

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

IN THE CITY COUNCIL OF THE CITY OF WELLSTON
STATE OF MISSOURI

INTRODUCED BY: Councilpersons Entire Council

BILL NO. 3075

ORDINANCE NO. 2106

AN ORDINANCE AMENDING AND ADOPTING THE EMPOWER WELLSTON COMMUNITY PLAN AS AN AMENDMENT AND SUPPLEMENT TO THE 1999 AMENDED AND RESTATED WELLSTON REDEVELOPMENT PLAN; REAFFIRMING AND REAUTHORIZING WELLSTON COMMUNITY EMPOWERMENT CORPORATION (WCEC) AS THE CITY OF WELLSTON'S REDEVELOPER FOR THE WELLSTON REDEVELOPMENT AREA; AND AUTHORIZING THE COUNTY LCRA AS REDEVELOPER FOR THE COUNTY LCRA'S PROPERTY IN THE CITY, AND CONTAINING AN EMERGENCY CLAUSE.

WHEREAS, the City Council of the City of Wellston, Missouri (the "City") previously designated its entire geographic area encompassing the City as the Wellston Redevelopment Area (the "Wellston Redevelopment Area") and

WHEREAS, in 1999, the City adopted Ordinance No. 955 that approved and included the Amended and Restated Wellston Redevelopment Plan for the City (the "Wellston Redevelopment Plan" or "1999 Plan") prepared in connection with the Wellston Redevelopment Area, included Ordinance 955, which is attached as Exhibit A;

WHEREAS, in 2021, PGAV Planners conducted an intensive review of the City to evaluate the current conditions of the City and its need for redevelopment in the previously designated Wellston Redevelopment Area and issued a report entitled the "Wellston Empower Plan" ("Empower Plan") which link is contained in the attached

Exhibit B,

WHEREAS, the Empower Plan validated and reaffirmed the 1999 Plan as remaining currently viable and necessary, and it contained de minimis changes to the 1999 Plan,

WHEREAS, the City Council, by this ordinance, adopts the Empower Plan as an amendment to and restatement of the 1999 Plan contained in Ordinance No. 955 with regard to the future development and growth of the City, hereafter known as the “Wellston Redevelopment Plan of 2023, WHEREAS, the Redevelopment Plan is designed to facilitate the redevelopment of the Redevelopment Area into productive commercial, industrial, and residential uses, including related parking, improved pedestrian and vehicular access, complimentary recreational facilities, and

WHEREAS, in connection with such development activities, the City Council has determined that it may be necessary for developers within the Redevelopment Area to seek tax abatement pursuant to the provisions of Chapter 99 or Chapter 353 of the Revised Statutes of Missouri, as amended,

WHEREAS, in connection with the implementation of the Redevelopment Plan, the City Council has determined that it may be necessary for certain property in the Redevelopment Area to be acquired by purchase or the exercise of the power of eminent domain,

WHEREAS Ordinance 955 designated that the Land Clearance for Redevelopment Authority of the City of Wellston (the “City LCRA”) and the Land Clearance for Redevelopment Authority of the County of St. Louis (the “County

LCRA”) to create the Wellston Redevelopment Corporation (the “Corporation”) under the provisions of Chapter 99 of the Revised Statutes of Missouri, however, no substantial redevelopment activities or actions occurred by these entities; and

WHEREAS, the City has determined that it is in the best interest of the public health, safety, morals, and general welfare of the residents of the City that the City redelegates to WCEC, its affiliate entities, and assigns the power and authority to redevelop the Wellston Redevelopment Area under the Wellston Redevelopment Plan of 2023, the authority previously granted the City LCRA, the County LCRA, and the Wellston Redevelopment Corporation by Ordinance No. 955.

WHEREAS, the County LCRA owns and controls certain parcels of real property within the municipal boundaries of the City, which are listed by street address on the attached **Exhibit C** (its “Property”) and

WHEREAS, the City desires that the County LCRA redevelop the vacant and blighted property owned by the County LCRA and grants, under certain conditions, to the County LCRA the limited authority to conduct business in the City for the purpose of implementing the redevelopment of its property consistent with the Wellston Redevelopment Plan.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WELLSTON AS FOLLOWS:

SECTION 1. Incorporation of the Preamble. The Recitals and Preamble to this Ordinance are incorporated into and shall be construed as part of this Ordinance.

SECTION 2. Definitions. Capitalized terms used in this Ordinance and not otherwise defined in this Ordinance shall be as defined in the preambles hereto.

SECTION 3. Amending the Wellston Redevelopment Plan. Pursuant to statute, and following review and considerations, the City hereby adopts the Empowerment Plan as an amendment and supplement to the 1999 Wellston Plan, which shall hereafter be known as the "Wellston Redevelopment Plan of 2023" and hereby authorizes pursuant to this Ordinance and applicable law, the City Council, the Mayor and other appropriate officials of the City to execute such instruments as shall be necessary and appropriate in order to comply with the terms of this Ordinance, such instruments to be in form and substance consistent with this Ordinance and shall be conclusive evidence of such official approval.

SECTION 4. Approval WCEC as Master Redeveloper. The City hereby ratifies and reapproves the appointment of WCEC and its affiliate entities to serve as the City's Master Developer of the Wellston Redevelopment Plan of 2023.

