

ORDINANCE 71011

1 **BOARD BILL NO.83 INTRODUCED BY ALDERMAN JACK COATAR**

2 An Ordinance Approving The Petition Of An Owner Of Certain Real Property To Establish
3 A Community Improvement District, Establishing The Soulard Community Improvement District,
4 Finding A Public Purpose For The Establishment Of The Soulard Community Improvement
5 District, And Containing An Emergency Clause And Containing A Severability Clause.

6 **WHEREAS**, the City is a body corporate and a political subdivision of the State of
7 Missouri, duly created, organized and existing under and by virtue of its charter, the Constitution,
8 and laws of the State of Missouri; and

9 **WHEREAS**, Section 67.1400 *et seq.*, RSMo, (the “CID Act”) authorizes the Board of
10 Aldermen to approve the petitions of property owners to establish a Community Improvement
11 District; and

12 **WHEREAS**, a petition has been filed with the City, requesting formation and
13 establishment of the Soulard Community Improvement District (the “CID”), signed by the
14 authorized representatives of the owners of more than fifty percent by assessed value and per capita
15 of the property located within the proposed boundaries of the CID (the “Petition”); and

16 **WHEREAS**, the Register of the City of St. Louis did review and determine that the Petition
17 substantially complies with the requirements of the CID Act; and

18 **WHEREAS**, a public hearing, duly noticed and conducted as required by and in
19 accordance with the CID Act was held at St. Louis City Hall, 1200 Market Street, St. Louis,
20 Missouri 63103 at 10:00 a.m. on July 2, 2019, by the Board of Aldermen; and

21 **WHEREAS**, this Board of Aldermen hereby finds that the adoption of this ordinance is in
22 the best interest of the City of St. Louis and that the owners of real property located within the

1 CID, as well as the City as a whole, will benefit from the establishment of the CID and the other
2 transactions described herein.

3 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

4 **SECTION ONE.**

5 1. A community improvement district, to be known as the “Soulard
6 Community Improvement District” (hereinafter referred to as the “CID”), is hereby
7 established pursuant to the CID Act on certain real property described below to provide
8 certain services and construct, reconstruct, install repair, maintain and equip various public
9 improvements, impose a sales and use tax and carry out other functions as set forth in the
10 Petition, which is attached hereto as **Appendix A** and incorporated herein by this reference.

11 2. The CID boundaries are set forth in the Petition and are generally described
12 as follows: Generally bounded by Interstate 55 and Marion Street to the North, 3rd Street
13 and Broadway to the East, Sidney Street to the South, and 18th Street to the West.

14 **SECTION TWO.** The CID is authorized by the Petition, in accordance with the CID Act,
15 to impose a tax upon retail sales within the CID to provide funds to accomplish any power, duty
16 or purpose of the CID.

17 **SECTION THREE.** The CID is authorized by the CID Act, at any time, to issue
18 obligations, or to enter into agreements with other entities with the authority to issue obligations,
19 for the purpose of carrying out any of its powers, duties, or purposes. Such obligations shall be
20 payable out of all, part or any combination of the revenues of the CID and may be further secured
21 by all or any part of any property or any interest in any property by mortgage or any other security
22 interest granted. Such obligations shall be authorized by resolution of the CID, and if issued by
23 the CID, shall bear such date or dates, and shall mature at such time or times, but not more than

1 twenty (20) years from the date of issuance, as the resolution shall specify. Such obligations shall
2 be in such denomination, bear interest at such rate or rates, be in such form, be payable in such
3 place or places, be subject to redemption as such resolution may provide and be sold at either
4 public or private sale at such prices as the CID shall determine subject to the provisions of Section
5 108.170, RSMo. The CID is also authorized to issue such obligations to refund, in whole or part,
6 obligations previously issued by the CID.

7 **SECTION FOUR.**

8 1. Pursuant to the Petition, the CID shall be in the form of a political subdivision of
9 the State of Missouri, known as the “Soulard Community Improvement District.”

10 2. Pursuant to Section 67.1471 of the CID Act, the fiscal year for the CID shall be the
11 same as the fiscal year for the City of St. Louis.

12 3. No earlier than one hundred and eighty (180) days and no later than ninety (90)
13 days prior to the first day of each fiscal year, the CID shall submit to the Board of Aldermen a
14 proposed annual budget for the CID, setting forth expected expenditures, revenues, and rates of
15 assessments, if any, for such fiscal year. The Board of Aldermen may review and comment on
16 this proposed budget, but if such comments are given, the Board of Aldermen shall provide such
17 written comments no later than sixty (60) days prior to the first day of the relevant fiscal year; such
18 comments shall not constitute requirements, but shall only be recommendations.

