

Exhibit No.
Issues:
Witness: Douglas S. Bjornstad
Exhibit Type: Rebuttal
Sponsoring Party: Jefferson County
Public Sewer District
Case No. WA-2021-0376
Date: December 3, 2021

MISSOURI PUBLIC SERVICE COMMISSION

CASE NO. WA-2021-0376

REBUTTAL TESTIMONY

OF

DOUGLAS S. BJORNSTAD

ON BEHALF OF

JEFFERSON COUNTY PUBLIC SEWER DISTRICT

AFFIDAVIT

I, Douglas S. Bjornstad, under penalty of perjury, and pursuant to Section 509.030 RSMo, state that I am District Manager of the Jefferson County Public Sewer District, that the accompanying testimony has been prepared by me or under my direct supervision, that if inquiries were made as to the facts of said testimony, I would respond as therein set forth, and that the aforesaid testimony is true and correct to the best of my knowledge and belief.



Digitally signed by Douglas S. Bjornstad,
P.E.
Date: 2021.11.29 15:21:17-06'00'

Douglas S. Bjornstad
December 3, 2021

REBUTTAL TESTIMONY

DOUGLAS S. BJORNSTAD

1 **Q. Please state your name, present position and business address.**

2 A. My name is Douglas S. Bjornstad, P.E. I am the District Manager for the Jefferson
3 County Public Sewer District (“District”). The business address for the District is 4629 Yeager
4 Rd., Hillsboro, MO.

5 **Q. Please describe your education and professional background.**

6 A. I have attached a copy of my resume as Schedule DSB-1 to my testimony.

7 **Q. What is the Jefferson County Public Sewer District?**

8 A. The Jefferson County Public Sewer District is a political subdivision of the state of
9 Missouri. It was originally organized as a public sewer district under Missouri Revised Statutes
10 Chapter 249 by the County Commission of Jefferson County, Missouri, by its Resolution and
11 Order 6-20-2000A in the year 2000, finding that, “it is the best interest of the County that the
12 delivery of sanitary sewer service to the unincorporated areas of the County of Jefferson not
13 presently served by sewer districts is of vital importance to the health, safety and welfare of the
14 residents of this county.” The boundaries of the District were set by the Commission as the entire
15 county, except for incorporated cities and other DNR designated sole regional or watershed
16 suppliers of wastewater disposal or treatment services. The County Commission established a
17 five-member Board of Trustees, of which, all are presently residents of the County.

18 On May 2, 2007, the Circuit Court, in Cause No. 07JE-CC00377, amended the Decree of
19 Incorporation of the District pursuant to RSMo. §249.900 to allow the Sewer District to engage in
20 the construction, maintenance, and operation of a common public water supply within and for the
21 benefit of two areas within the District, namely the Mirasol subdivision and the Raintree Plantation

1 subdivision, both in the vicinity of the city of Eureka. Thereafter, the District was converted to a
2 reorganized common sewer district by the Circuit Court’s Judgment in Cause No. 12JE-CC01117
3 pursuant to section 204.608, RSMo. More recently, the Circuit Court amended the District’s
4 Decree of Incorporation to permit it to expand its water service from the Mirasol subdivision and
5 serve the Windswept subdivision in Cause No. 18JE-CC00541.

6 **Q. What is the purpose of your testimony in this proceeding?**

7 A. The purpose of my testimony is to confirm that Missouri American Water Company
8 has appropriately adjusted its boundaries in its testimony to exclude those areas already being
9 served with water and sewer services by the District. I also have a few minor comments to make
10 to the testimony of Sean Flower.

11 **Q. Have you reviewed the testimony of Brian W. Eisenloeffel, particularly**
12 **Schedules BWE-3 and BWE-4, and do you find them correct?**

13 A. Yes, I do. When I first reviewed the Application in this case, I found the service
14 area being requested by Missouri American Water Company to include some areas in Jefferson
15 County where the District is already providing water and sewer services and where the District has
16 the legal authority to provide those services. I have attached to my testimony a copy of Resolution
17 and Order 06-20-2000 of the Jefferson County Commission establishing the boundaries of the
18 District as the entire area of Jefferson County with a number of specific exclusions as Schedule
19 DSB-2. I have also attached a copy of a list of circuit court decisions establishing the District’s
20 authority to provide water services in Jefferson County in and around the city of Eureka as
21 Schedule DSB-3. Finally, I have attached a copy of an intergovernmental agreement between the
22 city of Eureka and the District, providing that the District shall serve both water and sewer services
23 in certain “Annexed Areas” in Eureka within Jefferson County as Schedule DSB-4. Clearly, there

1 is no need for additional water or sewer services in Jefferson County within or outside of the city
2 limits of Eureka since the District is already providing those services. MAWC has modified its
3 map and legal description from what was in its Application to appropriately exclude areas that
4 would conflict with the District's service and authority. In light of these changes, the District has
5 no objection to the approval of the Application.

6 **Q. Did you attend the town hall, special and Board meetings Mr. Flower describes**
7 **at page 5, lines 12-18, of his Direct Testimony?**

8 A. Yes, I did. The District was actively involved in those conversations inasmuch as
9 the District was already serving in the area. The District will be available to assist the city of
10 Eureka and MAWC as they proceed with the transaction.

11 **Q. Do you have any comment regarding the benefits to the city of Eureka as**
12 **expressed at page 10 of Mr. Flower's Direct Testimony?**

13 A. Yes, I do. Mr. Flower states that Eureka residents will receive the benefits of
14 reduced cost of their city government and enjoy improved streets and other infrastructure as Eureka
15 invests the sale proceeds into other needed public improvements. I have a concern with the
16 Commission considering these "benefits" for the purpose of judging the public interest of this
17 transaction. The Commission is presented with this case pursuant to section 393.320, and the
18 Commission will have to decide the case in accordance with that statute. Staff and MAWC will
19 present their cases.

20 But there is a bigger picture to be considered here, one I think this Commission has
21 appropriately handled in the past. Utility service rates should not be used to fund municipal
22 improvements. As a public entity, the District takes its responsibility seriously to provide safe and
23 reliable water and sewer service at the most reasonable rate it can. MAWC is a private company

1 and has a duty to bring profits to its shareholders. The District respects that, but the motivation to
2 fund municipal projects with private utility financing and then recover that private utility financing
3 through regulated rates distorts economic and governmental functions.

4 **Q. Does this conclude your testimony?**

5 A. Yes, it does.

Douglas S. Bjornstad, P.E. District Manager/Engineer

Credentials

- Bachelor of Science, Civil Engineering, Kansas State University
- Major: Civil Engineering
- Profession Engineer, Missouri, Kansas, Illinois
- Certified Construction Quality Manager with the Corps of Engineers
- Associates of Technology, Solar Energy, Kansas Technical Institute

Work History

December 2017 – Present	Jefferson County Public Sewer District, District Manager
June 2015 – December 2017	George Butler and Associates, MO, Senior Project Leader
July 2013 – June 2015	RVFLimited/Northwind Engineering, Barnhart, MO, Project Engineer
April 2006 – July 2013	Trumpet Land Services, Festus, MO, Director Engineering/Engineer
June 2004 – April 2006	The Sterling Company, St. Louis, MO, Project Engineer
October 2001– June 2004	Fribis Engineering, Arnold, MO, Project Engineer
May 1991– October 2001	Professional Engineering Consultants, Wichita, KS, Project Engineer
August 1989 – May 1991	Allied Laboratories, Wichita, KS, Eng. Intern, and Construction Inspector
May 1986, – August 1989	Penco Engineering, Plainville, KS, Engineering Technician, Survey Crew

Introduction

I am currently a District Manager/Engineer responsible for the operations and financial obligations of the district. Responsibilities include contract negotiations with vendor and contractors, engineering review and cost estimate of new customer areas, rate determinations, government funding applications, engineering design of wastewater treatment process, sanitary sewer design, water source development and water distribution.

Prior to this, I was a Senior Project leader for George Butler and Associates, Design responsibilities include design engineering for commercial, residential, and institutional site developments. My clients include the US Army Corps of Engineers, US Forest Services, Department of Energy, and Air National Guard in Ohio and Pennsylvania. The design build projects are fast track projects that require swift plan submittals, project scheduling, specification writing, creation of health and safety plan and quality control plan and project management to ensure timely project completion. Additional engineering responsibilities include construction management of heavy civil project for the oil and gas industry in the Kurdistan area of Iraq. As manager I was responsible for construction of access roads, rig pads, man camp facilities and drilling operation support for a Dallas based Oil Company. Management responsibilities include coordinating with local contractors, review of tenders (contracts) and resident engineer for engineering support the exploration and oil production facilities.

