



Agenda
Kirkwood City Council
Kirkwood City Hall
Council Chambers
139 South Kirkwood Road
Kirkwood, MO 63122
Thursday, April 20, 2023, 7:00 p.m.
Posted on April 14, 2023

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. INTRODUCTIONS AND RECOGNITIONS - NONE**

- IV. PRESENTATIONS**
 - 1. Arbor Day Proclamation

- V. PUBLIC HEARINGS**
 - 1. A request for a Special Use Permit (comprehensive marijuana dispensary facility and accessory drive-through facility) and Major Site Plan Review for New Growth Horizons, 10855 Manchester Road

- VI. PUBLIC COMMENTS – 3 MINUTE LIMIT PER PERSON**

The Public Comments portion of the meeting is an opportunity for the City Council to listen to comments from citizens. It is not a question and answer session and the City Council will not respond to comments or answer questions during this period. The Mayor may refer any matter brought up to the City Council to the Chief Administrative Officer or City Clerk if action is needed.

- VII. CONSENT AGENDA**

All items within the Consent Agenda will be enacted by one motion of the Council with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by request of a member of the City Council. The expenditures listed in the consent agenda are items already approved in the current city budget.

- a) Approval of the April 2, 2023 Council Meeting Minutes
- b) Resolution 44-2023, accepting the bid of Public Safety Solutions MO, LLC in the amount of \$64,594.95 (pursuant to NCPA Cooperative Contract) for the purchase of 14 mobile data terminals for the Fire Department and authorizing and directing the Director of Procurement to issue a Purchase Order
- c) Resolution 45-2023, accepting the bid of Bazan Painting Co. in the amount of \$38,995 for Aquatic Center Pool Painting for the Parks and Recreation Department and authorizing and directing the Mayor to enter into a contract

- VIII. UNFINISHED BUSINESS**

- 1. Bill 10971, amending the provisions of the Municipal Code, Chapter 25 – Zoning and Subdivision and Chapter 20 – Streets and Sidewalks, regarding revisions to requirements for outdoor dining and outdoor seating areas



2. Bill 10972, appropriating \$65,000 from the General Fund Fund Balance to the Police Department Overtime Account due to increased operating expenses in the Police Department for Fiscal Year 2022/2023
3. Bill 10973, reappropriating \$62,350 from the Capital Improvement Fund Balance to multiple Facilities accounts
4. Bill 10974, appropriating \$14,711 from the Certificates of Participation Series 2022 to the Fire Department Rolling Stock Account, Project #FD2308, and amending the Purchase Order with Sentinel Emergency Solutions, LLC in the amount of \$14,711 for a total amount of \$939,865 for the purchase of a Rosenbauer Rescue Pumper for the Fire Department and authorizing and directing the Director of Procurement to issue an amended Purchase Order
5. Bill 10975, amending and readopting the provisions of Appendix E, "Personnel Rules and Regulations" of the Kirkwood Code of Ordinances

IX. NEW BUSINESS

1. Bill 10976, vacating an 10' wide easement that exists on Lot 1 of Woodlawn County Club Grounds, as recorded in Plat Book 37, Page 3 of the St. Louis County Recorder of Deeds, located in the City of Kirkwood, St. Louis County, Missouri, and more particularly described on Exhibits A and B
2. Bill 10977, vacating a variable width easement that exists on the tract of land on the 10230 and 10240 Manchester Road Consolidation Plat in the City of Kirkwood, as recorded in Plat Book 370, Page 409 of the St. Louis County Recorder of Deeds, located in the City of Kirkwood, St. Louis County, Missouri, and more particularly described on Exhibit A
3. Bill 10978, amending the Kirkwood Code of Ordinances, Chapter 3, Article II. "Intoxicating Liquor", Divisions 1 and 2
4. Bill 10979, appropriating \$25,221 from the Equitable Sharing Fund Balance to the Police Department Machinery and Equipment Account, accepting the bid of Public Safety Solutions MO, LLC in the amount of \$25,221 (pursuant to NCPA Cooperative Contract) for the purchase of a CAD Router System for the Police Department and authorizing and directing the Director of Procurement to issue a Purchase Order
5. Bill 10980, appropriating \$16,800 from the Equitable Sharing Fund Balance to the Police Department Machinery and Equipment Account, accepting the single source proposal of FileOnQ in the amount of \$16,800 for Evidence Management Software for the Police Department and authorizing and directing the Mayor to enter into a contract
6. Resolution 46-2023, accepting the bid of RTM Contracting at the rates provided in the bid tab sheet, amount not to exceed budgeted funds, for Infrastructure Restoration and Repair Services for the Water and Engineering Departments, for an initial term of 12 months with the option to renew for up to four additional 12 month terms pending budgetary approval, and authorizing and directing the Mayor to enter into a contract
7. Resolution 47-2023, accepting the bid of JL Contracting, LLC in the not to exceed amount of \$571,876.80 (which includes a contingency of \$51,988.80) for the Clay Avenue Bridge Rehabilitation Project and authorizing and directing the Mayor to enter into a contract
8. Resolution 48-2023, accepting the bid of J.W. Bommarito Construction in the not to exceed amount of \$1,203,589 (which includes a contingency of \$109,417) for the West Essex Water Main Replacement and authorizing and directing the Mayor to enter into a contract



9. Resolution 49-2023, granting the Chief Administrative Officer with the authority to execute contracts for the procurement of professional services for the Kirkwood Performing Arts Center, not to exceed the adopted budgetary appropriation

X. CONSENT AGENDA ITEMS FOR DISCUSSION (IF ANY)

XI. CITY COUNCIL REPORTS

XII. CHIEF ADMINISTRATIVE OFFICER REPORTS

1. Application for Liquor License, Picnic License, from 4 Hands Brewing C., for the Kirkwood Beer Run on April 29, 2023
2. Application for Temporary Outdoor Promotional Variance from Wal-Mart, Inc., 1202 S. Kirkwood Road, to have an outdoor display of mulch, potting soil, fertilizer, etc. from April 22, 2023 through September 22, 2023

XIII. CITY ATTORNEY REPORTS

XIV. CITY CLERK REPORTS

1. Report of the Planning & Zoning Commission Meeting (if any)
2. Upcoming Public Hearings (if any)

XV. MEETING ADJOURNMENT

The next regular meeting of the Kirkwood City Council will take place at **7:00 p.m. on May 4, 2023.**

CONTINUED ITEMS

NONE

TABLED ITEMS

NONE

Kirkwood City Council: Mayor Tim Griffin, Council Members Maggie Duwe, Liz Gibbons, Nancy Luetzow, Bob Sears, Wallace Ward, and Mark Zimmer

Contact Information: For full City Council contact information visit www.kirkwoodmo.org/council. To contact the City Clerk call 314-822-5802. To contact the Chief Administrative Officer call 314-822-5803.

Accommodation: The City of Kirkwood is interested in effective communication for all persons. Persons requiring an accommodation to attend and participate in the meeting should contact the City Clerk at 314-822-5802 at least 48 hours before the meeting. With advance notice of seven calendar days, the City of Kirkwood will provide interpreter services at public meetings for languages other than English and for the hearing impaired. Upon request, the minutes from this meeting can be made available in an alternate format, such as CD by calling 314-822-5802.

PROCEDURE FOR PUBLIC HEARING

Mayor: At this time the council will recess to conduct a public hearing regarding:

A request for a Special Use Permit (comprehensive marijuana dispensary facility and accessory drive-through facility) and Major Site Plan Review for New Growth Horizons, 10855 Manchester Road

Mayor: Mr. Hessel, do you wish to enter any exhibits into the record?

Mayor: Mr. Hawes, who will present this issue to the City Council?

City Planner II Amy Lowry

Mayor: David, has anyone completed a card to speak regarding this proposal?

Mayor: Is there anyone in the audience that did not complete a card that wishes to speak regarding this issue? (Please be sure to fill out a card before you leave so your name and address is reflected in the record)

Mayor: Hearing no further discussion, the council will take this matter under advisement and consider the hearing to be recessed.



The Countian (St Louis)
100 S. Highway Drive
Fenton, MO, 63099
Phone: 3144211880 Fax: 0

THE ST. LOUIS COUNTIAN

Affidavit of Publication

To: City of Kirkwood - Laurie Asche
139 S. Kirkwood Road
Kirkwood, MO,
Re: Legal Notice 2489907, 139 South Kirkwood Road
State of MO }
County of St. Louis }

I, Rose Bryant, being duly sworn, depose and say: that I am the Authorized Designee of The Countian (St Louis), a daily newspaper of general circulation in Fenton, County of St. Louis, State of MO; that a notice, of which the annexed is a printed copy, has been duly and regularly published in the The Countian (St Louis) once each day for 1 consecutive days; and that the date of the publication were as follows: 03/31/2023.

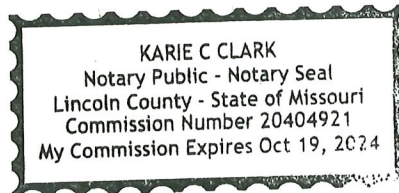
Publishers fee: \$42.92

By: R. Bryant
Rose Bryant

Sworn to me on this 31st day of
March 2023

By: Karie C Clark

Karie C Clark
Notary Public, State of MO
No. 20404921
Qualified in Lincoln County
My commission expires on
October 19, 2024



CITY OF KIRKWOOD NOTICE OF PUBLIC HEARING BEFORE THE CITY COUNCIL OF KIRKWOOD, MISSOURI

The Council of the City of Kirkwood will hold a public hearing in City Hall, 139 South Kirkwood Road, Kirkwood, Missouri at the hour of 7:00 p.m., Thursday, April 20, 2023 to consider the following:

A request for a Special Use Permit (comprehensive marijuana dispensary facility and accessory drive-through facility) and Major Site Plan Review for New Growth Horizons, 10855 Manchester Road.

Laurie Asche
City Clerk

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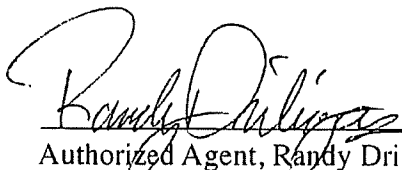
2489907 County Mar. 31, 2023

AFFIDAVIT OF PUBLICATION

Date: 4/6/2023

City of Kirkwood
139 S. Kirkwood Rd.
Kirkwood, MO 63122

I, Randy Drilingas, being duly sworn, both depose and say that I am an authorized representative of the WKTimes LLC, publishers of the Webster-Kirkwood Times Newspaper in the county of St. Louis, MO, and that the advertisement shown below was published in the Webster-Kirkwood Times March 31, 2023 edition.


Authorized Agent, Randy Drilingas
Webster-Kirkwood Times



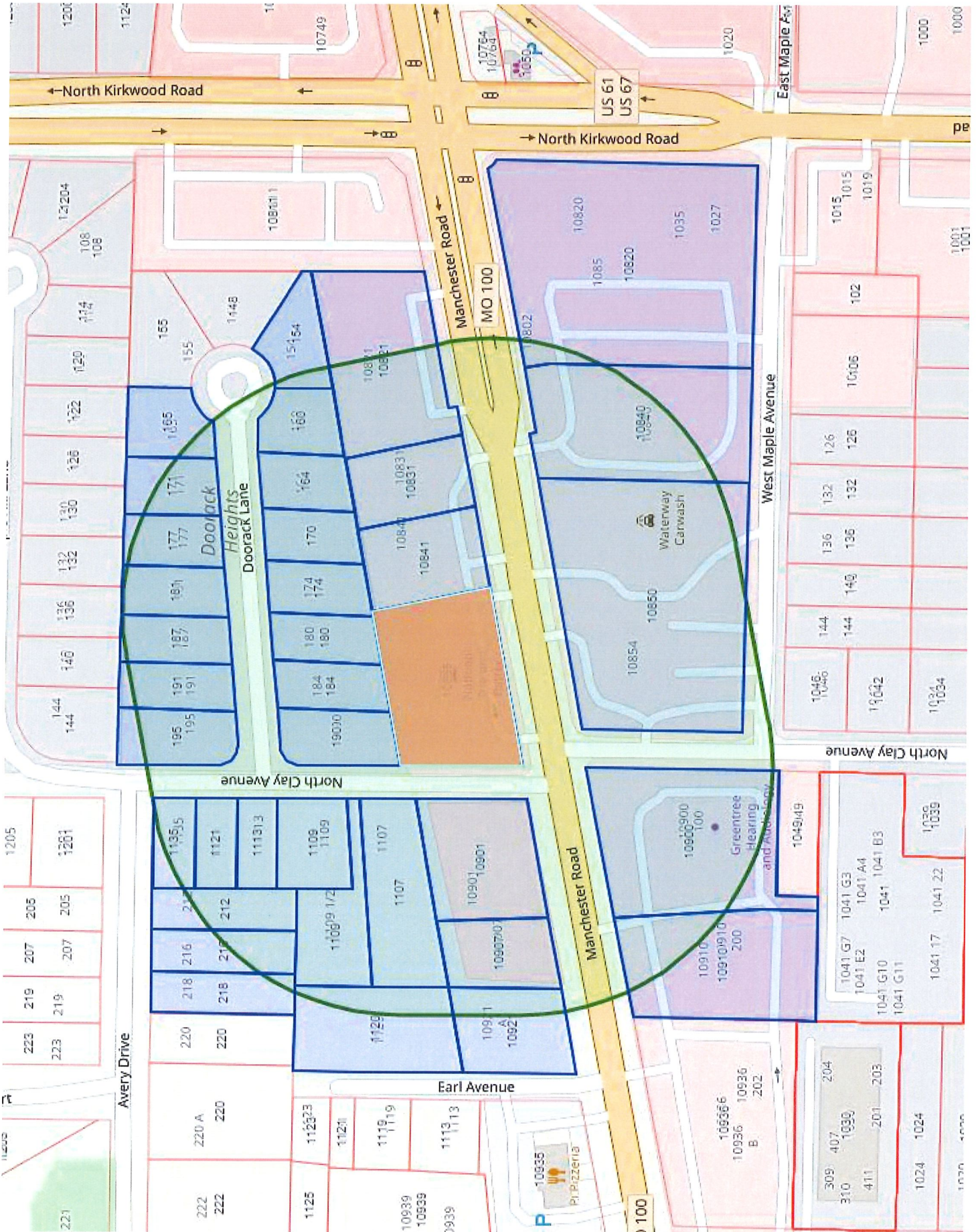
NOTICE OF PUBLIC HEARING
before the City Council of
City of Kirkwood, MO

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A request for a Special Use Permit (comprehensive marijuana dispensary facility and accessory drive-through facility) and Major Site Plan Review for New Growth Horizons, 10855 Manchester Road.

Laurie Asche, City Clerk

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PROPERTY OWNER
425 S WOODS MILL RD, STE 210
CHESTERFIELD, MO 63017

PROPERTY OWNER
P.O. BOX 200
MADISON, IL 62060

PROPERTY OWNER
432 N CLAY AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
4619 MILLER RD
CINCINNATI, OH 45242

PROPERTY OWNER
381 SORRENTO DR
BALLWIN, MO 63021

PROPERTY OWNER
1109 N CLAY AVE, ½
SAINT LOUIS, MO 63122

PROPERTY OWNER
1109 N CLAY AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
1317 LOCKETT LN
SAINT LOUIS, MO 63122

PROPERTY OWNER
160 DOORACK LN
SAINT LOUIS, MO 63122

PROPERTY OWNER
154 DOORACK LN
SAINT LOUIS, MO 63122

PROPERTY OWNER
1113 N CLAY AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
1121 N CLAY AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
1135 N CLAY AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
212 AVERY DR
SAINT LOUIS, MO 63122

PROPERTY OWNER
216 AVERY DR
SAINT LOUIS, MO 63122

PROPERTY OWNER
4202 CLEVELAND AVE
SAINT LOUIS, MO 63110

PROPERTY OWNER
P.O. BOX 52427
ATLANTA, GA 30355

PROPERTY OWNER
19 BERKSHIRE DR
SAINT LOUIS, MO 63117

PROPERTY OWNER
19 WHEATLEY CT
CHESTERFIELD, MO 63005

PROPERTY OWNER
8922 MANCHESTER RD
SAINT LOUIS, MO 63144

PROPERTY OWNER
190 DOORACK LN
SAINT LOUIS, MO 63122

PROPERTY OWNER
184 DOORACK LN
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PROPERTY OWNER
187 DOORACK LN
SAINT LOUIS, MO 63122

PROPERTY OWNER
625 LAVEN DEL LN
SAINT LOUIS, MO 63122

PROPERTY OWNER
195 DOORACK LN
SAINT LOUIS, MO 63122

PROPERTY OWNER
10910 MANCHESTER RD
SAINT LOUIS, MO 63122

PROPERTY OWNER
15455 MANCHESTER RD, #3986
BALLWIN, MO 63022

**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
AMENDED SUBCOMMITTEE REPORT
MARCH 15, 2023**

PETITION NUMBER: PZ-12-23

ACTION REQUESTED: SPECIAL USE PERMIT (MARIJUANA FACILITY/MEDICAL MARIJUANA FACILITY AND ACCESSORY DRIVE-THROUGH FACILITY) AND MAJOR SITE PLAN

PROPERTY OWNER: NEW GROWTH HORIZON, LLC d/b/a PROPER CANNABIS (UNDER CONTRACT)

APPLICANT: JAIMIE L. MANSFIELD, ARMSTRONG TEASDALE LLP

PROPERTY LOCATION: 10855 MANCHESTER ROAD

ZONING: B-3 HIGHWAY BUSINESS DISTRICT

DOCUMENTS SUBMITTED: SITE PLAN (1 SHEET) PREPARED BY STOCK & ASSOCIATES STAMPED "RECEIVED FEBRUARY 10, 2023, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT"

SITE PHOTOMETRICS PLAN (1 SHEET) PREPARED BY STOCK & ASSOCIATES STAMPED "RECEIVED MARCH 1, 2023, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT"

TREE STUDY AND PROPOSED CANOPY COVERAGE (5 SHEETS) PREPARED BY FRONTENAC FORESTRY STAMPED "RECEIVED FEBRUARY 10, 2023, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT"

DESCRIPTION OF PROJECT:

The applicant is requesting approval for a Special Use Permit (SUP) for a Comprehensive Marijuana Dispensary Facility and accessory drive-through facility and Major Site Plan review for 10855 Manchester Road. A Comprehensive Marijuana Dispensary Facility is one type of Marijuana Facility that is eligible for consideration as a special use in the B-3 zoning district. The property consists of 26,012 sq. ft. The building most recently housed National Tire and Battery and contains 8616 square feet with 3 service bays. Two of the service bays will be removed from the building as will the front vestibule and associated canopy. The renovated building will contain 6,500 square feet and one of the existing service bays will be converted to a drive-through bay for pick-up orders only. The hours of operation are proposed to be from 8 a.m. to 9 p.m. daily. Additional detail of the proposed site plan is provided later in this report.

COMPREHENSIVE PLAN, LAND USE AND ZONING:

The site is designated as Corridor Commercial on the EnVision Kirkwood 2035 Future Land Use Map. Regional/Neighborhood commercial uses are among the development types preferred in this module of

the Kirkwood Comprehensive Plan. The proposed use, Comprehensive Marijuana Dispensary Facility, is a special use as is the accessory drive-through use in the B-3 zoning district.

Surrounding land uses and zoning include the following:

To the north: There are residential uses zoned R-4, single-family residential, fronting on Doorack Lane.

To the south: Across Manchester Road, there are offices and vehicle wash & gas/fuel station uses zoned B-3.

To the east: There is a restaurant use zoned B-3.

To the west: Across Clay Avenue, there is a gas/fuel station use zoned B-3.

DEPARTMENTAL/AGENCY COMMENTS:

Electric: No comments.

Water: Before issuance of a building permit, the following is required:
1. Water service (and fire line if necessary) to be installed per City of Kirkwood Water and Fire Service Specifications.
2. Meter box/ vault shall be outside the path vehicular and pedestrian traffic.
3. Back taps are not accepted.
4. The plans provide no water service to the proposed building. Water service to be added to the plans in order to receive proper approval from the Water Department.

Engineering: A guardrail should be installed in front of and a fence erected along the retaining wall along Clay Avenue for vehicular and pedestrian safety.

Building/Fire: Construction plans must meet all City of Kirkwood adopted codes.

Forestry: No comments.

MoDOT Based on review of the preliminary site plans, MoDOT finds the plan to be feasible. The developer will need a permit from MoDOT for any right of way water or sewer taps.

SITE ELEMENTS ANALYSIS:

Site and Structures

The proposed building will be 6,500 square feet on one floor and will include one drive-through bay for pick-up orders accessed from the rear. The existing building is about 35' from the front property line along Manchester Road and will be 44.6' with the vestibule removal, and is 34.9' from the front property line along Clay Avenue and will be 68.31' with the two bays removed. The existing building is also 35.33' away from residentially-zoned properties along the north property line and the building's eastern wall is on the eastern property line. The proposed building conforms to the height limitations,

which is regulated through a maximum FAR of 2.0 in the B-3 zoning district. The FAR for this project is 0.25.

The use-specific standards for a Comprehensive Marijuana Dispensary Facility require that it be located a minimum of 1,000 feet from a church, place of worship, elementary or secondary school as defined by the State, or child day-care center; this condition has been met. The measurement is made from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church along the shortest path between the demarcation points that can be lawfully traveled by foot. As this is the first such dispensary to be proposed in the City, the minimum distance of 500 feet between marijuana facilities does not apply. The use-specific standards also mandate that operations of dispensing must be conducted entirely within an enclosed building, and consumption or smoking of marijuana products shall be prohibited on the premises.

The applicant shall seek conceptual plan approval from MSD and, if required, final design plans shall be submitted to MSD for review.

Site Access, Circulation and Parking

The applicant proposes to permanently close the existing curb cut on Clay Avenue, which is currently blocked by bollards. This proposal would leave entry to and exit from the site from two, two-way access points on Manchester Road. The east access point is on the adjacent property addressed as 10841 Manchester Road. Both properties are currently owned by the same property owner; however, with the sale a cross-access agreement will be required to maintain the proposed circulation on the site – especially in regards to the proposed drive-through. The drive-through queuing is proposed as counter-clockwise around the east side of the building, one-way along the north side of the building, and then south through the west remaining building bay. The minimum size of the queuing lane is as determined by the Director of Public Services; restaurant use requires 9' by 160'. The applicant is providing 9' by 160' and the City finds this adequate. The drive-through is for pre-order pickup as governed by the State of Missouri with no menu board, speaker box, or customer window on the exterior of the site. Average wait time is estimated at 4-7 minutes.

Using the parking rate for the proposed use at 1 space per 400 square feet, 16 parking spaces are required, including 1 accessible. Applicant is providing 28 spaces, including 2 accessible spaces. Applicant is also required to provide 1 bicycle rack, accommodating 2 bicycles, for every 20 required parking spaces; 1 bicycle rack is provided.

The Missouri Department of Transportation reviewed applicant's site plan and found it feasible so the change in use for the building will not trigger the need for a traffic assessment. In accordance with the City's Complete Streets policy, applicant will complete and submit the Complete Streets Checklist.

Trash/Recycling

The applicant is proposing a trash enclosure, with the required landscape screening, on the northwest side of the property adjacent to the parking lot.

Landscaping

With the exception of the trash enclosure, the site changes do not trigger landscape requirements as the building is being reduced in size and only 4 parking spaces are being added (landscaping is required with the addition of 7 or more spaces). The tree study shows that an ash tree will be removed in the rear of

the lot and a little leaf linden will be planted in the new curb island immediately northwest of the building. With the removal of the curb cut on Clay Avenue, a curb-end island will be created. Other curb-end landscape islands will be created at the ends of each parking row.

Lighting

The lighting plan must be revised to ensure lighting points are spaced 10' apart at the north property line and the calculation summary table is revised to include the average illumination level for the parking lot. A condition has been added to the recommendation section of this report requiring this resubmission prior to a public hearing being set before the City Council.

DISCUSSION:

A Zoning Matters sign was placed on the property on February 24, 2023. The request was introduced at the Planning & Zoning Commission meeting on March 1, 2023. A subcommittee meeting was held on site on March 7, 2023. A list of attendees of the subcommittee meeting may be viewed in Exhibit B. At the subcommittee meetings, the following items were discussed:

- 1) The applicant stated that the cross-access easement would be a condition of closing on the property.
- 2) There are separate fences in the rear of the building, one of which is on the subject lot and the others are on the residential lots. The subcommittee requested that a sound-mitigating and sightproof fence not less than 8' in height similar to a SimTek composite fence be installed on the applicant's property to reduce noise and headlight impact on the residential properties.
- 3) The subcommittee asked about a dumpster for the property and the applicant suggested that one be placed in the northwest corner of the site with the required landscape screening. This may result in the loss of parking spaces.
- 4) The fence along the western Clay Avenue retaining wall is in poor condition and should be replaced with a guardrail and fence of at least 42" in height. The subcommittee discussed that the fence should match the materials of the requested north property line fence.
- 5) The power lines from the pole to the rear of the building are low and should be raised so as not to impede emergency vehicles.
- 6) The subcommittee concluded that that the review criteria for Special Use Permits under Section 25-20(e) and for Site Plans under Section 25-19(h) have been met.

RECOMMENDATION:

The Subcommittee recommends that this application be **approved** with the following conditions:

1. The special use permit shall be limited to a Comprehensive Marijuana Dispensary Facility with additional allowance for an accessory drive-through facility.
2. The project shall be constructed and maintained in accordance with the plans referenced in the Documents Submitted portion of this report, except as noted herein.
3. A building permit shall be obtained within 12 months of approval of this Special Use Permit and Site Plan by the City Council. Failure to comply with this timing may result in the expiration of the special use permit and major site plan approval.
4. A cross-access easement for vehicular access shall be required along the proposed shared eastern drive on the adjacent property addressed as 10841 Manchester Road. Such agreement

shall be reviewed by the City and recorded to maintain the proposed circulation on the site with a copy of said recorded agreement provided to the City prior to issuance of an occupancy permit.

5. A sound-mitigating and sightproof fence not less than 8' in height and made of SimTek or a comparable composite product shall be erected along the north property line adjacent to the residential properties.
6. A guardrail shall be installed in front of and a fence erected along the high side of the retaining wall along Clay Avenue. The fence should be a minimum of 42" in height and match the material of the north property line fence.
7. A dumpster enclosure shall be installed using a sightproof fence made of SimTek, a comparable composite product, or a superior product such as masonry, not less than 6' in height, and with latching gates of similar or complementary materials. The dumpster enclosure shall be surrounded by landscaping on three sides consisting of a continuous combination of Type A, B, or C deciduous and/or evergreen shrubs. The site plan shall be revised to include this condition prior to City Council approval.
8. The overhead electrical service lines that connect to the rear of the building shall be raised to the satisfaction of Kirkwood Fire and Kirkwood Electric so as not to impede emergency vehicles.
9. A revised lighting plan with lighting points spaced 10' apart at the north property line and the calculation summary table to include the average illumination level for the parking lot shall be approved by Staff prior to City Council approval.
10. The hours of operation shall be from 8 a.m. to 9 p.m. daily.
11. The overhead doors for the drive-through area shall be closed during each transaction.
12. There shall be no menu board, speaker box, or sound-amplification equipment on the site external to the building.
13. The applicant shall complete and submit the Complete Streets Checklist prior to issuance of building permits.
14. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,


James Diel

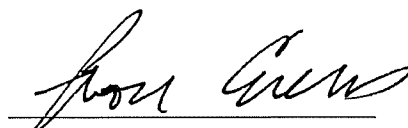

Ron Evens

EXHIBIT A
STANDARD CONDITIONS

1. A performance guarantee in the form of a cash deposit or letter of credit in an amount approved by the Public Services Department and an administrative fee (10% of the first \$10,000 and 2% of the remaining balance of the performance guarantee) shall be submitted within one year of final development plan approval and prior to the issuance of a foundation letter or building permit to insure the completion of the proposed improvements, utilities, and landscaping; to replace public improvements damaged by construction activities (sidewalks, curbs, etc.); and to guarantee significant trees designated to be saved. The letter of credit shall be in effect for a minimum of two years and may be extended in minimum six-month intervals as approved by the Department of Public Services.
2. All proposed public sidewalks shall be constructed so that they are compliant with ADA/PROWAG. Public sidewalks and/or curbs shall be reconstructed at the developer's expense at the direction of the Public Services Department or St. Louis County, depending upon the jurisdiction of the right-of-way.
3. Storm water management plans for the proposed site plan shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of a grading, foundation or building permit. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances.
4. Sanitary sewer plan shall be approved by MSD prior to the issuance of a foundation letter or building permit.
5. The water system shall meet the requirements of the Kirkwood Fire and Water Departments, including those in the Departmental Comments section of this Subcommittee Report. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system in accordance with City policy, the applicant shall install the necessary mains and accessories.
6. If applicable, proper ground disturbance permits through MDNR shall be obtained prior to issuance of permits from the City.
7. If applicable, a grading permit shall be obtained from the Public Services Department in accordance with the Kirkwood Code of Ordinances prior to any grading on the site. The grading permit shall include a grading plan in accordance with the Code of Ordinances.
8. Erosion and sediment control devices shall be sufficient to protect all off-site property from siltation and shall be installed prior to beginning of any grading or construction. The siltation control measures shall be installed and approved by the Public Services Department prior to issuance of a building permit. These devices shall be maintained during the construction activities.
9. During excavation and construction activities, the area of the site that is disturbed for this project shall be fully enclosed by a 6-foot high chain link fence to prevent the entry of unauthorized persons. The gate for the fence shall be locked during non-working hours.

10. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets at any time.
11. All new rooftop equipment, air-conditioning units, and mechanical equipment on the proposed building shall be completely screened from view of adjoining properties and public right-of-way.
12. An accessible route in compliance with ADA standards shall be provided from the proposed accessible parking spaces to the accessible entrance of the building.
13. The Architectural Review Board shall approve all signs, the dumpster enclosure, and building architecture prior to the issuance of any building and sign permits.

**EXHIBIT B
Subcommittee Meetings Attendees**

P&Z Subcommittee Meeting

Project:

PZ-12-23

Date:

March 7, 2023

Location:

10855 Manchester Rd

Name	Organization
Ron Evans	P&Z
DAVE BOHNSON	NGH
Rhys Williams	ATCLP (NGH)
GM Stock	Stock & Asser
Alex Kipper	P&Z
Robert Sumpter	Fire Marshal
JAMES DALL	P&Z
Cheech Marin	Movie Star
Linsey Stevens	Resident - 1109 1/2 N Clark
Cory Meyer	Forestry
Brad Plummer	Plummer Stone Co
Cara McKedy	eddy Design Group
Amy Lowry	City of Kirkwood



WHERE COMMUNITY AND SPIRIT MEET®

March 16, 2023

Russell B. Hawes
Chief Administrative Officer

At the March 15, 2023 meeting of the Planning and Zoning Commission, the following action was taken:

1. By a vote of 7-0, the Commission recommended approval of a Special Use Permit (comprehensive marijuana dispensary facility and accessory drive-through facility) and Major Site Plan Review for New Growth Horizons, 10855 Manchester Road. A public hearing before the City Council is required.

The next meeting will be held on April 5, 2023.

Respectfully submitted,

Jim Adkins, Chair
Planning and Zoning Commission

BILL
ORDINANCE

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A MARIJUANA FACILITY/MEDICAL MARIJUANA FACILITY AND ACCESSORY DRIVE-THROUGH FACILITY, AND APPROVING THE MAJOR SITE PLAN AT 10855 MANCHESTER ROAD SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, New Growth Horizon, LLC d/b/a Proper Cannabis, has made application (PZ-12-23) for a Special Use Permit for a Marijuana Facility/Medical Marijuana Facility and Accessory Drive-Through Facility, and for Major Site Plan approval at 10855 Manchester Road; and

WHEREAS, the Planning and Zoning Commission did on the 15th day of March, 2023, by adopting the amended subcommittee report dated March 15, 2023 (attached hereto and incorporated by reference herein), recommend the granting of said Special Use Permit and the approval of the Major Site Plan after finding that the request met the criteria listed in Section 25-20(e) and Section 25-19(h) of the Zoning and Subdivision Code, subject to certain conditions; and

WHEREAS, the Council did on the 6th day of April, 2023 hold a public hearing with respect to such application after duly advertising and giving proper notice of such hearing; and

WHEREAS, the Council did find that the granting of such Special Use Permit and the approval of such Major Site Plan would not substantially increase traffic hazards or congestion, substantially increase fire hazards, adversely affect the character of the neighborhood, adversely affect the general welfare of the community, or overtax public utilities; and

WHEREAS, the Council does find that the granting of such Special Use Permit and the approval of the Major Site Plan would meet the criteria listed in Sections 25-20(e) and 25-19(h) of the Zoning and Subdivision Code; and

WHEREAS, the Council does further find that the general welfare requires that such Special Use Permit and Major Site Plan approval be subject to the conditions hereinafter set out.

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

SECTION 1. A Special Use Permit is hereby granted for a Marijuana Facility/Medical Marijuana Facility and Accessory Drive-Through Facility, and a Major Site Plan is approved subject to the following conditions:

1. The project shall be constructed and maintained in accordance with the following plans: Site Plan (1 sheet) prepared by Stock & Associates stamped "Received April 12, 2023, City of Kirkwood Public Services Department"; Site Photometric Plan (1 sheet) prepared by Stock & Associates Stamped "Received April 12, 2023, City of Kirkwood Public Services Department"; and Tree Study and Proposed Canopy Coverage (7

sheets) prepared by Frontenac Forestry stamped "Received April 12, 2023, City of Kirkwood Public Services Department".