19 4. The CID shall hold an annual meeting and adopt an annual budget no later than
20 thirty (30) days prior to the first day of each fiscal year.

21 **SECTION FIVE.** The CID is authorized to use the funds of the CID for any of the
22 improvements, services or other activities authorized under the CID Act.

1 **SECTION SIX.** Pursuant to the CID Act, the CID shall have all of the powers necessary
2 to carry out and effectuate the purposes of the CID and the CID Act as set forth in the CID Act.

3 **SECTION SEVEN.** The City of St. Louis hereby finds that the uses of the CID proceeds
4 as provided for in the Petition will serve a public purpose by encouraging the redevelopment of
5 real property within the CID.

6 **SECTION EIGHT.** Within one hundred twenty (120) days after the end of each fiscal
7 year, the CID shall submit a report to the Register of the City and the Missouri Department of
8 Economic Development stating the services provided, revenues collected and expenditures made
9 by the CID during such fiscal year, and copies of written resolutions approved by the board of
10 directors of the CID during the fiscal year. The Register shall retain this report as part of the
11 official records of the City and shall also cause this report to be spread upon the records of the
12 Board of Aldermen, pursuant to Section 67.1471 of the CID Act.

13 **SECTION NINE.** The term for the existence of the CID shall be as set forth in the Petition,
14 as may be amended from time to time, or as such term may be otherwise modified in accordance
15 with the CID Act.

16 **SECTION TEN.** Pursuant to the CID Act, the Board of Aldermen shall not decrease the
17 level of publicly funded services in the CID existing prior to the creation of the CID or transfer the
18 burden of providing the services to the CID unless the services at the same time are decreased
19 throughout the City, nor shall the Board of Aldermen discriminate in the provision of the publicly
20 funded services between areas included in the CID and areas not so included.

21 **SECTION ELEVEN.** The Register shall report in writing the creation of the Soulard
22 Community Improvement District to the Missouri Department of Economic Development.

1 **SECTION TWELVE.** The Petition provides that the CID shall be governed by a Board of
2 Directors consisting of five individual directors (collectively the “Directors” and each a
3 “Director”), such Directors to be appointed by the Mayor of the City with the consent of the Board
4 of Aldermen, in accordance with the CID Act and the qualifications set forth in the Petition. By
5 his approval of this ordinance, the Mayor does hereby appoint the following named individuals as
6 Directors of the CID for the terms set forth below, and by adoption of this ordinance, the Board of
7 Aldermen hereby consents to such appointments:

8	<u>Name</u>	<u>Term</u>
9	Phyllis Young	2 years
10	Ryan King	2 years
11	Julie Price	2 years
12	James Burton	2 years
13	Terry Hoffman	4 years
14	John Durnell	4 years
15	Luke Reynolds	4 years

16 **SECTION THIRTEEN.** The Mayor and Comptroller of the City or his or her designated
17 representatives are hereby authorized and directed to take any and all actions to execute and deliver
18 for and on behalf of the City any and all additional certificates, documents, agreements or other
19 instruments as may be necessary and appropriate in order to carry out the matters herein authorized,
20 with no such further action of the Board of Alderman necessary to authorize such action by the
21 Mayor or Comptroller or his or her designated representatives.

22 **SECTION FOURTEEN.** The Mayor and Comptroller and his or her designated
23 representatives, with the advice and concurrence of the City Counselor, are hereby further

1 authorized and directed to make any changes to the documents, agreements and instruments
2 approved and authorized by this Ordinance as may be consistent with the intent of this Ordinance
3 and necessary and appropriate in order to carry out the matters herein authorized, with no such
4 further action of the Board of Alderman necessary to authorize such changes by the Mayor or
5 Comptroller or his or her designated representatives.

6 **SECTION FIFTEEN.** If any section, subsection, sentence, clause, phrase or portion of
7 this ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of
8 competent jurisdiction, such portion shall be deemed and is hereby declared to be a separate,
9 distinct and independent provision of this ordinance, and such holding or holdings shall not affect
10 the validity of the remaining portions of this ordinance.

11 **SECTION SIXTEEN.** The Board of Aldermen hereby finds and determines that this
12 ordinance constitutes an “emergency measure” pursuant to Article IV, Section 20 of the City
13 Charter, because this Ordinance establishes the CID, which is a taxing district, and as such, this
14 Ordinance shall take effect immediately upon its approval by the Mayor as provided in Article IV,
15 Section 20 of the City Charter.

APPENDIX A

Petition to Establish the Soulard Community Improvement District

On file with City Register