Prior to this I was Director of Engineering for Trumpet Land Services, LLC. As Director, my responsibility was the timely completion and quality control of all engineering designs produced by the engineering department. I supervised design teams, provide guidance on engineering design decisions, trained EIT engineers, managed landscape architects, managed professional construction managers, directed environmental scientists, and coordinated the daily activities of all personnel as part of an integrated project delivery team. To assist in these projects, I developed guidelines for various projects types to assist engineers and allow time tracking of the project to ensure successful completion of the design work.

This experience was developed during my tenure with companies such as Penco Engineering in Plainville, KS where I earned certifications as a KDOT LPA inspector, ACI concrete technician, nuclear density testing, and as a field surveyor. My construction management skills began as an intern engineer

while working for Allied Laboratories in Wichita, KS. During this internship I assisted in the construction inspection of a federally funded interstate highway by-pass around the City of Wichita. My design experience began as a project engineer while successfully designing primary highway and bridge projects for Professional Engineering Consultants PA, Wichita KS. Broader design experience was established while designing municipal water and wastewater project for Fribis Engineering, and designing commercial and residential development projects with The Sterling Company.

Civil Engineering Design Experience

I am a licensed civil engineer in MO, KS, and IL. I have been an established member of ASCE (American Society of Civil Engineers) and the NSPE (National Society of Professional Engineers). I served in every seat of the ASCE –Wichita Branch chapter. The following example projects and accreditations are evidence of the quality and accuracy of my work:

- BOSS Remodel of Building 105, - Pittsburg Pennsylvania, Client – Pennsylvania Air National Guard, Design/Build project that included proposal preparation, cost estimation, engineering design, project management, and final closeout for the construction and remodeling of Building 105 to bed down a Boom Operator Simulator.
- NAVFAC Sanitary Pump Station and Sewer Installation, Mechanicsburg Pennsylvania, Client – United States Navy, Design/Build project that replaced aging pump stations and installation of gravity sewers. Engineering Responsibilities included preparation of health and safety plans, quality control plans, project scheduling, project management, coordination with client and cost control tracking.
- Oil and Gas Construction, Kurdistan Iraq, Client – HKN Oil Company, lead engineer for in country design and construction of oil field facility in the mountain region of Kurdistan. Responsibility include Engineering design of rig pads, mountain roads, sanitary treatment facilities, project scheduling, daily meetings with drilling and production staff to provide engineering judgement on facility planning.
- Mark Dr. NID – Jefferson County, Client, Mark Dr. Community, engineering design, MoDNR permitting, public funding source development, bid documents, construction administration of a gravity sewer system for the Mark Dr. community.(2011)
- Mississippi Sand – Jefferson County, Client, Fred Weber/Turnkey Processing Systems, engineering design, permitting and construction inspection of a frac sand processing and storage facility in Festus Missouri (2008 & expansion in 2011).
- Raintree Plantation – Jefferson County Public Sewer District, engineering design, permitting, bid documents and bid letting, construction inspection and construction supervision of a municipal waste water treatment facility, water source development and water storage tower to return the public water and wastewater facilities back into regulatory compliance (2007).
- Harter Farms – Jefferson County, Client, JH Berra, flood study and flood elevation determination of Williams Creek and design of storm sewer system, storm water detention, water distribution system, sanitary sewer pump station and force-main line for a 700 acre residential development (2005).
- St. Joseph Hills Road/Lemay Ferry Road Bridge Replacements – Jefferson County, Client, Jefferson County Public Works/ Missouri Department of Transportation, LPA Design project - bridge design, hydraulic analysis and approach roadway improvements for critical bridge replacement on County road system. (2002).

- Grand Avenue/Union Pacific Rail Separation – Haysville, KS, client, Sedgwick County Public Works, Reconstruction and improvements of an arterial street under elevated Union Pacific railroad (2001).
- 13th Street North Improvements, Wichita, KS, Client, City of Wichita, improvements of an existing two-lane, two-way arterial roadway into a four-lane, two-way roadway through metropolitan Wichita. (2000).
- Landfill Closure Plan, Wichita, KS, client, Boeing Commercial Airplane Group, site grading, drainage and final capping for a commercial and demolition debris landfill (1998).
- K-96 Highway, Wichita to Hutchinson, client, Kansas Department of Transportation, 30 miles of primary highway reconstruction, right of way acquisition, interchange design, bridge layouts, complete plans, specifications, estimate and bid documents. (1992-98)
- Qualified outsource Inspector by the Missouri Department of Transportation
- Qualified special Inspector by the Jefferson County Department of County Services and Code Enforcement.

In addition to my design experience I have worked with GIS mapping and database creation for municipalities and private utility companies. I also provided administrative management and engineering support for a mid-sized sewer district. Grant writing and public funding experience includes Missouri Department of Transportation STP applications for intersection improvements, Missouri Department of Natural Resources grant application in cooperation with the St. Louis Open Space Council, Creation of a Neighborhood Improvement District through Jefferson County and Creation of a Capital Improvement District in the City of Crystal City.

COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI~~June 20, 2000~~

The meeting was called to order at 10:00 a.m. by Presiding Commissioner, Samuel J. Rauls. A roll call was taken and in addition to the Presiding Commissioner Rauls, present were First District Commissioner Charles T. Heisler and Second District Commissioner Ron Casey. The agenda for the meeting is set out below:

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
5. Old Business
6. New Business
 - A. Public Hearing in regards to amending the existing Traffic Code for Jefferson County, Missouri
 - B. Resolution and Order 06-20-2000 of the County Commission of the County of Jefferson, Missouri to form a Countywide Sewer District Pursuant to Sections 249.430 to 249.668 RSMo; establish boundaries of the Sewer District; and providing for an effective date thereof
 - C. Order 06-20-2000_ authorizing the execution of the Agreement between the Missouri Highway and Transportation Commission and Jefferson County for the Old Highway 21 overlay (Shady Valley to Highway M)
 - D. Order 06-20-2000_ authorizing the execution of the agreement between the Missouri Highway and Transportation Commission and Jefferson County for the Lemay Ferry Road overlay (Highway M to Seckman Road)
 - E. Order 06-20-2000_ authorizing the execution of the Agreement between the Missouri Highway and Transportation Commission and Jefferson County for the Old Highway 21 overlay (Highway M to Schenk Road)
 - F. Order 06-20-2000_ authorizing the execution of the Agreement between the Missouri Highway and Transportation Commission and Jefferson County for the Old Highway A overlay (Highway A to Railroad Tracks)
 - G. Order 06-20-2000_ authorizing the execution of the Agreement between the Missouri Highway and Transportation Commission and Jefferson County for the Hillsboro Valley Park Road Overlay (Williams Creek Road to County Limits)

COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

- H. Order 06-20-2000 authorizing Jefferson County to award the bid for the Meyer Road Bridge replacement No. 4110025 to Goodwin Brothers Construction Company
 - I. Order 06-20-2000 authorizing Jefferson County to award the bid for the Lions Den Road Bridge replacement No. 0720022 to Magruder Construction Company, Inc.
 - J. Order 06-20-2000 authorizing Jefferson County to award the bid for the Frisco Hill Road Bridge replacement No. 117000112 to Goodwin Brothers Construction Company
 - K. Order 06-20-2000 of the County Commission of the County of Jefferson, Missouri, to correct erroneous assessments, or mistakes or defects in descriptions of lands pursuant to Section 137.270 RSMo
 - L. Order 06-20-2000 of the County Commission of the County of Jefferson, Missouri, to renew a contract for Sheriff's Department Uniforms
 - M. Order 06-20-2000 of the County Commission of the County of Jefferson, Missouri, declaring real property surplus and authorizing the sale thereof
7. Citizens to be heard:
- 2:00 p.m. Public Hearing in regards to amending the existing Traffic Code for Jefferson County, Missouri
8. Recess

In addition to the Commission members, the following individuals were in attendance at today's meeting:

County Counselor, Mike Valenti
 Grant & Contract Administration, Wayne Urban
 Public Works, Darrell Revelie
 Journal, Clementine Barton

Public Works Director, Bill Koehrer
 Administration Director, Dirk Stringer
 Leader, Peggy Scott
 Post Dispatch, Tim Rowden

COUNTY BUSINESS

Approval of the Agenda for
 June 20, 2000

Presiding Commissioner Samuel J. Rauls makes a motion to approve the agenda for June 20, 2000.

Seconded by First District Commissioner Charles T. Heisler.

COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

MINUTE APPROVAL

Approval of the Minutes of
June 15, 2000

Presiding Commissioner Samuel J. Rauls makes a motion to approve the Minutes of June 20, 2000.

Seconded by Second District Commissioner Ron Casey.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

COUNTY BUSINESS/ORDINANCE

Public hearing in regards to amending the existing
Traffic Code for Jefferson County, Missouri

Public Works, Darrell Revelle spoke for Paul Dickinson asking that they review Dickinson Road regarding the stop sign that is their now.