2. A cross-access easement for vehicular access shall be required along the proposed shared eastern drive on the adjacent property addressed as 10841 Manchester Road. Such agreement shall be reviewed by the City and recorded with the St. Louis County Recorder of Deeds to maintain the proposed circulation on the site, with a copy of said recorded agreement provided to the City prior to issuance of an occupancy permit.
3. A sound-mitigating and sightproof fence not less than 8' in height and made of SimTek or a comparable composite product shall be erected along the north property line adjacent to the residential properties.
4. A guardrail shall be installed in front of and a fence erected along the high side of the retaining wall along Clay Avenue. The fence should be a minimum of 42" in height and match the material of the north property line fence.
5. A dumpster enclosure shall be installed using a sightproof fence made of SimTek, a comparable composite product, or a superior product such as masonry, not less than 6' in height, and with latching gates of similar or complementary materials. The dumpster enclosure shall be surrounded by landscaping on three sides consisting of a continuous combination of Type A, B, or C deciduous and/or evergreen shrubs.
6. The overhead electrical service lines that connect to the rear of the building shall be raised to the satisfaction of Kirkwood Fire and Kirkwood Electric so as not to impede emergency vehicles.
7. The hours of operation shall be from 8 a.m. to 9 p.m. daily.
8. The overhead doors for the drive-through area shall be closed during each transaction.
9. There shall be no menu board, speaker box, or sound-amplification equipment on the site external to the building.
10. The applicant shall complete and submit the Complete Streets Checklist prior to issuance of building permits.
11. A performance guarantee in the form of a cash deposit or letter of credit in an amount approved by the Public Services Department and an administrative fee (10% of the first \$10,000 and 2% of the remaining balance of the performance guarantee) shall be submitted prior to the issuance of a building permit to insure the completion of the proposed improvements, utilities, and landscaping; to replace public improvements damaged by construction activities (sidewalks, curbs, etc.); and to guarantee significant trees designated to be saved. The letter of credit shall be in effect for a minimum of two years and may be extended in minimum six-month intervals as approved by the Department of Public Services.

12. All proposed public sidewalks shall be constructed so that they are compliant with ADA/PROWAG. Public sidewalks and/or curbs shall be reconstructed at the developer's expense at the direction of the Public Services Department or St. Louis County, depending upon the jurisdiction of the right-of-way.
13. Storm water management plans for the proposed site plan shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of a grading, foundation or building permit. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances.
14. Sanitary sewer plan shall be approved by MSD prior to the issuance of a foundation letter or building permit.
15. The water system shall meet the requirements of the Kirkwood Fire and Water Departments, including those in the Departmental Comments section of the Subcommittee Report. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system in accordance with City policy, the applicant shall install the necessary mains and accessories.
16. If applicable, proper ground disturbance permits through MDNR shall be obtained prior to issuance of permits from the City.
17. If applicable, a grading permit shall be obtained from the Public Services Department in accordance with the Kirkwood Code of Ordinances prior to any grading on the site. The grading permit shall include a grading plan in accordance with the Code of Ordinances.
18. Erosion and sediment control devices shall be sufficient to protect all off-site property from siltation and shall be installed prior to beginning of any grading or construction. The siltation control measures shall be installed and approved by the Public Services Department prior to issuance of a building permit. These devices shall be maintained during the construction activities.
19. During excavation and construction activities, the area of the site that is disturbed for this project shall be fully enclosed by a 6-foot high chain link fence to prevent the entry of unauthorized persons. The gate for the fence shall be locked during non-working hours.
20. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets at any time.
21. All new rooftop equipment, air-conditioning units, and mechanical equipment on the proposed building shall be completely screened from view of adjoining properties and public right-of-way.

22. An accessible route in compliance with ADA standards shall be provided from the proposed accessible parking spaces to the accessible entrance of the building.

23. The Architectural Review Board shall approve all building architecture, the dumpster enclosure, and signs prior to the issuance of any building and sign permits.

SECTION 2. The approval of this Special Use Permit and Site Plan shall not authorize any person to unreasonably alter, increase, or redirect the surface water run off so as to cause harm to any person or property.

SECTION 3. The premises and improvements as approved by this Special Use Permit and Site Plan shall be in good working order and maintained in good repair at all times.

SECTION 4. The applicant, by accepting and acting under the Special Use Permit herein granted and the approval of the Site Plan, accepts the approval subject to the reservations, restrictions, and conditions set forth in the Code of Ordinances and in this ordinance and agrees to comply with each provision subject to the penalties prescribed under Section 1-8 of the Code of Ordinances and subject to revocation of this approval in the event such provisions are not complied with.

SECTION 5. The applicant and its successors and assigns, by accepting and acting under the approval herein granted, accepts the approval subject to the condition that failure to abate any violation of this approval or any provisions of the Code of Ordinances of the City of Kirkwood within five (5) days after notice by hand delivery or first-class mail shall result in an administrative investigation fee of \$500 due to the City of Kirkwood. An invoice shall be issued. A Stop Work Order to cease all work on the premises except such work as directed by the Public Services Director to abate the violation may be issued for any work on the premises until the investigation fee is paid in full. The City may demand payment of said fee from the holder of the letter of credit, any bond, or escrow if not paid within 30 days of the invoice.

SECTION 6. The applicant further agrees by accepting and acting under this Special Use Permit and Site Plan approval herein granted that this ordinance does not grant applicant any special rights, privileges, or immunities.

SECTION 7. This ordinance shall become null and void in the event the applicant does not obtain a building permit for the construction approved by this ordinance within one year of the passage of this ordinance.

SECTION 8. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS _____ day of _____, 2023.

Mayor, City of Kirkwood

ATTEST:

City Clerk

Public Hearing: April 20, 2023

1st Reading:

2nd Reading:

Legislation Request

Ordinance

Place On The Agenda Of: 4/20/2023

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:

The applicant is requesting (1) a Special Use Permit for a Marijuana Facility or Medical Marijuana Facility and accessory drive-through facility and (2) Major Site Plan Review for the former National Tire and Battery property at 10855 Manchester Road. The existing building will be renovated with two of the three service bays and the front vestibule/associated canopy removed from the building. The renovated building will serve as a dispensary with the remaining service bay for drive-through pick-up of pre-orders only (no exterior menu boards).

Recommendations and Action Requested:

The Planning and Zoning Commission, by adopting the amended Subcommittee Report attached herewith, recommended approval by a vote of 7-0.

Alternatives Available:

Does this project have a public information component? Yes No

Cost: \$0.00 Account #: n/a Project #: n/a Budgeted: YES

If YES, Budgeted Amount: \$0.00 If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

BY: Amy Lowry

Date: 4/13/2023

Authenticated: lowryag

You can attach up to 3 files along with this request.



2023-04-20 PZ-12-23
Ordinance SUP SP.docx
Microsoft Word Document
20.5 KB



2023-03-15 PZ-12-23 Report
Amended.pdf
Adobe Acrobat Document
1.03 MB



2023-04-20 CC Packet.pdf
Adobe Acrobat Document
12.1 MB

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Select...

Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

Authenticated:

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve

Disapprove

Chief Administrative Officer's Comments:

BY:



Date:

4-14-23

**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
AMENDED SUBCOMMITTEE REPORT
MARCH 15, 2023**

PETITION NUMBER: PZ-12-23

ACTION REQUESTED: SPECIAL USE PERMIT (MARIJUANA FACILITY/MEDICAL MARIJUANA FACILITY AND ACCESSORY DRIVE-THROUGH FACILITY) AND MAJOR SITE PLAN

PROPERTY OWNER: NEW GROWTH HORIZON, LLC d/b/a PROPER CANNABIS (UNDER CONTRACT)

APPLICANT: JAIMIE L. MANSFIELD, ARMSTRONG TEASDALE LLP

PROPERTY LOCATION: 10855 MANCHESTER ROAD

ZONING: B-3 HIGHWAY BUSINESS DISTRICT

DOCUMENTS SUBMITTED: SITE PLAN (1 SHEET) PREPARED BY STOCK & ASSOCIATES STAMPED “RECEIVED FEBRUARY 10, 2023, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

SITE PHOTOMETRICS PLAN (1 SHEET) PREPARED BY STOCK & ASSOCIATES STAMPED “RECEIVED MARCH 1, 2023, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

TREE STUDY AND PROPOSED CANOPY COVERAGE (5 SHEETS) PREPARED BY FRONTENAC FORESTRY STAMPED “RECEIVED FEBRUARY 10, 2023, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

DESCRIPTION OF PROJECT:

The applicant is requesting approval for a Special Use Permit (SUP) for a Comprehensive Marijuana Dispensary Facility and accessory drive-through facility and Major Site Plan review for 10855 Manchester Road. A Comprehensive Marijuana Dispensary Facility is one type of Marijuana Facility that is eligible for consideration as a special use in the B-3 zoning district. The property consists of 26,012 sq. ft. The building most recently housed National Tire and Battery and contains 8616 square feet with 3 service bays. Two of the service bays will be removed from the building as will the front vestibule and associated canopy. The renovated building will contain 6,500 square feet and one of the existing service bays will be converted to a drive-through bay for pick-up orders only. The hours of operation are proposed to be from 8 a.m. to 9 p.m. daily. Additional detail of the proposed site plan is provided later in this report.

COMPREHENSIVE PLAN, LAND USE AND ZONING:

The site is designated as Corridor Commercial on the EnVision Kirkwood 2035 Future Land Use Map. Regional/Neighborhood commercial uses are among the development types preferred in this module of

the Kirkwood Comprehensive Plan. The proposed use, Comprehensive Marijuana Dispensary Facility, is a special use as is the accessory drive-through use in the B-3 zoning district.

Surrounding land uses and zoning include the following:

To the north: There are residential uses zoned R-4, single-family residential, fronting on Doorack Lane.

To the south: Across Manchester Road, there are offices and vehicle wash & gas/fuel station uses zoned B-3.

To the east: There is a restaurant use zoned B-3.

To the west: Across Clay Avenue, there is a gas/fuel station use zoned B-3.

DEPARTMENTAL/AGENCY COMMENTS:

Electric: No comments.

Water: Before issuance of a building permit, the following is required:
1. Water service (and fire line if necessary) to be installed per City of Kirkwood Water and Fire Service Specifications.
2. Meter box/ vault shall be outside the path vehicular and pedestrian traffic.
3. Back taps are not accepted.
4. The plans provide no water service to the proposed building. Water service to be added to the plans in order to receive proper approval from the Water Department.

Engineering: A guardrail should be installed in front of and a fence erected along the retaining wall along Clay Avenue for vehicular and pedestrian safety.

Building/Fire: Construction plans must meet all City of Kirkwood adopted codes.

Forestry: No comments.

MoDOT Based on review of the preliminary site plans, MoDOT finds the plan to be feasible. The developer will need a permit from MoDOT for any right of way water or sewer taps.

SITE ELEMENTS ANALYSIS:

Site and Structures

The proposed building will be 6,500 square feet on one floor and will include one drive-through bay for pick-up orders accessed from the rear. The existing building is about 35' from the front property line along Manchester Road and will be 44.6' with the vestibule removal, and is 34.9' from the front property line along Clay Avenue and will be 68.31' with the two bays removed. The existing building is also 35.33' away from residentially-zoned properties along the north property line and the building's eastern wall is on the eastern property line. The proposed building conforms to the height limitations,

which is regulated through a maximum FAR of 2.0 in the B-3 zoning district. The FAR for this project is 0.25.

The use-specific standards for a Comprehensive Marijuana Dispensary Facility require that it be located a minimum of 1,000 feet from a church, place of worship, elementary or secondary school as defined by the State, or child day-care center; this condition has been met. The measurement is made from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church along the shortest path between the demarcation points that can be lawfully traveled by foot. As this is the first such dispensary to be proposed in the City, the minimum distance of 500 feet between marijuana facilities does not apply. The use-specific standards also mandate that operations of dispensing must be conducted entirely within an enclosed building, and consumption or smoking of marijuana products shall be prohibited on the premises.

The applicant shall seek conceptual plan approval from MSD and, if required, final design plans shall be submitted to MSD for review.

Site Access, Circulation and Parking

The applicant proposes to permanently close the existing curb cut on Clay Avenue, which is currently blocked by bollards. This proposal would leave entry to and exit from the site from two, two-way access points on Manchester Road. The east access point is on the adjacent property addressed as 10841 Manchester Road. Both properties are currently owned by the same property owner; however, with the sale a cross-access agreement will be required to maintain the proposed circulation on the site – especially in regards to the proposed drive-through. The drive-through queuing is proposed as counter-clockwise around the east side of the building, one-way along the north side of the building, and then south through the west remaining building bay. The minimum size of the queuing lane is as determined by the Director of Public Services; restaurant use requires 9' by 160'. The applicant is providing 9' by 160' and the City finds this adequate. The drive-through is for pre-order pickup as governed by the State of Missouri with no menu board, speaker box, or customer window on the exterior of the site. Average wait time is estimated at 4-7 minutes.

Using the parking rate for the proposed use at 1 space per 400 square feet, 16 parking spaces are required, including 1 accessible. Applicant is providing 28 spaces, including 2 accessible spaces. Applicant is also required to provide 1 bicycle rack, accommodating 2 bicycles, for every 20 required parking spaces; 1 bicycle rack is provided.

The Missouri Department of Transportation reviewed applicant's site plan and found it feasible so the change in use for the building will not trigger the need for a traffic assessment. In accordance with the City's Complete Streets policy, applicant will complete and submit the Complete Streets Checklist.

Trash/Recycling

The applicant is proposing a trash enclosure, with the required landscape screening, on the northwest side of the property adjacent to the parking lot.

Landscaping

With the exception of the trash enclosure, the site changes do not trigger landscape requirements as the building is being reduced in size and only 4 parking spaces are being added (landscaping is required with the addition of 7 or more spaces). The tree study shows that an ash tree will be removed in the rear of

the lot and a little leaf linden will be planted in the new curb island immediately northwest of the building. With the removal of the curb cut on Clay Avenue, a curb-end island will be created. Other curb-end landscape islands will be created at the ends of each parking row.

Lighting

The lighting plan must be revised to ensure lighting points are spaced 10' apart at the north property line and the calculation summary table is revised to include the average illumination level for the parking lot. A condition has been added to the recommendation section of this report requiring this resubmission prior to a public hearing being set before the City Council.

DISCUSSION:

A Zoning Matters sign was placed on the property on February 24, 2023. The request was introduced at the Planning & Zoning Commission meeting on March 1, 2023. A subcommittee meeting was held on site on March 7, 2023. A list of attendees of the subcommittee meeting may be viewed in Exhibit B. At the subcommittee meetings, the following items were discussed:

- 1) The applicant stated that the cross-access easement would be a condition of closing on the property.
- 2) There are separate fences in the rear of the building, one of which is on the subject lot and the others are on the residential lots. The subcommittee requested that a sound-mitigating and sightproof fence not less than 8' in height similar to a SimTek composite fence be installed on the applicant's property to reduce noise and headlight impact on the residential properties.
- 3) The subcommittee asked about a dumpster for the property and the applicant suggested that one be placed in the northwest corner of the site with the required landscape screening. This may result in the loss of parking spaces.
- 4) The fence along the western Clay Avenue retaining wall is in poor condition and should be replaced with a guardrail and fence of at least 42" in height. The subcommittee discussed that the fence should match the materials of the requested north property line fence.
- 5) The power lines from the pole to the rear of the building are low and should be raised so as not to impede emergency vehicles.
- 6) The subcommittee concluded that that the review criteria for Special Use Permits under Section 25-20(e) and for Site Plans under Section 25-19(h) have been met.

RECOMMENDATION:

The Subcommittee recommends that this application be **approved** with the following conditions:

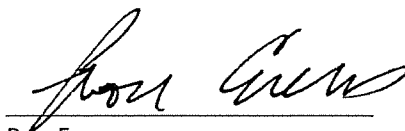
1. The special use permit shall be limited to a Comprehensive Marijuana Dispensary Facility with additional allowance for an accessory drive-through facility.
2. The project shall be constructed and maintained in accordance with the plans referenced in the Documents Submitted portion of this report, except as noted herein.
3. A building permit shall be obtained within 12 months of approval of this Special Use Permit and Site Plan by the City Council. Failure to comply with this timing may result in the expiration of the special use permit and major site plan approval.
4. A cross-access easement for vehicular access shall be required along the proposed shared eastern drive on the adjacent property addressed as 10841 Manchester Road. Such agreement

shall be reviewed by the City and recorded to maintain the proposed circulation on the site with a copy of said recorded agreement provided to the City prior to issuance of an occupancy permit.

5. A sound-mitigating and sightproof fence not less than 8' in height and made of SimTek or a comparable composite product shall be erected along the north property line adjacent to the residential properties.
6. A guardrail shall be installed in front of and a fence erected along the high side of the retaining wall along Clay Avenue. The fence should be a minimum of 42" in height and match the material of the north property line fence.
7. A dumpster enclosure shall be installed using a sightproof fence made of SimTek, a comparable composite product, or a superior product such as masonry, not less than 6' in height, and with latching gates of similar or complementary materials. The dumpster enclosure shall be surrounded by landscaping on three sides consisting of a continuous combination of Type A, B, or C deciduous and/or evergreen shrubs. The site plan shall be revised to include this condition prior to City Council approval.
8. The overhead electrical service lines that connect to the rear of the building shall be raised to the satisfaction of Kirkwood Fire and Kirkwood Electric so as not to impede emergency vehicles.
9. A revised lighting plan with lighting points spaced 10' apart at the north property line and the calculation summary table to include the average illumination level for the parking lot shall be approved by Staff prior to City Council approval.
10. The hours of operation shall be from 8 a.m. to 9 p.m. daily.
11. The overhead doors for the drive-through area shall be closed during each transaction.
12. There shall be no menu board, speaker box, or sound-amplification equipment on the site external to the building.
13. The applicant shall complete and submit the Complete Streets Checklist prior to issuance of building permits.
14. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,


James Diel


Ron Evens

**EXHIBIT A
STANDARD CONDITIONS**

1. A performance guarantee in the form of a cash deposit or letter of credit in an amount approved by the Public Services Department and an administrative fee (10% of the first \$10,000 and 2% of the remaining balance of the performance guarantee) shall be submitted within one year of final development plan approval and prior to the issuance of a foundation letter or building permit to insure the completion of the proposed improvements, utilities, and landscaping; to replace public improvements damaged by construction activities (sidewalks, curbs, etc.); and to guarantee significant trees designated to be saved. The letter of credit shall be in effect for a minimum of two years and may be extended in minimum six-month intervals as approved by the Department of Public Services.
2. All proposed public sidewalks shall be constructed so that they are compliant with ADA/PROWAG. Public sidewalks and/or curbs shall be reconstructed at the developer's expense at the direction of the Public Services Department or St. Louis County, depending upon the jurisdiction of the right-of-way.
3. Storm water management plans for the proposed site plan shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of a grading, foundation or building permit. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances.
4. Sanitary sewer plan shall be approved by MSD prior to the issuance of a foundation letter or building permit.
5. The water system shall meet the requirements of the Kirkwood Fire and Water Departments, including those in the Departmental Comments section of this Subcommittee Report. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system in accordance with City policy, the applicant shall install the necessary mains and accessories.
6. If applicable, proper ground disturbance permits through MDNR shall be obtained prior to issuance of permits from the City.
7. If applicable, a grading permit shall be obtained from the Public Services Department in accordance with the Kirkwood Code of Ordinances prior to any grading on the site. The grading permit shall include a grading plan in accordance with the Code of Ordinances.
8. Erosion and sediment control devices shall be sufficient to protect all off-site property from siltation and shall be installed prior to beginning of any grading or construction. The siltation control measures shall be installed and approved by the Public Services Department prior to issuance of a building permit. These devices shall be maintained during the construction activities.
9. During excavation and construction activities, the area of the site that is disturbed for this project shall be fully enclosed by a 6-foot high chain link fence to prevent the entry of unauthorized persons. The gate for the fence shall be locked during non-working hours.

10. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets at any time.
11. All new rooftop equipment, air-conditioning units, and mechanical equipment on the proposed building shall be completely screened from view of adjoining properties and public right-of-way.
12. An accessible route in compliance with ADA standards shall be provided from the proposed accessible parking spaces to the accessible entrance of the building.
13. The Architectural Review Board shall approve all signs, the dumpster enclosure, and building architecture prior to the issuance of any building and sign permits.

EXHIBIT B
Subcommittee Meetings Attendees

P&Z Subcommittee Meeting

Project:

PZ-12-23

Date:

March 7, 2023

Location:

10855 Manchester Rd

Name	Organization
Ron Evans	P+Z
DAVE BOWEN	NCH
Rhys Williams	ATCLP (NSA)
Jim Stock	Stock & Assoc
Allen Keiper	P&Z
Robert Sumpter	Fire Marshal
JAMES DIEL	P&Z
Cheech Marin	Movie Star
Linsey Stevens	Resident - 1109 1/2 N Clark
Cory Meyer	Forestry
Brad Pennington	Pennington Source
Cara McKedy	eddy Design Group
Amy Lowry	City of Kirkwood



APPLICATION FOR PLANNING AND ZONING REVIEW

DATE: February 10, 2023 CASE NUMBER: PE-12-23
ZONING DISTRICT: B-3 LOCATOR NUMBER: 22M131072
PROJECT ADDRESS: 10855 Manchester Road, Kirkwood, Missouri 63122
PROJECT NAME: Proper Cannabis Marijuana Dispensary Facility

ACTION REQUESTED

- CUP, Development Plan or Final Site Plan (circle one)
Development Plan, B4, B5, or R6 (circle one)
Final Site Plan, B4, B5, or R6 (circle one)
Site Plan Review, Minor or Major (circle one)
Site Plan Modification Marijuana Facility/
Alternative Equivalency Medical Marijuana Facility
Special Use Permit, Category: and drive thru
Subdivision, Major
Subdivision Modification
Text Amendment
Vacation, Right-of-Way or Easement (circle one)
Zoning Map Amendment, From to
Comments:

PETITIONER INFORMATION

I (We) hereby certify that I (we) have legal interest in the hereinabove described property and that all information given herein is true and a statement of fact
Name (Print): New Growth Horizon, LLC d/b/a Proper Cannabis Signature: Phone No.: 314.780.8996
Mailing Address: 2609 Rock Hill Industrial Court City: Rock Hill State: MO Zip: 63144
E-mail Address: dbones@properbrands.com
Petitioner's Status: Corporation Partnership Individual Limited Liability Company
Relationship of Petitioner to Property: Owner Tenant Option Holder (Attach Copy of Contract) Other

AGENT INFORMATION

Agent's Name: Jaimie L. Mansfield Signature: Phone No.: 314.342.4136
Mailing Address: 7700 Forsyth Blvd, Suite 1800 City: St. Louis State: MO Zip: 63105
E-mail Address: jmansfield@alllp.com
(NOTE: The petitioner's agent, if listed, shall receive all official communication)

PROPERTY OWNERS

Signature required or submit proof petitioner has legal interest in property.
Name: MSWCP Clayton, LLC, et al. Name:
Signature: Signature:
Address: PO Box 52427 Address:
City/State/Zip: Atlanta, GA 30355 City/State/Zip:
Phone: Phone:

FOR CITY USE ONLY

Date Received: 2/10/23 Total Received: \$ 1000 Agenda Date: 3/1/23
B-4/B-5 Development Plan: \$1,000 + Acres @ \$25/Acre or portion over one acre) = \$
B-4/B-5 Final Site Plan: \$1,000
B-4/B-5 Final Site Plan Amendment (when public hearing is not required): \$500
CUP (Single family), Dev Plan/Preliminary Plat: \$1,000 + Lots @ \$500/Lot = \$
CUP (Single family), Final Site Plan/Final Plat: Lots @ \$100/Lot = \$ + 1-1/4% of \$ = \$
CUP, (Multi family), Development Plan/Prel. Plat: \$1,000 + Dwelling units @ \$20/Each = \$
CUP, (Multi family), Final Site Plan/Final Plat: \$500 + 1-1/4% of \$ = \$
CUP, Final Site Plan/Final Plat Amendment: Public Hearing required \$800, Public Hearing not required \$500
CUP, Final Site Plan Time Extension: \$300
Mixed Use in B2 Development Plan: \$1,000 (includes SPR fee) + \$25/acre or portion over one acre
Mixed use in B2 Final Site Plan: \$500
Mixed use in B2 Final Site Plan Amendment: Public Hearing required \$800, Public Hearing not required \$500
R6 Development Plan: \$1,000 + Dwelling units @ \$20/Unit = \$
R6 Final Site Plan: \$500
Sidewalk Waiver on feet @ \$30/Foot = \$ = \$
Site Plan Review (Major): \$1,000
Site Plan Review (Major): Amendment \$800 or Extension: \$300
Site Plan Review (Minor): \$500
Site Plan Review (Minor) Amendment \$500 or Extension: \$300
Special Use Permit: \$1,000 (waived if submitted with Site Plan Review)
Special Use Permit Amendment: \$800 (waived if submitted with Site Plan Review) or Extension: \$300
Subdivision (Major), Preliminary Plat Lots @ \$500/Lot = \$
Subdivision (Major), Final Plat/Improvement Plans: Lots @ \$100/Lot + 1.25% of \$ = \$
Subdivision (Major) Amendment to Final Plat or Improvement Plans: \$200
Subdivision Modification (Boundary Adjustment): \$300
Vacation, Easement: \$100
Vacation, Right-of-way: \$200
Zoning Code Text Amendment: \$1,000
Zoning Map Amendment: \$1,000

SUBCOMMITTEE (Diel, Evens)

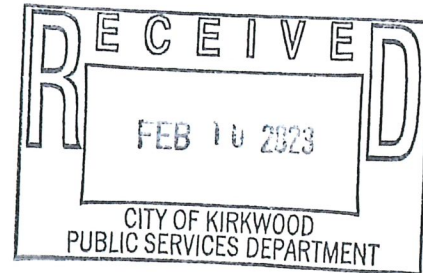


Jaimie L. Mansfield
Direct T 314.342.4136 F 314.621.5065
jmansfield@atllp.com

February 10, 2023

VIA EMAIL: raichejd@kirkwoodmo.org

City of Kirkwood, Missouri
Planning and Zoning Department
139 S. Kirkwood Road
Kirkwood, MO 63122
Attn: Jonathan D. Raiche, Planning & Development Services Director



Re: Special Use Permit Application – 10855 Manchester Road, Kirkwood, Missouri 63122 (the “Site”)

Dear Jonathan:

Please be advised that this firm represents New Growth Horizon, LLC d/b/a Proper Cannabis (“**New Growth**”). Please allow this letter to serve as New Growth’s request that the City of Kirkwood, Missouri (“Kirkwood” or the “**City**”) issue New Growth a Special Use Permit to operate a Marijuana Dispensary Facility/Medical Marijuana Dispensary Facility (“**Comprehensive Dispensary Facility**”) with a pre-order drive-up/pick-up component at the Site.

The Site is located in the City’s B-3 Highway Business District. By way of background, the Site was home to a National Tire & Battery (“**NTB**”) for years. The current building consists of approximately 8,616 square feet, with approximately 5,190 square feet in retail space, and three (3) drive-through vehicle repair bays consisting of approximately 3,426 square feet. Like most autobody shops, customers would drive up and into the bays and mechanics would perform work to replace and/or repair vehicle batteries and tires. New Growth seeks to repurpose and revitalize the existing facility as a Comprehensive Dispensary Facility, reducing not only the noise and vehicle stacking generated by the former user of the Site, but also reducing the footprint of the building by approximately 2,750 square feet by removing two (2) drive-through vehicle repair bays, as well as closing a curb cut on North Clay Avenue.

In conformity with Amendment 2 of the Missouri Constitution and the rules and regulations promulgated by the Missouri Department of Health and Senior Services (“**DHSS**”), the City’s Zoning Code (§ 25-35, Table 35-1) currently authorizes the operation of a Medical Marijuana Facility for the sale of medical marijuana as a special use in a B-3 district. Further, in conformity with Amendment 3 of the Missouri Constitution and the rules and regulations promulgated by DHSS, the City is currently amending its zoning code (the first reading

and public hearing of the text amendment took place on January 19, 2023) to authorize the operation of a Marijuana Facility for the sale of adult, recreational marijuana as a special use in the B-3 district.

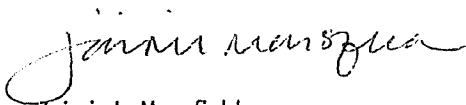
Notwithstanding the numerous and rigorous requirements and standards set by DHSS with respect to the operation and facility specifications for any Marijuana Dispensary Facility, the Site complies with marijuana-use-specific standards in the City's Zoning Code. For example, the Site satisfies all of the distance requirements in § 25-36(t), as amended, as it is located more than 1,000 feet from a church, place of worship, public or private school, day-care centers. A survey of the Site that depicts the applicable distance measurements is included with this request. New Growth will also satisfy the other use-specific standards in § 25-36(t), as amended. Specifically, the hours of operation at the Site shall be between 8:00 a.m. and 8:00 p.m. daily; the operations of the Site will be conducted entirely within an enclosed building; and New Growth will prohibit the consumption or smoking of marijuana products at the Site.

Additionally, New Growth's use of the Site will not substantially increase traffic hazards or congestion. New Growth intends to reduce size of the current building, which will increase the western side-yard setback of the building to North Clay Avenue. New Growth also proposes to close the curb cut facing North Clay Avenue. This will add additional parking to the Site, which will alleviate any traffic and congestion. Not even close to the fullest extent of the former use, New Growth intends to repurpose one of the drive-up vehicle repair bays as a "pick-up" concept at the Site. This pick-up bay is only available to those customers that pre-order product online. The customer would alert the facility via its online ordering system when he or she is making its way to the Site for pick-up. The customer would enter the Site through the eastern most curb cut on Manchester Road, then drive north on the Site, around the back of the building and sit idle in their vehicle, inside the vehicle bay and wait for the delivery of the product ordered online. An employee, who has been verified and vetted by DHSS, will hand deliver the product to the customer. The average wait time for such online pick-ups is 7 minutes. The customer would then pull forward and exit the Site via the western curb cut on Manchester. For any drive-up concept, DHSS rules and regulations forbid any use of a menu or voice-box for drive-through services at the Site. This option will reduce the length of time that vehicles will be on Site.

New Growth, by and through its agent, is under contract to purchase the Site, whereupon its agent intends and will assign its rights under the contract to New Growth prior to the issuance of any and all permits from the City. Please see attached a copy of the Special Sale Contract. New Growth also submits herewith its Site Plan, Landscaping Plan, Lighting Plan, Tree Study and Photographs for the City's consideration, as well. New Growth appreciates the City's consideration of this request and is looking forward to a long and mutually beneficial relationship with the City.

Please let me know if there are any questions or if there is additional information I can provide. You can contact me via phone at 314.342.4136 or via email at jmansfield@atllp.com.

Regards,



Jaimie L. Mansfield

JLM:rjw

Enclosures



WHERE COMMUNITY AND SPIRIT MEET®

February 16, 2023

Jaimie L. Mansfield
Armstrong Teasdale LLP
7700 Forsyth Blvd, Suite 1800
St Louis, MO 63105

SENT VIA EMAIL: jmansfield@atllp.com

SUBJECT: PZ-12-23; 10855 MANCHESTER RD – NEW GROWTH HORIZON
SPECIAL USE PERMIT (MARIJUANA FACILITY OR MEDICAL MARIJUANA FACILITY AND
ACCESSORY DRIVE-THROUGH FACILITY) AND MAJOR SITE PLAN REVIEW

Dear Ms. Mansfield:

The City of Kirkwood Planning & Development Services Department is in receipt of your petition for Special Use Permit and Major Site Plan Review for a Marijuana Facility or Medical Marijuana Facility and accessory drive-through facility. This item will be placed on the Planning and Zoning Commission agenda for its **7:00 p.m. meeting Wednesday, March 1, 2023** at Kirkwood City Hall, 139 S. Kirkwood Road. City Staff will make an introduction presentation regarding the request at this meeting. You, or your representative, should attend this meeting to present your information to the Commission and answer any questions the Commissioners may have.

The Planning and Zoning Commission will review the application in accordance with the Zoning Code. The Planning & Development Services Department has the following comments concerning the application:

Required Revisions

1. Confirm the area of the portions of the building to be removed and the area of the remaining building. There is a discrepancy between the cover letter and the site plan as it seems the building is only being reduced by 1750 sq. ft. (approximately 35' x 50') in the bay area and 538 sq. ft. (approximately 12' x 44.8') in the front vestibule. Please update the cover letter if incorrect.
2. Please provide the Site Plan Review/Special Use Permit Checklist (enclosed, one copy may be returned via email).
3. Update the site photometric plan as follows:
 - a. The calculation summary table must include the average illumination level for the parking lot (must be a minimum of 1.0 footcandle at the finished grade) and the average illumination level for the pedestrian routes, refuge areas, sidewalks, etc. (must be a minimum of 2.0 footcandles at the finished grade).

- b. Add the footcandle illumination levels at the property line shared with the residentially-zoned property in the northeast. The footcandle illumination level at the shared property line may not exceed 0.1 footcandle.
- c. The footcandle illumination levels at the property line shared with the property at 10841 Manchester Road may not exceed 0.5 footcandle; however, we will allow the light cast onto the area under the proposed cross-access easement to be included in the photometric plan. The lighting values may not exceed 0.5 footcandle at the east end of the cross-access area.

Advisory Comments

1. The improvements to the property do not require a landscape plan, however, the tree study shows that an ash tree will be removed in the rear of the lot and a little leaf linden will be planted in the new curb island immediately northwest of the building. The Planning and Zoning Commission may make this new tree a condition of its approval.
2. In accordance with the City's Complete Streets policy, applicant will complete and submit the Complete Streets Checklist before a building permit may be issued (enclosed).
3. A cross-access agreement with the property owner of 10841 Manchester Road will be required to be reviewed by the City, executed, and recorded to maintain the proposed circulation on the site.
4. The project architecture and signs must be approved by the Architectural Review Board.
5. All work related to this petition must comply with all Kirkwood Ordinances including, but not limited to, building/sign and fire codes.

This is a preliminary review of the application. The Planning and Zoning Commission and Planning & Development Services Department will review the application in detail and provide further comments as necessary. This preliminary review is not an approval or acceptance of any part of the application submitted. **Revised plans addressing comments above can be submitted after the Planning & Zoning Commission meeting on March 1st so that any additional comments from the P&Z Commission may be addressed at the same time. However, these items must be addressed prior to the P&Z Commission voting on the item. When revised plans are submitted, please submit 3 copies to scale and 16 at a reduced size of 11"x17".**

The applicant is further advised that it is your responsibility to follow the petition through the entire process and to satisfy all submittal requirements and deadlines. Also note, this application and review does not grant the applicant any special rights, privileges, or immunities, and that all provisions of the Kirkwood Code of Ordinances shall apply.