SECTION 5. WCEC'S Authority to Act. To consummate the transactions contemplated by this Ordinance, WCEC is hereby authorized to conduct business in the City with the same authority previously granted to the City LCRA and the County LCRA in Ordinance 955, to implement the redevelopment of the Wellston Redevelopment Area consistent with the Wellston Redevelopment Plan.

SECTION 6. County LCRA Authority to Act. The City further authorizes the County LCRA to conduct business in the City to develop the County LCRA's Property, subject to the powers designated to WCEC. The County LCRA's authorization shall terminate if 1) within 120 days from the passage of this Ordinance, the County LCRA fails to provide the City a redevelopment plan for its Property reasonably acceptable to the City, 2) within 18 months, the County LCRA fails to begin construction on the property, or 3) fails to have under construction a substantial proportion of its Property within 36 months of the passage of this Ordinance. The City may extend the County LCRA's authority to act on the request by the County LCRA upon it providing reasonably acceptable reasons for the extension.

SECTION 7. Legislative Cooperation. In order to implement and facilitate the effectuation of this Ordinance, it is found and determined that the City Council must take certain official actions, and, accordingly, the City Council hereby:

- (a) Pledges its cooperation in helping to carry out this Ordinance.
- (b) Requests the various officials, departments, boards, and agencies of the City, which have administrative responsibilities, likewise, to cooperate to such end and to execute their respective functions and powers in a manner consistent with this Ordinance; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Wellston Redevelopment Plan.

SECTION 8. Nondiscrimination. WCEC, County LCRA, and any other party participating as owners or purchasers of property in the Wellston Redevelopment

Area for redevelopment (collectively, "Redeveloper") shall agree for themselves and their heirs, successors, and assigns that they shall not discriminate based on race, color, religion, national origin, sex, marital status, age or physical handicap in the sale, lease or rental of any property or improvements erected or to be erected in the Wellston Redevelopment Area or any part thereof, and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the WCEC, the City, the United States of America or any entity with standing.

SECTION 9. Contract Provisions. In all contracts with private and public parties for the redevelopment of any portion of the Wellston Redevelopment Area, all Redevelopers shall agree:

- (a) To use the property in accordance with the provisions of the Wellston Redevelopment Plan and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under any agreement and the Wellston Redevelopment Plan, bona fide minority and women subcontractors and material suppliers shall be solicited and fairly considered for subcontractors and purchase orders by the general contractor and other subcontractors under the general construction and other construction contracts led directly by the Redeveloper;
- (c) To be bound by the conditions and procedures regarding the utilization of minority and women business enterprises established from time to time by

the City;

- (d) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority, and women subcontractors and material supplier participation in the construction under this Ordinance. Redeveloper shall report semi-annually during the construction period the results of its endeavors under this paragraph to the Office of the Mayor and the City Council and
- (e) This section's language shall be included in its general construction contract and other construction contracts led directly by the Redeveloper.
- (f) The terms "minority contractor" or "minority material supplier" shall mean a business enterprise, at least fifty-one percent of which is owned and controlled by members of minorities. The terms "members of a minority" or "minority" mean African Americans, Native Americans, Hispanic Americans, Asians, Pacific Islanders, and other protected classes.
- (g) The term "woman contractor" or "woman material supplier" shall mean a business enterprise at least fifty-one percent is owned and controlled by women.
- (h) The term "Redeveloper," as used in this section, shall include its successors in interest and assigns.

SECTION 10. Modification of Plan. The Wellston Redevelopment Plan may

be modified as set forth in section 99.430 (10) of the Statute, which provides that if the Wellston Redevelopment Plan is modified after the lease or sale of real property in the Wellston Redevelopment Area, the modification must be consented to by Redeveloper affected by the proposed modification, and where the proposed modification will substantially change the Wellston Redevelopment Plan, the modifications must be approved by the City Council in the same manner as the City Council initially approved the Wellston Redevelopment Plan.

SECTION 11. Superseding Clause. This Ordinance hereby expressly supersedes all prior ordinances that may be contrary to or inconsistent with its terms.

SECTION 12. Emergency. This being an Ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure and shall become effective immediately upon its passage by the City Council and its approval by the Mayor.

SECTION 13. Further Action. Acting pursuant to this Ordinance and applicable law, the City Council, the Mayor, and other appropriate officers, agents, and employees of the City are hereby authorized and directed to take such other and further action as shall be required to comply with the terms of this Ordinance and to execute, deliver and file such other and further documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION 14. Filing of Ordinance. Immediately upon the passage of this Ordinance, a copy thereof shall be filed with the City Clerk for their information and guidance.

SECTION 15. Severability. If any term or provision of this Ordinance or the application thereof for any reason or circumstances shall to any extent be held invalid or unenforceable, the remaining provisions or the application of such term or provision to persons in situations other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each remaining term and provision hereof and thereof shall be valid and enforced to the fullest extent permitted by law.

PASSED THIS 15th day of Nov, 2023.

Nathanil Sfi
Mayor

APPROVED THIS 15th day of Nov., 2023.

Nathanil Sfi
Mayor



ATTEST:


City Clerk
(SEAL)

I hereby certify that the foregoing Ordinance No. _____ was enacted on the Nov. 15 day of 2023 by the City Council of the City of Wellston, Missouri, and further approved on said date by an Authorized Official of the City of Wellston, Missouri.


City Clerk

(SEAL)

EXHIBIT A- ORDINANCE NO. 955

Exhibit B, Wellston Empower Plan (“Empower Plan”)

link

Exhibit C County LCRA Property in Wellston