RESOLUTION/ORDERS

Resolution and Order 06-20-2000A of the County Commission of the County of Jefferson, Missouri to form a Countywide Sewer District Pursuant to Sections 249.430 to 249.668 RSMo; establish boundaries of Sewer District; and providing for an effective date thereof

Presiding Commissioner Samuel J. Rauls moved for the enactment of the following Resolution and Order:

RESOLUTION AND ORDER 6-20-2000A OF THE COUNTY COMMISSION OF THE COUNTY OF JEFFERSON, MISSOURI TO FORM A COUNTYWIDE SEWER DISTRICT PURSUANT TO SECTIONS 249.430 TO 249.668 RSMO ; ESTABLISH BOUNDARIES OF THE SEWER DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

WHEREAS, the County Commission of Jefferson County, Missouri, under the authority of Sections 249.430 to 249.668 of the Revised Statutes of Missouri, as amended, has determined that it is in the best interest of the County that the delivery of sanitary sewer service to the unincorporated areas of the County of

COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

Jefferson not presently served by sewer districts is of vital importance to the health, safety and welfare of the residents of this county; and

WHEREAS, the sewer engineer has made a recommendation with reference to the establishment of proper boundaries of the sewer district.

NOW THEREFORE, be it resolved and ordered by the County Commission of the County of Jefferson, Missouri as follows:

- Section 1: It is deemed by this County Commission that the construction of sanitary sewers is necessary for the sanitation, health, safety and welfare of the residents of this county.
- Section 2: It is hereby proclaimed that the countywide sewer district shall be known as the "Jefferson County Public Sewer District."
- Section 3: The description, size and location of the district is generally as follows:
The Jefferson County Public Sewer District generally encompasses the entire area of Jefferson County, Missouri, except as follows:
- A. All incorporated cities located within the boundaries of Jefferson County, unless such city shall petition the County Commission to participate in the District and be accepted by the County Commission. The incorporated cities within the county are:
 - 1. Arnold
 - 2. Byrnes Mill
 - 3. Cedar Hill Lakes
 - 4. Crystal City
 - 5. DeSoto
 - 6. Festus
 - 7. Herculaneum
 - 8. Hillsboro
 - 9. Kimmswick
 - 10. Olympian Village
 - 11. Parkdale
 - 12. Pevely
 - 13. Scottsdale;

and,

- B. All areas that The Missouri Department of Natural Resources has designated a sole regional or watershed supplier of wastewater disposal or treatment services. The areas with a sole regional or watershed supplier of wastewater disposal or treatment services are:
 - 1. Northeast Public Sewer District
 - a. Saline/Sugar Creek Watershed
 - b. Fenton Creek Watershed
 - c. Williams Creek Watershed
 - d. Antire Creek Watershed

COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

- 2. Rock Creek Public Sewer District
 - a. Rock Creek Watershed
- 3. Glaize Creek Sewer District
 - a. Glaize Creek Watershed
- 4. Selma Village Sewer District
- 5. Lake Adele Sewer District
- 6. Valle Lake Sewer District

Section 4: The geographic location of the Jefferson County Public Sewer District lies approximately between 90 degrees 15 minutes to 90 degrees 47 minutes west longitude and 38 degrees 0 minutes to 38 degrees 29 minutes north latitude.

Section 5: This Order shall be in full force and in effect from and after the date of its passage. If any part of this order is invalid for any reason, such invalidity shall not effect the remainder of this order.

Seconded by Second District Commissioner Ron Casey.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

ORDERS/CONTRACTS & AGREEMENTS

Order 06-20-2000B authorizing the execution of the Agreement between the Missouri Highway and Transportation Commission and Jefferson County for the Old Highway 21 overlay (Shady Valley to Highway M)

First District Commissioner Charles T. Heisler makes a motion to move for the adoption of the following Order:

ORDER 06-20-2000B AUTHORIZING THE EXECUTION OF THE AGREEMENT BETWEEN THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION AND JEFFERSON COUNTY FOR THE OLD HIGHWAY 21 OVERLAY (SHADY VALLEY TO HIGHWAY M)

WHEREAS, the County Commission of Jefferson County has Surface Transportation Program (STP) funds programmed for the improvements stated by this agreement, and

WHEREAS, these improvements shall consist of an asphaltic concrete overlay of the existing roadway between Shady Valley and Highway M, and

COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

WHEREAS, the County finds that it is now necessary and in the best interest of the County to enter into a contract with the Missouri Highway and Transportation Commission for these improvements which include federal reimbursement for construction activities up to a maximum of two hundred and twenty-four thousand dollars (\$224,000.00)

NOW THEREFORE, be it resolved and ordered by the County Commission of Jefferson County as follows:

1. Jefferson County shall execute the agreement with the Missouri Highway and Transportation Commission for the Old Highway 21 overlay.
2. The County Commission is authorized to execute the agreement on behalf of Jefferson County, a copy of said agreement being attached hereto and incorporated by reference.
3. This Order and Resolution shall take effect upon its adoption.

Seconded by Presiding Commissioner Samuel J. Rauls.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

ORDERS/CONTRACTS & AGREEMENTS

Order 06-20-2000C authorizing the execution of the Agreement
Between the Missouri Highway and Transportation Commission and
Jefferson County for the Lemay Ferry Road overlay (Highway M to Seckman Road)

Second District Commissioner Ron Casey makes a motion to move for the adoption of the following Order:

ORDER 06-20-2000C AUTHORIZING THE EXECUTION OF THE AGREEMENT BETWEEN THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION AND JEFFERSON COUNTY FOR THE LEMAY FERRY ROAD OVERLAY (HIGHWAY M TO SECKMAN ROAD)

WHEREAS, the County Commission of Jefferson County has Surface Transportation Program (STP) funds programmed for the improvements stated by this agreement, and

WHEREAS, these improvements shall consist of an asphaltic concrete overlay of the existing roadway between Highway M and Seckman Road, and

WHEREAS, the County finds that it is now necessary and in the best interest of the County to enter into a contract with the Missouri Highway and Transportation Commission for these improvements which include federal reimbursement for construction activities up to a maximum of one hundred fifty thousand dollars (\$152,000.00)

COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

NOW THEREFORE, be it resolved and ordered by the County Commission of Jefferson County as follows:

1. Jefferson County shall execute the agreement with the Missouri Highway and Transportation Commission for the Lemay Ferry Road overlay.
2. The County Commission is authorized to execute the agreement on behalf of Jefferson County, a copy of said agreement being attached hereto and incorporated by reference
3. This Order and Resolution shall take effect upon its adoption.

Seconded by First District Commissioner Charles T. Heisler.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

ORDERS/CONTRACTS & AGREEMENTS

Order 06-20-2000D authorizing the execution of the Agreement
Between the Missouri Highway and Transportation Commission and
Jefferson County for the Old Highway 21 overlay (Highway M to Schenk Road)

Second District Commissioner Ron Casey makes a motion to move for the adoption of the following Order:

ORDER 06-20-00D AUTHORIZING THE EXECUTION OF THE AGREEMENT BETWEEN THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION AND JEFFERSON COUNTY FOR THE OLD HIGHWAY 21 OVERLAY (HIGHWAY M TO SCHENK ROAD).

WHEREAS, the County Commission of Jefferson County has Surface Transportation Program(STP) funds programmed for the improvements stated by this agreement, and

WHEREAS, these improvements shall consist of an asphaltic concrete overlay of the existing roadway between Highway M and Schenk Road, and

WHEREAS, the County finds that it is now necessary and in the best interest of the County to enter into a contract with the Missouri Highway and Transportation Commission for these improvements which include federal reimbursement for construction activities up to a maximum of two hundred and thirty-two thousand dollars (\$232,000.00).

NOW THEREFORE, be it resolved and ordered by the County Commission of Jefferson County as follows:

1. Jefferson County shall execute the agreement with the Missouri Highway and Transportation Commission for the Old Highway 21 Overlay.

COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

2. The County Commission is authorized to execute the agreement on behalf of Jefferson County, a copy of said agreement being attached hereto and incorporated by reference.
3. This order and resolution shall take effect upon its adoption.

Seconded by First District Commissioner Charles T. Heisler.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

ORDERS/CONTRACTS & AGREEMENTS

Order 06-20-2000E authorizing the execution of the Agreement between The Missouri Highway and Transportation Commission and Jefferson County for the Old Highway A overlay (Highway A to Railroad Tracks)

Second District Commissioner Ron Casey makes a motion to move for the adoption of the following Order:

ORDER 06-20-00E AUTHORIZING THE EXECUTION OF THE AGREEMENT BETWEEN THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION AND JEFFERSON COUNTY FOR THE OLD HIGHWAY A OVERLAY (HIGHWAY A TO RAILROAD TRACKS)

WHEREAS, the County Commission of Jefferson County has Surface Transportation Program(STP) funds programmed for the improvements stated by this agreement, and

WHEREAS, these improvements shall consist of an asphaltic concrete overlay of the existing roadway on Old Highway A between Highway A and the railroad tracks, and

WHEREAS, the County finds that it is now necessary and in the best interest of the County to enter into a contract with the Missouri Highway and Transportation Commission for these improvements which include federal reimbursement for construction activities up to a maximum of two hundred and forty-four thousand dollars (\$244,000.00).