Sincerely,

CITY OF KIRKWOOD



Amy Lowry

Planner II

314-822-5815

lowryag@kirkwoodmo.org



RECEIVE
PUBLIC SERVICE

DICK'S
USA BROS



**Install and maintain tree protection fence as indicated on preservation plan for all trees marked SAVE.
Silt protection shall be installed in a trenchless manner if introduced within the critical root zone of any tree to be
SAVED. (I.E woodchips, wattles, and hay bales)**

I hereby certify that I have viewed the premises and provided this professional opinion regarding the survivability of significant trees on this site and abutting the site. Attached is a site plan illustrating the recommended location of tree protection fencing. This fence is to remain erect throughout the construction project . All tree inspections were performed from the ground and are limited in scope. Tree and utility locations are approximate and locations of utilities are subject to change.

Craig R. Murphy
I.S.A Certified Arborist
IL-9645A





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A handwritten signature in blue ink that reads "Craig R. Murphy".

Craig R. Murphy
I.S.A Certified Arborist
IL-9645A



TREE STUDY
 SITE PLAN REVIEW
 2-7-2023
 4-6-2023

PROPERTY LOCATION: 10855 Manchester Rd.

#	TREE SPECIES	D B H	SAVE/ REMOVE/ INSTALL	ADJOINING LOT	COMMENTS	VALUE	COND %	TOTAL CANOPY SQ FT
A	eastern redcedar	10"	SAVE	CITY	compartmentalized pruning wounds	\$500	66	----
B	eastern redcedar	2x5"	SAVE	CITY	co-dominant	\$200	65	----
C	eastern redcedar	9"	SAVE	CITY	top-heavy, lacking single dominant leader	\$380	62	----
D	eastern redcedar	8"	SAVE	CITY	top-heavy	\$305	64	----
E	eastern redcedar	9"	SAVE	CITY	co-dominant at 12'	\$385	63	----
F	eastern redcedar	8"	SAVE	CITY	co-dominant at 12'	\$300	63	----
G	eastern redcedar	10"	SAVE	CITY	strong central leader	\$500	66	----
H	eastern redcedar	6"	SAVE	CITY	slight lean	\$170	63	----
I	persimmon	2x6"	SAVE	YES	cluster, major basal decay	\$160	38	----
J	eastern redbud	2x6"	SAVE	YES	major decay	\$210	40	----
K	ash	6"	REMOVE	SHARED	utility topped CONDITION	\$50	28	48
1	littleleaf linden	2.5"	INSTALL					1256
	evergreen s	4-6'	6xINSTALL		Screening for Dumpster surround			

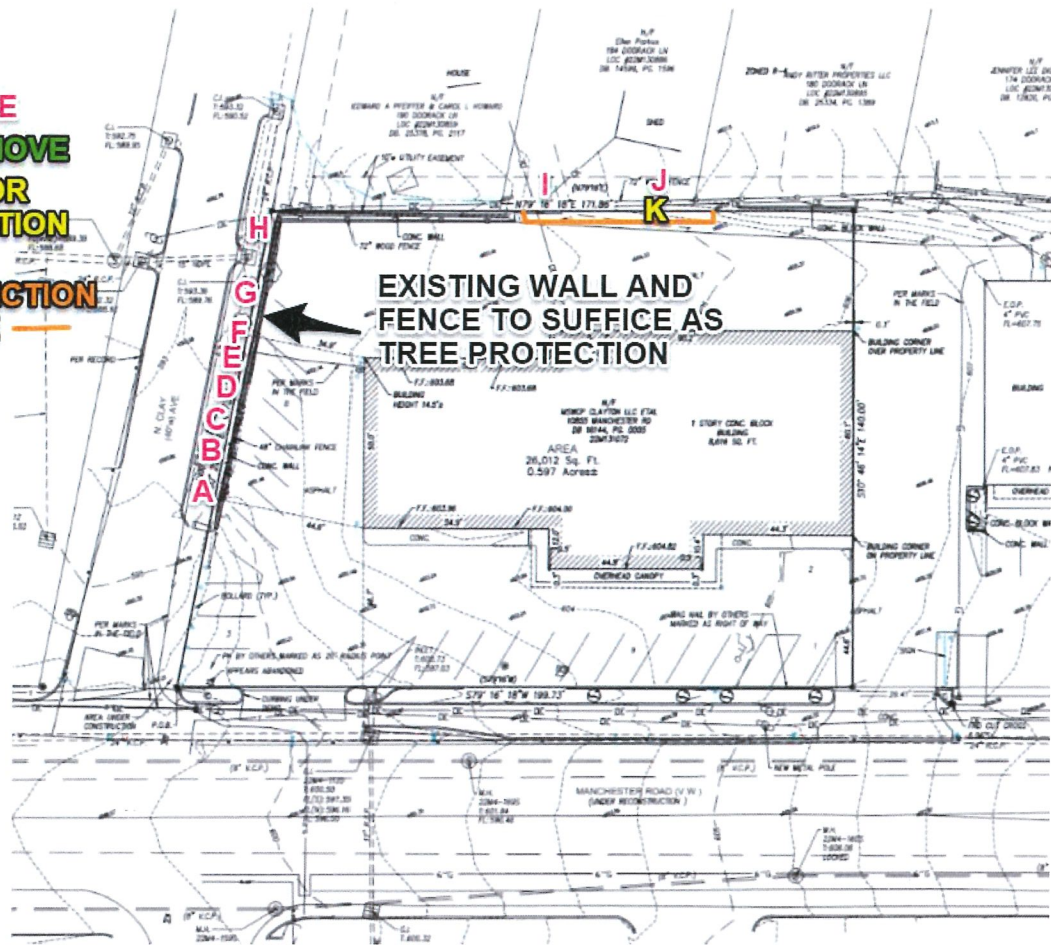
Canopy coverage has been adjusted to reflect shared and overlapping crowns.

Tree species and install locations are recommendations and can be adjusted as long as the guidelines, set forth by Kirkwood's canopy replacement policy, are followed.

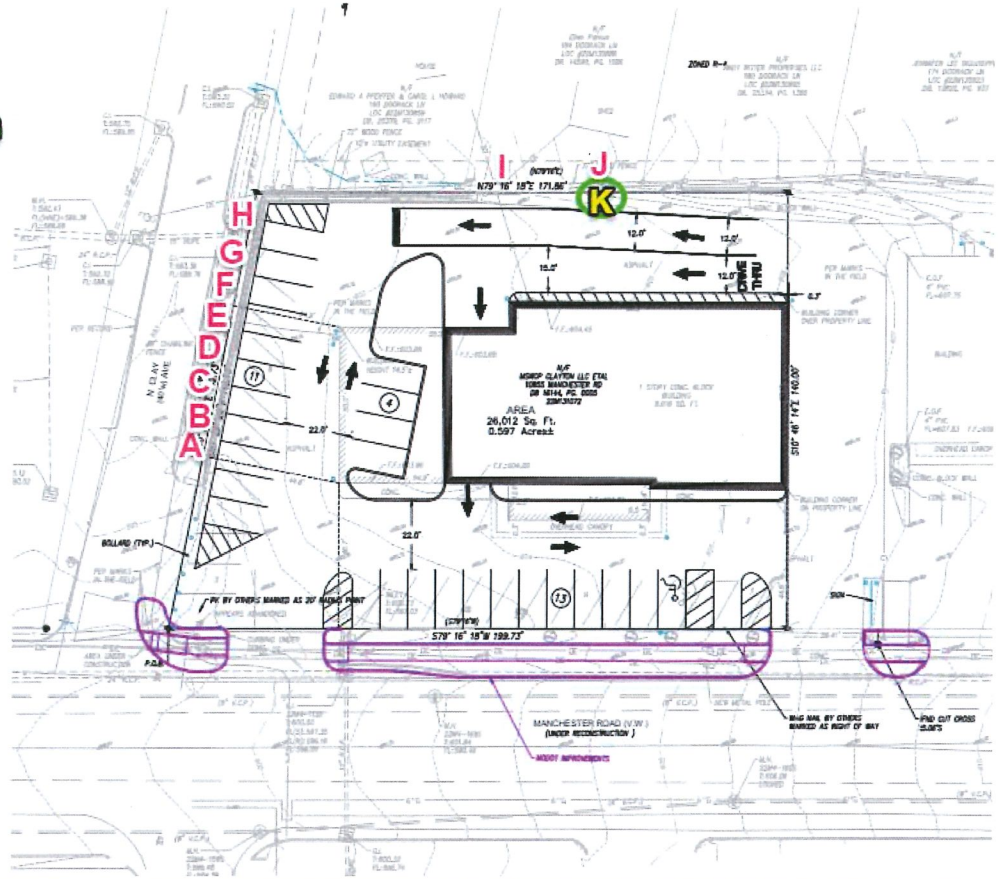
Lot size	26,012 Sq ft @ 35% = 9,104 Sq ft
----------	----------------------------------

Current Canopy	48 Sq ft
Canopy Removed	48 Sq ft 100% Current Canopy Removed
Post Demo Canopy	0 Sq ft 0% Lot Coverage Remaining
Added Canopy	1,256 Sq ft
Proposed Final Canopy	1,256 Sq ft 5% Final Coverage

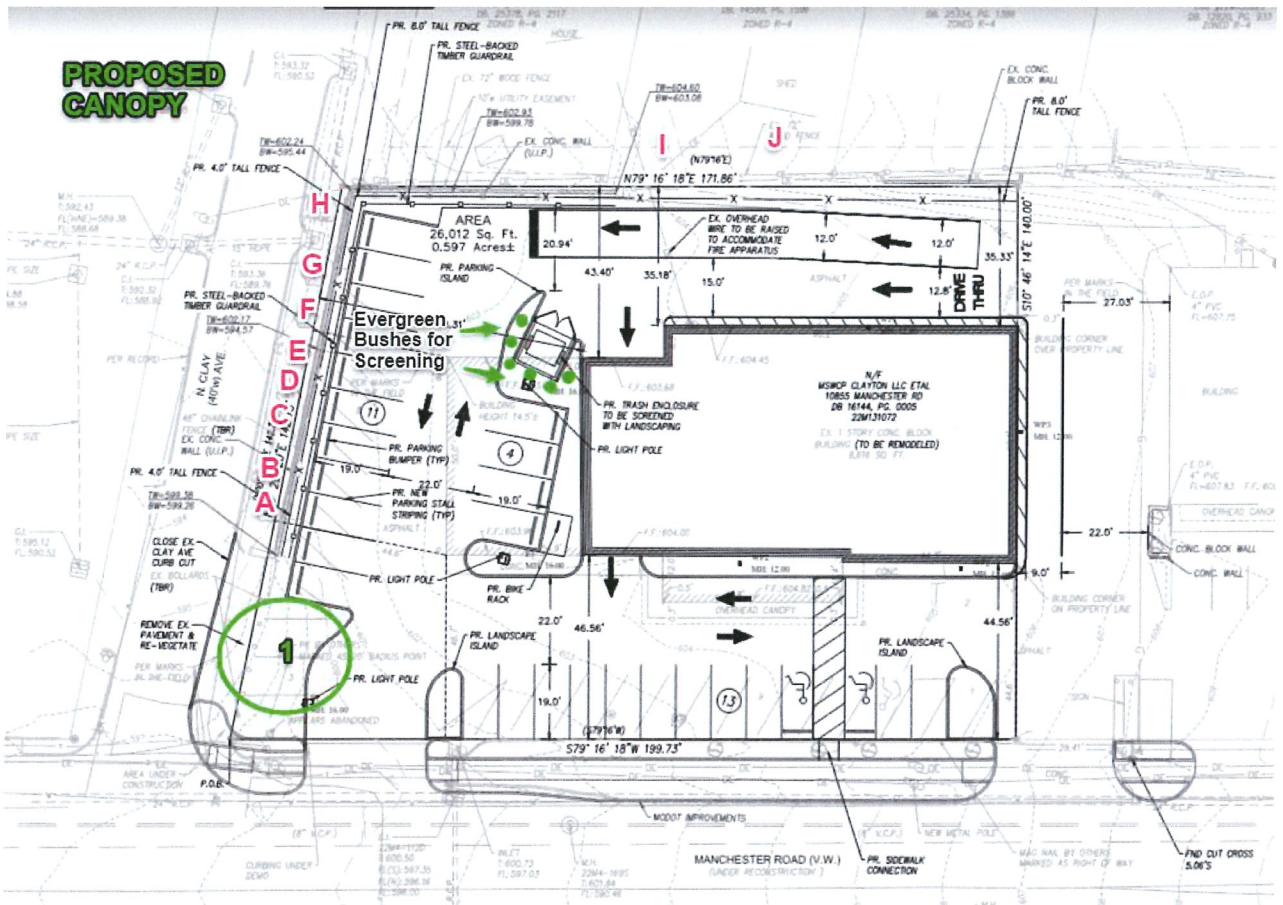
A- SAVE
A- REMOVE
A- POOR
CONDITION
TREE
PROTECTION
FENCE

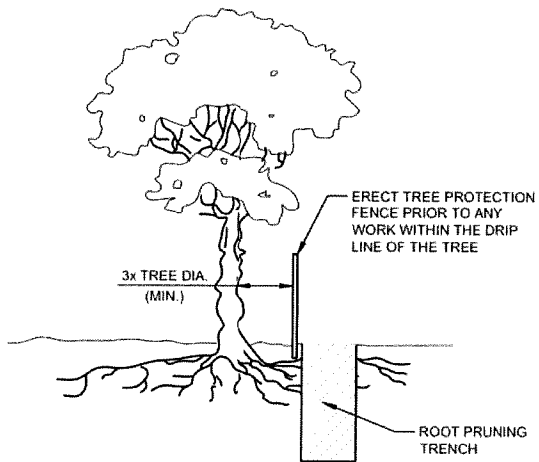


EXISTING CANOPY



PROPOSED CANOPY





NOTES:

1. ROOT PRUNING SHALL BE DONE WHENEVER THERE WILL BE GRADING, CUTTING OR COMPACTION DISTURBANCE UNDERNEATH THE DRIP LINE OF A TREE. PRIOR TO ANY WORK WITHIN DRIP LINE, THE CONTRACTOR SHALL ERECT A TREE PROTECTION FENCE AND CONTACT AN ISA CERTIFIED ARBORIST TO COORDINATE WORK. NO DISTURBANCE SHALL BE DONE WITHIN A DISTANCE OF 3X THE DIAMETER OF THE TREE, DUE TO STABILITY CONCERNS.
2. ROOT PRUNING SHALL BE DONE WITH A SHARP TOOL, IN SUCH A WAY THAT DOES NOT PULL ON THE ROOTS, BUT LEAVES SMOOTH CUTS. DO NOT TEAR ROOTS WITH EXCAVATION EQUIPMENT. IT IS PREFERABLE TO EXPOSE THE ROOTS PRIOR TO ROOT PRUNING. AFTER PRUNING, FILL THE AREA WITH QUALITY TOPSOIL AND WATER UNTIL THOROUGHLY SOAKED.
3. ONCE EXPOSED, ROOTS MUST BE COVERED WITHIN 8 HOURS. IF ROOTS WILL BE LEFT EXPOSED FOR LONGER THAN 8 HOURS, THEY MUST BE KEPT MOIST. ONE OPTION IS TO PUT MOIST BURLAP OVER THE EXPOSED ROOTS.

NOTES (CONT.):

4. ROOT PRUNING SHALL MEET OR EXCEED ANSI A300 OR APPROVED TREE CARE INDUSTRY STANDARDS

DIGGING PROCESS

1. THE PRUNING TRENCH SHOULD BE CLEARED IN A WAY THAT EXPOSES THE ROOTS WHILE LEAVING THEM INTACT.
 - 1.1. USE HAND TOOLS OR AN AIR KNIFE II) DO NOT USE AN EXCAVATOR, AS THIS WILL PULL ON THE ROOTS AND POSSIBLY DAMAGE THE TRUNK III) IF A ROOT LARGER THAN 2" IS EXPOSED, LEAVE THIS ROOT INTACT AND CONTACT LANDSCAPE SERVICES
 2. ONCE THE ROOTS ARE EXPOSED, USE A SHARP TOOL TO CLEANLY CUT ALL ROOTS WHICH ARE BETWEEN 1-2" DIAMETER, TO THE DEPTH OF THE PROPOSED DISTURBANCE
 - 2.1. APPROPRIATE TOOLS INCLUDE SHARP LOPPING SHEARS, HANDSAWS, A SHARPENED AXE, A ROOT PRUNER GRINDER, A RECIPROCATING SAW AND ANY OTHER SHARP TOOL WHICH LEAVES A CLEAN CUT
 - 2.2. YOU MAY NOT USE A CHAINSAW OR CHAIN TRENCHER TO MAKE THE FINAL CUTS
 - 2.3. ALL ROOTS SHALL BE LEFT WITH A CLEAN, SMOOTH ENDS AND NO RAGGED EDGES
3. POST PRUNING
 - 3.1. TREE ROOTS MUST BE KEPT MOIST. IF ROOTS ENDS WILL BE LEFT EXPOSED FOR MORE THAN 8 HOURS, COVER THE HOLE WITH MOIST BURLAP.
 - 3.2. FILL THE HOLE WITH HIGH QUALITY TOP SOIL, MULCH THE AREA WITH TRIPLE SHREDDED HARDWOOD TO A DEPTH OF 3", AND WATER WELL.

SITE PLAN

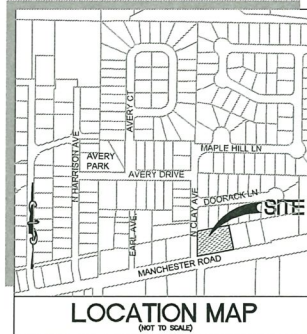
TRACTS OF LAND LOCATED IN SECTION 36, TOWNSHIP 45 NORTH, RANGE 5 EAST
OF THE 5TH PRINCIPAL MERIDIAN
CITY OF KIRKWOOD, ST. LOUIS COUNTY, MISSOURI

ABBREVIATIONS

ATG	ADJUST TO GRADE
B.C.	BACK OF CURB
BW	BOTTOM OF WALL
C.O.	CLEANOUT
DB.	DEED BOOK
E.	ELECTRIC
ELEV.	ELEVATION
EX.	EXISTING
F.C.	FACE OF CURB
FL.	FLOWLINE
FT.	FEET
FND.	FOUND
G.	GAS
H.W.	HIGH WATER
LFB	LOW FLOW BLOCKED
M.H.	MANHOLE
N/F	NOW OR FORMERLY
P.B.	PLAT BOOK
P.C.	PAGE
PR.	PROPOSED
P.V.C.	POLYVINYL CHLORIDE PIPE
R.C.P.	REINFORCED CONCRETE PIPE
R/W	RIGHT-OF-WAY
SQ.	SQUARE
T.	TELEPHONE CABLE
T.B.A.	TO BE ABANDONED
T.B.R.	TO BE REMOVED
T.B.R.&R.	TO BE REMOVED AND REPLACED
TW	TOP OF WALL
TYP.	TYPICALLY
U.I.P.	USE IN PLACE
U.O.N.	UNLESS OTHERWISE NOTED
V.C.P.	VITRIFIED CLAY PIPE
W	WATER
(86'W)	RIGHT-OF-WAY WIDTH

LEGEND

EXISTING SANITARY SEWER	
EXISTING STORM SEWER	
EXISTING TREE	
EXISTING BUILDING	
EXISTING CONTOUR	
SPOT ELEVATION	
EXISTING UTILITIES	
FOUND 1/2" IRON PIPE	
SET IRON PIPE	
FOUND CROSS	
FOUND STONE	
FIRE HYDRANT	
LIGHT STANDARD	
BUSH	
IGN	
NOTES PARKING SPACES	
GUY WIRE	
POWER POLE	
WATER VALVE	
NOTES RECORD INFORMATION	
ACCESSIBLE PARKING	
PROPOSED CONTOUR	
PROPOSED SPOT	
PROPOSED STORM	
PROPOSED SANITARY	



PERTINENT DATA

OWNER: MSWCP CLAYTON LLC ETAL
ADDRESS: 10855 MANCHESTER RD
KIRKWOOD, MO 63122
ZONING: "B-3" HIGHWAY BUSINESS
LOCATOR NO: 22M131072
FIRE DISTRICT: KIRKWOOD
SCHOOL DISTRICT: KIRKWOOD
SEWER DISTRICT: METROPOLITAN ST. LOUIS SEWER DIST.
WATER SHED: MISSOURI RIVER
FEMA MAP: 29188C0306K
ELECTRIC COMPANY: KIRKWOOD
GAS COMPANY: SPIRE INC.
WATER COMPANY: KIRKWOOD

LEGAL DESCRIPTION

PART OF LOT 9 OF A SUBDIVISION OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 45 NORTH, RANGE 5 EAST, ACCORDING TO PLAT THEREOF RECORDED IN SURVEYOR'S RECORD 7 PAGE 295 OF THE ST. LOUIS CITY RECORDS AND DESCRIBED AS:
BEGINNING AT A POINT IN THE NORTH LINE OF MANCHESTER ROAD AS ESTABLISHED BY INSTRUMENT RECORDED IN BOOK 2784, PAGE 410 OF THE ST. LOUIS COUNTY RECORDS, AT ITS INTERSECTION WITH THE EAST LINE OF CLAY AVENUE AS DEDICATED BY INSTRUMENT RECORDED IN BOOK 1710 PAGE 268 OF THE ST. LOUIS COUNTY RECORDS; THENCE ALONG SAID EAST LINE OF CLAY AVENUE NORTH 0 DEGREES 25-1/2 MINUTES EAST 142.70 FEET TO THE SOUTH LINE OF PROPERTY CONVEYED TO JOHN R. NOTGRASS BY DEED RECORDED IN BOOK 2165 PAGE 197 OF THE ST. LOUIS COUNTY RECORDS; THENCE ALONG THE SOUTH LINE OF SAID NOTGRASS PROPERTY NORTH 79 DEGREES 18 MINUTES EAST TO A POINT BEING THE NORTHWEST CORNER OF PROPERTY CONVEYED TO HAROLD B. TORRENCE AND WIFE BY INSTRUMENT RECORDED IN BOOK 6370 PAGE 250; THENCE SOUTHWARDLY ALONG THE WEST LINE OF AFORESAID PROPERTY CONVEYED TO HAROLD B. TORRENCE AND WIFE 140 FEET TO A POINT IN THE NORTH LINE OF MANCHESTER ROAD, THENCE SOUTH 79 DEGREES 18 MINUTES WEST ALONG THE NORTH LINE OF MANCHESTER ROAD TO THE POINT OF BEGINNING.

GENERAL NOTES

- SUBJECT PROPERTY IS ZONED B-3 HIGHWAY BUSINESS FRONT YARD SETBACK.
- ALL BUILDINGS AND STRUCTURES SHALL BE SET BACK A MINIMUM OF 50 FEET FROM THE FRONT LOT LINE.
- ON A CORNER LOT, THE REQUIRED FRONT YARD SETBACK SHALL BE APPLIED TO EACH STREET FRONTAGE IF BOTH ARE MAJOR STREETS. IF THE SIDE STREET IS NOT A MAJOR STREET, THEN THE MINIMUM FRONT YARD SETBACK SHALL BE 35 FEET FROM THE SECONDARY STREET.
- ON A BLOCK WHERE MORE THAN 40% OF THE LOTS ALONG THE SAME BLOCK FACE ARE DEVELOPED, THE REQUIRED FRONT YARD SETBACK SHALL BE ADJUSTED IN ACCORDANCE WITH § 25-49(C)(7).
- SIDE YARD SETBACK. A SIDE YARD SETBACK IS ONLY REQUIRED WHEN SAID YARD ADJUTS A RESIDENTIAL DISTRICT, OR WHEN AN ALLEY SEPARATES SAID YARD AND A RESIDENTIAL DISTRICT. IN THAT CASE, THERE SHALL BE A MINIMUM SIDE YARD SETBACK EQUAL TO 1/2 THE FRONT YARD SETBACK REQUIRED IN THE ADJUTING RESIDENTIAL DISTRICT; HOWEVER, THE SIDE YARD SETBACK NEED NOT EXCEED 20 FEET IN ANY CASE.
- REAR YARD SETBACK. ALL BUILDINGS AND STRUCTURES SHALL BE SET BACK A MINIMUM OF 20 FEET FROM THE REAR LOT LINE.
MAX. BUILDING HEIGHT: NONE STATED
NOTE: THE ABOVE ZONING PROVIDED BY THE CITY OF KIRKWOOD AND TO VERIFY THE CLIENT SHOULD OBTAIN A ZONING ENDORSEMENT FROM THEIR TITLE COMPANY.
- SUBJECT PROPERTY LIES WITHIN FLOOD ZONE X (AREAS OF MINIMAL FLOOD HAZARD) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP NUMBER 29188C0306K WITH AN EFFECTIVE DATE OF 02/04/2015
- THERE ARE 23 REGULAR AND 1 HANDICAPPED PARKING STALLS ONSITE.
- UTILITIES SHOWN HEREON ARE SHOWN FROM RECORD AND/OR SURVEY INFORMATION. ANY LOCATION, SIZE AND TYPE INFORMATION SHOULD BE CONSIDERED AS APPROXIMATE ONLY. IT IS THE CONTRACTORS RESPONSIBILITY TO CALL DIG-RIE TO VERIFY UTILITY LOCATIONS.
- THE SUBJECT PROPERTY(IES) DESCRIBED IN THE ABOVE COMMITMENT ARE CONTIGUOUS TO EACH OTHER AND THE ADJOINING PROPERTIES, WITHOUT ANY GAPS, GORES OR OVERLAPS.
- SQUARE FOOTAGE OF THE BUILDING HAS BEEN CALCULATED FROM DIMENSIONS APPROXIMATELY 5 FOOT ABOVE GRADE FOR THE FIRST FLOOR ONLY.

NGS BENCHMARK

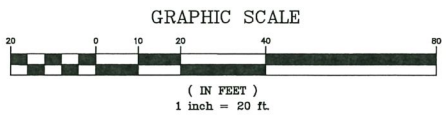
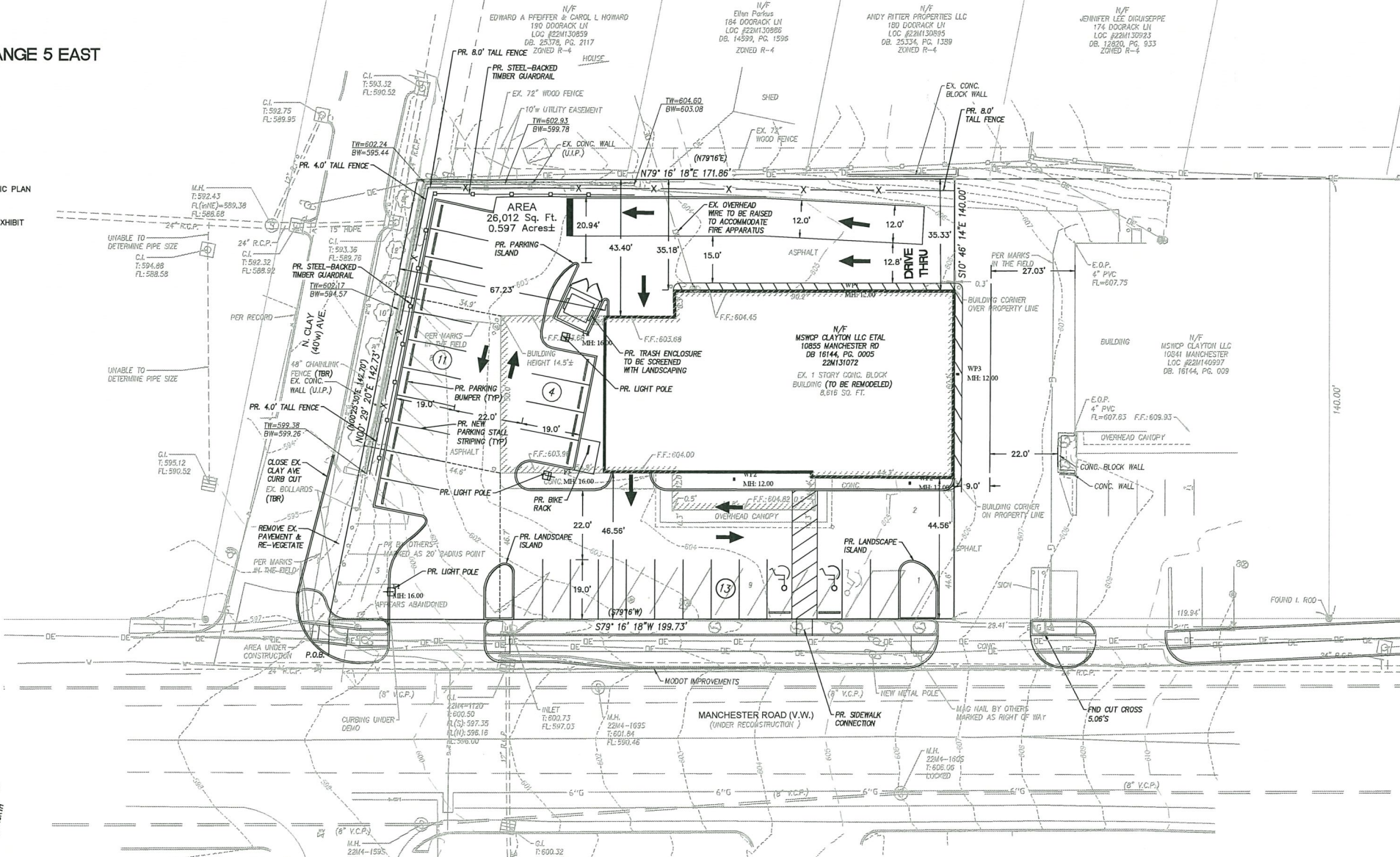
BENCHMARK # SL-47 ELEV.=528.00 (NAVD88)
STATION IS A STANDARD DNR GRS ALUMINUM DISK
STAMPED 57, 1992 SET IN A 12 IN. DIAMETER
CONCRETE POST THE STATION IS 0.9 MILES NORTH OF MO
HWY 100 (MANCHESTER RD.) AND HWY 61 AND (LINDBERGH
BLVD.) INTERSECTION, 108.8 FT SOUTH OF A LIGHT POST,
5.40 FT NE OF A CHISELED (O) ON THE CURB, 25.07 FT
NW OF A NAIL AND SHINER IN A POWER POLE, 47.0 FT
WEST OF THE CENTER LINE OF SOUTHWIND LINDBERGH,
122.0 FT SW OF A LIGHT POST, AND 2.5 FT NORTH OF A
CARBONITE WITNESS POST.

