

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ESTABLISHING SELECTED FEE REIMBURSEMENT PROVISION TO ENCOURAGE DEVELOPMENT OF PROJECTS OR PROPERTY WHERE TRADITIONAL ECONOMIC DEVELOPMENT TOOLS ARE INSUFFICIENT OR INAPPLICABLE TO ADEQUATELY SUPPORT OR ENCOURAGE THE PROJECT

WHEREAS, economic development is a primary mission of the city and the development of a vibrant and secure business climate and economy is in the best interest of the citizens of Osage Beach; and,

WHEREAS, the Board of Aldermen hereby finds in certain instances traditional tools for encouraging economic development may be insufficient or inapplicable to the project at hand; and,

WHEREAS, the Board of Aldermen conclude that in certain limited circumstances selected reimbursement of certain fees may be necessary encourage economic development projects in the city:

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

Section 1. That a new Section 135.025 of the Osage Beach Code of Ordinances be and is hereby enacted as follows:

Sec. 135.025. Economic Development Fee Reimbursement Program

- A. In recognition of the fact that in certain limited cases the existing economic development tools are insufficient or inapplicable to the proposed project, the Board of Alderman acting under the strict terms of this ordinance may by contract with a developer enter into an agreement to reimburse certain fees as set for this ordinance.
- B. The Mayor or the City Administrator may, where either or both believe it to be in the best interests of the City, make a written recommendation to the Board of Alderman, that the use of this Economic Development Fee Reimbursement program is necessary to support either:
 - 1. A tourism related economic development project; or,
 - 2. A new residential project consisting of
 - a. At least twenty new single-family residences priced for sale at \$200,000 or less or if held as rental property a monthly rent of \$1,050 or less exclusive of utilities. The benefit of any fee reimbursement for

this category shall not apply until at least twenty-five per cent of such units have been completed and offered for sale; or;

- b. A single project of at least 40 multi-family units each priced under \$175,000 or if held as rental property a monthly rent of \$900 or less exclusive of utilities. The benefit of any fee reimbursement for this category shall not apply until at least twenty-five per cent of such units have been completed and offered for sale.
- C. Once the minimum number of units necessary to qualify for the fee reimbursement issued pursuant to this section shall have been completed and offered for sale, the City Administrator may if the contract with the developer so provides adjust any future fees due on the project to retroactively apply the fee reimbursement to the all units constructed, as set out in the schedule of fees imposed included in the Ordinance under which the Board of Aldermen approved reimbursements pursuant to this section for the project.
- D. The prices set forth in sections “a” and “b” above shall be indexed in sub-part D of this section.
- E. Any fee reimbursement granted under this section shall apply only to units built within five years of the Board’s approval of the reimbursement. The board may extend the reimbursement one time for an additional five years where it finds such extension to be in the best interest of the city.
- F. If any property is sold, or offered for sale, for more than the amount agreed in the schedule of prices adopted by the Board of Aldermen and the developer, the Certificate of Occupancy shall stand revoked until the waived fees are paid in full.
- G. If any property is rented/leased, or offered for rent/lease, for more than the amount agreed in the schedule of prices adopted by the Board of Aldermen and the developer, the Certificate of Occupancy shall stand revoked until the waived fees are paid in full.
- H. The recommendation required in part B above shall state in detail:
- a. Project name and location,
 - b. Nature of the project, including the size and number of bedrooms and bathrooms for each dwelling unit in the project,
 - c. Owner of sponsor of the project,
 - d. A schedule of the fees by category, percentage and anticipated dollar amount to be paid and the amount eligible for reimbursement,
 - e. Certify that the proposed fee reimbursement does not adversely impact any ongoing city operations of city debt obligations,
 - f. Provide a budget for the project demonstrating the fee reimbursement(s) requested are necessary for the project to proceed,
 - g. A written schedule of the dates and amounts of the fees to be reimbursed on a building by building or unit by unit basis,

- h. In the event the properties are intended as rental units, the recommendation shall specify the duration of the rent limitations contained herein for a period not to exceed fifteen years.
- i. The City will give favorable consideration and projects are encouraged to request reimbursement of no more than 50% of the eligible fees under this section.
- j. The City will evaluate each reimbursement request made under this section by comparing the sale or rental price of each unit against the requested fee reimbursement,
- k. Fee reimbursements will be distributed as per the contract between the developer applicant and the City.
- l. Upon Receipt of the written recommendation of the Mayor or the City Administrator as described in Sub Section B above, the Board of Aldermen may, acting by duly adopted ordinance direct the City Administrator grant reimbursement pursuant to the either one-fourth, one-half or three-fourths of any or all
the following fees:

a. Water Impact Fee	Section 705.320
b. Sewer Development Charge	Section 710.410
c. Building Permit Fee	Section 500.020, sub-section 109.1
d. Site Development Fee	Section 510.120
e. Demolition Permit Fees	Section 500.175

- l. The base price for single family residence or multi family unit as referenced in sub-part B 2 above, shall be adjusted, upwards only, effective on January 1st each year in accordance with the percentage increase, if any, in the Consumer Price Index for All Urban Consumers (CPI-U); U.S. City Average; for all items, not seasonally adjusted, the year 2019=100 as the reference base (the “Index”), as published by the United States Department of Labor, Bureau of Labor Statistics. Should the Bureau of Labor Statistics discontinue the publication of the Index, or publish the same less frequently, the City may shall adopt a substitute index or procedure that reasonably reflects and monitors consumer prices.

Section 2. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 3. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 4. That this Ordinance shall be in full force and effect from and after the date of passage and approval by the Mayor.

READ FIRST TIME: September 5, 2019 READ SECOND TIME: September 19, 2019

I hereby certify that Ordinance No.19.57. was duly passed on September 19, 2019 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 5 Nays: 0 Abstentions: 0 Absent: 1

This Ordinance is hereby transmitted to the Mayor for his signature.

September 19, 2019
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker
Edward B. Rucker, City Attorney

I hereby approve Ordinance No.19.57.

John Olivarri
John Olivarri, Mayor

September 19, 2019
Date

Tara Berreth
Tara Berreth, City Clerk