NOW THEREFORE, be it resolved and ordered by the County Commission of Jefferson County as follows:

1. Jefferson County shall execute the agreement with the Missouri Highway and Transportation Commission for the Old Highway A Overlay.
2. The County Commission is authorized to execute the agreement on behalf of Jefferson County, a copy of said agreement being attached hereto and incorporated by reference.
3. This order and resolution shall take effect upon its adoption.

Seconded by First District Commissioner Charles T. Heisler.

COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

ORDERS/CONTRACTS & AGREEMENTS

Order 06-20-2000F authorizing the execution of the Agreement between the Missouri Highway and Transportation Commission and Jefferson County for the Hillsboro Valley Park Road overlay (Williams Creek Road to County Limits)

First District Commissioner Charles T. Heisler makes a motion to move for the adoption of the following Order:

ORDER 06-20-00F AUTHORIZING THE EXECUTION OF THE AGREEMENT BETWEEN THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION AND JEFFERSON COUNTY FOR THE HILLSBORO VALLEY PARK ROAD OVERLAY (WILLIAMS CREEK ROAD TO COUNTY LIMITS)

WHEREAS, the County Commission of Jefferson County has Surface Transportation Program(STP) funds programmed for the improvements stated by this agreement, and

WHEREAS, these improvements shall consist of an asphaltic concrete overlay of the existing roadway on Hillsboro Valley Park Road between Williams Creek Road and the County limits, and

WHEREAS, the County finds that it is now necessary and in the best interest of the County to enter into a contract with the Missouri Highway and Transportation Commission for these improvements which include federal reimbursement for construction activities up to a maximum of three hundred and forty-four thousand dollars (\$344,000.00).

NOW THEREFORE, be it resolved and ordered by the County Commission of Jefferson County as follows:

1. Jefferson County shall execute the agreement with the Missouri Highway and Transportation Commission for the Hillsboro Valley Park Road Overlay.
2. The County Commission is authorized to execute the agreement on behalf of Jefferson County, a copy of said agreement being attached hereto and incorporated by reference.
3. This order and resolution shall take effect upon its adoption.

Seconded by Presiding Commissioner Samuel J. Rauls

COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

ORDERS/BIDS AWARDED

Order 06-20-2000G authorizing Jefferson County to Award the Bid for the Meyer Road Bridge Replacement No. 4110025 to Goodwin Brothers Construction Company

Second District Commissioner Ron Casey makes a motion to move for the adoption of the following Order:

ORDER 6-20-2000G AUTHORIZING JEFFERSON COUNTY TO AWARD THE BID FOR THE MEYER ROAD BRIDGE REPLACEMENT NO. 4110025 TO GOODWIN BROTHERS CONSTRUCTION COMPANY

WHEREAS, the County Commission of Jefferson County requested bids for the Highway Division of Jefferson County Public Works Department for the Meyer Road Bridge Replacement, and

WHEREAS, the low bidder was Goodwin Brothers Construction Company, and

WHEREAS, the County Commission finds that it is in the best interest of the County to award the bid to Goodwin Brothers Construction Company for the amount of \$308,292.93 conditional on the concurrence of the Missouri Department of Transportation and the Federal Highway Administration.

NOW THEREFORE, be it resolved and ordered by the County Commission of Jefferson County as follows:

1. Jefferson County shall award the bid for the Meyer Road Bridge Replacement to Goodwin Brothers Construction Company, conditional on the concurrence of the Missouri Department of Transportation and the Federal Highway Administration.
2. This order and resolution shall take effect upon its adoption.

Seconded by First District Commissioner Charles T. Heisler

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

ORDERS/BIDS AWARDED

Order 06-20-2000H authorizing Jefferson County to Award the Bid for the Lions Den Road Bridge Replacement No. 0720022 to Magruder Construction Company, Inc.

First District Commissioner Charles T. Heisler makes a motion to move for the adoption of the following Order:

ORDER 6-20-2000H AUTHORIZING JEFFERSON COUNTY TO AWARD THE BID FOR THE LIONS DEN ROAD BRIDGE REPLACEMENT NO. 0720022 TO MAGRUDER CONSTRUCTION COMPANY, INC.

WHEREAS, the County Commission of Jefferson County requested bids for the Highway Division of Jefferson County Public Works Department for the Lions Den Bridge Road Replacement, and

WHEREAS, the low bidder was Magruder Construction Company, Inc., and

WHEREAS, the County Commission finds that it is in the best interest of the County to award the bid to Magruder Construction Company, Inc. for the amount of \$589,729.94 conditional on the concurrence of the Missouri Department of Transportation and the Federal Highway Administration.

NOW THEREFORE, be it resolved and ordered by the County Commission of Jefferson County as follows:

1. Jefferson County shall award the bid for the Lions Den Road Bridge Replacement to Magruder Construction Company, Inc., conditional on the concurrence of the Missouri Department of Transportation and the Federal Highway Administration.
2. This order and resolution shall take effect upon its adoption.

Seconded by Presiding Commissioner Samuel J. Rauls.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

ORDERS/BIDS AWARDED

Order 06-20-2000I authorizing Jefferson County to Award the Bid for the Frisco Hill Road Bridge Replacement No. 117000112 to Goodwin Brothers Construction Company

Presiding Commissioner Samuel J. Rauls makes a motion to move for the adoption of the following Order:

COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

ORDER 6-20-2000I AUTHORIZING JEFFERSON COUNTY TO AWARD THE BID FOR THE FRISCO HILL ROAD BRIDGE REPLACEMENT NO. 117000112 TO GOODWIN BROTHERS CONSTRUCTION COMPANY

WHEREAS, the County Commission of Jefferson County requested bids for the Highway Division of Jefferson County Public Works Department for the Frisco Hill Road Bridge Replacement, and

WHEREAS, the low bidder was Goodwin Brothers Construction Company, and

WHEREAS, the County Commission finds that it is in the best interest of the County to award the bid to Goodwin Brothers Construction Company for the amount of \$524,299.01 conditional on the concurrence of the Missouri Department of Transportation and the Federal Highway Administration.

NOW THEREFORE, be it resolved and ordered by the County Commission of Jefferson County as follows:

1. Jefferson County shall award the bid for the Frisco Hill Road Bridge Replacement to Goodwin Brothers Construction Company, conditional on the concurrence of the Missouri Department of Transportation and the Federal Highway Administration.
2. This order and resolution shall take effect upon its adoption.

Seconded by Second District Commissioner Ron Casey.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

ORDERS/TAXES

Order 06-20-2000J of the County Commission of the County of Jefferson, Missouri, to correct Erroneous Assessments, or Mistakes or Defects in descriptions of Lands pursuant to Section 137.270 RSMo

Presiding Commissioner Samuel J. Rauls makes a motion to move for the adoption of the following Order:

ORDER 06-20-2000J OF THE COUNTY COMMISSION OF THE COUNTY OF JEFFERSON, MISSOURI, TO CORRECT ERRONEOUS ASSESSMENTS, OR MISTAKES OR DEFECTS IN DESCRIPTIONS OF LANDS PURSUANT TO SECTION 137.270 RSMO

WHEREAS, Section 137.270 RSMo provides that the County Commission may hear and determine allegations of erroneous assessments, or mistakes or defects in descriptions of land, at any term of the Commission before the taxes are paid, upon application of any person who, by affidavit, shows good cause for not having attended the County Board of Equalization for the purpose of correcting the errors or defects or mistakes; and

COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

WHEREAS, the Assessor and the Collector of Revenue have submitted to the County Commission a list of erroneous assessments, defects or mistakes as set out below; and

WHEREAS, the County Commission finds that it is in the best interest of the County and the persons so effected to correct errors, defects or mistakes.