PREPARED FOR

Proper Brands / Proper Cannabis
coSavoy Properties
1034 S. Brentwood Blvd., Suite 1200
St. Louis, MO 63117
Armstrong Teasdale LLP
7700 Forsyth Blvd., Suite 1800
St. Louis, MO 63105

SHEET INDEX

C1.0	SITE PLAN
C2.0	SITE PHOTOMETRIC PLAN
C3.0	FIRE EXHIBIT
C4.0	QUEUE LENGTH
1 OF 1	SITE DISTANCE EXHIBIT



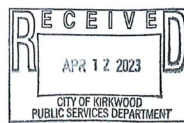
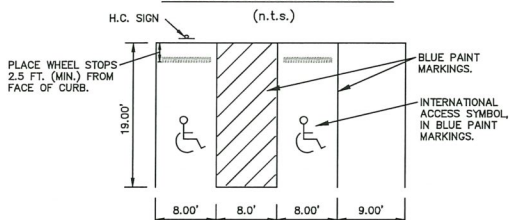
DIFFERENTIAL RUNOFF

EXISTING = (0.21x4.2)+(0.367x3.54)+(0.02x1.70) = 2.22 CFS
PROPOSED = (0.15x4.2)+(0.387x3.54)+(0.06x1.70) = 2.10 CFS
DIFFERENTIAL = PROPOSED - EXISTING = 2.10-2.22 = -0.12 CFS

PARKING + BIKE RACK CALCULATIONS

OFF-STREET PARKING REQUIREMENTS: MEDICAL MARIJUANA SALES = 1 PER 400 SF
MINIMUM REQ: 6,500 S.F. (400) = 16 SPACES
PROVIDED: 28 SPACES INCLUDING 2 ACCESSIBLE
BICYCLE PARKING REQUIREMENTS: "OTHER" = 1 PER 20 REQUIRED PARKING
MINIMUM REQ: 1 BIKE RACK
PROVIDED: 1 BIKE RACK

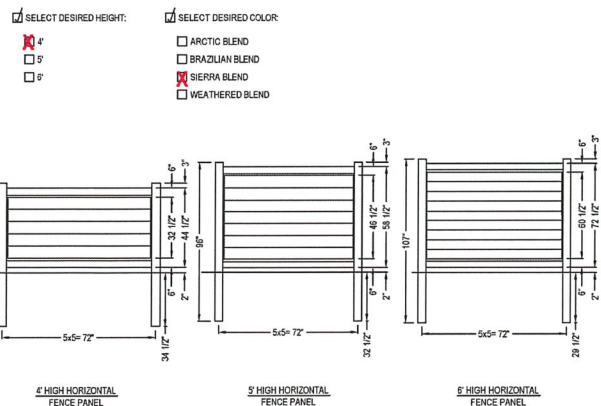
TYPICAL PARKING STALLS



CERTAINTEED CORPORATION FENCE
DECK AND RAIL DIVISION
231 SHIP CANAL PARKWAY
BUFFALO, NY 14218
TOLL FREE: 1-800-333-0569
PHONE: (716) 823-3023
FAX: (716) 823-2843
www.certainteed.com

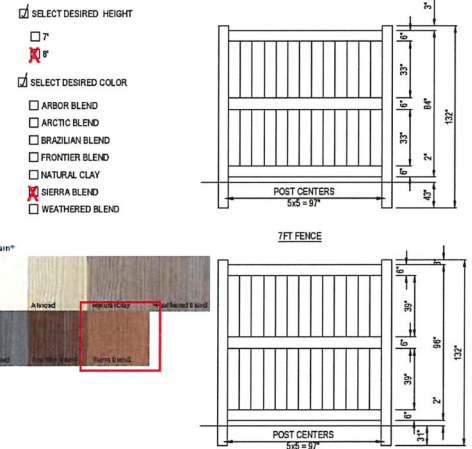


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NOTES:
1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
2. DO NOT SCALE DRAWING.
3. THIS DRAWING IS INTENDED FOR USE BY ARCHITECTS, ENGINEERS, CONTRACTORS, CONSULTANTS AND DESIGN PROFESSIONALS FOR PLANNING PURPOSES ONLY. THIS DRAWING MAY NOT BE USED FOR CONSTRUCTION.
4. ALL INFORMATION CONTAINED HEREIN WAS CURRENT AT THE TIME OF DEVELOPMENT BUT MUST BE REVIEWED AND APPROVED BY THE PRODUCT MANUFACTURER TO BE CONSIDERED ACCURATE.
5. CONTRACTOR'S NOTE: FOR PRODUCT AND COMPANY INFORMATION VISIT www.CADdetails.com/info AND ENTER REFERENCE NUMBER 035-006

4.0' TALL FENCE ALONG CLAY AVE (OR SIMILAR)
(NTS)

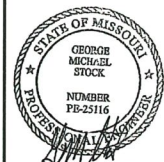


NOTES:
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5. CONTRACTOR'S NOTE: FOR PRODUCT AND COMPANY INFORMATION VISIT www.CADdetails.com/info AND ENTER REFERENCE NUMBER 035-008

8.0' TALL FENCE ALONG NORTH PL (OR SIMILAR)
(NTS)

PREPARED BY:
STOCK & ASSOCIATES
Consulting Engineers, Inc.
257 Chesterfield Business Parkway
St. Louis, MO 63005 PH: (636)
536-9100 FAX: (636) 500-9300
e-mail: general@stockinc.com
Web: www.stockinc.com

SITE PLAN FOR:
PROPER BRAND
10855 MANCHESTER ROAD
CITY OF KIRKWOOD, ST. LOUIS COUNTY, MISSOURI

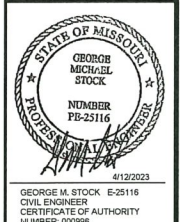


REVISIONS:
1. 2023-3-1 PHOTOMETRICS
2. 2023-3-10 CITY COMMENTS
3. 2023-4-8 CITY
4. 2023-4-12 CITY

DRAWN BY: K.S.G.
CHECKED BY: G.M.S.
DATE: 2/8/2023
JOB NO: 223-7367
M.S.D. # # BASE MAP # 22M
S.L.C. H&T # # H&T S.U.P. # #
M.D.N.R. # #
SHEET TITLE: SITE PLAN
SHEET NO.: C1.0

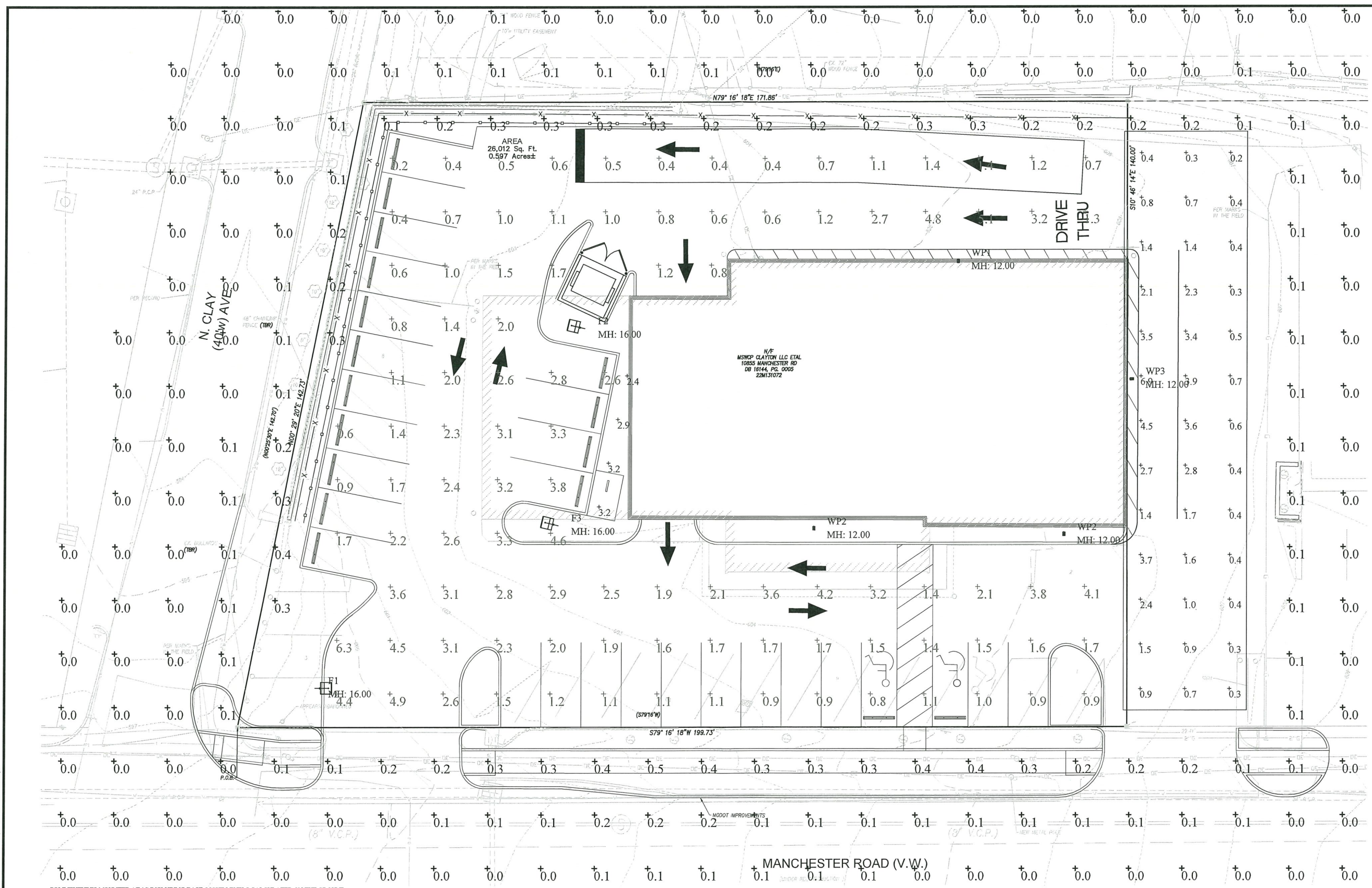
PREPARED BY: **STOCK & ASSOCIATES**
 CONSULTING ENGINEERS, INC.

SITE PLAN FOR:
PROPER BRAND
 10855 MANCHESTER ROAD
 CITY OF KIRKWOOD, ST. LOUIS COUNTY, MISSOURI



- REVISIONS:
- 2023-3-1 PHOTOMETRICS
 - 2023-3-10 CITY COMMENTS
 - 2023-4-5 CITY
 - 2023-4-12 CITY

DRAWN BY: K.S.G. CHECKED BY: G.M.S.
 DATE: 2/8/2023 JOB NO: 223-1267
 M.S.D. P. # BASE MAP # 22M
 S.L.C. HAT # HAT S.U.P. #
 M.D.N.R. #
 SHEET TITLE:
SITE PHOTOMETRIC PLAN
 SHEET NO.:
C2.0

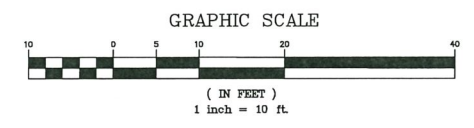


POLE FIXTURES MOUNTED AT 16' INCLUDING BASE LIGHT LEVELS CALCULATED ON THE GROUND

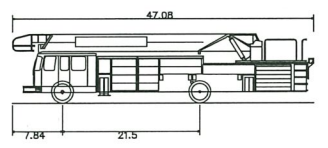
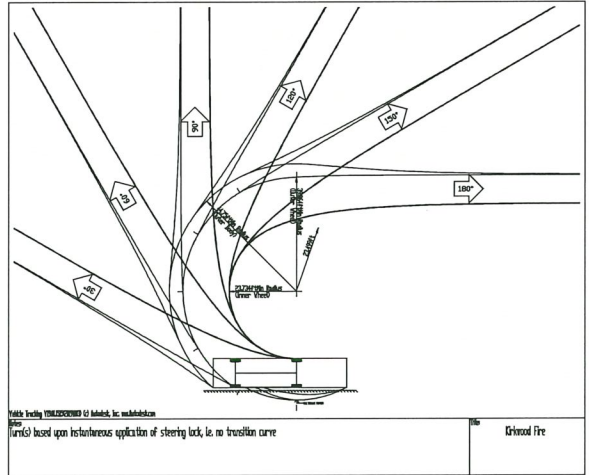
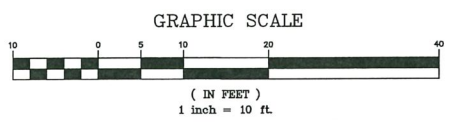
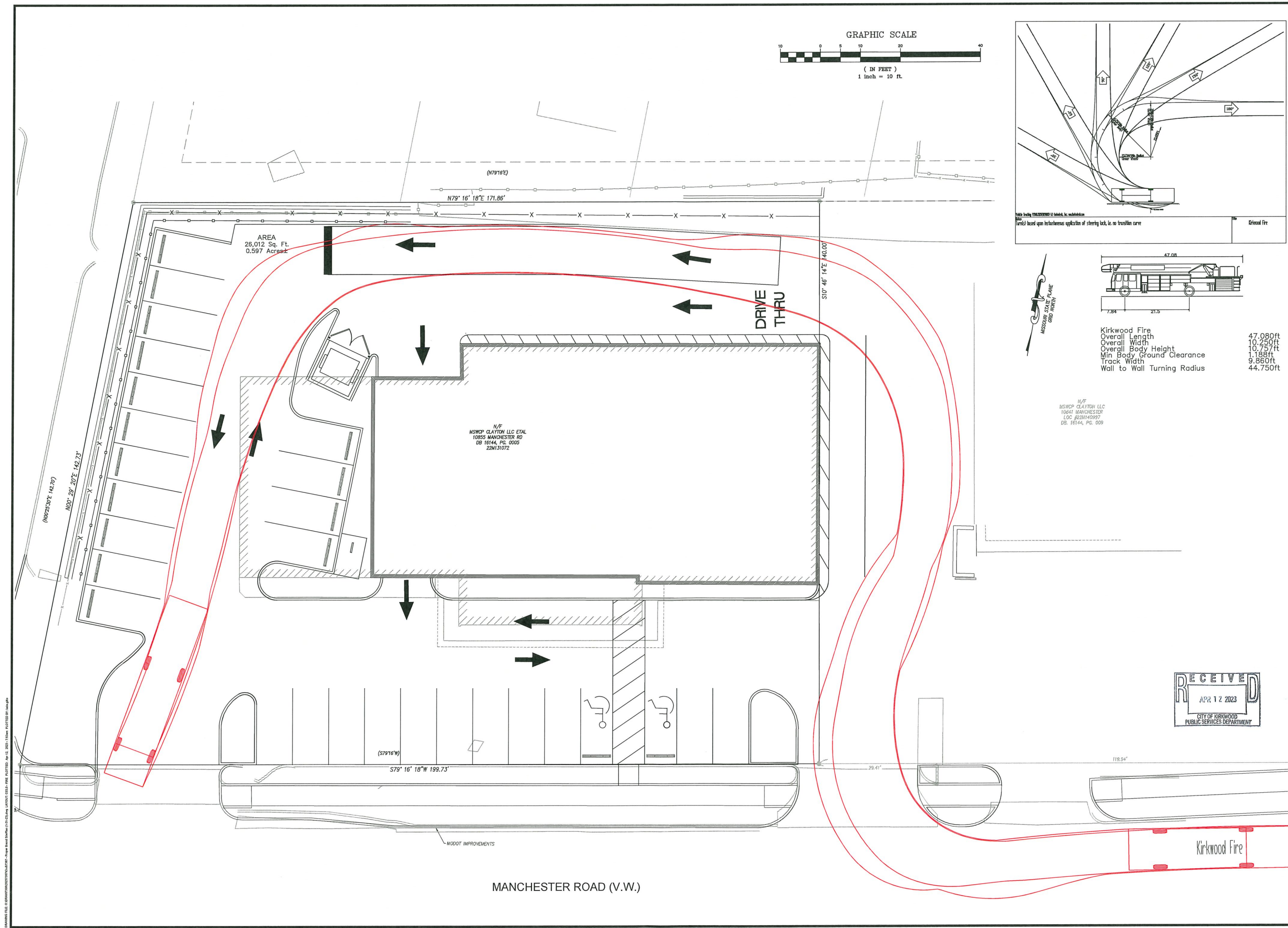
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
CROSS ACCESS	Illuminance	Fc	1.58	6.9	0.2	7.9	34.5
PARKING LOT	Illuminance	Fc	1.92	6.3	0.2	9.6	31.5
SIDEWALK	Illuminance	Fc	2.93	3.2	2.4	1.2	1.3
SPILL LIGHT	Illuminance	Fc	0.04	0.5	0.0	N.A.	N.A.

Symbol	Qty	Label	Arrangement	LLF	Lum. Watts	Total Watts	Description
[Symbol]	1	F1	Single	0.912	37	37	GALN-SA1C-740-U-SLL-HSS
[Symbol]	1	F2	Single	0.912	65	65	GALN-SA1D-740-U-SWQ
[Symbol]	1	F3	Single	0.912	108	108	GALN-SA2C-740-U-SWQ
[Symbol]	1	WP1	Single	0.912	59	59	GWC-SA1C-740-U-T3
[Symbol]	2	WP2	Single	0.912	59	118	GWC-SA1C-740-U-T4FT
[Symbol]	1	WP3	Single	0.912	44	44	GWC-SA1B-740-U-SL2

DESIGN IS BASED ON CURRENT INFORMATION PROVIDED AT THE TIME OF REQUEST. ANY CHANGES IN MOUNTING HEIGHT OR LOCATION, LAMP WATTAGE, LAMP TYPE, AND EXISTING FIELD CONDITIONS, THAT AFFECT ANY OF THE PREVIOUSLY MENTIONED, WILL VOID CURRENT LAYOUT AND REQUIRE A CHANGE REQUEST AND RECALCULATION.



DRAWING FILE: D:\WORK\2023\20230327\KIRKWOOD\10855 MANCHESTER RD\10855 MANCHESTER RD\10855 MANCHESTER RD.dwg DATE PLOTTED: 04/11/2023 11:58:11 AM PLOTTER: HP DesignJet 5000PS



Kirkwood Fire
Overall Length 47.08ft
Overall Width 10.25ft
Overall Body Height 10.75ft
Min Body Ground Clearance 1.188ft
Track Width 9.860ft
Wall to Wall Turning Radius 44.750ft

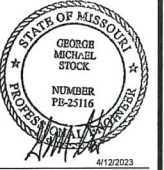
N/F
MSWCP CLAYTON LLC
10855 MANCHESTER
LOC #23M140997
DB: 16144, PG. 009

N/F
MSWCP CLAYTON LLC ETAL
10855 MANCHESTER RD
DB: 16144, PG. 0095
22M131072

RECEIVED
APR 12 2023
CITY OF KIRKWOOD
PUBLIC SERVICES DEPARTMENT

PREPARED BY:
STOCK & ASSOCIATES
Consulting Engineers, Inc.
257 Chesterfield Business Parkway
St. Louis, MO 63005 PH: (636)
530-9100 FAX (636) 530-9100
e-mail: general@stockassoc.com
Web: www.stockassoc.com

SITE PLAN FOR:
PROPER BRAND
10855 MANCHESTER ROAD
CITY OF KIRKWOOD, ST. LOUIS COUNTY, MISSOURI



GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER 000995

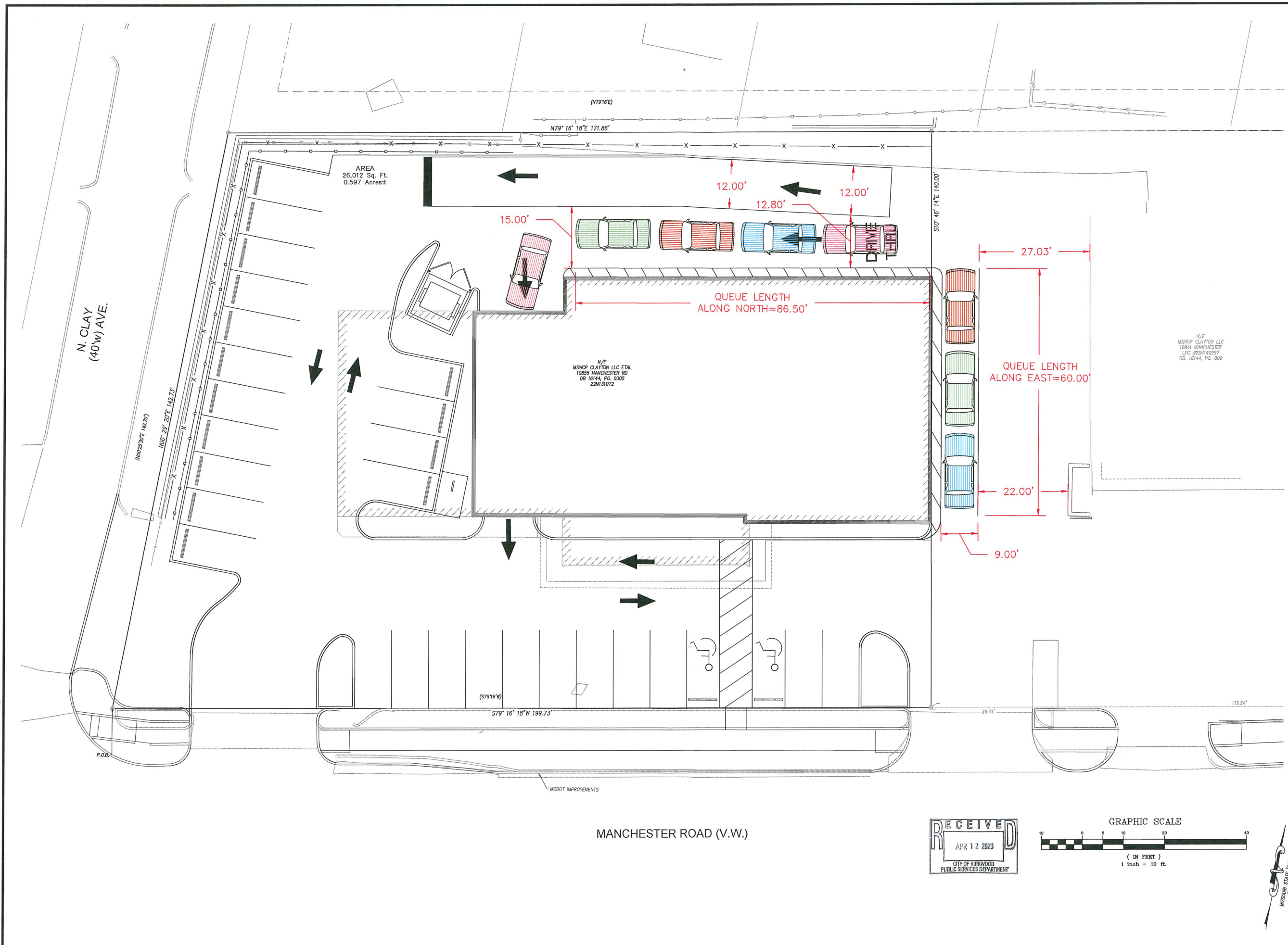
- REVISIONS:
- 2023-3-1 PHOTOMETRICS
 - 2023-3-10 CITY COMMENTS
 - 2023-4-5 CITY
 - 2023-4-12 CITY

DRAWN BY: K.S.G.	CHECKED BY: G.M.S.
DATE: 2/8/2023	JOB NO. 223-7367
M.S.D. P. #	BASE MAP # 22M
S.L.C. H&T #	H&T SUP. #
M.B.N.R. #	

SHEET TITLE:
FIRE EXHIBIT

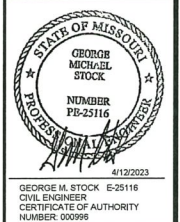
SHEET NO.:
C3.0

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PREPARED BY:
Stock & Associates
 Consulting Engineers, Inc.
 257 Chesterfield Business Parkway
 St. Louis, MO 63005 PH: (636) 530-9100 FAX (636) 530-9100
 e-mail: general@stockassoc.com
 Web: www.stockassoc.com

SITE PLAN FOR:
PROPER BRAND
 10855 MANCHESTER ROAD
 CITY OF KIRKWOOD, ST. LOUIS COUNTY, MISSOURI



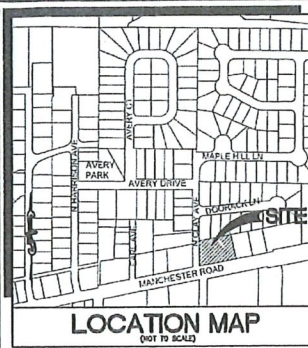
REVISIONS:

1.	2023-3-1	PHOTOMETRICS
2.	2023-3-10	CITY COMMENTS
3.	2023-4-6	CITY
4.	2023-4-12	CITY

DRAWN BY: K.S.G.	CHECKED BY: G.M.S.
DATE: 2/8/2023	JOB NO. 223-7367
M.S.D. P #	BASE MAP # 22M
S.L.C. H&T #	H&T SUP. #
M.D.N.R. #	

SHEET TITLE:
QUEUE LENGTH

SHEET NO.:
C4.0



- LEGEND**
- ⊕ BENCH MARK
 - FOUND IRON ROD
 - FOUND IRON PIPE
 - △ RIGHT OF WAY MARKER

SITE DISTANCE EXHIBIT

TRACTS OF LAND LOCATED IN SECTION 36, TOWNSHIP 45 NORTH, RANGE 5 EAST
OF THE 5TH PRINCIPAL MERIDIAN
CITY OF KIRKWOOD, ST. LOUIS COUNTY, MISSOURI
GRAPHIC SCALE



We certify that the measured distances are as follows:

From the now existing Southwest corner of the building located on 10855 Manchester Road to the church property located at 11024 Manchester Road:
The North Route is 1076 feet long, leaving said SW Corner, to the north side of Manchester Road, thence along the north side of Manchester Road and crossing N Clay Avenue continuing along the north side of Manchester Road, thence crossing Manchester Road to the west side of N Harrison Avenue to the south side of Manchester Road to the northeast corner of the church property.

The South Route is 1092 feet long, leaving the SW Corner, to Manchester Road, thence crossing Manchester Road along the south line of Manchester Road to the northeast corner of said church property.

Stock & Associates Consulting Engineers, Inc.
LC 222-D

By: *Walter J. Pflieger*
Walter J. Pflieger, Missouri P.L.S. No. 2008-000728

PREPARED BY:
STOCK & ASSOCIATES
 Consulting Engineers, Inc.
 257 Chestnutfield Business Parkway
 St. Louis, MO 63105 PH: (636) 530-9100 FAX: (636) 530-9130
 e-mail: general@stockandassociates.com
 Web: www.stockandassociates.com



SITE DISTANCE EXHIBIT
NGH/NTB @ KIRKWOOD
 10855 MANCHESTER ROAD
 CITY OF KIRKWOOD, ST. LOUIS COUNTY, MISSOURI



REVISIONS:

DESIGN BY: W.J.P.	CHECKED BY: W.J.P.
DATE: 1/18/2023	JOB NO: 223-7357
SCALE: P & R P-3/8"=1'-0"	BASE MAP # XXX
SHEET NO. & TOTAL XXXX	HWT SUR. # XX-XXX-XX

SHEET TITLE:
SITE DISTANCE EXHIBIT

SHEET NO.:
1 OF 1

PREPARED FOR:
Proper Brands / Proper Cannabis
c/o Savoy Properties
1034 S. Brentwood Blvd., Suite 1200
St. Louis, MO 63117
Armstrong Teasdale LLP
7700 Forsyth Blvd., Suite 1800
St. Louis, MO 63105

THE CONSENT AGENDA IS ATTACHED

- a) Approval of the April 2, 2023 Council Meeting Minutes
- b) Resolution 44-2023, accepting the bid of Public Safety Solutions MO, LLC in the amount of \$64,594.95 (pursuant to NCPA Cooperative Contract) for the purchase of 14 mobile data terminals for the Fire Department and authorizing and directing the Director of Procurement to issue a Purchase Order
- c) Resolution 45-2023, accepting the bid of Bazan Painting Co. in the amount of \$38,995 for Aquatic Center Pool Painting for the Parks and Recreation Department and authorizing and directing the Mayor to enter into a contract



WHERE COMMUNITY AND SPIRIT MEET™

DRAFT

**City Council Meeting Minutes
Kirkwood City Hall
Thursday, April 6, 2023, 7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, April 6, 2023, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were Mayor Griffin, Council Members Zimmer, Duwe, Gibbons, Sears, and Ward. Also in attendance were Chief Administrative Officer Russell Hawes, Assistant Chief Administrative Office David Weidler, City Clerk Laurie Asche, City Attorney John Hessel, Assistant Fire Chief Brian Zaitz, Planning and Development Director Jonathan Raiche, and Electric Director Mark Petty. Council Member Luetzow were absent and excused.

INTRODUCTIONS AND RECOGNITIONS

NONE

PRESENTATION

NONE

PUBLIC HEARINGS

NONE

PUBLIC COMMENTS

1. Bernard Bahn, 418 Parkwoods Ave., made comments about LAGERS and expressed concerns about switching the employee pension plan to LAGERS.

CONSENT AGENDA

Motion was made by Council Member Zimmer and seconded by Council Member Duwe to approve the Consent Agenda. The Consent Agenda was unanimously approved.

- a) Approval of the March 16, 2023 Council Meeting Minutes
- b) Approval of March 30, 2023 Special City Council Meeting Minutes
- c) Resolution 34-2023, accepting the bid of Enterprise Consulting Group in the amount of \$16,232.45 for CheckPoint Software Support for the MIS Department and authorizing and directing the Director of Procurement to issue a Purchase Order
- d) Resolution 35-2023, accepting the single source proposal of ESRI in the amount of \$20,852 for ArcGIS Desktop Support and Maintenance for the MIS Department and authorizing and directing the Mayor to enter into a contract
- e) Resolution 36-2023, appointing Amaya Gaus to the Youth Advisory Commission for a partial term to June 2025
- f) Resolution 37-2023, accepting the proposal of REJIS Commission in the amount of \$35,844 for the initial term of 12 months, with the option renew for up to six additional terms, pending budgetary approval, for a Computer Aided Dispatch System Interface and Licensing Agreement for the Police Department and authorizing and directing the Mayor to enter into a contract



WHERE COMMUNITY AND SPIRIT MEET™

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UNFINISHED BUSINESS
NONE

NEW BUSINESS

Bill 10971, amending the provisions of the Municipal Code, Chapter 25 – Zoning and Subdivision and Chapter 20 – Streets and Sidewalks, regarding revisions to requirements for outdoor dining and outdoor seating areas was brought before the City Council. Motion was made by Council Member Duwe and seconded by Council Member Ward to approve the bill for first reading approval. A discussion took place.

The bill received first reading approval and was held over.

Bill 10972, appropriating \$65,000 from the General Fund Fund Balance to the Police Department Overtime Account due to increased operating expenses in the Police Department for Fiscal Year 2022/2023 was brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member Ward to approve the bill for first reading approval.

The bill received first reading approval and was held over.

Bill 10973, reappropriating \$62,350 from the Capital Improvement Fund Balance to multiple Facilities accounts was brought before the City Council. Motion was made by Council Member Duwe and seconded by Council Member Sears to approve the bill for first reading approval. A discussion took place.

The bill received first reading approval and was held over.

Bill 10974, appropriating \$14,711 from the Certificates of Participation Series 2022 to the Fire Department Rolling Stock Account, Project #FD2308, and amending the Purchase Order with Sentinel Emergency Solutions, LLC in the amount of \$14,711 for a total amount of \$939,865 for the purchase of a Rosenbauer Rescue Pumper for the Fire Department and authorizing and directing the Director of Procurement to issue an amended Purchase Order was brought before the City Council. Motion was made by Council Member Gibbons and seconded by Council Member Duwe to approve the bill for first reading approval. A discussion took place.

The bill received first reading approval and was held over.

Bill 10975, amending and readopting the provisions of Appendix E, “Personnel Rules and Regulations” of the Kirkwood Code of Ordinances was brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member Gibbons to approve the bill for first reading approval. A discussion took place.

The bill received first reading approval and was held over.



WHERE COMMUNITY AND SPIRIT MEET

DRAFT

Resolution 38-2023, authorizing and directing the Mayor to enter into an agreement between the City of Kirkwood and St. Louis County for the Installation, Operation, and Maintenance of License Plate Recognition Camera within St. Louis County Maintained Right-of-Way was brought before the City Council. Motion was made by Council Member Duwe and seconded by Council Member Sears to accept the Resolution as read.

Roll Call:

Mayor Griffin	"Yes"
Council Member Zimmer	"Yes"
Council Member Duwe	"Yes"
Council Member Gibbons	"Yes"
Council Member Luetzow	Absent
Council Member Sears	"Yes"
Council Member Ward	"Yes"

Resolution 39-2023, accepting the bid of Frost Supply in the amount of \$71,900 for the purchase of LED Lights for the Electric Department and authorizing and directing the Director of Procurement to issue a Purchase Order was brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member Duwe to accept the Resolution as read. Discussion took place

Roll Call:

Mayor Griffin	"Yes"
Council Member Zimmer	"Yes"
Council Member Duwe	"Yes"
Council Member Gibbons	"Yes"
Council Member Luetzow	Absent
Council Member Sears	"Yes"
Council Member Ward	"Yes"

Resolution 40-2023, amending and readopting the City of Kirkwood City Fee Schedules was brought before the City Council. Motion was made by Council Member Duwe and seconded by Council Member Gibbons to accept the Resolution as read.

Roll Call:

Mayor Griffin	"Yes"
Council Member Zimmer	"Yes"
Council Member Duwe	"Yes"
Council Member Gibbons	"Yes"
Council Member Luetzow	Absent
Council Member Sears	"Yes"



WHERE COMMUNITY AND SPIRIT MEET™

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Council Member Ward "Yes"

Resolution 41-2023, transferring funds in the amount of \$205,300 from the Transfer to Other Funds Account to multiple accounts for the public safety Deferred Compensation 2% match was brought before the City Council. Motion was made by Council Member Ward and seconded by Council Member Gibbons to accept the Resolution as read.

Roll Call:

Mayor Griffin	"Yes"
Council Member Zimmer	"Yes"
Council Member Duwe	"Yes"
Council Member Gibbons	"Yes"
Council Member Luetzow	Absent
Council Member Sears	"Yes"
Council Member Ward	"Yes"

Resolution 42-2023, accepting the bid of Rudd Equipment in the amount of \$81,902 (pursuant to Sourcewell Cooperative Contract) for the purchase of a Mini Excavator for the Street Department and authorizing and directing the Director of Procurement to issue a Purchase Order was brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member Duwe to accept the Resolution as read.

Roll Call:

Mayor Griffin	"Yes"
Council Member Zimmer	"Yes"
Council Member Duwe	"Yes"
Council Member Gibbons	"Yes"
Council Member Luetzow	Absent
Council Member Sears	"Yes"
Council Member Ward	"Yes"

Resolution 43-2023, accepting the bid of Cape Electrical Supply in the amount of \$322,589 for the Single Phase Pole Mount, Dual Voltage Transformers for the Electric Department and authorizing and directing the Director of Procurement to issue a Purchase Order was brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member Sears to accept the Resolution as read.



WHERE COMMUNITY AND SPIRIT MEET™

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Roll Call:

Mayor Griffin	"Yes"
Council Member Zimmer	"Yes"
Council Member Duwe	"Yes"
Council Member Gibbons	"Yes"
Council Member Luetzow	Absent
Council Member Sears	"Yes"
Council Member Ward	"Yes"

CONSENT AGENDA ITEMS FOR DISCUSSION
NONE

CITY COUNCIL REPORTS

Council Member Gibbons mentioned the YMCA and Kirkwood Library have partnered to do a Book Walk. The Greentree Committee has worked really hard to create a new route for the parade because of construction.

Council Member Ward mentioned the Council should have received a letter from the National League of Cities urging the City of Kirkwood to sign petition to address Congress about Railroad safety.

CHIEF ADMINISTRATIVE OFFICER REPORT

Mr. Hawes reported that the City of Kirkwood received an Application for Liquor License, Picnic License, from the Rotary Club of Kirkwood for the Route 66 Cars and Guitars Festival on June 10, 2023 was brought before the City Council. Motion was made by Council Member Duwe and seconded by Council Member Zimmer. Motion passed unanimously.

CITY ATTORNEY REPORT

Mr. Hessel had nothing to report.

CITY CLERK REPORT

Ms. Asche read the report of the April 5, 2023 meeting of the Planning & Zoning Commission, the following action was taken: By a vote of 7-0, the Commission recommended approval of a Community Unit Plan final site plan/final plat for the proposed Woodland Knoll 6-lot subdivision at 600 N. Ballas Rd. Legislation will be drafted for Council consideration.

Upcoming Public Hearings:

April 20, 2023

A request for a Special Use Permit (comprehensive marijuana dispensary facility and accessory drive-through facility) and Major Site Plan Review for New Growth Horizons, 10855 Manchester Road.



WHERE COMMUNITY AND SPIRIT MEET*

DRAFT

ADJOURNMENT

There being no further business to come before the Council, the formal meeting was adjourned at 7:31 p.m. The next regular meeting of the Kirkwood City Council will take place at 7:00 p.m. on April 20, 2023.

Laurie Asche
City Clerk

Approved:

RESOLUTION 44-2023

A RESOLUTION ACCEPTING THE BID OF PUBLIC SAFETY SOLUTIONS MO, LLC IN THE AMOUNT OF \$64,594.95 (PURSUANT TO NCPA COOPERATIVE CONTRACT) FOR THE PURCHASE OF 14 MOBILE DATA TERMINALS FOR THE FIRE DEPARTMENT AND AUTHORIZING AND DIRECTING THE DIRECTOR OF PROCUREMENT TO ISSUE A PURCHASE ORDER.

