

AN ORDINANCE APPROVING A STE. GENEVIEVE COUNTY ROAD MAINTENANCE AGREEMENT WITH STE. GENEVIEVE COUNTY, MISSOURI, AND AUTHORIZING THE MAYOR AND CLERK OF THE CITY OF ST. MARY, MISSOURI TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY.

WHEREAS, the City Council of the City of St. Mary, Missouri has determined the City has an inadequate funds to maintain its public streets and has approved a project and program with Ste. Genevieve County, Missouri, and

WHEREAS, the City Council and the Board for Public Water Supply District No. 1 of Ste. Genevieve County, Missouri have negotiated a contract for the funding of maintenance of public roads in the City, a copy of which is attached hereto, and

WHEREAS, the City Council deems it is in the best interest of the City to enter into said contract for the maintenance of public roads in the City.

NOW, THEREFORE,

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF ST. MARY, AS FOLLOWS:

SECTION ONE: The attached Ste. Genevieve County Road Maintenance Agreement with Ste. Genevieve County, Missouri is hereby approved.

SECTION TWO: The Mayor and Clerk of the City of St. Mary are authorized and instructed to execute the attached contract, including duplicates and counterparts, on behalf of the City of St. Mary.

SECTION THREE: The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part of parts.

DATE OF 1ST READING: October 14th, 2010

DATE OF 2ND READING: October 14th, 2010

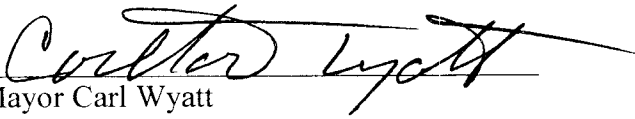
PASSED AND APPROVED THIS 14th, DAY OF October, 2010 BY A ROLL CALL VOTE OF THE ST. MARY BOARD OF ALDERMEN AS FOLLOWS:

FIRST VOTE:

Alderman Bequette: Aye
Alderman Gerardot: Aye
Alderman Cassoutt: Aye
Alderman Bovey: Aye

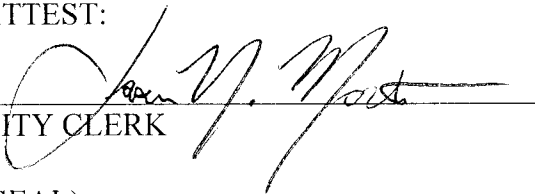
SECOND VOTE:

Alderman Bequette: Aye
Alderman Gerardot: Aye
Alderman Cassoutt: Aye
Alderman Bovey: Aye



Mayor Carl Wyatt

ATTEST:



CITY CLERK

(SEAL)

STE. GENEVIEVE COUNTY ROAD MAINTENANCE AGREEMENT

This Agreement is made and entered into between the following:

A. Parties.

The Parties to this Agreement are as follows:

1. The County of Ste. Genevieve, Missouri ("Ste. Genevieve County"), a county of the third classification.

2. The City of St. Mary, Missouri ("St. Mary"), a City of the Fourth Class in Ste. Genevieve County.

B. Date.

1. This Agreement shall be effective only upon the passage and enactment of an Ordinance by St. Mary adopting and approving this Agreement, and an Ordinance or Resolution by the Commissioners of Ste. Genevieve County adopting and approving this Agreement.

2. This Agreement shall not be effective unless and until the following express conditions precedent have been fully satisfied:

a. Passage of Proposition A in the August 3, 2010 election, being a one-half of one percent county wide sales tax pursuant to Section 67.547, RSMo for the purpose of paving, maintaining and replacing the county maintained roads and bridges, including but not limited to purchases of materials and equipment (ARoad Improvement Tax@).

C. Purpose.

The Parties hereto desire to enter into a joint cooperation Agreement under the provisions of Article VI, ' 16 of the Missouri Constitution, Sections 70.210 - 70.325 and Section 246.271 of the Revised Statutes of the State of Missouri to improve the existing roadways throughout the County as set forth herein.

NOW, THEREFORE, it is agreed between the Parties as follows:

1. Ste. Genevieve County shall disburse county funds to St. Mary equal to One and One-Half percent (1.5%) of the balance of the proceeds collected from the Road Improvement Tax less any tax funds withheld pursuant to any Tax Increment Financing (TIF) agreements. The formula is set out as follows:

Gross Road Improvement Tax Collection	\$
Less: TIF withholding	<u>-\$</u>
Net Road Improvement Tax Collection	\$
St. Mary Percentage	<u>1.5%</u>
St. Mary Distribution	

2. The Parties agree that St. Mary shall only use the funds received from Ste. Genevieve County for the purpose of paving, maintaining and replacing roads and bridges, including but not limited to purchases of materials and equipment.

3. St. Mary agrees it shall be responsible for the replacement, paving, maintenance and repair of the roads and bridges within its respective city limits and shall use these funds to replace, pave, maintain and improve the roads and bridges within its city limits by its own labor and expense and without further aid from Ste. Genevieve County, unless such further aid is specifically authorized by Ste. Genevieve County.

4. Ste. Genevieve County will disburse these funds to St. Mary on a quarterly basis on April 15th, July 15th, October 15th and January 15th for the preceding 3 months collection of Road Improvement Tax. The first payment shall be on April 15th following the implementation of the Road Improvement Tax.

5. Ste. Genevieve County will provide St. Mary with a summary of the sales tax quarterly report received from the Missouri Department of Revenue. Upon request and execution of a confidentiality agreement, Ste. Genevieve County will make available for review and inspection by St. Mary the actual quarterly report receive from the Missouri Department of

Revenue.

6. This agreement shall only terminate upon the termination of the Road

Improvement Tax.

CITY OF ST. MARY

Approved by Ordinance No. 857

By: *Carlton Upth*

Attest:

Date: 10-14-10

By: *Jean N. Mark*
City Clerk

COUNTY OF STE. GENEVIEVE

Approved by Ordinance No. 081210

By: *Allend J. Fultz*

Attest:

Date: 10-7-10

By: *Kay A. Basler*
County Clerk