NOW THEREFORE, be it ordered by the County Commission of the County of Jefferson, Missouri, as follows:

Section 1. The corrections of errors, defects or mistakes as set out herein be made to the tax book:

1997 VALUATION CORRECTIONS

<u>Map Parcel #</u>	<u>Owner</u>	<u>Change Description</u>	<u>Assessed Value Before /</u>	<u>After</u>
11-7.0-26.0-1-002-009.	Whitener Jeanette M & Kloepper	Parcel 010. Combined here	800	1400
11-7.0-26.0-1-002-010.	Whitener Billie D & Jeanette	Deleted and combined with Parcel 009.	800	-0-

1999 VALUATION CORRECTIONS

<u>Map Parcel #</u>	<u>Owner</u>	<u>Change Description</u>	<u>Assessed Value Before /</u>	<u>After</u>
03-5.0-22.0--001-020.02	Jacoby Richard C	Parcel 20.03 No Longer Combined here due to land sale	32200	30000
03-5.0-22.0—001-020.03	Jacoby Richard C	Added parcel for land sale	-0-	4800

Section 2. This Order shall be in full force and effect immediately upon its passage by the County Commission. If any part of this Order is valid for any reason, such invalidity shall not effect the remainder of this Order.

Seconded by First District Commissioner Charles T. Heisler.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

ORDERS/CONTRACTS & AGREEMENTS/SHERIFF'S DEPARTMENT

Order 06-20-2000K of the County Commission of the County of Jefferson, Missouri to renew a contract for Sheriff's Department Uniforms

First District Commissioner Charles T. Heisler introduced and moved for the enactment of the following Order:

COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

ORDER 6-20-2000K OF THE COUNTY COMMISSION OF THE COUNTY OF JEFFERSON, MISSOURI, TO RENEW A CONTRACT FOR SHERIFF'S DEPARTMENT UNIFORMS

WHEREAS, the Jefferson County Sheriff's Department recommended the renewal for an additional six month term of the law enforcement uniform contract at the same terms, conditions, and price as previously bid by Leon Uniform Company, Inc.; and

WHEREAS, the original bid specifications and contract provided for an additional renewal of the contract and the County Commission finds it is in the best interests of the County to renew the agreement.

NOW, THEREFORE, be it ordered by the County Commission as follows:

- Section 1. The County authorizes the renewal for an additional six month term the contract for law enforcement uniforms to Leon Uniform Company, Inc., for the estimated amount of Eight Thousand Seven Hundred Thirty One Dollars (\$8,731.00).
- Section 2. The County Commission authorizes the execution of contracts or purchase orders with Leon Uniform Company, Inc. Copies of said contracts or purchase orders are incorporated by this reference as if fully set out herein. Copies are on file in the County Clerk's office.
- Section 3. This order shall be in full force and effect immediately upon passage by the County Commission. If any part of this order is invalid for any reason, such invalidity shall not affect the remainder of this order.

Seconded by Presiding Commissioner Samuel J. Rauls.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

ORDERS

Order 06-20-2000L of the County Commission of the County of Jefferson, Missouri, declaring real property surplus and authorizing the Sale thereof

First District Commissioner Charles T. Heisler introduced and moved for the enactment of the following Order:

ORDER 06-20-2000LOF THE COUNTY COMMISSION OF THE COUNTY OF JEFFERSON, MISSOURI, DECLARING REAL PROPERTY SURPLUS AND AUTHORIZING THE SALE THEREOF

WHEREAS, the County of Jefferson, Missouri, (hereafter, the "County") is the owner of real property located near the intersection of Missouri Highway W and Twin Rivers Road described as follows:

COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

Parcel of property identified as, all of the Lots Ninety-nine (99), One Hundred (100), One Hundred Eighty Six (186), One Hundred Eighty Seven (187), One Hundred Eighty Eight (188), and One Eighty Nine (189) of the Eureka Club Sites Subdivision Number Two (2), as shown by plat on file in the Recorder's Office of Jefferson County, Missouri in plat book 4 page 27, Tax identification number 03-4.0-18.0-003-008. Subject to covenants, conditions, restrictions, easements, etc., of record if any.

NOW, THEREFORE, be it ordered by the County Commission as follows:

- Section 1.** The County declares the real property described above, as surplus property and authorizes the property to be offered for sale to the highest and best bidder subject to the terms and conditions of the Invitation for Bid and Notice to Bidders which are incorporated by this reference as if fully set out herein.
- Section 2.** The County Commission directs the County Purchasing Agent, by public sale, to dispose of the property described above on behalf of the County.
- Section 3.** This order shall be in full force and effect immediately upon passage by the County Commission. If any part of this order is invalid for any reason, such invalidity shall not affect the remainder of this order.

Seconded by Presiding Commissioner Samuel J. Rauls.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

COUNTY BUSINESS

Vote to recess until 2:00 p.m.

For a public hearing regarding Traffic Ordinance

Presiding Commissioner Samuel J. Rauls makes a motion to recess until 2:00 p.m. at which time a public hearing for Traffic Ordinance will take place.

Seconded by First District Commissioner Charles T. Heisler.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

Commission recessed

Commission reconvened - 2:00 p.m.

COUNTY BUSINESS

Public hearing in regards to amending the existing Traffic Code for Jefferson County, Missouri

Public Works, Darrell Revelle said that they did review Dickinson Road, and the following changes will be made. Establish two Stop Signs on Engledow Rd. at the intersection of Dickinson Rd. Establish one Stop Sign on Dickinson (spur) at the intersection of Engledow Rd. Establish one Yield Sign on Dickinson (Spur) at the intersection of Dickinson Rd.

Presiding Commissioner Samuel J. Rauls declared the public hearing for the Traffic Code closed at 2:10 p.m.

COUNTY BUSINESS

Vote to recess until
June 22, 2000

Presiding Commissioner Samuel J. Rauls makes a motion to recess until Thursday June 22, 2000 at 10:00 a.m.

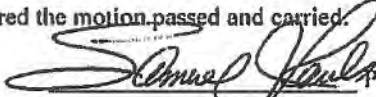
Seconded by First District Commissioner Charles T. Heisler.

The members of the Commission voted as follows:

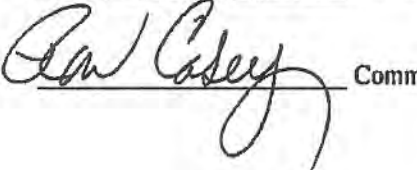
Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

Commission recessed


S. J. Rauls P.C.


C. T. Heisler Comm.


Ron Casey Comm.

Jefferson County Public Sewer District
 Judgements Amending Decree of Incorporation (Water Service)

Cause No.	Judgement Date	Subdivision/Area	Legal Description
O7JE-CC00377	May 2, 2007	Mirasol Subdivision	
18JE-CC00541	October 4, 2018	Windswept Farms	
18JE-CC00846	February 7, 2019	Summerset	Township 39 North, Range 4 East, Sections 15, 16, 21, & 22.
19JE-CC00857	January 22, 2020	Eureka Intergovernmental Agreement	Township 43N, Range 3E, Sections 12 & 13; Township 43N, Range 4E, Sections 17 & such portion of Section 18 as is west of the Big River; Survey 1897; and Survey 1948

**INTERGOVERNMENTAL
TERRITORIAL AGREEMENT**

THIS AGREEMENT is made and entered into this 3RD day of SEPTEMBER, 2019 (“Effective Date”), by and between the CITY OF EUREKA, MISSOURI, a City of the 4th class organized and existing under the laws of the State of Missouri with its principal offices located at 100 City Hall Drive, Eureka, MO 63025 (“City”) and the JEFFERSON COUNTY PUBLIC SEWER DISTRICT, a reorganized common sewer district, existing and operating pursuant to Section 204.600 et seq., RSMo. (2016), with its principal office located at 4629 Yeager Road, Hillsboro, MO 63050 (“District”) (referred to jointly as “Parties”).

WHEREAS, the District is a reorganized common sewer district, with authority to provide sewer and water services around the City; and

WHEREAS, the District’s service territory is shown on the map attached hereto as Exhibit “A” and incorporated herein by reference (“District’s Service Area”); and

WHEREAS, the City provides water and sewer services within its existing city limits; and

WHEREAS, certain property owners located in the District’s Service Area have petitioned the City to voluntarily annex the properties described on the attached Exhibit “B”, which is incorporated herein by reference, into the City (“Annexed Area”); and

WHEREAS, the City anticipates annexing the Annexed Area into the City; and

WHEREAS, the City has no water or sewer facilities in or near the Annexed Area and does not intend to extend the City’s existing water or sewer services to or construct new water or sewer facilities in the Annexed Area, but rather seeks to have the District provide or continue to provide water and sewer service to those properties located in the Annexed Area; and

WHEREAS, the Parties desire to promote the orderly development of sewer and water services within the Annexed Area, to avoid unnecessary duplication of sewer and water services, and to most effectively avail themselves of prior investment and planning for serving the public.

NOW, THEREFORE, the Parties, in consideration of the mutual covenants and agreements herein contained, the adequacy and sufficiency of which are hereby acknowledged, agree as follows:

1. Annexed Area. Property owners located within the District’s Service Territory have petitioned the City to voluntarily annex their respective properties located in the Annexed Area, as shown on the attached Exhibit “B”, into the City. Except as otherwise provided herein, this Agreement shall have no effect whatsoever upon the services by the Parties in any other area.