WHEREAS, the City may purchase items and services that have been competitively bid and awarded by NCPA Cooperative Contract, and

WHEREAS, staff recommends that the City purchase 14 Mobile Data Terminals for the Fire Department from Public Safety Solutions MO, LLC in the amount of \$64,594.95 under NCPA Cooperative Contract #01-97, and

WHEREAS, funds are available in Account #301-03-060-000-000-620040 (Machinery & Equipment), Project #F2402.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. The Director of Procurement is hereby authorized and directed to issue a Purchase Order to Public Safety Solutions MO, LLC under NCPA Cooperative Contract #01-97 in the amount of \$64,594.95 for the purchase of 14 Mobile Data Terminals for the Fire Department.

SECTION 2. This Resolution shall be in full force and effect after its passage and approval.

PASSED AND APPROVED THIS 20TH DAY OF APRIL 2023.

Mayor, City of Kirkwood

ATTEST:

City Clerk

Legislation Request

Resolution

Place On The Agenda Of: 4/20/2023

Step #1:

Strategic Plan YES

Goal # & Title 3 Quality of Life

Background To Issue:

The Kirkwood Communications Center is implementing the new Motorola Premier One CAD system, as part of this system the Fire Department will be using Mobile Data Terminals in the apparatus to provide mapping, call information and digital communications between the field units and the communications center. Currently, the FD has computers in all apparatus, these units have reached end of life and do not have the internally RAM and/or memory to support the new CAD.

Recommendations and Action Requested:

The Fire Department is requesting to purchase 14 new GETAC V110 computers to replace the current MDT's in the apparatus. These units are used by various local agencies and provide a ruggedized computer option. The new computers meet and exceed the demands of the Motorola CAD, providing a long-term solution as the CAD continues to grow and the demands of the MDT expand. The computers also operate other functions for the fire department to include emergency medical reporting and narcotic documentation. The request is to purchase the computers and associated mounts through the cooperative contract NCPA 01-97 for a total cost of \$64,594.95. Funds will come from account 301-03-060-000000-620040

Alternatives Available:

Alternatives to this are to not purchase new MDT's to support the new CAD. This would not fully optimize or utilize the new CAD for the Fire Department.

Does this project have a public information component? Yes No

Cost: \$64,594.95

Account #: See Finance

Project #: F2402

Budgeted: YES

If YES, Budgeted Amount: \$68,500.00

: If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

BY: James Silvernail

Date: 4/10/2023

Authenticated:

You can attach up to 3 files along with this request.



FD2402_Quote.pdf
Adobe Acrobat Document
286 KB

File Attachment

File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Approve

Purchasing Director's Comments:

BY: Sara Foan-Oliver

Date: 4/12/2023

Authenticated: sfo

You can attach up to 3 files along with this request.

 500858 Resolution Letter.pdf Adobe Acrobat Document 180 KB	 File Attachment	 File Attachment
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Step #3: If budgetary approval is required **(Must have Finance Department's approval).**

Budgetary Approval

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

Budgetary appropriation is available and sufficient for \$64,594.95 in account 301-03-060-000000-620040, Machinery & Equipment, Project F2402, Ruggedized Laptops to approve the above as requested.

BY: Sandra Stephens

Date: 4/12/2023

Authenticated: stephesf

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 4-14-23



Kirkwood PD Getac V110s Qty14

Quote #005088 v4



Prepared by: Public Safety Solutions
Dustin Gay
PO Box 8944
Springfield, MO 65801
P: 870-799-4354
E: dustin@pss-mo.com

Ship To: Kirkwod Fire Department (MO)
Brian Zaltz
137 W. Argonne
Kirkwood, MO 63122
P: (314) 568-1501
E: zaltzbt@kirkwoodmo.org

Prepared For: Kirkwod Fire Department (MO)
Brian Zaltz
137 W. Argonne
Kirkwood, MO 63122
P: (314) 568-1501
E: zaltzbt@kirkwoodmo.org

Date Issued: 04.07.2023
Expires: 05.31.2023

Getac V110



Table with columns: Product Details, MSRP, Discount, Your Price, Qty, Ext. Price. Includes Contract: NCPA 01-97 and items like 16G Ram Option- 512G SSD ; For ESO / OPIQ and 12V Power Supply.

Docking

Table with columns: Product Details, MSRP, Discount, Your Price, Qty, Ext. Price. Includes 5 Staff Vehicles and Ball Mount for Remote Display in the 5 Staff vehicles- to be mounted directly on existing consoles.



Docking

Product Details	MSRP	Discount	Your Price	Qty	Ext. Price
 C-MD-202 Havis Vehicle Mount Tilt/Swivel for Docking Station, Notebook, Keyboard - Black - 75 x 75 - VESA Mount Compatible	\$93.00	25.81 %	\$69.00	5	\$345.00
 HDMI-MM-35F Unirise HDMI Audio/Video Cable - 35 ft HDMI A/V Cable for Audio Device, Video Device - First End: 19-pin HDMI 1.4 Type A Digital Audio/Video - Male - Second End: 19-pin HDMI 1.4 Type A Digital Audio/Video - Male - Shielding - Black	\$47.58	26.44 %	\$35.00	5	\$175.00

ALL VEHICLES

DS-GTC-311 DOCKING STATION FOR GETACS V110 CONVERTIBLE NOTEBOOK	\$946.00	34.99 %	\$615.00	14	\$8,610.00
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Fire Apparatus have existing Havis docking hardware, will only have to replace the dock from a Panasonic to the V110 Dock. With power, USB and ethernet pass thru.

Subtotal: \$16,924.95

Shipping

Description	Qty
Shipping Shipping - waived	1

Quote Summary	Amount
Getac V110	\$47,670.00
Docking	\$16,924.95
Total:	\$64,594.95

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

This proposal is based on the requirements provided by the customer. We reserve the right to correct mathematical or other errors in the quotation.

Change Orders must be processed for additional out-of-scope material and labor, or other required deviations from quotation.

All quotations purchased under NASPO ValuePoint, GSA, or other Master Supply Agreement are subject to the applicable contract's terms and conditions and supersede any conflicting terms listed here.

Acceptance

Public Safety Solutions

Kirkwod Fire Department (MO)

Dustin Gay

Signature / Name

Signature

Initials

04/07/2023

Date

Date

April 11, 2023

To: Russel B. Hawes, Chief Administrative Officer

For Your Consideration: Mobile Data Terminals; Cooperative Bid # 500858

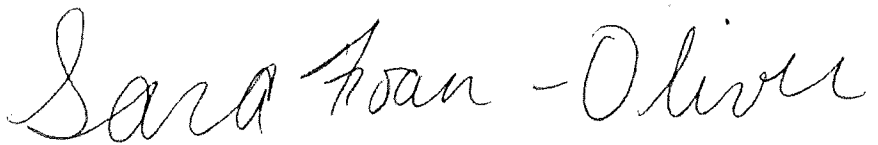
The City of Kirkwood Communication Center is currently in the process of implementing the new Motorola Premier One CAD system. As part of this system, the Fire Department will be using Mobile Data Terminals to provide mapping, call information and digital communications between the field units and the communications center.

It is recommended that the current computers be replaced, as these units are approaching end of life and do not contain the necessary RAM or memory to support the new CAD software. The new GETAC V110 computers meet and exceed the requirements to support the Motorola CAD system and are currently utilized by several local agencies.

The new units being requested are available for purchase via cooperative contract NCPA 01-97.

Attached is a request from James Silvernail, Fire Chief, for a resolution authorizing a purchase order be issued to Public Safety Solutions MO, LLC in the amount of \$64,594.95 for the purchase of 14 GETAC V110 computers (Mobile Data Terminals).

Respectfully,

A handwritten signature in cursive script that reads "Sara Foan-Oliver".

Sara Foan-Oliver
Procurement Director

RESOLUTION 45-2023

A RESOLUTION ACCEPTING THE BID OF BAZAN PAINTING CO. IN THE AMOUNT OF \$38,995 FOR AQUATIC CENTER POOL PAINTING FOR THE PARKS AND RECREATION DEPARTMENT AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT.

WHEREAS, pursuant to law, the City solicited bids for Aquatic Center Pool Painting for the Parks and Recreation Department, and

WHEREAS, the most responsible bid received were that of Bazan Painting Co. in the amount of \$38,995, which bid acceptance is approved by the Chief Administrative Officer and recommended by the Director of Procurement and the Director of Parks and Recreation, and

WHEREAS, funds are available in Account #302-08-080-000-000-620020 (Building & Site Improvement), Project #PR2201.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. The bid of Bazan Painting Co. in the amount of \$38,995 for the Aquatic Center Pool Painting for the Parks and Recreation Department is hereby accepted and approved.

SECTION 2. The Mayor is hereby authorized and directed to enter into a contract with Bazan Painting Co. in the amount of \$38,995 for the Aquatic Center Pool Painting for the Parks and Recreation Department.

SECTION 3. This Resolution shall be in full force and effect after its passage and approval.

PASSED AND APPROVED THIS 20TH DAY OF APRIL 2023.

Mayor, City of Kirkwood

ATTEST:

City Clerk

Legislation Request

Resolution

Place On The Agenda Of: 4/20/2023

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:

The kiddie pool has not been painted since the 2019 season. The existing paint has started to chip and crack, and needs to be re-painted. The competition pool was re-painted in 2022, however we completed a major leak repair this off season. This has resulted in the need to re-paint the shallow end of the competition pool.

Recommendations and Action Requested:

It is recommended that a contract be entered into with Bazan Painting Co. for the painting of the kiddie and shallow end of the competition pool that includes brush-blasting all surfaces, preparation work, applying two coats of paint, and re-painting lane lines and hash marks. The proposed price from Bazan Painting Co. is \$38,995 and will be charged to account 302-2001-600-75.03, Project PR2201.

Alternatives Available:

Do not paint/resurface which will result in further surface breakdown and possible foot injuries.

Does this project have a public information component? Yes No

Cost: \$38,995.00 Account #: 620020 Project #: PR2201 Budgeted: YES

If YES, Budgeted Amount: \$40,000.00 If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

BY: Kyle Henke

Date: 4/11/2023

Authenticated: Wardbm

You can attach up to 3 files along with this request.



Kiddie and Competition Pool
Painting Legislation Memo
2023.doc
Microsoft Word 97 - 2003
Document
207 KB

File Attachment

File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Approve

Purchasing Director's Comments:

BY: Sara Foan-Oliver

Date: 4/12/2023

Authenticated: sfo

You can attach up to 3 files along with this request.



 File Attachment

 File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Budgetary Approval

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

Budgetary appropriation is available and sufficient for \$38,995 in account 302-08-080-000-000-620020, Building & Site Improvement, Project PR2201, Pool Painting to approve the above as requested.

BY: Sandra Stephens

Date: 4/12/2023

Authenticated: stephesf

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 4-14-23

From the desk of...
Brenton Ward, Superintendent of Recreation
111 S. Geyer Road, Kirkwood, Missouri 63122
Phone: 314.822.5856 Fax: 314.984.5931
E-mail: wardbm@kirkwoodmo.org

Memo

To: Kirkwood City Council
From: Kyle Henke
CC: Sandi Stevens, Sarah Foan-Oliver, Russ Hawes
Date: 4/6/2023
Re: Kiddie and Competition Pool Painting Project

This memo serves as recommendation to accept the most responsible and economical bid to paint the kiddie pool and the shallow end of the competition pool at the Kirkwood Aquatic Center. The kiddie pool was last painted in 2019, and the competition pool was painted in 2022. However, due to a recent repair project, the competition pool is in need to be repainted earlier than expected. Two bids were received for the project, one from Bazan Painting Co. for \$38,995 and one from CCIMW for \$40,154.

Based on Bazan Painting Co. proposal, it is recommended that a contract be entered into with Bazan Painting Co. for the painting of the kiddie and competition pool that includes brush-blasting all surfaces, preparation work, applying two coats of paint, and re-painting lane lines and hash marks. The proposed price from Bazan Painting Co. is \$38,995.

The specific legislative request is to enter into a contract with Bazan Painting Co. for an amount of \$38,995 to be charged to Account 302-2001-600-75-03, Project 2201.

Approval of these requests at this time would allow this project to begin April 21 with a proposed end date of May 12 which would allow pool staff to open on time for the 2023 pool season.

April 11, 2023

To: Russell B. Hawes, Chief Administrative Officer

For Your Consideration: Aquatic Center Pool Painting, IFB # 13952

An invitation for bid was issued to 85 vendors on March 22, 2023 for Pool Painting and Resurfacing services at the Aquatic Center. The pools being serviced are the Kiddie Pool, the shallow end of the Competition pool and a small portion of the leisure pool.

The City received two responses from Bazan Painting Co. and CCIMW, LLC upon the closure of this opportunity on April 5, 2023. Bazan Painting Co. was the lowest responsible bidder. Submission pricing is as follows:

Bazan Painting Co.	\$38,995.00
CCIMW, LLC	\$40,154.00

Vendor

Bazan Painting Co.	\$38,995.00
---------------------------	--------------------

Attached is a request from Kyle Henke, Parks Director, for a resolution authorizing the City to enter into a contract with Bazan Painting Co. in the amount of \$38,995.00 for Aquatic Center Pool Painting.

Respectfully,



Sara Foan-Oliver
Procurement Director

BILL 10971

ORDINANCE

AN ORDINANCE AMENDING THE PROVISIONS OF THE MUNICIPAL CODE, CHAPTER 25 – ZONING AND SUBDIVISION AND CHAPTER 20 – STREETS AND SIDEWALKS, REGARDING REVISIONS TO REQUIREMENTS FOR OUTDOOR DINING AND OUTDOOR SEATING AREAS.

WHEREAS, on the 18th day of February 2021, the City Council adopted Ordinance 10702 which replaced Appendices A and B with a newly revised and combined Zoning & Subdivision Code in Chapter 25; and

WHEREAS, City Staff believes that the parking rate for Outdoor Dining and Outdoor Seating areas should be revised to acknowledge unique circumstances of the pedestrian-oriented downtown; and

WHEREAS, City Staff recommended re-evaluating current requirements for Outdoor Dining and Outdoor seating areas with a focus on parking requirements (PZ-10-23); and

WHEREAS, the Planning and Zoning Commission did on the 1st day of February, 2023, by referencing the Staff Memo dated February 1, 2023 as amended (attached hereto and incorporated by reference herein), recommend the approval of said Zoning and Subdivision Code text amendment; and

WHEREAS, on the 1st day of March, 2023, the City Council did hold a public hearing with respect to such amendment to Chapters 20 and 25 of the Municipal Code after duly advertising and giving proper notice of such hearing.

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

SECTION 1. That the City of Kirkwood Municipal Code of Ordinances, Chapter 20 – Streets and Sidewalks, Article III Encroachments, Section 20-95 Restaurant Outdoor Seating, is hereby amended by deleting said section in its entirety and replacing it with the following language:

Restaurants may utilize the public sidewalk for outdoor seating under the following provisions:

- a. Seating for not more than 12. Restaurants in commercial districts may provide seating for not more than 12 on the public sidewalk contiguous to their restaurant facility under the following conditions:
 1. No permanent structures or paving are installed.
 2. No outdoor speakers or music shall be allowed.

3. Outdoor tables, chairs, furniture and decorative items shall be of uniform design.
 4. Provisions shall be made for adequate litter and trash control, including the providing and maintenance of trash receptacles. The outdoor area shall be kept clean and free of debris at all times.
 5. Restaurant service equipment shall not be permitted outdoors.
 6. An unobstructed pedestrian walkway six feet wide shall be maintained on the public sidewalk between the tables, umbrellas, and the vehicle traffic way.
 7. The seating shall not obstruct any entry- or exitway of the building or adjacent buildings.
 8. Hours of sidewalk use are limited from 6:00 a.m. to 12:00 midnight except in B-1, where it shall be limited from 7:00 a.m. to 10:00 p.m.
 9. Provision shall be made for appropriate lighting which will not disturb adjacent property or affect traffic on adjacent rights-of-way.
- b. Seating for more than 12. Restaurants may apply for outdoor dining on the public sidewalk contiguous to their restaurant facility for more than 12 under the following procedures:
1. The Planning and Zoning Commission and Public Services Department shall review the application and plans, taking into account the criteria of the Zoning Code for a Special Use Permit (as applicable) and the following conditions:
 - a. Parking. That adequate off-street parking exists for the increased restaurant use. A determination of inadequate off-street parking shall be grounds for denial of the permit. This evaluation shall recognize any exceptions or exemptions included in the City's current parking requirements.
 - b. Outdoor speakers/music. Outdoor speakers or music shall not be permitted.
 - c. Outdoor furniture. Outdoor tables, chairs, furniture, and decorative items shall be of uniform design.
 - d. Lighting. Temporary lighting may be approved. Permanent lighting shall not be permitted.
 - e. Permanent structures. No permanent structures or paving shall be installed.
 - f. Hours of operation. Hours of sidewalk use shall be from 6:00 a.m. to 12:00 midnight except in B-1 and residential districts, where it shall be limited from 7:00 a.m. to 10:00 p.m.
 - g. Litter control. Provisions are made for adequate litter and trash control,

including the providing and maintenance of trash receptacles. The outdoor area shall be kept free of debris at all times.

- h. Pedestrian walkway. An unobstructed pedestrian walkway at least six feet wide shall be maintained on the public sidewalk between the tables, umbrellas, and the vehicle traffic way.
 - i. Building obstructions. The dining area shall not obstruct any entry- or exitway of the building or adjacent buildings.
 - j. Lighting. If approved, provision shall be made for appropriate lighting which will not disturb adjacent property or affect traffic on adjacent rights-of-way.
 - k. Other conditions. Any other conditions or provisions regarding public safety or health as determined by the Council.
2. The City Council shall review the Planning and Zoning Commission's and Public Services' recommendations and may, upon motion, approve a Special Use Permit for the restaurant proprietor for outdoor dining under the following provisions:
- a. Upon Council approval of a motion granting the application, the initial permit shall be issued for a one-year period. At the end of the first one-year period, said permit is subject to renewal by the City Council through consideration of a resolution without a requirement for a public hearing.
 - b. After the initial one-year renewal, the permit is subject to renewal as required within the conditions of the permit after inspection and approval by the Public Services Department and Police Department, provided that the proprietor has conformed to the provisions of this section and the initial approval conditions, if any. In the event the Police Department or Public Services Department notifies the City Council in writing that the proprietor has failed to conform to any provisions of this section or approval conditions, then the Council will consider said information during renewal review of the permit to determine if renewal is appropriate.
 - c. The initial and renewal special use permit fee for outdoor dining shall be as set by the Council by resolution from time to time.
 - d. The permit may be revoked by the Council upon written notification by the Police Department or Public Services Department of a violation of this section or the approval conditions following a hearing.

SECTION 2. That the City of Kirkwood Municipal Code of Ordinances, Chapter 25 – Zoning and Subdivision Code, Article V Accessory Uses and Structures, Section 25-45(o), is hereby amended by deleting said section in its entirety and replacing it with the following language:

- (o) Outdoor dining and outdoor seating.
- (1) Outdoor dining and outdoor seating areas shall be located on a private sidewalk, patio, porch, deck, or other surface adjacent to the principal building the dining is connected with. Outdoor dining and outdoor seating areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the seating area and the principal building.
 - (2) Outdoor dining and outdoor seating on public sidewalks may be permitted in accordance with § 20-95 of the Municipal Code.
 - (3) Outdoor dining and outdoor seating shall not be located within 10 feet of fire hydrants, Fire Department standpipe connections, fire escapes, bus stops, loading zones, mailboxes, or traffic signal stanchions.
 - (4) If no grade separation is provided between vehicular traffic and the outdoor dining or outdoor seating area, permanent railings or fencing shall be provided around the area. If the dining or outdoor seating area is adjacent to a street or area that is closed to vehicular traffic, no railing or fencing shall be required.
 - (5) If the outdoor dining or outdoor seating area is located on a sidewalk, the area shall be designed so there is a minimum of six feet of clearance adjacent to the dining or seating area to allow for safe pedestrian circulation. Such areas shall also not block any areas of ingress to or egress from the principal building.
 - (6) Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital, or any other individual, group or mechanical device shall not be permitted for outdoor seating areas. Such activities may be permitted as part of an outdoor dining area if approved as part of the special use permit.
 - (7) Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
 - (8) Outdoor tables, chairs, umbrellas, furniture, and decorative items shall be of uniform design.
 - (9) Provision shall be made for appropriate lighting which will not disturb adjacent property or affect traffic on adjacent rights-of-way.
 - (10) Provisions shall be made for adequate litter and trash control, including the providing and maintenance of trash receptacles. The outdoor area shall be kept clean and free of debris at all times.
 - (11) For outdoor seating areas, the hours of use are limited from 6:00 a.m. to 12:00 midnight except in the B-1 District, where it shall be limited from 7:00 a.m. to 10:00 p.m. For outdoor dining areas, the hours of use shall be approved as part of the special use permit.
 - (12) Outdoor dining areas that are covered by a roof shall meet all the requirements of a

building within the applicable zoning district and shall require review as an expansion of the principal building, as required by this Code. Outdoor Dining areas that are covered by a roof but that meet certain criteria found in Section 25-63 are exempt from providing additional parking.

SECTION 3. That the City of Kirkwood Municipal Code of Ordinances, Chapter 25 – Zoning and Subdivision Code, Article IX Parking, Access, and Mobility Standards, Section 25-63 Applicability, is hereby amended by deleting said section in its entirety and replacing it with the following language:

Unless otherwise stated, the requirements of this article shall apply to all development and expansions as set forth in this section.

- (a) Time of review. Compliance with this article shall be reviewed as part of an application for a special use permit or site plan review, whichever review comes first. Where such reviews are not required, compliance shall be reviewed as part of an application for a building permit.
- (b) New development.
 - (1) The requirements of this article shall apply to all new development where there is the construction of a new structure or establishment of a new land use.
 - (2) New buildings that are constructed with a depth of less than 24 feet and provide the benefit of screening parking fields from street frontages and pedestrian passageways shall be considered liner buildings. Said liner buildings, which are constructed within the Downtown Master Plan Study Area, shall not be required to comply with the off-street parking, loading, or queuing lane requirements.
 - (3) Unenclosed outdoor dining areas that have seating for 49 or fewer individuals and that are located within the area bounded by Bodley Avenue to the north, Taylor Avenue to the east, Woodbine Avenue to the south, and Clay Avenue to the west, shall be exempt from additional parking, loading, and queuing requirements established in this article. Said unenclosed areas may be covered by a roof and may include a barrier with a maximum height of 42 inches; however, said areas shall not be enclosed by wall, glass, screen, vinyl wall, or any similar enclosure that exceeds 42 inches in height.
 - (4) The number of existing parking, loading, or queuing lanes may not be reduced below the minimum requirements established within this article.
- (c) Existing development. Off-street parking, loading, and queuing areas that are legally in existence on the effective date of this Code may not be reduced in size or number unless already exceeding the requirements of this article for equivalent new construction, in which cases, said spaces shall not be reduced below the number required by this article.
- (d) Expansions, reductions, and changes in use.

- (1) The requirements of this article shall apply when an existing structure is expanded or enlarged, when there is an increase in the number of dwelling units within the building, or when there is a change of use that requires additional off-street parking, loading, or queuing lanes. In the case of expansions and enlargements, additional parking, loading, and queuing lanes are required to serve only the enlarged or expanded area.
 - (2) When an existing structure is reduced in size, when there is a reduction in the number of dwelling units within the building, or when there is a change of use that requires fewer off-street parking, loading, or queuing lanes, the total number of spaces required by this article may be reduced, provided that the vehicular use area complies with this article.
 - (3) The change of use of any premises or the remodeling of any existing building within the area bounded by Bodley Avenue to the north, Taylor Avenue to the east, Woodbine Avenue to the south, and Clay Avenue to the west, shall be exempt from additional parking, loading, and queuing requirements established in this article. However, existing premises shall not decrease their existing parking, loading, or queuing lanes, including spaces leased to the City. New buildings and additions to existing buildings shall meet the parking, loading, or queuing requirements in this article.
 - (4) Unenclosed outdoor dining areas that have seating for 49 or fewer individuals and that are located within the area bounded by Bodley Avenue to the north, Taylor Avenue to the east, Woodbine Avenue to the south, and Clay Avenue to the west, shall be exempt from additional parking, loading, and queuing requirements established in this article. Said unenclosed areas may be covered by a roof and may include a barrier with a maximum height of 42 inches; however, said areas shall not be enclosed by wall, glass, screen, vinyl wall, or any similar enclosure that exceeds 42 inches in height.
 - (5) The requirements of this article shall also apply to the creation or expansion of any new parking lot or addition of loading or queuing lanes, regardless of if there are changes in the structure or use.
- (e) Accessory uses. Accessory uses shall be exempt from the requirements of this article unless specifically required in Article **IX**, Parking, Access, and Mobility Standards. Outdoor Dining shall be exempt from the requirements of this article unless it is considered an expansion of the principal building per Section 25-45(o)(12) and is not eligible for exemptions listed in subsections (b) and (d) above.

SECTION 4. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS ____ day of _____, 2023.

Mayor, City of Kirkwood

ATTEST:

City Clerk

Public Hearing: March 1, 2023

1ST Reading:

2nd Reading:

Legislation Request

Ordinance

Place On The Agenda Of: 3/2/2023

Step #1:

Strategic Plan Select... Goal # & Title

Background To Issue:

After being approached by multiple business and property owners in the downtown area, Staff reviewed the current parking requirements for outdoor dining and outdoor seating areas. After review, Staff believes there are multiple adjustments that could be made to provide additional opportunity for outdoor seating/dining areas to foster a more active and vibrant downtown. A copy of the amended Staff memo dated February 1, 2023 provides additional detail. As mentioned in the memo, these recommendations include a section of the Code, Chapter 20, that is outside of the Zoning/Subdivision Code. These provisions are not typically reviewed by the P&Z Commission; however, due to the inter-related nature of this specific section and requirements of the Zoning Code, these were all reviewed by the P&Z Commission. This Staff memo was amended by the P&Z Commission at their February 1st meeting with one amendment to the proposed language included in Exhibit A and highlighted in yellow.

Recommendations and Action Requested:

The P&Z Commission, by a vote of 8-0, recommended approval of the proposed revisions as included in the amended Staff memo. A public hearing is requested before the City Council followed by consideration of the proposed revisions.

Alternatives Available:

Does this project have a public information component? Yes No

Cost: \$0.00 Account #: 0 Project #: Budgeted: YES

If YES, Budgeted Amount: \$0.00 If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

BY: Jonathan Raiche

Date: 2/21/2023

Authenticated:

You can attach up to 3 files along with this request.



2023-03-02 PZ-10-23
Ordinance.docx
Microsoft Word Document
22.5 KB



2023-01-18 PZ-10-23
Memo&ExhibitsAmended.pdf
Adobe Acrobat Document
713 KB

File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Select...

Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

You can attach up to 3 files along with this request.

File Attachment

File Attachment

File Attachment

Step #3: If budgetary approval is required **(Must have Finance Department's approval).**

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

Authenticated:

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Diasapprove

Chief Administrative Officer's Comments:

BY:

A handwritten signature in blue ink, appearing to be "Charles J. ...", written over a horizontal line.

Date:

2-23-23

MEMORANDUM

TO: PLANNING & ZONING COMMISSION

FROM: JONATHAN D. RAICHE, PLANNING & DEVELOPMENT SERVICES DIRECTOR *JDR*

SUBJECT: PZ-10-23 STAFF-INITIATED TEXT AMENDMENT-
OUTDOOR DINING PARKING REQUIREMENT

DATE: FEBRUARY 1, 2023

CC: AMY LOWRY, PLANNER II
CHRISTIE VOELKER, PLANNER I
JOHN HESSEL, CITY ATTORNEY



WHERE COMMUNITY AND SPIRIT MEET[®]

Over the past year or so, Staff has been approached by multiple existing and potential property/business owners that have expressed a desire to either add or expand outdoor dining areas for restaurants downtown. These inquiries have included at-grade patio seating as well as roof-top decks. One of the more difficult hurdles for these potential projects is the City's current parking requirements. Staff recommends reviewing this requirement in an effort to encourage additional activity in the pedestrian-oriented downtown area.

First, it is important to note that the city differentiates between outdoor dining space for restaurants that provide 12 seats or fewer as opposed to greater than 12 seats. The current code refers to 12 seats or fewer as Outdoor Seating and more than 12 seats as Outdoor Dining. Outdoor Seating (12 seats or fewer) is not required to provide additional parking anywhere in the City and this was the same under the previous Zoning Code.

Outdoor Seating and Outdoor Dining are both considered accessory uses and, under the current Code, accessory uses are exempt from parking requirements. However, an Outdoor Dining area would be required to provide additional parking if there is a roof covering the dining area because it is considered to be an expansion of the principal building per Section 25-45(12). The City's code already exempts existing buildings located in the downtown area from needing to provide additional parking when the land-use changes, but the code requires that additional parking be provided when an existing structure is expanded. The equivalent to Outdoor Dining under the previous Zoning Code included the following criteria:

- a. *Parking. That adequate off-street parking exists for the increased restaurant use or that additional adequate off-street parking is provided. The City Council may require additional off-street parking.*

It appears that over the course of the City's history, outdoor dining/seating has oscillated between whether parking was required or not. Currently, Outdoor Dining only requires additional parking when it is either covered by a roof. Staff believes that various amendments to the current zoning code should be considered to allow outdoor dining/seating areas to be covered by roof (not enclosed by walls), but not require additional parking requirements when the project is located within the pedestrian-oriented downtown area. This exemption would recognize the unique characteristics of a pedestrian-oriented area with an increased likelihood of patrons walking to the restaurants while also encouraging outdoor activity that generally helps generate interest and attract more users to a specific district.

Recommendation

Staff has identified three sections of Code, two in the Zoning Code and one in the Streets & Sidewalks chapter, that address this topic. The Planning & Zoning Commission does not typically review amendments

to sections of the Municipal Code outside of the Zoning/Subdivision Code; however, due to the interrelated nature of these sections, Staff wanted the Commission to be aware of changes that would be necessary in Chapter 20 as well as the Zoning Code (Chapter 25) if the amendments are supported. Revisions to these sections are provided in Exhibits A through C attached to this report. The following is an explanation of the proposed amendments.

Exhibit A: Chapter 25, Section 25-42(o); Standards for specific accessory uses and structures

There are a couple minor suggestions to this section to clarify existing language and also a more substantial suggestion in subsection 12. Subsection 12 is currently the provision that stipulates that Outdoor Dining and Outdoor Seating areas with a permanent roof or as part of expanding the existing building shall be treated as an expansion of the principal building. The proposed revision would specify that covering the area with a roof would mean that the area would be treated as an expansion of the principal building and therefore require parking. The reasoning behind this distinction is that a roof, with or without walls will greatly extend the use of an outdoor seating area. With these sort of physical modifications, the area would become much more like a year-round building addition. A cross-reference is also proposed in subsection 12 to reference a portion of the parking regulations, Section 25-63, that is proposed to include a specific exemption for Outdoor Dining areas in downtown Kirkwood that meet specific criteria.

Exhibit B: Chapter 25, Section 25-63; Parking, Access, and Mobility Standards -Applicability

In this section, a new subsection has been added under the “New Development” and “Expansions, reductions, and changes in use” portions of the section. The new subsections provide an exemption from parking requirements for outdoor dining areas that: 1) include seating for 49 or fewer individuals, 2) are located within the downtown Kirkwood area, and 3) are not enclosed by wall, glass, screen, vinyl wall, or similar enclosure.

Subsection (e) is also revised to clarify that although Outdoor Dining areas are considered accessory uses, they may still require parking under certain circumstances. This is referenced in Section 25-45(o)(12) and the revision is to remove a possible conflict between the two sections.

Exhibit C: Chapter 20, Section 20-95; Restaurant outdoor seating

This section of code is outside of the Zoning/Subdivision Code but it regulates things that can encroach into the public right-of-way. To be consistent with the Zoning/Subdivision Code’s reference to Outdoor Seating and Outdoor Dining on public sidewalks, this section was created. The section currently references a process by which a separate business license would be issued for an Outdoor Seating/Dining area; however, this has not been the practice of the City. These areas are tied to the business license of the attached restaurant establishment. There are various revisions proposed to reference the current requirement for a Special Use Permit for an Outdoor Dining area (greater than 12 seats). The section is also revised to reference that there are certain exceptions or exemptions from the City’s parking requirements.

While updating the process to reference the Special Use Permit process, Staff is also recommending that the existing renewal process be simplified with a renewal required after 1 year and subsequent renewals only required if the City Council includes requirements for periodic renewals in the conditions of the Special Use Permit.

Staff recommends that the amendments described above and attached to this memo be considered by the Planning & Zoning Commission to make a recommendation to the City Council. The Commission may either discuss and vote on these items as a Commission or assign a subcommittee to analyze the topic further and to provide a recommendation to the Commission.

Article V Accessory Uses and Structures

§ 25-45 Standards for specific accessory uses and structures. [Ord. No. 10702, 2-18-2021]

The following requirements apply to the specific types of accessory uses and structures listed, in addition to the requirements of § 25-42.

...

