parking lots, garages, or other vehicular parking and circulation facilities;

(f) Streetscape features, lighting, benches, or other seating furniture, trash receptacles, marquees, awnings, canopies, walls, and barriers;

(g) Information booths, bus stops, rest areas, restrooms, public buildings, kiosks, and other shelters;

(h) Paintings, murals, display cases, sculptures, art and fountains;

(i) Any other useful, necessary, or desired improvement consistent with the master plan;

(12) Operate or contract for the provision of parking facilities, buses, minibuses, or other modes of transportation within the boundaries of the member municipalities;

(13) Provide or contract for cleaning, maintenance, or other services to property within the district or in which the district has an interest;

(14) Produce and promote business activity through tourism, recreational or cultural activities, or special events within the boundaries of member municipalities, including advertising, decoration of any public place in the district, promoting and hosting such activities and special events, and furnishing entertainment in any public place;

(15) Support business activity and economic development within the boundaries of member municipalities including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers, tenants, residents, and businesses;

(16) Sue and be sued; and

(17) Carry out any other powers of the district.

2. Nothing in this section shall be construed to delegate to the district any sovereign right held by any member municipality to regulate the use and development of land, or to promote order, safety, health, morals, and general welfare of the public.

3. The district shall not have the power of eminent domain to acquire real property. The district may, however, enter into joint agreements with member municipalities to acquire real property through eminent domain, but such authority shall be retained by member municipalities and shall only be used in a manner consistent with that provided by law.