2. District to Provide Service in Annexed Area. The District is either currently serving or has facilities available to serve the properties located in the Annexed Area with water and sewer services. The Parties hereto acknowledge and agree that the District shall have the sole and

exclusive right, authority and obligation to provide water and sewer services to those properties located within the Annexed Area.

3. Additional Annexed Areas. In addition to the Annexed Area, the City acknowledges that the District has the right, authority, and obligation to provide water and sewer services within the District's Service Territory. To the extent that the City annexes, either voluntarily or involuntarily, any additional territory within the District's Service Territory ("Additional Annexed Areas"), in addition to the Annexed Area, the City and the District agree that this Agreement shall apply to said Additional Annexed Areas and that the District shall have the sole and exclusive right, authority and obligation to provide water and sewer services within said Additional Annexed Areas. The City shall not provide water or sewer service within the District's Service Territory, including the Annexed Area or any Additional Annexed Areas, unless and until mutually agreed to in writing by the Parties.

4. Regulatory Approvals. The Parties agree that there are no necessary prior regulatory approvals of this Agreement by the Missouri Public Service Commission or otherwise ("governmental authority"). The Parties shall cooperate and take all reasonable actions to implement and administer this Agreement without any other approval. In the event any governmental authority claims jurisdiction over this Agreement and the Parties agree thereto or such jurisdiction is sustained by a court of the state of Missouri or if the law is changed to grant such governmental authority jurisdiction over this Agreement, the Parties shall cooperate and take all reasonable actions to obtain any necessary regulatory approvals. The Parties shall pay their own costs in implementing and administering this Agreement, except for joint costs, which shall be borne by the Parties in equal proportion.

5. Indirect Provision of Service. The intent of this Agreement is to designate an exclusive provider of water and sewer services for the Annexed Area and any Additional Annexed Areas. Neither Party shall furnish, make available, assist in providing, render or extend water or sewer service to a structure directly or indirectly which that Party would not be permitted to serve directly pursuant to this Agreement, except by written mutual agreement.

6. Term. The initial term of this Agreement shall be twenty (20) years from and after the Effective Date ("Initial Term"). Thereafter, this Agreement shall be automatically renewed for successive ten (10) year periods ("Renewal Terms") commencing on the specified anniversary of the Effective Date ("Renewal Date") unless either Party shall notify the other Party in writing of its intent to terminate this Agreement at least one (1) year in advance of any such Renewal Date.

7. General Terms.

- a. No failure to act or enforce the terms of this Agreement by either Party shall be deemed a waiver of any right granted in this Agreement.
- b. No provision of this Agreement may be modified or repealed except by a signed written agreement of both Parties.
- c. This Agreement shall inure to the benefit and be binding on the Parties, their respective successors and assigns.

- d. This Agreement shall not be construed to prevent either Party from obtaining easements or rights of way through or in any part of the other Party's Service Territory which is necessary or desirable for the performance of the Party's responsibility to provide water or sewer service pursuant to this Agreement or otherwise.
- e. Subsequent platting, replatting, subdivision, resubdivision, or renaming of any parcel or subdivision covered by this Agreement shall not affect the respective rights of the Parties established by this Agreement.
- f. This Agreement and the interpretation thereof shall be controlled by the law of the state of Missouri. Jurisdiction shall be found in the Circuit Court of the County of Jefferson.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of this 3RD day of SEPTEMBER, 2019.

JEFFERSON COUNTY PUBLIC
SEWER DISTRICT

CITY OF EUREKA

By: *Ernest Clyde Pratt*

By: *Mr. [Signature]*

Title: *Chairman*

Title: *MAYOR*

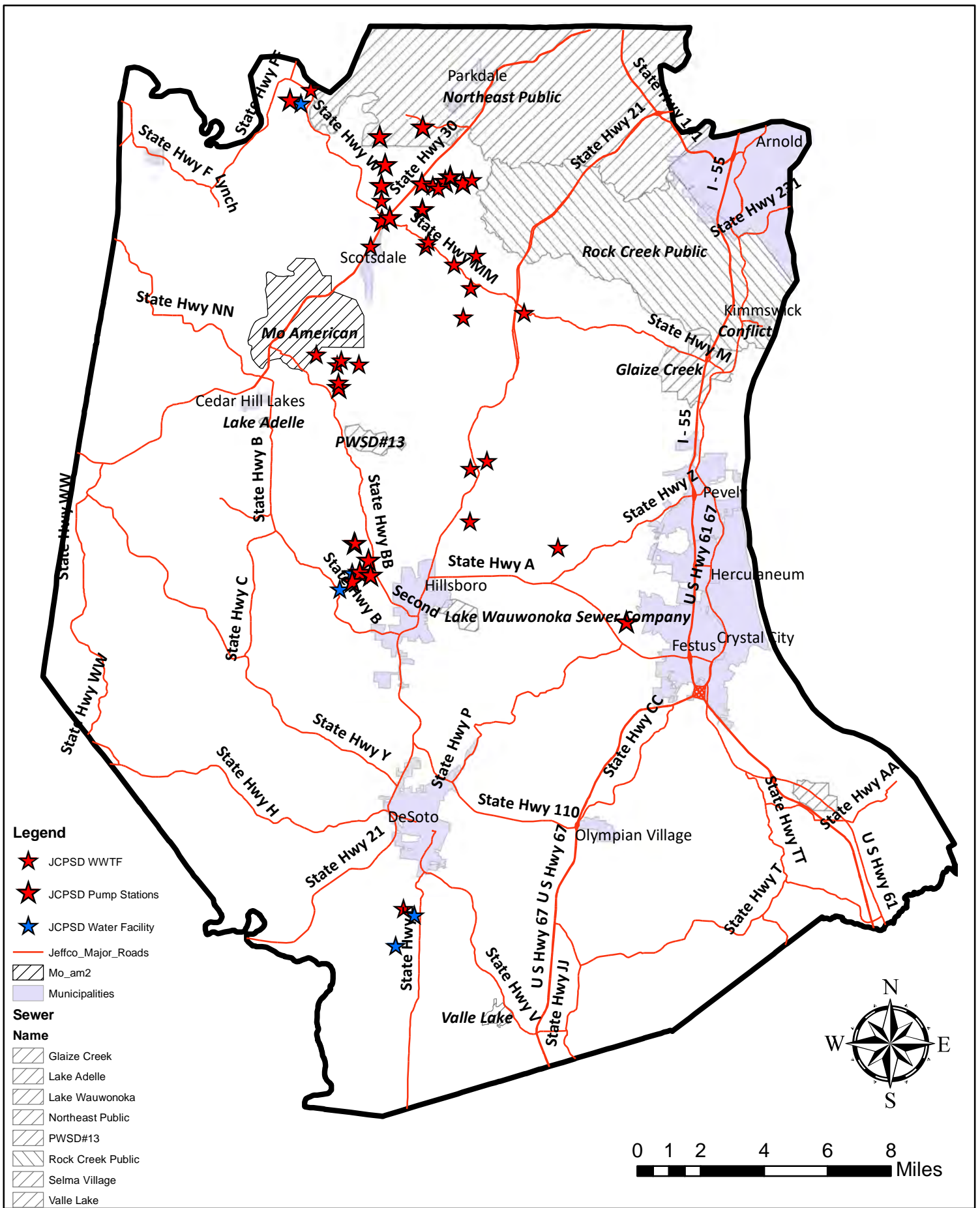
Attest: *[Signature]*
District Manager

Attest: *[Signature]*
CRAIG G. SABO, CITY ADMINISTRATOR/CITY CLERK

(Seal)

(Seal)





INTERGOVERNMENTAL
TERRITORIAL AGREEMENT
 EXHIBIT A



BILL NO. 2613

ORDINANCE NO. 2501

AN ORDINANCE AUTHORIZING THE ANNEXATION OF CERTAIN PROPERTY INTO THE EUREKA CITY LIMITS

WHEREAS, the City received a verified petition from Hwy. W Land Company, LLC, John W. Howald, Trustee and Ann C. Sommer, Trustee requesting that property they own which is located in unincorporated Jefferson County be annexed into the Eureka City limits; and

WHEREAS, such property is contiguous to the existing corporate limits of the City of Eureka and is eligible to be annexed into the City under the Revised Statutes of Missouri; and

WHEREAS, the property owners and the City of Eureka believe it is their respective best interest for the subject property to be located within the corporate limits of the City of Eureka.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF EUREKA, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1:

Property mostly known as 5151 State Route 109, of which a legal description is attached hereto and incorporated herein as if fully set forth, is hereby declared to be annexed by the City of Eureka, Missouri.

SECTION 2:

The City Clerk shall send a certified copy of this ordinance to all necessary parties, and do all other things necessary to finalize and complete the subject annexation.