- (o) Outdoor dining and outdoor seating.
 - (1) Outdoor dining and outdoor seating areas shall be located on a private sidewalk, patio, porch, deck, or other surface adjacent to the principal building the dining is connected with. Outdoor dining and outdoor seating areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the seating area and the principal building.
 - (2) Outdoor dining and outdoor seating on public sidewalks may be permitted in accordance with § 20-95 of the Municipal Code.
 - (3) Outdoor dining and outdoor seating shall not be located within 10 feet of fire hydrants, Fire Department standpipe connections, fire escapes, bus stops, loading zones, mailboxes, or traffic signal stanchions.
 - (4) If no grade separation is provided between vehicular traffic and the outdoor dining or outdoor seating area, permanent railings or fencing shall be provided around the area. If the dining or outdoor seating area is adjacent to a street or area that is closed to vehicular traffic, no railing or fencing shall be required.
 - (5) If the outdoor dining or outdoor seating area is located on a sidewalk, the area shall be designed so there is a minimum of six feet of clearance adjacent to the dining or seating area to allow for safe pedestrian circulation. Such areas shall also not block any areas of ingress to or egress from the principal building.
 - (6) Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital, or any other individual, group or mechanical device shall not be permitted for outdoor seating areas. Such activities may be permitted as part of an outdoor dining area if approved as part of the special use permit.
 - (7) Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
 - (8) Outdoor tables, chairs, umbrellas, furniture, and decorative items shall be of uniform design.
 - (9) Provision shall be made for appropriate lighting which will not disturb adjacent property or affect traffic on adjacent rights-of-way.
 - (10) Provisions ~~are shall be~~ made for adequate litter and trash control, including the providing and maintenance of trash receptacles. The outdoor area shall be kept clean and free of debris at all times.
 - (11) For outdoor seating areas, the hours of use are limited from 6:00 a.m. to 12:00 midnight except in the B-1 District, where it shall be limited from 7:00 a.m. to 10:00 p.m. For outdoor dining areas, the hours of use shall be approved as part of the special use permit.
 - (12) ~~Enclosing o~~Outdoor dining ~~or outdoor seating~~ areas that are covered either by a ~~permanent~~ roof ~~or to expand the existing structure~~ shall meet all the requirements of a building within the applicable zoning district and shall require review as an expansion of the principal building, as required by this Code. Outdoor Dining areas that are covered by a roof but that meet certain criteria found in Section 25-63 are exempt from providing additional parking.

Exhibit B

**Article IX
Parking, Access, and Mobility Standards**

...

**§ 25-63 Applicability.
[Ord. No. 10702, 2-18-2021]**

Unless otherwise stated, the requirements of this article shall apply to all development and expansions as set forth in this section.

- (a) Time of review. Compliance with this article shall be reviewed as part of an application for a special use permit or site plan review, whichever review comes first. Where such reviews are not required, compliance shall be reviewed as part of an application for a building permit.
- (b) New development.
 - (1) The requirements of this article shall apply to all new development where there is the construction of a new structure or establishment of a new land use.
 - (2) New buildings that are constructed with a depth of less than 24 feet and provide the benefit of screening parking fields from street frontages and pedestrian passageways shall be considered liner buildings. Said liner buildings, which are constructed within the Downtown Master Plan Study Area, shall not be required to comply with the off-street parking, loading, or queuing lane requirements.
 - (3) Unenclosed outdoor dining areas that have seating for 49 or fewer individuals and that are located within the area bounded by Bodley Avenue to the north, Taylor Avenue to the east, Woodbine Avenue to the south, and Clay Avenue to the west, shall be exempt from additional parking, loading, and queuing requirements established in this article. Said unenclosed areas may be covered by a roof and may include a barrier with a maximum height of 42 inches; however, said areas shall not be enclosed by wall, glass, screen, vinyl wall, or any similar enclosure that exceeds 42 inches in height.
 - (34) The number of existing parking, loading, or queuing lanes may not be reduced below the minimum requirements established within this article.
- (c) Existing development. Off-street parking, loading, and queuing areas that are legally in existence on the effective date of this Code may not be reduced in size or number unless already exceeding the requirements of this article for equivalent new construction, in which cases, said spaces shall not be reduced below the number required by this article.
- (d) Expansions, reductions, and changes in use.
 - (1) The requirements of this article shall apply when an existing structure is expanded or enlarged, when there is an increase in the number of dwelling units within the building, or when there is a change of use that requires additional off-street parking, loading, or queuing lanes. In the case of expansions and enlargements, additional parking, loading, and queuing lanes are required to serve only the enlarged or expanded area.
 - (2) When an existing structure is reduced in size, when there is a reduction in the number of dwelling units within the building, or when there is a change of use that requires fewer off-street parking,

loading, or queuing lanes, the total number of spaces required by this article may be reduced, provided that the vehicular use area complies with this article.

- (3) The change of use of any premises or the remodeling of any existing building within the area bounded by Bodley Avenue to the north, Taylor Avenue to the east, Woodbine Avenue to the south, and Clay Avenue to the west, shall be exempt from additional parking, loading, and queuing requirements established in this article. However, existing premises shall not decrease their existing parking, loading, or queuing lanes, including spaces leased to the City. New buildings and additions to existing buildings shall meet the parking, loading, or queuing requirements in this article.
- (4) Unenclosed outdoor dining areas that have seating for 49 or fewer individuals and that are located within the area bounded by Bodley Avenue to the north, Taylor Avenue to the east, Woodbine Avenue to the south, and Clay Avenue to the west, shall be exempt from additional parking, loading, and queuing requirements established in this article. Said unenclosed areas may be covered by a roof and may include a barrier with a maximum height of 42 inches; however, said areas shall not be enclosed by wall, glass, screen, vinyl wall, or any similar enclosure that exceeds 42 inches in height.
- (45) The requirements of this article shall also apply to the creation or expansion of any new parking lot or addition of loading or queuing lanes, regardless of if there are changes in the structure or use.
- (e) Accessory uses. Accessory uses shall be exempt from the requirements of this article unless specifically required in Article IX, Parking, Access, and Mobility Standards. Outdoor Dining shall be exempt from the requirements of this article unless it is considered an expansion of the principal building per Section 25-45(o)(12) and is not eligible for exemptions listed in subsections (b) and (d) above.

...

Exhibit C

**§ 20-95 Restaurant outdoor seating.
[Ord. No. 8208, 5-6-1993]**

Restaurants may utilize the public sidewalk for outdoor seating under the following provisions:

- a. Seating for not more than 12. Restaurants in commercial districts may provide seating for not more than 12 on the public sidewalk contiguous to their restaurant facility under the following conditions:
 1. No permanent structures or paving are installed.
 2. No outdoor speakers or music shall be allowed.
 3. Outdoor tables, chairs, furniture and decorative items shall be of uniform design ~~and shall be removed from public property November 1 through March 31.~~
 4. Provisions shall be made for adequate litter and trash control, including the providing and maintenance of trash receptacles. The outdoor area shall be kept clean and free of debris at all times.
 5. Restaurant service equipment shall not be permitted outdoors.
 6. An unobstructed pedestrian walkway six feet wide shall be maintained on the public sidewalk between the tables, umbrellas, and the vehicle traffic way.
 7. The seating shall not obstruct any entry- or exitway of the building or adjacent buildings.
 8. Hours of sidewalk use are limited from 6:00 a.m. to 12:00 midnight except in B-1, where it shall be limited from 7:00 a.m. to 10:00 p.m.
 9. Provision shall be made for appropriate lighting which will not disturb adjacent property or affect traffic on adjacent rights-of-way.
- b. Seating for more than 12. Restaurants may apply ~~to the Director of Finance for a business license~~ for outdoor seating-dining on the public sidewalk contiguous to their restaurant facility for more than 12 under the following procedures:
 1. The Planning and Zoning Commission and Public Services Department shall review the application and plans, taking into account the criteria of the Zoning Code for a Special Use Exception Permit (as applicable) and the following conditions:
 - a. Parking. That adequate off-street parking exists for the increased restaurant use. A determination of inadequate off-street parking shall be grounds for denial of the permit. This evaluation shall recognize any exceptions or exemptions included in the City's current parking requirements.
 - b. Outdoor speakers/music. Outdoor speakers or music shall not be permitted.
 - c. Outdoor furniture. Outdoor tables, chairs, furniture, and decorative items shall be of uniform design ~~and shall be removed from public property November 1 to March 31.~~
 - d. Lighting. Temporary lighting may be approved. Permanent lighting shall not be permitted.
 - e. Permanent structures. No permanent structures or paving shall be installed.

- f. Hours of operation. Hours of sidewalk use shall be from 6:00 a.m. to 12:00 midnight except in B-1 and residential districts, where it shall be limited from 7:00 a.m. to 10:00 p.m.
 - g. Litter control. Provisions are made for adequate litter and trash control, including the providing and maintenance of trash receptacles. The outdoor area shall be kept free of debris at all times.
 - h. Pedestrian walkway. An unobstructed pedestrian walkway at least six feet wide shall be maintained on the public sidewalk between the tables, umbrellas, and the vehicle traffic way.
 - i. Building obstructions. The seating-dining area shall not obstruct any entry- or exitway of the building or adjacent buildings.
 - j. Lighting. If approved, provision shall be made for appropriate lighting which will not disturb adjacent property or affect traffic on adjacent rights-of-way.
 - k. Other conditions. Any other conditions or provisions regarding public safety or health as determined by the Council.
2. The City Council shall review the Planning and Zoning Commission's and Public Services' recommendations and may, upon motion, ~~authorize a business license~~ approve a Special Use Permit for the restaurant proprietor for outdoor seating-dining under the following provisions:
- a. Upon Council approval of a motion granting the application, the initial license-permit shall be issued ~~by the Director of Finance~~ for a one-year period. At the end of the first one-year period, said permit is subject to renewal by the City Council through consideration of a resolution without a requirement for a public hearing.
 - b. After the initial one-year renewal, The licensethe permit is subject to renewal ~~on an annual basis~~ as required within the conditions of the permit after inspection and approval by the Public Services Department and Police Department, provided that the proprietor has conformed to the provisions of this section and the initial approval conditions, if any. In the event the Police Department or Public Services Department notifies the City Council in writing that the proprietor has failed to conform to any provisions of this section or approval conditions, then the Council, ~~upon written notification to the proprietor,~~ will consider said information during renewal review of the license-permit to determine if renewal is appropriate.
 - c. The initial and renewal license-special use permit fee for outdoor seating-dining shall be as set by the Council by resolution from time to time.
 - d. The license-permit may be revoked by the Council upon written notification by the Police Department or Public Services Department of a violation of this section or the approval conditions following a hearing.

PROCEDURE FOR PUBLIC HEARING

Mayor: At this time the council will recess to conduct a public hearing regarding:

A request for a Zoning Code text amendment related to parking requirements for outdoor dining areas for restaurants

Mayor: Mr. Hessel, do you wish to enter any exhibits into the record?

Mayor: Mr. Hawes, who will present this issue to the City Council?

Planning & Development Services Director Jonathan Raiche

Mayor: David, has anyone completed a card to speak regarding this proposal?

Mayor: Is there anyone in the audience that did not complete a card that wishes to speak regarding this issue? (Please be sure to fill out a card before you leave so your name and address is reflected in the record)

Mayor: Hearing no further discussion, the council will take this matter under advisement and consider the hearing to be recessed.

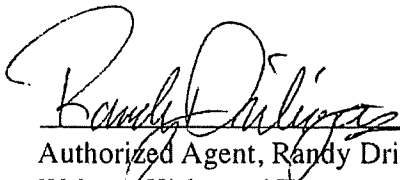


AFFIDAVIT OF PUBLICATION

Date: 2/9/2023

City of Kirkwood
139 S. Kirkwood Rd.
Kirkwood, MO 63122

I, Randy Drilingas, being duly sworn, both depose and say that I am an authorized representative of the WKTimes LLC, publishers of the Webster-Kirkwood Times Newspaper in the county of St. Louis, MO, and that the advertisement shown below was published in the Webster-Kirkwood Times February 10, 2023 edition.


Authorized Agent, Randy Drilingas
Webster-Kirkwood Times



NOTICE OF PUBLIC HEARING
before the City Council of
City of Kirkwood, MO

The Council of the City of Kirkwood will hold a public hearing in City Hall, 139 South Kirkwood Road, Kirkwood, Missouri at the hour of 7:00 p.m., Thursday, March 2, 2023 to consider the following:

A request for a Zoning Code text amendment related to parking requirements for outdoor dining areas for restaurants.

Laurie Asche, City Clerk

The City of Kirkwood is interested in effective communication for all persons. Persons requiring an accommodation to attend and participate in the meeting should contact the City Clerk at 314-822-5802 at least 48 hours before the meeting. With advance notice of seven calendar days, the City of Kirkwood will provide interpreter services at public meetings for languages other than English and for the hearing impaired. Upon request, the minutes from this meeting can be made available in an alternate format, such as CD by calling 314-822-5802.

MEMORANDUM

TO: PLANNING & ZONING COMMISSION

FROM: JONATHAN D. RAICHE, PLANNING & DEVELOPMENT SERVICES DIRECTOR *JDR*

SUBJECT: PZ-10-23 STAFF-INITIATED TEXT AMENDMENT- OUTDOOR DINING PARKING REQUIREMENT

DATE: FEBRUARY 1, 2023

CC: AMY LOWRY, PLANNER II
CHRISTIE VOELKER, PLANNER I
JOHN HESSEL, CITY ATTORNEY



WHERE COMMUNITY AND SPIRIT MEET[®]

Over the past year or so, Staff has been approached by multiple existing and potential property/business owners that have expressed a desire to either add or expand outdoor dining areas for restaurants downtown. These inquiries have included at-grade patio seating as well as roof-top decks. One of the more difficult hurdles for these potential projects is the City’s current parking requirements. Staff recommends reviewing this requirement in an effort to encourage additional activity in the pedestrian-oriented downtown area.

First, it is important to note that the city differentiates between outdoor dining space for restaurants that provide 12 seats or fewer as opposed to greater than 12 seats. The current code refers to 12 seats or fewer as Outdoor Seating and more than 12 seats as Outdoor Dining. Outdoor Seating (12 seats or fewer) is not required to provide additional parking anywhere in the City and this was the same under the previous Zoning Code.

Outdoor Seating and Outdoor Dining are both considered accessory uses and, under the current Code, accessory uses are exempt from parking requirements. However, an Outdoor Dining area would be required to provide additional parking if there is a roof covering the dining area because it is considered to be an expansion of the principal building per Section 25-45(12). The City’s code already exempts existing buildings located in the downtown area from needing to provide additional parking when the land-use changes, but the code requires that additional parking be provided when an existing structure is expanded. The equivalent to Outdoor Dining under the previous Zoning Code included the following criteria:

- a. Parking. That adequate off-street parking exists for the increased restaurant use or that additional adequate off-street parking is provided. The City Council may require additional off-street parking.*

It appears that over the course of the City’s history, outdoor dining/seating has oscillated between whether parking was required or not. Currently, Outdoor Dining only requires additional parking when it is either covered by a roof. Staff believes that various amendments to the current zoning code should be considered to allow outdoor dining/seating areas to be covered by roof (not enclosed by walls), but not require additional parking requirements when the project is located within the pedestrian-oriented downtown area. This exemption would recognize the unique characteristics of a pedestrian-oriented area with an increased likelihood of patrons walking to the restaurants while also encouraging outdoor activity that generally helps generate interest and attract more users to a specific district.

Recommendation

Staff has identified three sections of Code, two in the Zoning Code and one in the Streets & Sidewalks chapter, that address this topic. The Planning & Zoning Commission does not typically review amendments

to sections of the Municipal Code outside of the Zoning/Subdivision Code; however, due to the interrelated nature of these sections, Staff wanted the Commission to be aware of changes that would be necessary in Chapter 20 as well as the Zoning Code (Chapter 25) if the amendments are supported. Revisions to these sections are provided in Exhibits A through C attached to this report. The following is an explanation of the proposed amendments.

Exhibit A: Chapter 25, Section 25-42(o); Standards for specific accessory uses and structures

There are a couple minor suggestions to this section to clarify existing language and also a more substantial suggestion in subsection 12. Subsection 12 is currently the provision that stipulates that Outdoor Dining and Outdoor Seating areas with a permanent roof or as part of expanding the existing building shall be treated as an expansion of the principal building. The proposed revision would specify that covering the area with a roof would mean that the area would be treated as an expansion of the principal building and therefore require parking. The reasoning behind this distinction is that a roof, with or without walls will greatly extend the use of an outdoor seating area. With these sort of physical modifications, the area would become much more like a year-round building addition. A cross-reference is also proposed in subsection 12 to reference a portion of the parking regulations, Section 25-63, that is proposed to include a specific exemption for Outdoor Dining areas in downtown Kirkwood that meet specific criteria.

Exhibit B: Chapter 25, Section 25-63; Parking, Access, and Mobility Standards -Applicability

In this section, a new subsection has been added under the “New Development” and “Expansions, reductions, and changes in use” portions of the section. The new subsections provide an exemption from parking requirements for outdoor dining areas that: 1) include seating for 49 or fewer individuals, 2) are located within the downtown Kirkwood area, and 3) are not enclosed by wall, glass, screen, vinyl wall, or similar enclosure.

Subsection (e) is also revised to clarify that although Outdoor Dining areas are considered accessory uses, they may still require parking under certain circumstances. This is referenced in Section 25-45(o)(12) and the revision is to remove a possible conflict between the two sections.

Exhibit C: Chapter 20, Section 20-95; Restaurant outdoor seating

This section of code is outside of the Zoning/Subdivision Code but it regulates things that can encroach into the public right-of-way. To be consistent with the Zoning/Subdivision Code’s reference to Outdoor Seating and Outdoor Dining on public sidewalks, this section was created. The section currently references a process by which a separate business license would be issued for an Outdoor Seating/Dining area; however, this has not been the practice of the City. These areas are tied to the business license of the attached restaurant establishment. There are various revisions proposed to reference the current requirement for a Special Use Permit for an Outdoor Dining are (greater than 12 seats). The section is also revised to reference that there are certain exceptions or exemptions from the City’s parking requirements.

While updating the process to reference the Special Use Permit process, Staff is also recommending that the existing renewal process be simplified with a renewal required after 1 year and subsequent renewals only required if the City Council includes requirements for periodic renewals in the conditions of the Special Use Permit.

Staff recommends that the amendments described above and attached to this memo be considered by the Planning & Zoning Commission to make a recommendation to the City Council. The Commission may either discuss and vote on these items as a Commission or assign a subcommittee to analyze the topic further and to provide a recommendation to the Commission.

Article V Accessory Uses and Structures

§ 25-45 Standards for specific accessory uses and structures. [Ord. No. 10702, 2-18-2021]

The following requirements apply to the specific types of accessory uses and structures listed, in addition to the requirements of § 25-42.

...

- (o) Outdoor dining and outdoor seating.
- (1) Outdoor dining and outdoor seating areas shall be located on a private sidewalk, patio, porch, deck, or other surface adjacent to the principal building the dining is connected with. Outdoor dining and outdoor seating areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the seating area and the principal building.
 - (2) Outdoor dining and outdoor seating on public sidewalks may be permitted in accordance with § 20-95 of the Municipal Code.
 - (3) Outdoor dining and outdoor seating shall not be located within 10 feet of fire hydrants, Fire Department standpipe connections, fire escapes, bus stops, loading zones, mailboxes, or traffic signal stanchions.
 - (4) If no grade separation is provided between vehicular traffic and the outdoor dining or outdoor seating area, permanent railings or fencing shall be provided around the area. If the dining or outdoor seating area is adjacent to a street or area that is closed to vehicular traffic, no railing or fencing shall be required.
 - (5) If the outdoor dining or outdoor seating area is located on a sidewalk, the area shall be designed so there is a minimum of six feet of clearance adjacent to the dining or seating area to allow for safe pedestrian circulation. Such areas shall also not block any areas of ingress to or egress from the principal building.
 - (6) Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital, or any other individual, group or mechanical device shall not be permitted for outdoor seating areas. Such activities may be permitted as part of an outdoor dining area if approved as part of the special use permit.
 - (7) Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
 - (8) Outdoor tables, chairs, umbrellas, furniture, and decorative items shall be of uniform design.
 - (9) Provision shall be made for appropriate lighting which will not disturb adjacent property or affect traffic on adjacent rights-of-way.
 - (10) Provisions ~~are shall be~~ made for adequate litter and trash control, including the providing and maintenance of trash receptacles. The outdoor area shall be kept clean and free of debris at all times.
 - (11) For outdoor seating areas, the hours of use are limited from 6:00 a.m. to 12:00 midnight except in the B-1 District, where it shall be limited from 7:00 a.m. to 10:00 p.m. For outdoor dining areas, the hours of use shall be approved as part of the special use permit.
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Exhibit B

**Article IX
Parking, Access, and Mobility Standards**

...

**§ 25-63 Applicability.
[Ord. No. 10702, 2-18-2021]**

Unless otherwise stated, the requirements of this article shall apply to all development and expansions as set forth in this section.

- (a) Time of review. Compliance with this article shall be reviewed as part of an application for a special use permit or site plan review, whichever review comes first. Where such reviews are not required, compliance shall be reviewed as part of an application for a building permit.
- (b) New development.
 - (1) The requirements of this article shall apply to all new development where there is the construction of a new structure or establishment of a new land use.
 - (2) New buildings that are constructed with a depth of less than 24 feet and provide the benefit of screening parking fields from street frontages and pedestrian passageways shall be considered liner buildings. Said liner buildings, which are constructed within the Downtown Master Plan Study Area, shall not be required to comply with the off-street parking, loading, or queuing lane requirements.
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 - (1) The requirements of this article shall apply when an existing structure is expanded or enlarged, when there is an increase in the number of dwelling units within the building, or when there is a change of use that requires additional off-street parking, loading, or queuing lanes. In the case of expansions and enlargements, additional parking, loading, and queuing lanes are required to serve only the enlarged or expanded area.
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loading, or queuing lanes, the total number of spaces required by this article may be reduced, provided that the vehicular use area complies with this article.

- (3) The change of use of any premises or the remodeling of any existing building within the area bounded by Bodley Avenue to the north, Taylor Avenue to the east, Woodbine Avenue to the south, and Clay Avenue to the west, shall be exempt from additional parking, loading, and queuing requirements established in this article. However, existing premises shall not decrease their existing parking, loading, or queuing lanes, including spaces leased to the City. New buildings and additions to existing buildings shall meet the parking, loading, or queuing requirements in this article.
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[Ord. No. 8208, 5-6-1993]**

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- a. Seating for not more than 12. Restaurants in commercial districts may provide seating for not more than 12 on the public sidewalk contiguous to their restaurant facility under the following conditions:
 1. No permanent structures or paving are installed.
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 3. Outdoor tables, chairs, furniture and decorative items shall be of uniform design ~~and shall be removed from public property November 1 through March 31.~~
 4. Provisions shall be made for adequate litter and trash control, including the providing and maintenance of trash receptacles. The outdoor area shall be kept clean and free of debris at all times.
 5. Restaurant service equipment shall not be permitted outdoors.
 6. An unobstructed pedestrian walkway six feet wide shall be maintained on the public sidewalk between the tables, umbrellas, and the vehicle traffic way.
 7. The seating shall not obstruct any entry- or exitway of the building or adjacent buildings.
 8. Hours of sidewalk use are limited from 6:00 a.m. to 12:00 midnight except in B-1, where it shall be limited from 7:00 a.m. to 10:00 p.m.
 9. Provision shall be made for appropriate lighting which will not disturb adjacent property or affect traffic on adjacent rights-of-way.
- b. Seating for more than 12. Restaurants may apply ~~to the Director of Finance for a business license~~ for outdoor seating-dining on the public sidewalk contiguous to their restaurant facility for more than 12 under the following procedures:
 1. The Planning and Zoning Commission and Public Services Department shall review the application and plans, taking into account the criteria of the Zoning Code for a Special Use Exception Permit (as applicable) and the following conditions:
 - a. Parking. That adequate off-street parking exists for the increased restaurant use. A determination of inadequate off-street parking shall be grounds for denial of the permit. This evaluation shall recognize any exceptions or exemptions included in the City's current parking requirements.
 - b. Outdoor speakers/music. Outdoor speakers or music shall not be permitted.
 - c. Outdoor furniture. Outdoor tables, chairs, furniture, and decorative items shall be of uniform design ~~and shall be removed from public property November 1 to March 31.~~
 - d. Lighting. Temporary lighting may be approved. Permanent lighting shall not be permitted.
 - e. Permanent structures. No permanent structures or paving shall be installed.

- f. Hours of operation. Hours of sidewalk use shall be from 6:00 a.m. to 12:00 midnight except in B-1 and residential districts, where it shall be limited from 7:00 a.m. to 10:00 p.m.
 - g. Litter control. Provisions are made for adequate litter and trash control, including the providing and maintenance of trash receptacles. The outdoor area shall be kept free of debris at all times.
 - h. Pedestrian walkway. An unobstructed pedestrian walkway at least six feet wide shall be maintained on the public sidewalk between the tables, umbrellas, and the vehicle traffic way.
 - i. Building obstructions. The seating-dining area shall not obstruct any entry- or exitway of the building or adjacent buildings.
 - j. Lighting. If approved, provision shall be made for appropriate lighting which will not disturb adjacent property or affect traffic on adjacent rights-of-way.
 - k. Other conditions. Any other conditions or provisions regarding public safety or health as determined by the Council.
2. The City Council shall review the Planning and Zoning Commission's and Public Services' recommendations and may, upon motion, authorize a business license approve a Special Use Permit for the restaurant proprietor for outdoor seating-dining under the following provisions:
- a. Upon Council approval of a motion granting the application, the initial license-permit shall be issued ~~by the Director of Finance~~ for a one-year period. At the end of the first one-year period, said permit is subject to renewal by the City Council through consideration of a resolution without a requirement for a public hearing.
 - b. After the initial one-year renewal, The licensethe permit is subject to renewal ~~on an annual basis~~ required within the conditions of the permit after inspection and approval by the Public Services Department and Police Department, provided that the proprietor has conformed to the provisions of this section and the initial approval conditions, if any. In the event the Police Department or Public Services Department notifies the City Council in writing that the proprietor has failed to conform to any provisions of this section or approval conditions, then the Council, ~~upon written notification to the proprietor,~~ will consider said information during renewal review of the license-permit to determine if renewal is appropriate.
 - c. The initial and renewal license-special use permit fee for outdoor seating-dining shall be as set by the Council by resolution from time to time.
 - d. The license-permit may be revoked by the Council upon written notification by the Police Department or Public Services Department of a violation of this section or the approval conditions following a hearing.



WHERE COMMUNITY AND SPIRIT MEET™

February 2, 2023

Russell B. Hawes
Chief Administrative Officer

At the February 1, 2023 meeting of the Planning and Zoning Commission, the following action was taken:

1. By a vote of 8-0, the Commission recommended approval of a staff-initiated zoning code text amendment related to parking requirements for outdoor dining areas for restaurants. A public hearing before the City Council is required.

The next meeting will be held on February 15, 2023.

Respectfully submitted,

Jim Adkins, Chair
Planning and Zoning Commission

BILL 10972

ORDINANCE

AN ORDINANCE APPROPRIATING \$65,000 FROM THE GENERAL FUND FUND BALANCE TO THE POLICE DEPARTMENT OVERTIME ACCOUNT DUE TO INCREASED OPERATING EXPENSES IN THE POLICE DEPARTMENT FOR FISCAL YEAR 2022/2023.

WHEREAS, the Police Department has experienced an increase in operating expenses due to staff turnover and training, and

WHEREAS, funds in the amount of \$65,000 needs to be appropriated from the General Fund Fund Balance to Account #101-1204-421.11.05 (Overtime), for Fiscal Year 2022/2023.

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

SECTION 1. Funds in the amount of \$65,000 are hereby appropriated from the General Fund Fund Balance to Account #101-1204-421.11.05 (Overtime), for Fiscal Year 2022/2023.

SECTION 2. This Ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS DAY OF .

Mayor, City of Kirkwood

ATTEST:

City Clerk
1st Reading:
2nd Reading:

Legislation Request

Ordinance

Place On The Agenda Of: 4/6/2023

Step #1:

Strategic Plan NO

Goal # & Title

Background To Issue:

The Police Department had four full time dispatchers resign in FY2022 after the FY2023 budget was submitted, and lost four more during FY2023 (one termination and three to non-dispatching occupations). In addition, in July 2022 one full time dispatcher was activated for military service and is not expected to return until summer 2023.

The problem this creates for the budget is that each time a new dispatcher is hired, it takes approximately four months of training before that person has a skill set sufficient enough to man a console without a trainer. That means that during the training period, we are paying full time salary to the new employee, but are still having to cover the open position full time via methods that include part time employee pay and overtime pay. This equals 173 hours per month per missing full time employee, and as stated above we have had four dispatchers leave during FY2023 and another gone eight months of the fiscal year on military leave. That equates to a rough minimum of approximately 4,152 hours needing coverage, because of minimum staffing levels necessary for public safety. This total does not account for other coverage needs such as for sick leave, vacation, comp time or training.

The ability of unused full time salary from across the Police Department to offset some or all of these expenses has been severely hampered by a number of factors, including the payment of 240 hours to the dispatcher on military leave, the January 2023 across the board 5% COLA increase, and the addition of a new SRO position in August 2022 without appropriation into the budget.

Recommendations and Action Requested:

The Police Department is requesting the appropriation by City Council of \$65,000 into overtime account 101-1204-421.11-05, which is believed to be sufficient funding to make the Police Department operating budget adequately funded through the end of FY2023.

Alternatives Available:

None

Does this project have a public information component? Yes No

Cost: \$65,000.00

Account #: 10112044211105

Project #:

Budgeted: NO

If YES, Budgeted Amount:

If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

As of the completion of this legislation request, with the noted exception of the dispatcher on military leave, the Dispatch center is full staffed with full time employees, with only one of those remaining on field training status. This indicates that we are in a more stable position moving into next fiscal year.


BY: Brian Murphy


Date: 3/27/2023

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Select...


Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #3: If budgetary approval is required **(Must have Finance Department's approval).**

Appropriation

From Account # or Fund Name: General Fund

To Account # or Fund Name: 101-1204-421-11.05

Finance Director's Comments:

General Fund fund balance is available and sufficient to appropriate \$65,000 to account 101-1204-421-1105, Overtime, to approve the above as requested.

BY: Sandra Stephens

Date: 3/28/2023

Authenticated: forgyjl

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY:

A handwritten signature in blue ink, written over a horizontal line. The signature is stylized and appears to be "John Doe".

Date:

3-30-23

BILL 10973

ORDINANCE

AN ORDINANCE REAPPROPRIATING \$62,350 FROM THE CAPITAL IMPROVEMENT FUND BALANCE TO MULTIPLE FACILITIES ACCOUNTS.

WHEREAS, two projects were inadvertently omitted from the Facilities reappropriations list for the Fiscal Year 2023/2024 budget, and

WHEREAS, funds in the amount of \$62,350 needs to be reappropriated from the Capital Improvement Fund Balance as follows:

<u>To Account #</u>	<u>Amount</u>
301-1704-600.75.05 (Machinery & Equipment), Project #FO2303	\$11,801
301-1704-600.75.06 (Rolling Stock), Project #FO2301	\$50,549

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

SECTION 1. Funds in the amount of \$62,350 are hereby reappropriated from the Capital Improvement Fund Balance as follows:

<u>To Account #</u>	<u>Amount</u>
301-1704-600.75.05 (Machinery & Equipment), Project #FO2303	\$11,801
301-1704-600.75.06 (Rolling Stock), Project #FO2301	\$50,549

SECTION 2. This Ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS DAY OF.

Mayor, City of Kirkwood

ATTEST:

City Clerk
1st Reading:
2nd Reading:

Legislation Request

Ordinance

Place On The Agenda Of: 4/6/2023

Step #1:

Strategic Plan NO Goal # & Title FY24 Budget Adjustment

Background To Issue:

Re-appropriations for FY24 were omitted from Facilities budget request. This ordinance requests funding for two projects be added to FY24 budget.

Recommendations and Action Requested:

Re-appropriation for two Facilities projects be added to FY24.

FO2303 Police Security Upgrades \$11,801

FO2301 New truck for maintenance technician \$50,549

Alternatives Available:

Does this project have a public information component? Yes No

Cost: \$62,350.00 Account #: 30117046007506 Project #: Budgeted: YES

If YES, Budgeted Amount: If NO, or if insufficient funding (Complete Step #3).


Department Head Comments:


BY: Sara Foan-Oliver

Date: 3/27/2023

Authenticated: sfo

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Approve

Purchasing Director's Comments:

BY: Sara Foan-Oliver

Date: 3/27/2023

Authenticated: sfo

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Appropriation

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

Capital Improvement fund balance is available and sufficient to appropriate \$11,801 to account 301-1704-600-7505, Machinery & Equipment, Project FO2303, Police Facilities Assessment and \$50,549, to 301-1704-600-7506, Rolling Stock, Project FO2301, Pickup 1/2 Ton to approve the above as requested.

BY: Sandra Stephens

Date: 3/28/2023

Authenticated: forgyjl

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 3-30-23

BILL 10974

ORDINANCE

AN ORDINANCE APPROPRIATING \$14,711 FROM THE CERTIFICATES OF PARTICIPATION SERIES 2022 TO THE FIRE DEPARTMENT ROLLING STOCK ACCOUNT, PROJECT #FD2308, AND AMENDING THE PURCHASE ORDER WITH SENTINEL EMERGENCY SOLUTIONS, LLC IN THE AMOUNT OF \$14,711 FOR A TOTAL AMOUNT OF \$939,865 FOR THE PURCHASE OF A ROSENBAUER RESCUE PUMPER FOR THE FIRE DEPARTMENT AND AUTHORIZING AND DIRECTING THE DIRECTOR OF PROCUREMENT TO ISSUE AN AMENDED PURCHASE ORDER.

WHEREAS, the City Council approved Ordinance 10769 on August 18, 2022 for the purchase of a Rosenbauer Rescue Pumper for the Fire Department from Sentinel Emergency Solutions, LLC in the amount of \$925,154 under HGACBuy Cooperative Contract #FS12-19, and

WHEREAS, after approval of Ordinance 10769, changes were requested to the apparatus, which increased the cost of the purchase, and

WHEREAS, staff recommends amending the Purchase Order with Sentinel Emergency Solutions, LLC in the amount of \$14,711 for a total amount of \$939,865 for the purchase of a Rosenbauer Rescue Pumper for the Fire Department under HGACBuy Cooperative Contract #FS12-19, and

WHEREAS, funds in the amount of \$14,711 needs to be appropriated from the Certificates of Participation Series 2022 to Account #301-1301-600.75.06 (Rolling Stock), Project #FD2308.

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

SECTION 1. Funds in the amount of \$14,711 are hereby appropriated from the Certificates of Participation Series 2022 to Account #301-1301-600.75.06 (Rolling Stock), Project #FD2308.