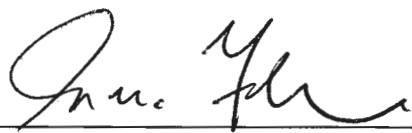
SECTION 3:

All ordinances or parts of ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION 4:

This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER, 2019.


Sean M. Flower, Mayor

ATTEST:

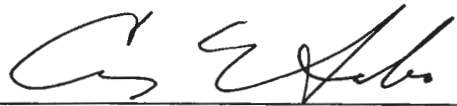

Craig E. Sabo, City Clerk

EXHIBIT A**PETITION FOR VOLUNTARY ANNEXATION
TO THE CITY OF EUREKA, MISSOURI**

The HWY. W Land Company, L.L.C., John W. Howald, Trustee and Ann C. Sommer, Trustee, hereinafter referred to as the Petitioners, are the property owners of the real property described herein, and for our voluntary petition to the Board of Aldermen of the City of Eureka, Missouri, state and allege as follows:

1. That the Petitioners are the owner of all fee interests of record in the parcels of real estate in Jefferson County, Missouri commonly known as 5151 State Route 109, Eureka, MO 63025, consisting of 150 acres, more or less, and more particularly described as follows, to wit:

Part of fractional Section 12, Township 43 North, Range 3 East, in Jefferson County, Missouri, described as follows: Beginning at a set iron pin in the northeastern boundary line of a tract of land conveyed to John Howald by deed dated February 23, 1894 recorded in Book 40 at page 491 of the Jefferson County land records, said iron pin being located North 17 degrees 15 minutes West 1123.83 feet distant from a found iron pin which marks the southwest corner of Lot 1 of Kopp Subdivision, recorded in Plat Book 172 at page 21B of the Jefferson County land records; proceed thence with the northeastern boundary line of said Howald tract recorded in Book 40 at page 491, North 17 degrees 15 minutes West 2448.68 feet to a set cotton picker spindle on the south bank of the Meramec River at the water's edge, from which point a found iron pin bears South 17 degrees 15 minutes East 112 feet distant; thence with the south bank of said Meramec River along the water's edge, upstream, as physically located in October of 2016, North 79 degrees 47 minutes 05 seconds West 891.00 feet to a set cotton picker spindle, from which point a set iron pin bears South 1 degree 17 minutes 34 seconds East 87.21 feet distant; thence departing from the south bank of the Meramec River and running with the western boundary line of said fractional Section 12, as evidenced by found monumentation and fences of long standing, South 1 degree 17 minutes 34 seconds East 1330.47 feet to a set iron pin in the fork of a double hickory tree which marks the point of intersection of the west line of said Section 12 with the northeastern boundary line of U.S. Survey No. 1897; thence with the

northeastern boundary line of said U.S. Survey No. 1897, as evidenced by found monumentation and fences of long standing, South 30 degrees 10 minutes 14 seconds East 2177.32 feet to a set iron pin; thence departing from said U.S. Survey line and running North 33 degrees 46 minutes 10 seconds East 861.25 feet to the place of beginning. Said tract containing 65.17 acres according to survey prepared by William T. Hurtgen, Registered Land Surveyor.

AND ALSO: Part of fractional Section 12, Township 43 North, Range 3 East, in Jefferson County, Missouri, described as follows: Beginning at a found iron pin in the northern right-of-way line of State Highway "FF", said iron pin being the southwest corner of Lot 1 of Kopp Subdivision, being a subdivision recorded in Plat Book 172 at page 21B of the Jefferson County land records; proceed thence with the western boundary line of said Lot 1 and a continuation of the same thereof, said line also being the northeastern boundary line of a tract of land conveyed to John Howald by deed dated February 23, 1894 recorded in Book 40 at page 491 of the Jefferson County land records, North 17 degrees 15 minutes West 1123.83 feet to a set iron pin; thence departing from said boundary line and running South 33 degrees 46 minutes 10 seconds West 861.25 feet to a set iron pin in the northeastern boundary line of U.S. Survey No. 1897; thence with said boundary line, based on found monumentation and fences of long standing, South 30 degrees 10 minutes 14 seconds East 343.59 feet to a set iron pin in the northern right-of-way line of said State Highway "FF"; thence with said right-of-way line, Eastwardly and to the right with a curve having a radius of 349.62 feet for an arc distance of 133.56 feet to a found right-of-way post; thence South 83 degrees 22 minutes 20 seconds East 104.00 feet to a set iron pin; thence South 82 degrees 06 minutes 30 seconds East 80.75 feet to a set iron pin; thence South 82 degrees 01 minute 22 seconds East 326.68 feet to the place of beginning. Said tract containing 10.52 acres according to survey prepared by William T. Hurtgen, Registered Land Surveyor.

AND ALSO: All of Lot 1A of Howald Corner, being a boundary line adjustment of Lot 1 of Kopp Subdivision and part of Section 12 Township 43 North, Range 3 East, located in Fractional Section 12, Township 43 North, Range 3 East, Jefferson County, Missouri recorded as Document No. 2019D-000084 on June 14, 2019.

AND ALSO: Part of the lands conveyed to Robert J. Smerker and Charles E. Smerker, d/b/a Eureka Materials Company, by deed recorded in Book 0392, Page 803 of the Jefferson County Land Records. Said parcel being located in part of Fractional Section 12, Township 43 North, Range 3 East, Jefferson

County, Missouri, described as follows: Beginning at a set iron pin at the point of intersection of the Southern boundary line of Joseph W. Willman Subdivision on Meramec River, being a Subdivision recorded in Plat Book 4, Page 30 of the aforesaid records, with the Western right-of-way line of State Highway "W"; proceed thence with said right-of-way line, South 17 degrees 30 minutes 39 seconds West 295.84 feet to a set 1/2 inch pin; thence South 41 degrees 44 minutes 19 seconds West 109.66 feet to a set 1/2 inch pin; thence South 17 degrees 30 minutes 39 seconds West 1534.87 feet to a found right-of-way post; thence South 6 degrees 12 minutes 03 seconds West 152.97 feet to a found right-of-way post; thence South 17 degrees 30 minutes 39 seconds West 700.00 feet to a set 5/8 pin; thence South 58 degrees 09 minutes 40 seconds West 179.37 feet to a set 1/2 inch pin; thence North 82 degrees 01 minute 43 seconds West 22.79 feet to a point from which a found 1/2 inch pin bears North 17 degrees 15 minutes West 27.72 feet distant; thence departing from said right-of-way line and running with the Western boundary line of the above mentioned Eureka Materials Company tract recorded in Book 0392, Page 803, North 17 degrees 15 minutes West 3460.51 feet to a found 5/8 inch pin; thence departing from said boundary line and running with the Southern boundary lines of the above mentioned Joseph W. Willman Subdivision on Meramec River, South 77 degrees 04 minutes 37 seconds East 562.20 feet to a set 1/2 inch pin; thence South 75 degrees 04 minutes 37 seconds East 550.00 feet to a set 1/2 inch pin; thence South 75 degrees 49 minutes 37 seconds East 500.00 feet to a set 1/2 inch pin; thence South 73 degrees 34 minutes 37 seconds East 350.00 feet to a set 1/2 inch pin; thence south 63 degrees 04 minutes 37 seconds East 170.01 feet to the place of beginning. LESS AND EXCEPTING THEREFROM, Lot 1 of KOPP SUBDIVISION, a Subdivision in Jefferson County, Missouri, as per plat thereof recorded in Plat Book 172, Page 21B and Lot 2 of KOPP SUBDIVISION, a Subdivision in Jefferson County, Missouri, as per plat thereof recorded in Plat Book 256, Page 28.

2. That the said real estate is not now a part of an incorporated municipality.
3. That the said real estate is contiguous to the existing corporate limits of the City of Eureka, Missouri.
4. That on behalf of the Company and our respective Trusts, we request that the said real estate be annexed into, and be included within the corporate limits of the City of Eureka, Missouri, as authorized by the provisions of Section 71.012 of the Revised Statutes of Missouri.

Dated this 5th day of August, 2019.

HWY. W LAND COMPANY L.L.C.

By: William S Kopp
Managing Member

JOHN W. HOWALD REVOCABLE
LIVING TRUST DATED 12/30/1992

ANN C. SOMMER REVOCABLE
LIVING TRUST DATED 05/04/2005

By: [Signature]
JOHN W. HOWALD, Trustee

By: [Signature]
ANN C. SOMMER, Trustee

ACKNOWLEDGEMENT AND VERIFICATION

STATE OF MISSOURI)
)
COUNTY OF ST. LOUIS)

On this 5th day of August, 2019, before me personally appeared William Kopp, John W. Howald + Ann C. Sommer being of lawful age and after being duly sworn, to me known to be the person described in and who being by me duly sworn did state that he/she/ is the authorized Managing Member of the Company and that he/she has signed the document by authority of the Company, and said Managing Member subscribed, affirmed and acknowledged said instrument to be the free act and deed of said Company, and further verified to me under oath to me that affiant has read the foregoing Petition for Voluntary Annexation and that the facts set forth therein are true and correct, according to the affiant's best knowledge and belief.