SECTION 2. The Director of Procurement is hereby authorized and directed to issue an amended Purchase Order in the amount of \$14,711 for a total amount of \$939,865 to Sentinel Emergency Solutions, LLC under HGACBuy Cooperative Contract #FS12-19 for the purchase of a Rosenbauer Rescue Pumper for the Fire Department.

SECTION 3. This Ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS DAY OF.

Mayor, City of Kirkwood

ATTEST:

City Clerk
1st Reading:
2nd Reading:

Legislation Request

Ordinance

Place On The Agenda Of: 4/6/2023

Step #1:

Strategic Plan Select... Goal # & Title Goal # 3 Quality of Life

Background To Issue:

City of Kirkwood has purchased a Rosenbauer Rescue-Pumper to replace unit 1524, after the pre-build consultation with Sentinel Emergency Solutions, Rosenbauer, the FD truck committee and Fleet Director Wenom, changes were requested to the apparatus, these were at a cost of \$14,711. Some of these changes were due to supply chain issues, such as a change in tires necessary for the apparatus. The largest cost request was that of a galvanized dipped frame which provides for an extended warranty as well as reduced risk of rust development. Additional changes to valves were requested of the committee, manual valves were selected to reduce chance of electronic failure and mirror current FD fleet. Other changes include emergency lighting and compartment configuration.

Recommendations and Action Requested:

It is recommended to utilize additional Bond Funds to fund the change orders as attached, at a cost of \$14,711.

Alternatives Available:

Alternatives to this option include to not fund the changes, note that this will not provide for a long term frame warranty and possible future rust issues as have been seen on other FD fleet vehicles.

Does this project have a public information component? Yes No

Cost: \$14,711.00 Account #: 30113016007506 Project #: FD2308 Budgeted: YES

If YES, Budgeted Amount: \$14,711.00 If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

BY: James Silvernail

Date: 3/15/2023

Authenticated:

You can attach up to 3 files along with this request.



Kirkwood #15672 CO #1
revised.pdf
Adobe Acrobat Document
673 KB



Kirkwood #15672 CO #2
Revised.pdf
Adobe Acrobat Document
661 KB

File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing**

Director's approval).

Approve

Purchasing Director's Comments:

BY: Sara Foan-Oliver

Date: 3/21/2023

Authenticated: sfo

You can attach up to 3 files along with this request.



Resolution 500622 update.pdf
Adobe Acrobat Document
191 KB

File Attachment

File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Appropriation

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

Funds are available and sufficient from the Certifications of Participation Series 2022 proceeds to appropriate \$14,711 in account 301-1301-600-75-06, Rolling Stock, Project FD2308, Rescue Pumper for the purpose of changes to the apparatus as requested above.

BY: Sandra Stephens

Date: 3/28/2023

Authenticated: forgyjl

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 3-30-23

CHANGE ORDER #1



Kirkwood, MO

CHANGE REQUEST

BODY CHANGES

Body Job #: **15672**

DATE: January 23, 2023
Initiated By: Dealer/Customer

Action	Qty.	QW No.	DESCRIPTION OF CHANGE	PRICE
			{Qty} days will be added to the scheduled delivery date due to lead times of components and fabrication.	\$0
			Previous CO...	
			Office Use Only	
1	DELETE	-1	Pump Warranty, Hale Lmtd Std, 5 Years.(2 yrs P/L-3 yrs P)	\$0
2	ADD	1	Pump Warranty, Waterous, 7 Years	\$0
3	DELETE	-1	Siren, F-S, Q2B-NN Mech, Bumper, Fully Rcsd, Left Side	(\$2,667)
4	ADD	1	Siren, F-S, Q2B-NN Mech, Bumper, Partially Rcsd, Left Side Q2B-012NNSD Chrome	\$3,185
5	SPECIAL	1	Q siren to be in torlocked to Emaster, to only activate with e master "on"	\$140
6	DELETE	-1	Lightbar Cntrl, with Master Warning Switch	\$0
7	ADD	1	Lightbar Cntrl, with Vista E-Master & Virtual Switch	\$0
8	ADD	1	Wrn Lts, F-S, Upr Rear (2) FireRay 9x7 FR9 - mid body mounted	\$910
9	ADD	1	Upper Rear Mid Body: Wrn Lt, Dvr, Fed Sig FireRay 9x7 Red/Blue LED, Clear Lens, Ea	\$141
10	ADD	1	Upper Rear Mid Body: Wrn Lt, Offr, Fed Sig FireRay 9x7 Red/Blue LED, Clear Lens, Ea	\$141
11	DELETE	-3	Upper Warns: Flange, Chrome, Wrn Lt, Fed Sig, Fire Ray FR4MC, Ea	\$0
12	ADD	8	Upper Warns: Flange, Chrome, Wrn Lt, Fed Sig, Fire Ray FR9MC, Ea	\$0
13	CHANGE	1	Wrn Lts, Federal, Upr Wng, (2) LED TCL 6x4 lin lieu of FireRay 6x 4	\$0
14	CHANGE	1	Wrn Lt, Dvr, Fed Sig LEDTCL64-B 6x4 Blue LED, Clear Lens, Ea in lieu of FireRay 6 x 4	\$0
15	CHANGE	1	Wrn Lt, Offr, Fed Sig LEDTCL64-C-R 6x4 Red LED, Clear Lens, Ea in lieu of FireRay 6 x 4	\$0
16	DELETE	-4	Flange, Chrome, Wrn Lt, Fed Sig, Fire Ray FR4MC, Ea	\$0
17	DELETE	-1	Inbrd Warn: Wrn Lt, Dvr, Fed Sig FireRay 6x4 Red/Blue LED, Clear Lens, Ea	\$0
18	ADD	1	Inbrd Warn: Wrn Lt, Dvr, Fed Sig FireRay 6x4 Red LED, Clear Lens, Ea	\$0
19	DELETE	-1	Inbrd Warn: Wrn Lt, Offr, Fed Sig FireRay 6x4 Red/Blue LED, Clear Lens, Ea	\$0
20	ADD	1	Inbrd Warn: Wrn Lt, Offr, Fed Sig FireRay 6x4 Blue LED, Clear Lens, Ea	\$0
21	ADD	6	Flange, Chrome, Wrn Lt, Fed Sig, Fire Ray FR6MC, Ea Inboard, Intersection & upper chassis	\$420
22	ADD	2	Lower Rear: Flange, Chrome, Wrn Lt, Fed Sig, Fire Ray FR9MC, Ea	\$146
23	ADD	1	Wrn Lts, F-S, Low Mid Bdy, (2) MicroPulse 12 Ultra LED	\$660
24	ADD	1	Wrn Lts, F-S, Low Rear Side, (2) MicroPulse 12 Ultra LED	\$660
25	ADD	2	Wrn Lt, Dvr, Fed Sig Micro Pulse Ultra 12 Red/Blue LED, Clear Lens, Ea	\$228
26	ADD	2	Wrn Lt, Offr, Fed Sig Micro Pulse Ultra 12 Red/Blue LED, Clear Lens, Ea	\$228
27	DELETE	-1	Air Horn Cntrl, Driver, Horn Ring, Air/Elec	\$0
28	ADD	1	Air Horn Cntrl, Electric Horn/Air Horn VISTA Default toi Air Horn	\$0
29	DELETE	-1	Front Brow Scene Lt Swtch, Cab Switch Panel Note Switch in Driver & Officer Vista	\$0
30	CLARIFY	1	Q2 B Siren: Driver foot switch to be installed on angled bracket	\$0
31	CLARIFY	1	Q2B Siren: Officer foot switch to be installed on angled bracket	\$0
32	CHANGE	8	Bezel, FireTech, Chrome in lieu of Black	\$0
33	DELETE	-1	Air Horn Location (2) Recess Mounted, Inboard, 1 Ea Side	\$0
34	DELETE	-1	Air Horn Location (2) Recess Mounted, Outboard, 1 Ea Side	\$0

CHANGE ORDER #1



Kirkwood, MO

CHANGE REQUEST

DATE: January 23, 2023

Initiated By: Dealer/Customer

BODY CHANGES

Body Job #: **15672**

Action	Qty.	QW No.	DESCRIPTION OF CHANGE	PRICE
35	ADD	1	10-06-1110 Whl Trim, S/S Hub/Lug Cvsr, Front/Rr, Sngl Axle	\$0
36	DELETE	-1	10-08-2100 Mud Flaps, Rr Whls, Blk, w/ Bdy	\$0
37	SPECIAL	1	10-08-2400 Add Mud Flaps, Rr, Full Width Style, Blk with "KIRKWOOD" in white lettering	\$751
38	SPECIAL	1	10-09-1000 Mudflap, Illumination, (2) 42" Luma Bar Blue TL-9002-542	\$526
39	NOTE	1	22-03-1600 LH Side Master Intake: Department to furnish and install a BIV , Therefore no adapter and/or cap being provided	\$0
40	NOTE	1	22-03-2600 RH Side Master Intake: Department to furnish and install a BIV , Therefore no cap being provided	\$0
41		1		\$0
42		1		\$0
43		1		\$0
44	ADD	1	23-05-6304 Dschg, 2-1/2", Front Center Bumper, Swivel, NST Chrome Swivel	\$0
45	ADD	1	21-01-2200 Drain/Bleeder, Class 1, Automatic	\$0
46	ADD	1	23-05-9200 Hose Connection, Abv Frnt Bmpr, Swivel	\$0
47	ADD	1	24-61-1250 Vlv Mfgr, AKR, 8000, (2-1/2")	\$0
48	ADD	1	24-55-0020 Pistol Grip Lever Control Innovative Controls (Standard for Top Controls)	\$0
49	ADD	1	27-02-1500 Gauge, Dschg, IC, 2-1/2" (0-400 PSI), WF	\$0
50		1		\$0
51	CHANGE	1	26-10-1600 Pump Enc Cmpt, Frt Pmp Pnl, 32" W x Trans, Roll-up Drs IN LIEU OF 24" w	\$141
52	DELETE	-1	55-01-3610 Pump Enclosure: RBA InVisiLight, 28" Rcsd, Shvng, Sides (2) Ea Cmpt, EXT	(\$380)
53	SPECIAL	2	55-01-3610 Cmpt Lt, Wall, FRC Sunstrip, 18" LED Tube Lt, (2) Ea Cmpt	\$750
54	ADD	1	55-06-1100 Cmpt Lt, Dr Swtch, Auto, Ea	\$178
55	CHANGE	1	29-20-7800 Aluminum hose bed cover rear flaps to Cargo Net flaps with buckles in lieu of Vinyl flaps	\$0
56	NOTE	1	33-62-6420 The Rear center slide out step shall be integrated into the rear tailboard, not installed below	\$0
57	SPECIAL	1	33-70-3199 All lighted handrails on body to steady burn with parking brake applied and flash when parking brake is released and e-master warning is turned on.	\$140
58	CHANGE	1	44-17-5200 left side Roof Compartment depth to 15" deep. NOT 20". Note: a pocket shall be fabricated behind the roll up doors notched down allowing 20"+ of space.	\$0
59	DELETE	-1	44-25-2510 Divider, (1) Roof Cmpt, Side to Side, 24", EXT	(\$489)
60	CHANGE	-1	90-02-5350 Flgd Attic Ladder Mntg, in Officer's side long tool storage in lieu of On Hyd Rack-MIN	(\$39)
61	DELETE	-1	90-16-2700 Pike Pole, 8' Fbgls, I-Beam Hndl	(\$361)
62		1		\$0
63	DELETE	-1	90-16-2900 Pike Pole, 10' Fbgls, I-Beam Hndl	(\$364)
64		1		\$0
65	CHANGE	2	90-16-5420 Pike Pole Mounting Tube, In Pump Cmpt Transverse area ahead of speedlays, one out each side of Pump compartment.	\$0
66	DELETE	-1	90-25-7730 Suction Hose or Long Strg Cmpt, Abv Cmpt/Bhnd RU Dr, Left Side, Chvrn/Pntd, EXT	(\$1,642)
67	DELETE	-1	44-07-4200 Fuel Tank, Removable Access Panel	(\$178)

CHANGE ORDER #1



Kirkwood, MO

CHANGE REQUEST

Body Job #: **15672**

DATE: January 23, 2023
Initiated By: **Dealer/Customer**

BODY CHANGES

Action	Qty.	QW No.	DESCRIPTION OF CHANGE	PRICE
68 DELETE	-1	60-25-1400	Rcptcl, 120V, 20 Amp, Stright Bld, Duplex	(\$379)
69 DELETE	-1	60-30-2300	Rcptcl Lctn, Left Side, Ahd Rr Whls Cmpt, Ea	(\$14)
70 CHANGE	1	80-75-1600	Reflective Stripe Material, 1"Blue x 6" White x 1" Blue	\$0
71 ADD	1	80-72-1010	Stripe, Reflective, Diamond Grade, Chevron Pattern Front Bumper Red/Yellow Sentinel to provide	\$600
72 SPECIAL	1	80-80-1999	Add grip tape in top of body dunnage and light tower tub.	\$588
73 ADD	1	01-33-3710	In Process Photos	\$0
74 CHANGE	1	60-25-9500	Shore Power Inlet, Wiring to Interior Bdy Rcptcls in lieu of interior of cab	\$0
75 ADD	2	58-01-1100	Low mid body & low rear side: Bezels, Chrome, Warn Lts, Fed Sig MircoPulse (ea)	\$178
76 CHANGE	1	57-22-6219	Upper Mid Chassis: Wrm Lt, Dvr, Fed Sig FireRay 6x4 Red/Blue LED, Clear Lens, Ea in lieu of Blue	\$0
77 CHANGE	1	57-22-6220	Upper Mid Chassis: Wrm Lt, Offer, Fed Sig FireRay 6x4 Red/Blue LED, Clear Lens, Ea in lieu of Blue	\$0
78 ADD	2		Akron Revolution Intake valves with 30 degree swivel inlet 6" nst rocker lug x 4" storz non-swivel including drain valve and 4" storz cap w/chain Sentinel to provide	\$4,001
79	1			\$0
80	1			\$0
81	1			\$0
82	1			\$0
83	1			\$0
84	1			\$0
85	1			\$0
86	1			\$0
87	1			\$0
88	1			\$0
89	1			\$0
90	1			\$0

We hereby agree to make change(s) specified above at this price
 PREVIOUS CONTRACT AMOUNT \$8,199
 REVISED CONTRACT AMOUNT \$952,310
 REVISED CONTRACT AMOUNT \$960,509

ACCEPTED - The above price and specifications of the Change Order are satisfactory and are hereby accepted. All work to be performed under same terms and conditions as specified in original contract unless otherwise stipulated.

Authorized Signature (Customer): _____ Date: _____

CHANGE ORDER #2



Kirkwood, MO

CHANGE REQUEST

Body Job #:
15672

DATE: January 25, 2023
Initiated By: Dealer/Customer

CHASSIS CHANGES

Action	Qty.	QW No.	DESCRIPTION OF CHANGE	PRICE
			{Qty} days will be added to the scheduled delivery date due to lead times of components and fabrication.	\$0
			Previous CO...	
			Office Use Only	
1	ADD	07-03-0102	Midship Pump Jackshaft Only Waterous, CXC20, 1500 GPM	\$0
2	SPECIAL	08-01-0801	Flash with e-master when park brake is released and steady "on" with pbrake	\$32
3	DELETE	-1	Windshield Wiper Activation Switch on Driver Panel	\$0
4	ADD	08-02-0136	Windshield Wiper Activation Smart Wheel	\$0
5	DELETE	-1	Window Dark Gray Tint Side Middle Officer Fixed 15.5"W x 21.5"H	\$0
6	ADD	03-08-037E	Window Dark Gray Tint Side Middle Officer Fixed 15.5"W x 10.5"H	\$0
7	CHANGE	03-09-8010	Cab Insulation Interior Ceiling TO 03-09-7050 Cab Insulation Interior Ceiling 70/11"	\$0
8	ADD	04-04-1126	Black Plate(s) for David Clark Intercom B7-B9 Need model and if std head or remote head	\$108
9	ADD	05-02-0300	Auxiliary Defroster Fans	\$636
10	DELETE	-1	Rear Crew Controls Manual - Forward Facing Driver's or Officer's Side Seat - Rem (\$571)	
11	ADD	08-02-0106	Rear Crew Controls Manual - Custom Location - Remote Mount 415DS	\$772
12	CHANGE	03-09-048E	Seat Crew Forward Facing Outer Bostrom 500 Series Tanker FIXED in lieu of flip - up N/A outboard fixed seats hang over stepwells. See layout>>>	\$0
13	CLARIFY	2	Seat Box (Single Seat) Forward Facing Storage , w/cutouts (1) Forward facing - per Steve leaving open , no covers or doors	\$0
14	SPECIAL	4	Grab Handle LED Light Actvtn Steady "ON" w/ Parking Brake, Flash with emaster Tto be done at Sentinel	\$300
15	SPECIAL	1	Backlit Grille Bar Activation - VMux, Flash with emaster, steady "on" w/ pbrake To be done at Sentinel	\$0
16	DELETE	-1	Headlight & Marker Light Activated Rocker Switch Driver Panel	\$0
17	SPECIAL	1	Headlight Actv in Smart Wheel; Marker Light Activated Vista Headlights to default on with master battery switch. Switch on wheel allows them to be turned off.	\$253
18	NOTE	1	A ESTIMATED WEIGHT REVIEW NEEDS TO BE COMPLETED	\$0
19	DELETE	-1	Moisture Ejectors Manual	\$0
20	ADD	1	Moisture Ejectors Auto Heated	\$0
21	ADD	1	Front Bumper Suction 5" Officer Behind Front of Cab	\$0
22	DELETE	-1	Frame Paint Powder Coat Black	\$0
23	ADD	1	Frame/Front Extension Hot Dip Galvanized	\$3,960
24	NOTE	1	GPS Antenna, Install Cstmtr Supl'd Items must ship to Rosenbauer Motors with embedded pdf (customer supplied packing sheet) within 15 days of receipt of production files.	\$0
25	DELETE	-1	Radio WB/AM/FM/CD -Overhead Mount	\$0
26	ADD	1	Radio WB/AM/FM/CD - Console Mount	\$0
27	ADD	1	Black Plate for AM/FM Radio b1-b3	\$0
28	SPECIAL	1	No pop up seat belt display, seat belt warning to be on home screen and secondary screens	\$0

CHANGE ORDER #2



Kirkwood, MO

CHANGE REQUEST

DATE: January 25, 2023
Initiated By: Dealer/Customer

Body Job #:
15672

CHASSIS CHANGES

Action	Qty.	QW No.	DESCRIPTION OF CHANGE	PRICE
29 SPECIAL	1	08-00-0791	Interior Overhead LED Lighting: Red Lights to automatically come on when parking brake is applied. Shall engage switch in secondary menu so the lights can be turned off.	\$371
30 CLARIFY	1	08-00-4103	Switch shall turn off the light and the alarm. When the master battery is cycled it should reset.	\$0
31 SPECIAL	1	08-06-0195	When placed into reverse, backup video to remain on Vista displays, remove the any button press feature from emaster button on the vista	\$245
32 CHANGE	1	07-07-014A	(2) Steer Tires 385/65R 22.5 Michelin X Multiway HL XZE "L" IN LIEU OF (2) Steer Tires 385/65R 22.5 Michelin X Multiway HD XZE "L"	\$213
33 ADD	1	07-07-0980	Wheel Guards - Single Axle	\$193
34 CHANGE	1	07-07-0996	Vehicle Top Speed 68 MPH IN LIEU OF 70 MPH	\$0
35 CHANGE	1	08-08-41CB	TO Kussmaul Indicator in lieu of Blue Sea indicator: Note B lue Sea Indicator not available at this time change to 08-08-41CS	\$0
36 ADD	1	07-08-0725	Air Horn Reservoir (1) 1200 Cu In	\$0
37 DELETE	-1	04-04-1181	Black Plate for Traffic Advisor	\$0
38	1		PLEASE NOTE THESE FILES ARE ON RAC2 DATA AND NEED TO BE REBUILT ON RAS	\$0
39	1			\$0
40	1			\$0
41	1			\$0
42	1			\$0
43	1			\$0
44	1			\$0
45	1			\$0
46	1			\$0
47	1			\$0
48	1			\$0
49	1			\$0
50	1			\$0

We hereby agree to make change(s) specified above at this price
 PREVIOUS CONTRACT AMOUNT \$6,512
 REVISED CONTRACT AMOUNT \$960,509
 REVISED CONTRACT AMOUNT \$967,021

ACCEPTED - The above price and specifications of the Change Order are satisfactory and are hereby accepted. All work to be performed under same terms and conditions as specified in original contract unless otherwise stipulated.

CHANGE ORDER #2



Kirkwood, MO

DATE: January 25, 2023
Initiated By: **Dealer/Customer**

CHANGE REQUEST

Body Job #:
15672

CHASSIS CHANGES

Action	Qty.	QW No.	DESCRIPTION OF CHANGE	PRICE
Authorized Signature (Customer):			Date:	

March 20, 2023

To: Russell B. Hawes, Chief Administrative Officer

For Your Consideration: Rosenbauer Rescue Pumper, Bid # 500622; Cooperative Agreement; Change Order

On July 26, 2022, the Kirkwood Fire Department received Council approval to purchase a Rosenbauer Rescue Pumper utilizing bond funds in the amount of \$925,154.00. After the pre-build consultation With Sentinel Emergency Solutions, Rosenbauer, the Fire Department truck committee and Kirkwood Fleet Director, Chris Wenom, it was requested that changes be made to the apparatus. The changes include updated tires, a galvanized dipped frame, which provides for an extended warranty as well as a reduced risk for rust development, a change to manual valves to reduce the risk of electronic failure, updated emergency lighting and compartment configuration.

These changes are due to supply chain issues and to improve the quality and life-cycle of the apparatus.

The Kirkwood Fire Department is requesting approval to utilize additional bond funds to cover the cost of these recommended changes.

Attached is a request from James Silvernail, Fire Chief, for a resolution authorizing a purchase order increase in the amount of \$14,711 to be issued to Sentinel Emergency Solutions, LLC for the changes needed to the departments Rosenbauer Rescue Pumper.

Respectfully,

A handwritten signature in black ink, appearing to read "Sara Foan-Oliver". The signature is written in a cursive, flowing style.

Sara Foan-Oliver
Director of Procurement

BILL 10975

ORDINANCE

AN ORDINANCE AMENDING AND READOPTING THE PROVISIONS OF APPENDIX E, "PERSONNEL RULES AND REGULATIONS", OF THE KIRKWOOD CODE OF ORDINANCES.

WHEREAS, the City of Kirkwood periodically updates the Personnel Rules and Regulations, and

WHEREAS, staff recommends amendments as shown in the red-line version of the Personnel Rules and Regulations (attached hereto and incorporated by reference herein).

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

SECTION 1. The attached document is hereby adopted as the new Appendix E "Personnel Rules and Regulations of the City of Kirkwood", (attached hereto and incorporated by reference herein) of the Code of Ordinances.

SECTION 2. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS DAY OF.

Mayor, City of Kirkwood

ATTEST:

City Clerk
1st Reading:
2nd Reading:

Legislation Request

Ordinance

Place On The Agenda Of: 4/6/2023

Step #1:

Strategic Plan YES

Goal # & Title 2. Governance and Civic Engagement

Background To Issue:

The City's Personnel Rules and Regulations periodically require updating. After review of current policies, it is recommended that changes be provided in the Personnel Rules and Regulations to clarify existing provisions and update current policies. Our labor attorney has performed the updating and it is ready to be adopted by ordinance. A red-lined version is attached so changes are clearly visible.

Recommendations and Action Requested:

Adopt the revised Personnel Rules and Regulations.

Alternatives Available:

Does this project have a public information component? Yes No

Cost: \$0.00

Account #: n/a

Project #:

Budgeted: YES

If YES, Budgeted Amount: \$0.00

If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

The following is a list of changes to the document. 1) Maximum compensatory time accrual has been increased from up to 40 hours to up to 80 hours for civilian employees. 2) Clarifications were made for vacation and sick leave accrual to clarify when time is available for employee use. 3) Multiple sections were updated to reduce the potential for inconsistency between polices related to time off, they now reflect the amount of time that an employee can use for personal sick time to care for their immediate family members. 4) The Travel Policy and Personal Vehicle Use articles have been updated to clarify reimbursement within the St. Louis Metropolitan Statistical Area. 5) The Personal Appearance and Business Casual Dress Code has been updated.

BY: David Weilder

Date: 3/30/2023

Authenticated: weidledc

You can attach up to 3 files along with this request.



Redline - Personnel Rules and
Regs update for April 2023
against Oct. 6, 2022.pdf
Adobe Acrobat Document
714 KB

File Attachment

File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Select...

Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #3: If budgetary approval is required **(Must have Finance Department's approval).**

Budgetary Approval

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Sandra Stephens

Date:

3/30/2023

Authenticated:

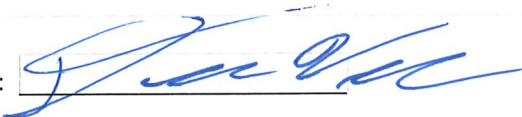
Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve

Disapprove

Chief Administrative Officer's Comments:

BY:



Date:

3/30/2023

APPENDIX E

PERSONNEL RULES AND REGULATIONS

CITY OF KIRKWOOD, MISSOURI

~~October~~ 6 April,

~~2022~~ 2023

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AND REGULATIONS 78**

APPENDIX E – PERSONNEL RULES AND REGULATIONS

ARTICLE I - INTRODUCTORY PROVISIONS

SECTION 1. Authority

These policies, procedures, rules, and regulations are established by the authority of Ordinance enacted by the City Council on November 4, 2021.

SECTION 2. Purpose

The purpose of these Personnel Rules and Regulations is the formulation of sound personnel policies designed to promote efficiency and economy, reward meritorious service, provide for the settlement of grievances, develop and maintain morale, and establish non-discriminatory standards for the classification and compensation of City employees.

SECTION 3. Intent

These Personnel Rules and Regulations only outline the major employment policies of the City of Kirkwood. The Personnel Rules and Regulations are not intended to be and shall not be considered all inclusive. The Personnel Rules and Regulations are not intended to be a substitute for the good judgment, common sense, and discretion of City personnel. These Personnel Rules and Regulations supersede and replace all previous Personnel Rules and Regulations.

Classified, permanent, full-time employees who are not serving a probationary period of any kind are subject to the Disciplinary Action provisions of Article IX and the Grievance, Complaint and Appeal procedure set forth in Article XIII. All employees are employed “at will” and the City expressly reserves the legal right to discharge or terminate such employees at any time and for any reason, with or without prior notice. Likewise employees have the legal right to terminate their employment at any time and for any reason. These Personnel Rules and Regulations are not a contract and are not intended to create any contractual obligations on the part of the City to employ any individual for any definite duration.

As circumstances arise in which the City may determine that changes to these policies are necessary, the City reserves the right to change these policies at any time and reserves the unilateral right to do so at any time without prior notice to its employees. Accordingly, no statement in these Personnel Rules and Regulations is intended as a contractual commitment or obligation of the City to any employee.

Likewise, no City employee has the right to enter into any employment agreement with any employee contrary to the provisions of this section of these Personnel Rules and Regulations without City Council approval.

These policies and procedures shall not be inconsistent with but complementary to related state and federal laws and regulations. If any provision becomes invalid due to subsequent passage or interpretations of related legislation or court rulings, the remaining provisions shall not be invalidated. In addition, specific provisions of any employee benefit plan documents shall be controlling with respect to any such benefits.

APPENDIX E – PERSONNEL RULES AND REGULATIONS

ARTICLE II - DEFINITIONS

City means the City of Kirkwood, Missouri.

Classification means the assignment of an individual position to an appropriate job title given to all City positions possessing the same general type of work with relatively the same duties and level of responsibilities.

Commission means the Civil Service Commission of the City of Kirkwood.

Continuous service means employment with the City of Kirkwood which is not interrupted by absence without pay in excess of three days, unless such absence is covered by an approved leave of absence.

Council is the elected governing body of the City of Kirkwood.

Demotion means a change in the position of an employee from one classification to a position in another classification having a lower maximum salary rate.

Department Head is the employee as designated by the Chief Administrative Officer as being administratively in charge of a department of the City and includes any employee serving as an acting or interim Department Head.

Employees in law enforcement and fire protection activities. The term “employees in law enforcement and fire protection activities” does not include those “civilian” employees who are engaged in support activities such as those performed by dispatchers, clerks and secretaries.

Full-time employee is one who is employed and actively works an average of at least 39 hours per week on a regular basis unless defined otherwise in any written benefit plan document.

Part-time employee is one who is employed on a continuous basis but who works an average of less than 39 hours per week.

Pay Period. All employees shall be paid on a bi-weekly basis.

Permanent employee is a permanent appointment or assignment to a position created without intent of limitation, and intended to exist for at least one budget year. A permanent position may be for a full-time or part-time position. Any reference to a “permanent” employee does not indicate that employment is guaranteed for any specific duration.

Probationary period means a work test period during which an employee is required to demonstrate fitness for the duties to which that employee is assigned by actual performance of the duties of the position and can include a period of initial employment in any position or a period of evaluation for disciplinary or performance reasons. The probationary period for any employee may be extended by a Department Head with approval of the Chief Administrative Officer.

Promotion means a non-temporary change in the position of an employee from one classification to a position in another classification which has a higher maximum salary rate.

Temporary employee is an individual employed for an anticipated limited period of time, typically (but not necessarily for) less than one year. Unless specifically stated herein or in applicable benefit plan documents, temporary employees are not entitled to employee benefits.

APPENDIX E – PERSONNEL RULES AND REGULATIONS

Transfer means a change of an employee from one position to another position in the same classification or another classification having essentially the same maximum salary rate, involving the performance of similar duties, and requiring substantially the same basic qualifications.

Unclassified employees shall include the Chief Administrative Officer, City Clerk, Police Chief, Fire Chief, Director of Public Services, Director of Finance, Director of Procurement, Director of Parks and Recreation, Director of the Electric Department, Assistant Chief Administrative Officer, Director of Management Information Systems or any other Director or comparable position. These employees may also be referred to in this document as “Department Heads”.

Work Period. The work period for employees exclusive of those employees in law enforcement and fire protection activities shall be defined as beginning at 12:01 a.m. Monday morning and proceeding for seven full continuous days until midnight of the following Sunday night. The work period for those employees engaged in fire protection activities and law enforcement activities shall be that designated by the applicable Department Head with approval of the Chief Administrative Officer, which may change based upon the operational or business needs of the City.

ARTICLE III - ADMINISTRATION OF RULES

SECTION 1. Responsibility

Administration of these Personnel Rules and Regulations shall be vested with the Chief Administrative Officer or his or her designee. For purposes of these Personnel Rules and Regulations, any reference to the Chief Administrative Officer shall be deemed to include any designee of the Chief Administrative Officer, specifically including but not limited to the Assistant Chief Administrative Officer of the City. It shall be the responsibility of the Chief Administrative Officer to administer, interpret, and from time to time recommend to the City Council appropriate amendments in order to maintain these Personnel Rules and Regulations.

SECTION 2. Departmental Rules and Regulations

Individual Department Heads may formulate written departmental or divisional work rules or policies for efficient and effective administration of the department. Said rules shall not be in conflict with the provisions of these Personnel Rules and Regulations. A copy of any departmental work rules should be placed on file with the Chief Administrative Officer.

SECTION 3. Civil Service Commission

There shall be a Civil Service Commission which shall, consistent with state statute:

- a. Advise the City Council and the Chief Administrative Officer, upon its or his request, on its findings, conclusions, and recommendations on the status of the City’s personnel system;
- b. Review, comment, and advise the Chief Administrative Officer, upon his or her request, concerning specific changes in these Personnel Rules and Regulations;
- c. Review and recommend to the City Council, upon its request, the approval of job descriptions, classification and pay plans for the City;
- d. Advise the Chief Administrative Officer, upon his or her request, on appropriate interpretation of provisions of these Personnel Rules and Regulations;

APPENDIX E – PERSONNEL RULES AND REGULATIONS

- e. Hear grievance appeals in accordance with Article XIII; and
- f. Perform such other duties with reference to these Personnel Rules and Regulations as may be directed by the City Council or Chief Administrative Officer.

SECTION 4. Applicability of Exclusion

These Personnel Rules and Regulations shall be applicable only to those employees in the classified service of the City. Specifically excluded from these Personnel Rules and Regulations provisions shall be: the Chief Administrative Officer and the City Clerk, who shall serve at the pleasure of the City Council; Police Chief, Fire Chief, Director of Public Services, Director of Finance, Director of Procurement, Director of Parks and Recreation, Director of the Electric Department, Assistant Chief Administrative Officer, Director of Management Information Systems or any other Director or comparable position, all of whom shall serve at the pleasure of the Chief Administrative Officer. Employees of the Park Board, Library Board, Housing Authority and Special Business District are excluded from these provisions. Employees represented by any organized labor union shall be subject to the provisions of these Personnel Rules and Regulations, except to the extent that any specific term or provision in any collective bargaining agreement or memorandum of understanding in effect between the City and any unit of employees represented by a labor union is in conflict with any specific provision in these Personnel Rules and Regulations, in which event the specific provisions of any such collective bargaining agreement or memorandum of understanding shall govern and supersede any conflicting provision in these Personnel Rules and Regulations.

SECTION 5. Management

Specific areas of responsibility shall be reserved to management. Such management rights shall not be diminished by action of labor organizations and any related working agreements. The management of the City shall:

- a. Determine the nature, scope and definition of the City organization including: classification, selection, number, retention, promotion, reorganization, transfer, deployment, assignment, layoff, recall and scheduling of employees.
- b. Determine the methods, means, tools, equipment and personnel by which operations are to be conducted, including the right to contract and subcontract existing and future work.
- c. Direct and supervise employees.
- d. Discipline, suspend, demote and/or discharge employees.
- e. Require as a part of normal employee development that the employee fulfill the responsibility of the position and attain or maintain minimal skills of the classification.
- f. Take the necessary measures to maintain optimum productivity in operations.
- g. Determine the necessity for and assignment of overtime in compliance with appropriate related legislation and/or court rulings.
- h. Determine the scope, priority and amount of budget allocations.