IN WITNESS AND TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and the year first above written.

[Signature]
Notary Public

My Commission Expires:

REBECCA M. RIDENHOUR
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis County
My Commission Expires: April 23, 2022
Commission Number: 14890268

STATE OF MISSOURI)
)
COUNTY OF ST. LOUIS)

On this 5th day of August, 2019, before me personally appeared JOHN W. HOWALD, Trustee, being of lawful age and after being duly sworn, to me known to be the person described in and who being by me duly sworn did state that he is the authorized Trustee and that he has signed the document by authority of the Trustee and said Trustee subscribed, affirmed and acknowledged said instrument to be the free act and deed of said Trustee, and further verified to me under oath to me that affiant has read the foregoing Petition for Voluntary Annexation and that the facts set forth therein are true and correct, according to the affiant's best knowledge and belief.

IN WITNESS AND TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and the year first above written.

REBECCA M. RIDENHOUR
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis County
My Commission Expires: April 23, 2022
Commission Number: 14890268

Rebecca M. Ridenhour
Notary Public

My Commission Expires:

STATE OF MISSOURI)
)
COUNTY OF ST. LOUIS)

On this 5th day of August, 2019, before me personally appeared ANN C. SOMMER, Trustee, being of lawful age and after being duly sworn, to me known to be the person described in and who being by me duly sworn did state that she is the authorized Trustee and that she has signed the document by authority of the Trustee and said Trustee subscribed, affirmed and acknowledged said instrument to be the free act and deed of said Trustee, and further verified to me under oath to me that affiant has read the foregoing Petition for Voluntary Annexation and that the facts set forth therein are true and correct, according to the affiant's best knowledge and belief.

IN WITNESS AND TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and the year first above written.

REBECCA M. RIDENHOUR
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis County
My Commission Expires: April 23, 2022
Commission Number: 14890268

Rebecca M. Ridenhour
Notary Public

My Commission Expires:

EXHIBIT "B"**5151 State Route 109, Eureka MO 63025****PARCEL 1:**

Part of fractional Section 12, Township 43 North, Range 3 East, in Jefferson County, Missouri, described as follows: Beginning at a set iron pin in the northeastern boundary line of a tract of land conveyed to John Howald by deed dated February 23, 1894 recorded in Book 40 at page 491 of the Jefferson County land records, said iron pin being located North 17 degrees 15 minutes West 1123.83 feet distant from a found iron pin which marks the southwest corner of Lot 1 of Kopp Subdivision, recorded in Plat Book 172 at page 21B of the Jefferson County land records; proceed thence with the northeastern boundary line of said Howald tract recorded in Book 40 at page 491, North 17 degrees 15 minutes West 2448.68 feet to a set cotton picker spindle on the south bank of the Meramec River at the water's edge, from which point a found iron pin bears South 17 degrees 15 minutes East 112 feet distant; thence with the south bank of said Meramec River along the water's edge, upstream, as physically located in October of 2016, North 79 degrees 47 minutes 05 seconds West 891.00 feet to a set cotton picker spindle, from which point a set iron pin bears South 1 degree 17 minutes 34 seconds East 87.21 feet distant; thence departing from the south bank of the Meramec River and running with the western boundary line of said fractional Section 12, as evidenced by found monumentation and fences of long standing, South 1 degree 17 minutes 34 seconds East 1330.47 feet to a set iron pin in the fork of a double hickory tree which marks the point of intersection of the west line of said Section 12 with the northeastern boundary line of U.S. Survey No. 1897; thence with the northeastern boundary line of said U.S. Survey No. 1897, as evidenced by found monumentation and fences of long standing, South 30 degrees 10 minutes 14 seconds East 2177.32 feet to a set iron pin; thence departing from said U.S. Survey line and running North 33 degrees 46 minutes 10 seconds East 861.25 feet to the place of beginning. Said tract containing 65.17 acres according to survey prepared by William T. Hurtgen, Registered Land Surveyor.

PARCEL 2:

Part of fractional Section 12, Township 43 North, Range 3 East, in Jefferson County, Missouri, described as follows: Beginning at a found iron pin in the northern right-of-way line of State Highway "FF", said iron pin being the southwest corner of Lot 1 of Kopp Subdivision, being a subdivision recorded in Plat Book 172 at page 21B of the Jefferson County land records; proceed thence with the western boundary line of said Lot 1 and a continuation of the same thereof, said line also being the northeastern boundary line of a tract of land conveyed to John Howald by deed dated February 23, 1894 recorded in Book 40 at page 491 of the Jefferson County land records, North 17 degrees 15 minutes West 1123.83 feet to a set iron pin; thence departing from said boundary line and running South 33 degrees 46 minutes 10 seconds West 861.25 feet to a set iron pin in the northeastern boundary line of U.S. Survey No. 1897; thence with said boundary line, based on found monumentation and fences of long standing, South 30 degrees 10 minutes 14 seconds East 343.59 feet to a set iron pin in the northern right-of-way line of said State Highway "FF"; thence with said right-of-way line, Eastwardly and to the right with a curve having a radius of 349.62 feet for an arc distance of 133.56 feet to a found right-of-way post; thence South 83 degrees 22 minutes 20 seconds East 104.00 feet to a set iron pin; thence South 82 degrees 06 minutes 30 seconds East 80.75 feet to a set iron pin; thence South 82 degrees 01 minute 22 seconds East 326.68 feet to the place of beginning, according to survey prepared by Jeffco Surveying in Hillsboro, Missouri, November 10, 2016.

PARCEL 3:

All of Lot 1A of Howald Corner, being a boundary line adjustment of Lot 1 of Kopp Subdivision and part of Section 12 Township 43 North, Range 3 East, located in Fractional Section 12, Township 43 North, Range 3 East, Jefferson County, Missouri recorded as Document No. 2019D-000084 on June 14, 2019.

PARCEL 4:

Part of the lands conveyed to Robert J. Smerker and Charles E. Smerker, d/b/a Eureka Materials Company, by deed recorded in Book 0392, Page 803 of the Jefferson County Land Records. Said parcel being located in part of Fractional Section 12, Township 43 North, Range 3 East, Jefferson County, Missouri, described as follows: Beginning at a set iron pin at the point of intersection of the Southern boundary line of Joseph W. Willman Subdivision on Meramec River, being a Subdivision recorded in Plat Book 4, Page 30 of the aforesaid records, with the Western right-of-way line of State Highway "W"; proceed thence with said right-of-way line, South 17 degrees 30 minutes 39 seconds West 295.84 feet to a set 1/2 inch pin; thence South 41 degrees 44 minutes 19 seconds West 109.66 feet to a set 1/2 inch pin; thence South 17 degrees 30 minutes 39 seconds West 1534.87 feet to a found right-of-way post; thence South 6 degrees 12 minutes 03 seconds West 152.97 feet to a found right-of-way post; thence South 17 degrees 30 minutes 39 seconds West 700.00 feet to a set 5/8 pin; thence South 58 degrees 09 minutes 40 seconds West 179.37 feet to a set 1/2 inch pin; thence North 82 degrees 01 minute 43 seconds West 22.79 feet to a point from which a found 1/2 inch pin bears North 17 degrees 15 minutes West 27.72 feet distant; thence departing from said right-of-way line and running with the Western boundary line of the above mentioned Eureka Materials Company tract recorded in Book 0392, Page 803, North 17 degrees 15 minutes West 3460.51 feet to a found 5/8 inch pin; thence departing from said boundary line and running with the Southern boundary lines of the above mentioned Joseph W. Willman Subdivision on Meramec River, South 77 degrees 04 minutes 37 seconds East 562.20 feet to a set 1/2 inch pin; thence South 75 degrees 04 minutes 37 seconds East 550.00 feet to a set 1/2 inch pin; thence South 75 degrees 49 minutes 37 seconds East 500.00 feet to a set 1/2 inch pin; thence South 73 degrees 34 minutes 37 seconds East 350.00 feet to a set 1/2 inch pin; thence south 63 degrees 04 minutes 37 seconds East 170.01 feet to the place of beginning.

LESS AND EXCEPTING THEREFROM, Lot 1 of KOPP SUBDIVISION, a Subdivision in Jefferson County, Missouri, as per plat thereof recorded in Plat Book 172, Page 21B and Lot 2 of KOPP SUBDIVISION, a Subdivision in Jefferson County, Missouri, as per plat thereof recorded in Plat Book 256, Page 28.

EXHIBIT C: SITE PLAN

5151 State Route 109, Eureka, MO 63025



- AREA TO BE ANNEXED