APPENDIX E – PERSONNEL RULES AND REGULATIONS

SECTION 6. Administrative Rules and Regulations

The City Council may promulgate and establish administrative personnel policies and procedures not inconsistent with or limited to these Personnel Rules and Regulations, such as:

- a. Hours of work/work schedules.
- b. Pay periods.
- c. Performance Appraisal Systems.
- d. Personnel records and reports.
- e. Temporary work assignments and transfers.
- f. Use of City vehicles and mileage reimbursement.
- g. Outside employment.
- h. Seniority and impact of seniority.
- i. Conflict of Interest/Code of Ethics.
- j. Safety procedures.
- k. Job related injury procedures.
- l. Other related internal administrative personnel matters.

ARTICLE IV - CLASSIFICATION

SECTION 1. Job Description

The Chief Administrative Officer or the Assistant Chief Administrative Officer, with the assistance of the Department Head shall, for each classification, prepare and maintain a job description which shall include a job title, description of essential job duties, required and desirable knowledge, skills and abilities, any special requirements, examples of work, and related information. The job descriptions are descriptive and not restrictive. They are intended to indicate generally the kinds of activities performed by the established classification.

SECTION 2. Establishment of Plan

The Chief Administrative Officer shall be responsible for presenting to the City Council a uniform and equitable pay plan which shall consist of minimum, market rate, midpoint and maximum rates of pay, referenced herein as the Classification and Pay Plan. The salary rates recommended shall reflect an equitable relationship, as determined by the Chief Administrative Officer, among the job classifications and shall be made after review of prevailing rates for comparable work in other public and private businesses, the current cost of living, responsibilities of the position, and the policy of the City Council.

APPENDIX E – PERSONNEL RULES AND REGULATIONS

SECTION 3. Classification of Positions - Purpose

The Classification and Pay Plan provides an inventory of all positions in the City's service which are sufficiently alike in duties and responsibilities to be called by the same job title, to be accorded the same pay scale, and to require substantially the same qualifications on the part of the incumbent.

No City employee shall be classified or paid at a salary rate which is not established and recognized in the City's Classification and Pay Plan. All permanent classifications shall be established by the City Council.

SECTION 4. Reclassification

When significant changes are made to a particular position which changes the complexity or level of responsibility, the Department Head may request in writing a pay grade evaluation of the position to the Human Resources Manager. The request should include the job duty changes and other circumstances that have precipitated the evaluation. The Human Resources Manager will meet with the applicable Department Head, supervisor and incumbent(s) as deemed appropriate to discuss the changes.

Utilizing a point factor system and market data, the Human Resources Manager and Assistant Chief Administrative Officer will determine if a change in pay grade is warranted. If, after a new Classification and Pay Plan Ordinance is adopted, it is determined the employee's current salary is below the minimum rate of the new pay grade, the employee will be placed at the minimum rate of the new pay grade. If the current salary is within the new salary range, it will be at the discretion of the Department Head as to whether any further adjustment is recommended to the Chief Administrative Officer. In the instance where an employee's job is reassigned to a higher salary grade, the employee's pay may be adjusted at least 5 percent for each salary grade shift, not to exceed the greater of 20 percent or the minimum of the new pay grade.

SECTION 5. Development and Allocation of New Positions

When in the opinion of the Department Head there arises a need to establish a new position classification, the Department Head shall prepare a recommended job description and submit same to the Assistant Chief Administrative Officer for review. The Assistant Chief Administrative Officer shall study the duties and responsibilities of the new position and determine a recommended allocation to the appropriate classification and so advise the Department Head. If there is any disagreement between the Department Head and the Assistant Chief Administrative Officer, an appeal may be made to the Chief Administrative Officer regarding a position assessment. The Chief Administrative Officer's decision shall be administratively binding.

The Chief Administrative Officer shall make his or her recommendation for any new position classification to the City Council.

SECTION 6. Maintenance of the Plan

- a. When a vacancy occurs, the Chief Administrative Officer shall review the allocation of the position in cases where the need for changes in the duties and responsibilities of a position appears likely.
- b. Each time a department or division is recognized initially, preliminary position descriptions for all affected employees shall be submitted by the Department Head to the Chief Administrative Officer for review and recommendation.

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- c. The Chief Administrative Officer may require any or all Department Heads to submit recommended position descriptions on a periodic basis, or any time that there is reason to believe there has been a change in the duties and responsibilities of one or more positions.
- d. Before a new classification is established by the City Council and before such a position is filled, a formal job description shall be written by the Chief Administrative Officer or his or her delegate as provided for in these Personnel Rules and Regulations and incorporated in the existing plan. The classification title shall be added to the schematic list of titles. Likewise, an abolished classification shall be deleted from the position classification plan by removing the class specification and eliminating the classification title from the schematic list of titles.
- e. The Chief Administrative Officer shall take the necessary steps to maintain the Classification and Pay Plan in a current state on a continuous basis.
- f. Nothing contained herein shall be deemed to conflict with or supersede any compensation policies of the City adopted by Ordinance.

SECTION 7. Official Copy of the Classification and Pay Plan

The Chief Administrative Officer shall be responsible for maintaining an official copy of the Classification and Pay Plan. The official copy shall include any regulations or guidelines for administration, schematic list of job descriptions and any amendments thereto.

ARTICLE V - CLASSIFICATION AND PAY PLAN ADMINISTRATION

SECTION 1. Administration of Plan

- a. New Employees - Generally all new employees shall be hired at the minimum rate unless their qualifications are such that it is to the City's advantage to hire at an advanced rate. Hiring at an initial rate above the market rate of the applicable pay grade shall be upon approval by the Assistant Chief Administrative Officer and only upon appropriate documentation by the Department Head that such action is to the benefit of the City.
- b. Promotions and Transfers - When an employee is promoted to a position in a higher class, the employee's salary shall be increased to at least the minimum rate for the higher classification. Employees promoted or transferred will immediately begin a probationary period for the new position. In the event that the employee does not satisfactorily complete the probationary period, the employee shall, unless the probationary period is extended, revert to his or her previous position at his or her prior rate of pay for the position, provided a position is available.

The Department Head will determine the promotional increase percentage according to the pay adjustment guidelines. The employee's pay shall be adjusted at least 5 percent for each salary grade shift not to exceed the greater of 20 percent or the minimum of the new salary grade.

- c. Demotions - An employee who requests and accepts an assignment in a lower pay classification shall have his or her salary reduced by the percentage differential between the two relevant pay classifications.

In the case of a demotion resulting from poor performance, the employee's current salary will be reduced by 10 percent and then compared to the new salary grade maximum. If the employee's adjusted salary is greater than the new salary grade maximum, his or her pay will be reduced to the new salary grade maximum.

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In the case of a demotion resulting from an organizational change or change in duties assignment, reasonable attempts will be made to keep the individual at the current salary.

In the case of a voluntary demotion unrelated to job performance deficiencies, the employee's rate of pay in the lower classification shall be reduced by the same percentage as such employee's pay was increased upon acceptance of the promotion to the position the employee subsequently leaves voluntarily.

- d. Merit Increases - A merit increase is a payment granted to an employee as a result of overall performance. The merit increase may be a lump-sum payment, an increase to salary base or a combination of an increase to salary base and a singular lump-sum payment. Once an employee reaches the maximum of the salary range, the merit increase will be in the form of a singular lump-sum payment for future service but shall not increase the salary base. Merit increases shall be based upon performance evaluations with the amount of merit increases, if any, fluctuating from year to year. Performance evaluations will result in performance ratings which shall serve as the basis for the amount of the merit increase. Merit increases may be granted once per year, unless otherwise provided by ordinance. Employees on disciplinary probation or any type of performance improvement plan will not receive their merit increase until such time as performance improves as determined by the applicable Department Head or the period of disciplinary probation has expired.
- e. Dates of Performance Evaluations - Performance evaluations shall be conducted at least annually; however, they may be conducted more frequently at the discretion of the Department Head. In no case shall a merit increase be granted if a performance evaluation has not taken place within 90 days prior to the effective date of the merit pay increase.
- f. Cost of Living Adjustments - Each budget cycle, the Chief Administrative Officer shall evaluate the salary schedules to ensure the market rates are accurate. When appropriate, the salary schedules may be adjusted on January 1, in order to take into account the Consumer Price Index for All Urban Consumers in the Midwest (CPI-Midwest U). All employees who are paid at or below the maximum of the salary range for their classification will receive such increase.
- g. Pay Ordinance - The City Council may from time to time change the pay ordinance increasing the minimum and maximum rates of pay. The Council may, by ordinance, establish special pay provisions necessary for the effective administration of the Classification and Pay Plan and to promote the concept of merit or performance pay.
- h. Compensation Policies Ordinance - Nothing contained in these Personnel Rules and Regulations is intended to or shall supersede the compensation policies of the City adopted by Ordinance.

SECTION 2. Pay Policy

- a. Purpose - The City's goal is to pay everyone properly under the law. To that end, the City seeks to clearly communicate that policy and to make sure that all employees are aware of the City's complaint procedure in the event that the City inadvertently makes an improper deduction from any employee's pay.
- b. Complaint Procedure - Any employee who believes that the City has made an improper deduction from the employee's pay, as soon as it is discovered, at the latest, within thirty (30) days of becoming aware of the improper deduction, should file a written complaint with the Director of Finance identifying the improper deduction. The complaint should include a copy of the pay stub

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from the relevant pay period, with an explanation of the reason(s) the deduction is believed to have been improper.

- c. Resolution - Upon the receipt of the written complaint, the Director of Finance will promptly review and investigate the disputed deduction to determine whether the deduction was improper and, as soon as practicable, the Director of Finance will provide a written decision outlining whether the deduction was improper and the reasons therefore. If the Director of Finance, in response to proper notification of the problem through the above-outlined complaint procedure, concludes that the City has made an improper deduction, then the City will promptly reimburse the employee for the improper deduction.

ARTICLE VI - SPECIAL COMPENSATION

SECTION 1. Overtime and Other Compensation Provisions. (All City employees except Fire and Police Department Personnel, unless otherwise indicated)

- a. Applicability. Unless exempt under wage and hour laws, all employees will be compensated at the rate of 1½ times the number of hours actually worked in excess of 40 per week. Approved accrued comp time use and paid vacation leave, paid holiday leave and paid funeral leave will be considered hours worked for purposes of overtime compensation. Other hours worked beyond those regularly scheduled may be paid at an overtime rate as determined by City policy as recommended by the Chief Administrative Officer and approved by the City Council. Any such overtime payments in excess of those required by law may be discontinued at any time at the discretion of the City Council.
- b. Compensation on Sunday. Compensation for work on a Sunday, unless the Sunday is part of the employee's scheduled work week, shall be paid at the rate of two times the employee's hourly rate.
- c. Compensation on Designated Holidays. Employees scheduled to work on a designated holiday shall be paid at straight time for all hours worked during their regularly scheduled shift on that holiday and shall also receive holiday pay which is equivalent to the standard rate of pay for one single shift of work.

Work beyond the normally scheduled shift on a holiday shall be compensated at the rate of 1½ times the employee's hourly rate. Employees who are not scheduled to work a designated City holiday and are called to work on that holiday, shall be paid at the rate of 1½ times the employee's hourly rate for all hours worked. Such compensation shall be in addition to regular pay received for the holiday.

- d. Call-Outs. If an employee is called to work outside of a normally scheduled workday, or is called back to work after having completed a regularly scheduled work day, the minimum time for which compensation will be made will be two hours. Subject to written approval from the Chief Administrative Officer of the City, any Department Head of the City may adopt particular call-out policies and procedures within a City Department, including but not limited to scheduling, compensation for driving time for call-outs and paid or unpaid meal periods during call-outs, so long as any such Department call-out policies and procedures do not conflict with any specific provisions of these Personnel Rules and Regulations.
- f. Compensatory Time. (Applicable to all City employees, including Fire and Police Department Personnel). At the discretion of the Department Head, compensatory time ("comp time") may be earned and used in lieu of overtime pay. In such circumstances, comp time shall be earned at the

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rate of 1½ hours for each hour of overtime worked, except that for overtime worked on a Sunday it shall be earned at the rate of two times. The Department Head shall have authority to limit the maximum accrual of comp time; provided, however, no employee shall be permitted to accrue more than ~~fortyeighty~~ (4080) hours of comp time, except that law enforcement and fire protection personnel shall not be permitted to accrue more than one hundred twenty (120) hours of comp time. Approved accrued compensatory time used shall count as “hours worked” for purposes of any overtime calculation.

SECTION 2. Fire Department

- a. Work Week. Unless otherwise designated in writing, the work week of the Fire Department for ranks below Assistant Chief/Fire Marshal and Deputy Chief/CMO (Chief Medical Officer) shall be 56 hours per week averaged over a 28-day work **cycle**. Hourly rates of pay shall be calculated based upon a 56-hour week.
- b. Holiday Pay. Fire personnel shall be paid for each City holiday occurring during the course of their employment. Holiday pay shall be equal to 12.0 hours at the regular hourly rate of pay. This pay shall be in addition to regular pay.
- c. Call-In. The calculation of rate of pay for those employees working the call-in period shall be determined in accordance with actual hours worked during the work period. Those employees whose actual hours worked do not exceed the regularly scheduled hours shall be entitled to straight time pay. For those hours actually worked in excess of the regularly scheduled hours, the employees shall be entitled to 1½ times their hourly rate of pay.
- d. Hours worked in excess of Regular Tour of Duty. All continuous hours worked in excess of the normal 48-hour tour of duty (or any change to the hours constituting the normal tour of duty) shall be paid at the rate of 1½ times the regular hourly rate.
- e. Sick Leave/Vacation Bonus. Fire personnel scheduled in accordance with the 28-day work cycle shall accrue and use sick leave in accordance with City policy and practice. Provided, however, an employee that does not utilize sick leave during the calendar year will be given one additional 24 hour shift of vacation time the following January 1st. This bonus vacation day is earned annually and must be re-earned each calendar year.

SECTION 3. Police Department

The work period (or “work cycle”) for law enforcement personnel shall be established by the Chief of Police within the parameters and limits allowed under the federal Fair Labor Standards Act and any applicable Missouri statutory provisions governing work cycles for law enforcement personnel. Effective January 1, 2018, the work cycles for commissioned law enforcement personnel include work cycles of fifteen (15) days, fourteen (14) days and seven (7) days depending upon the division assignment within the Police Department, such as a fourteen (14) day work cycle for the patrol division, seven (7) day work cycle for the investigative division and a fifteen (15) day work cycle for the traffic unit division. The Chief of Police shall review any work cycle modifications with the Chief Administrative Officer prior to implementing any work cycle changes for commissioned law enforcement personnel subject to a rotating work schedule. Non-commissioned personnel of the Police Department, such as dispatchers, shall be subject to the standard seven (7) day work week of the City.

Commissioned law enforcement personnel subject to a rotating work schedule and work cycle of fourteen (14) days shall accrue compensatory time (“comp time”) for the first four (4) hours worked beyond eighty

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(80) during each fourteen (14) day work cycle. For any hours worked beyond eighty-four (84) during any fourteen (14) day work cycle, such law enforcement personnel will receive payment of overtime at one and one-half (1 1/2) times the regular rate of pay for one-half of the hours over eighty-four (84) and accrual of comp time at the rate of 1.5 hours for the other one-half amount of hours worked over eighty-four (84) or, at the choice of the individual law enforcement officer, accrual of comp time at 1.5 times all hours worked over eighty-four (84) (subject to a cumulative comp time maximum of 120 hours). Commissioned law enforcement personnel subject to a rotating work schedule and work cycle of fifteen (15) days will receive payment of overtime at one and one-half (1 1/2) times the regular rate of pay for one-half of the hours over eighty-five (85) and accrual of comp time at the rate of 1.5 hours for the other one-half amount of hours worked over eighty-five (85) or, at the choice of the individual law enforcement officer, accrual of comp time at 1.5 times all hours worked over eighty-five (85), subject to a cumulative comp time maximum of 120 hours. Law enforcement personnel of the Police Department with a seven (7) day work cycle shall be paid overtime or accrue comp time after working any hours beyond forty (40) during a seven (7) day work cycle, at the rate of 1.5 times the regular rate of compensation or comp time accrual at 1.5 times all hours worked over forty (40) during such seven (7) day work cycle.

Approved accrued comp time use, paid vacation leave, paid funeral leave, authorized City holidays and any paid leave days in lieu of holiday leave shall be considered “hours worked” for purposes of any overtime calculation. Hours worked on a Sunday, unless the Sunday is part of the employee’s scheduled work week or work cycle, shall be paid at the rate of two (2) times the employee’s regular or hourly rate. Employees scheduled to work on a designated or authorized City holiday, other than commissioned law enforcement officers subject to a rotating work schedule, shall be paid at straight time for hours worked during their regularly scheduled shift on that holiday and shall also receive holiday pay which is equivalent to the regular rate of pay for eight (8) hours of work. Hours of work on a scheduled day off (other than Sunday) or beyond the normally scheduled shift on a holiday shall be compensated at the rate of one and a half (1 1/2) times the employee’s regular, hourly rate. Employees who are not scheduled to work on a designated or authorized City holiday and are called to work on that holiday, shall be paid at the rate of one and a half (1 1/2) times the employee’s regular, hourly rate for all hours worked. Such overtime compensation shall be in addition to regular pay received for that holiday. If an employee is called to work outside of a normally scheduled work day, or is called back to work after having completed a regularly scheduled work day, the minimum time for which compensation will be made will be three (3) hours.

SECTION 4. Trading Time for Fire and Police Personnel

In the event police or fire personnel substitute with another employee, the “traded time” will be deemed to have no effect on hours of work of the substituting employee and shall be credited to the employee who was originally scheduled to work, if the following criteria is met:

- (i) The trading of time is done voluntarily by the employees participating in the program and not at the behest of the employer, and
- (ii) The reason for trading time is due, not to the employer’s business operations, but to the employee’s desire or need to tend to personal matters, and
- (iii) A record is maintained by the Department Head of all time traded by his or her employees, and
- (iv) The period during which the time is traded and paid back does not exceed 12 months.

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SECTION 5. Temporary Pay Differential

For any temporary assignment of job duties or job position within a Department, an employee may be compensated at a rate of pay other than the employee's regular rate of pay while performing such a temporary assignment. Any such pay differential shall be consistent with the temporary job duties performed and shall be paid at the discretion of the Department Head, subject to written approval by the Chief Administrative Officer.

ARTICLE VII - APPOINTMENTS AND VACANCIES

SECTION 1. Acting Appointments

When a vacancy occurs in a position which is necessary to carry out City business without interruption, the Department Head may appoint an employee in an acting capacity. The duration of the appointment shall not exceed six months unless an appointment has not yet been made through normal established procedures. An employee's compensation may be increased during part or all of the period while serving in an acting capacity.

SECTION 2. Filling of Positions

The recruitment and selection process for all classified positions in the City's service shall be coordinated by the Personnel Department. Applicants will be given equal consideration based on their total qualifications and background, regardless of political affiliation, age, race, color, genetic information, pregnancy, national origin, ancestry, religion, sex, sexual orientation, gender identity or expression or transgender status or disability unrelated to the ability to perform the job or any other classification protected under applicable state or federal law. Department Heads will notify the Personnel Department as far in advance as reasonably possible of any requirements for new personnel, setting forth such information as requested by the Personnel Department.

SECTION 3. Publicity

The Chief Administrative Officer shall determine the nature and extent of publicity required to obtain a reasonable number of qualified applicants for each vacancy. All positions open to general competition shall be announced to the public through standard announcement form, and/or other mass media at least seven calendar days in advance of the last date for filing applications. Vacancies which can be filled through promotion, when requested by a Department Head, shall be announced to eligible current City employees on City bulletin boards for at least seven calendar days prior to the application closing date. Job announcements with open, application submission dates must remain open at least seven calendar days, and may be closed by the Chief Administrative Officer when sufficient applicant response has been achieved. Provided, however, any position may be filled without strict compliance with this publicity provision.

SECTION 4. Applicant Screening Process

The screening process of applicants shall include but not be limited to one or any combination of the following as determined by the Chief Administrative Officer in consultation with the Department Head:

- Oral interviews
- Evaluation of experience
- Education and training
- Reference checks
- Written examinations

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Performance evaluations
Psychological evaluations
Background investigations
Physical agility/dexterity tests
or other measures as need arises.
Computer Voice Stress Analyzer
Substance Abuse Tests

Reasonable measures shall be taken by the Chief Administrative Officer to establish the reliability and validity of the various screening processes. The City's policies and procedures with respect to the screening of applicants shall be conducted in accordance with all applicable federal and state employment discrimination statutes and regulations.

SECTION 5. Transfer of a Present City Employee

For each vacancy, a Department Head may have his or her choice of any present City employee who meets the following considerations:

1. Meets at least the minimum qualifications for the classification of the vacancy; and
2. The employee's present Department Head has agreed to the arrangements for the transfer.

An employee may be required to transfer to another position by the Department Head or the Chief Administrative Officer if such a move is in the best interest of departmental operations or the City generally, and is otherwise carried out in a manner compliant with applicable law.

SECTION 6. Re-employment of a Former City Employee

Former employees of the City of Kirkwood, regardless of time since separation, shall be required to compete for a position with any other qualified individuals. No retroactive reinstatement of former benefits shall be given in the event a former employee is re-hired; and eligibility for advanced accruals of leave, based on longevity, shall begin with the last date of hire and not total time with the City. Any former employee may be considered ineligible for rehire based upon the circumstances of the prior employment separation.

SECTION 7. Laid-Off/Demoted Employees

Present full-time permanent employees laid off or reduced to a lower classification solely due to a reduction in force or reassignment of priorities, duties and/or projects, without regard to performance, shall be placed ahead of non-City employed individuals competing for the same position.

SECTION 8. Part-Time Appointments

If a position in the classified service is to be filled for a limited time only, appointments may be made from the list of eligibles interested in full-time work except that their temporary or seasonal appointment shall not affect their eligibility for full-time positions.

Former part-time employees may be re-hired without prior approval by the Personnel Office provided the Personnel Office is notified accordingly. All part-time, temporary, and/or seasonal appointments shall be coordinated through the Personnel Office.

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SECTION 9. General Examination Provisions

1. The Chief Administrative Officer may refuse to examine an applicant or, after examination, may disqualify such applicant and remove the name from employment eligibility if:
 - a. The applicant is found to be lacking in any of the preliminary requirements established for the position.
 - b. The applicant has been found to have conflicting interests or any background information reveals a likelihood of compromising total effectiveness in a given classification.
 - c. The applicant has made a false statement of any material fact on the application.
 - d. The applicant has used or attempted to use political pressure or bribery to secure an advantage in the screening or appointment procedure.
 - e. The applicant has previously been discharged or has had an unsatisfactory service record with the City.
 - f. The applicant has presented an application beyond the formal deadline or has failed to sign the application form.
 - g. The applicant requests such an action.
 - h. An ample number of better qualified candidates are available for the immediate or similar position.
2. An individual's application and examination records shall not be open to public inspection.
3. The examination records of all persons who are appointed to positions in a classified service shall be retained throughout their employment and for at least five years subsequent to their separation.
4. All new appointees may be required to pass a physical examination after an employment offer and must be certified by the City's physician as physically qualified to perform the essential duties of the position they seek before their appointment may be finalized. A substance abuse test may also be required.
5. The Chief Administrative Officer may, as applicable and needed, utilize an applicant's merit examination results established and administered by other merit system agencies through cooperative, reciprocal arrangements for expediting recruitment and screening of applicants.

SECTION 10. Probationary Period

a. Objective

The probationary period shall be regarded as an integral part of the screening process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new, transferred, demoted or promoted employee to the position, and for replacing any employee whose performance does not meet the required work standards.

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b. Duration

Every person transferred, promoted, demoted, appointed or reappointed to a permanent position with the City shall be subject to the following requirements:

1. All employees must complete at least 12 continuous months of a probationary period.
2. The probationary or qualifying period shall begin immediately upon appointment to a permanent position. The probationary or qualifying time period may be extended or reinstated if deemed necessary by the Department Head. Any period of absence during the probationary period may cause the probationary period to be extended.
3. Time spent in an “acting” capacity prior to receiving a permanent appointment to the same classification and department shall be considered as time spent as a probationary or qualifying employee in this position.
4. An employee who is promoted, transferred or demoted prior to completing a probationary period shall begin a new 12 month probationary period in the new position and, except law enforcement officers as defined in Section 590.502, R.S.Mo. who may be entitled to a due process hearing as set forth in Article XIII, Section 20 hereof, no other probationary employee shall have grievance/appeal privileges until a probationary period is successfully completed in one classification. The employee shall, however, be eligible for benefits specified in these policies following the completion of twelve months continuous service, except that sick leave benefits may be used as earned during the probationary period.

SECTION 11. Dismissal During Probation

At any time during any probationary period (whether due to initial employment, position change, performance or disciplinary reasons), the Department Head may remove an employee for any lawful reason. A law enforcement officer who is removed from employment shall be entitled to a full due process hearing before the Chief Administrative Officer as set out in Article XIII, Section 20. In all other circumstances and for all other employees, an employee removed during any probationary period cannot appeal such removal through the grievance procedure.

Employees promoted into a position who do not successfully complete a qualifying period may be demoted into their previous or similar classification, provided such position is vacant and is authorized in the budget. If such a position is not available, the employee may be considered for any vacant position for which the employee is qualified.

ARTICLE VIII - SEPARATION FROM EMPLOYMENT

SECTION 1. Termination Date

The official termination date of employment with the City shall be the date of the employee’s last day in attendance at work unless specified otherwise, and all eligible accrued leave payable shall be paid through the date of termination. Payment shall be made on the next pay date of the pay period next following the date of termination; however, the Director of Finance may make payment sooner in extenuating circumstances.

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SECTION 2. Resignation

All permanent employees are expected to give at least 10 working days notice prior to the effective date of their resignation in order to leave the City employ in good standing unless other arrangements are approved by the Department Head. Paid or unpaid leave may not be substituted for such notice. Failure to leave the City in good standing shall be considered cause for denial of future re-employment with the City.

SECTION 3. Retirement

Retirement shall be in accord with the provisions of the Civilian Employees' Retirement Plan or the Police Officers' and Fire Fighters' Pension Plan; however, no person receiving retirement benefits shall be employed as a full-time permanent employee of the City.

SECTION 4. Disability

If the City reasonably determines that an employee is unable to perform all of the essential functions of his or her position because of a disability, taking into consideration any reasonable accommodation, the City may separate, transfer, or otherwise dismiss an employee. The separation of an employee due to the inability to perform his or her essential job functions is not appealable to the Kirkwood Civil Service Commission. The City reserves the right to require any employee to undergo a physical or mental examination if the City determines that there is an issue with respect to the employee's ability to perform the essential functions of his or her job or whether a reasonable accommodation is necessary to enable the employee to perform the essential functions of his or her position.

SECTION 5. Dismissal

Employees who are dismissed shall be removed from the position as promptly as possible.

SECTION 6. Return of City Property

An employee leaving the City's service for any reason and who has City-owned equipment or property in his or her possession shall return such equipment or property to his or her Department Head prior to receiving his or her last pay check. Subject to applicable law, failure to return said property may result in an amount being withheld from the employee's pay check equal to the value of the property.

SECTION 7. Lay Off - Reduction of Work

A Department Head may lay off an employee when it is deemed necessary by reason of shortage of work, funding, abolition of the position or change of duties or organizational structure, or other reasons which are outside of the employee's control and which do not reflect discredit on the employee's performance. The duties performed by an employee laid off may be re-assigned to other employees currently working who hold positions in appropriate classifications. No regular employee shall be laid off while another person is employed on a probationary or temporary basis in the same classification in the department.

SECTION 8. Order of Lay-Off and Recall

Lay-off and recall of employees shall be made in inverse order of current performance ratings of employees in the classification and department involved so long as employees with the same classification are performing substantially identical job duties in the course of employment. In the event current performance ratings are not available or the ratings of employees shall be equal, the order of lay-off and recall shall be based on seniority. Employees laid off shall be placed on a priority recall list for a maximum of 180

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calendar days. Employees separated because of lay-off shall be given at least two weeks prior notice of such lay-off or pay in lieu thereof.

ARTICLE IX - CORRECTIVE PERFORMANCE IMPROVEMENT, DISCIPLINARY ACTIONS

SECTION 1. Duties

It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency and economy in their work for the City. Department Heads and Supervisors shall organize and direct the work of their units in a manner calculated to achieve these objectives.

SECTION 2. Attitudes

Whenever work habits, attitude, production, or personal conduct of an employee falls below a desirable standard, Supervisors shall point out the deficiencies at the time they are observed or as soon as practicable.

SECTION 3. Appropriate Corrective Action

Corrective actions shall at all times be promptly administered, documented, appropriate to the infraction committed, as determined by management, and shall never be on account of political considerations, personal bias, or any factor prohibited by applicable law.

SECTION 4. Explanation of Action; Appeal

Any disciplinary action shall be documented. Permanent, full-time non-probationary employees who shall be discharged or reduced in rank or compensation shall be presented with written reason for such discharge or reduction. Eligible employees may appeal disciplinary actions against them pursuant to the City's grievance procedure.

SECTION 5. Warnings

Oral and written warnings with reasonable time for improvement and subsequent review, as deemed applicable by management or supervision, shall generally precede more severe disciplinary action whenever, in the judgment of the Department Head or Supervisor, an infraction is minor and readily correctable.

When an oral warning is given, the Supervisor should explain the infraction to the employee and indicate corrective measures. The Supervisor should inform the employee that his or her conduct must improve or face more severe disciplinary action. The employee is required to sign an acknowledgment that the oral warning took place. Failure to sign the warning to acknowledge receipt shall be grounds for additional disciplinary action. A record of this warning will be placed in the employee's personnel file and the employee will receive a copy.

A written warning may be used for more serious infractions or in cases where the same rule has been violated or the same performance expectation has not been met. The Supervisor should state, in writing, the nature of the infraction leading to the disciplinary action. The warning may also include what improvement is expected, the time limit for this improvement to occur and consequences if the improvement goal is not met. The employee must read the written warning and sign it. Failure to sign the warning to acknowledge receipt shall be grounds for additional disciplinary action. One copy of the warning will be placed in the employee's personnel file and one copy will be given to the employee.

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SECTION 6. Suspension, Demotion, Probation Reinstatement or Termination

A Department Head, including an interim or acting Department Head, or the Chief Administrative Officer or his or her designee within the City's Administration, specifically including the City's Assistant Chief Administrative Officer and the City's Human Resources Manager, has the authority to suspend, demote, reinstate probation, or terminate the services of any employee because of:

1. A reduction in force due to the lack of funds or curtailment of work.
2. For misconduct, poor performance, lack of ability to safely perform essential functions, violation of established regulations, procedures or expectations (written or otherwise), including but not limited to:
 - a. Obtaining materials or leave time based on misrepresentation; dishonesty; stealing; and other criminal acts.
 - b. Conviction of a felony or of a misdemeanor involving moral turpitude.
 - c. Abusive, harassing or improper treatment of a citizen, prisoner, or other individual in the community or on the City payroll.
 - d. Violation of any lawful and reasonable departmental or City rule, regulation, policy, practice or directive.
 - e. Destruction or loss of City or private property.
 - f. Absence from duty without permission, proper notice, or satisfactory reason.
 - g. Falsifying reports or records.
 - h. Insubordination, non-compliance with rules, policies, assignments or procedures.
 - i. Possessing, using or being under the influence of narcotics, other mind influencing substances, or alcohol on the job or otherwise violating the City's Substance Abuse Policy.
 - j. Incompetence, ineffectiveness, poor performance, inefficiency or wastefulness in the performance of assigned duties.
 - k. Disregard for safety policies or procedures.
 - l. Engaging in personal business/other employment while on duty, using City vehicles or equipment for personal use except as such use may be specifically authorized by City Council.
 - m. An unsatisfactory attendance record.
 - n. Gambling on City property.
 - o. Theft or unauthorized use or removal of City or employee property.
 - p. Unauthorized possession or use of a dangerous weapon. A dangerous weapon shall include, but not be limited to, handguns, firearms, explosives, knives, simulated firearms

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operated by gas or compressed air, slingshots, sand clubs, metal knuckles, dangerous chemicals and other weapons further defined by Missouri statute and/or City Ordinance. Unauthorized possession or use of a dangerous weapon shall include specifically the wearing, transporting, storing, using, brandishing or carrying of a dangerous weapon of any type, concealed or unconcealed, upon the property of the City, regardless of whether the employee is licensed to carry the dangerous weapon. Unauthorized possession or use also includes carrying a dangerous weapon of any type outside of the City's property while acting within the course of employment, regardless of whether the employee is licensed to carry the weapon. Employees may not carry any dangerous weapon while performing any task on behalf of the City or while attending any function on behalf of the City. No dangerous weapon shall be allowed on or within any City owned vehicle or personal vehicle being used to conduct any business on behalf of the City. This prohibition against unauthorized possession or use of dangerous weapons is not applicable to the use or possession of weapons by law enforcement personnel in accordance with the policies, procedures and directives of the City's Police Department or the use or possession of an object which may be a dangerous weapon, such as a knife or dangerous chemical, incident to performance of duties in the course and scope of an employee's employment with the City.

- q. Threatening or coercing employees or Supervisors.
- r. Reasonable suspicion of the commission of a criminal act occurring on or off the job which relates to job performance or of such a nature that continuation of employment in the assigned position could affect job performance or could constitute negligence in regard to the City's duty to the public.
- s. Using public employment for private gain.
- t. Reasonable suspicion of engaging in dishonest or immoral conduct on or off the job that undermines the effectiveness of the City's activities or affects relations with other City employees or residents.
- u. Failure or refusal to perform an assigned task.
- v. Any conduct which involves harassment or discrimination under any state or federal law or which constitutes inappropriate conduct under the City's Equal Employment Opportunity, Anti-Harassment and Non-Discrimination Policy.
- w. Inability to perform all essential job functions, with or without reasonable accommodation, or inability to safely perform all essential job functions, consistent with all federal and state requirements under applicable disability discrimination laws.
- x. Unauthorized disclosure of confidential information or protected health information.

The above are examples only of grounds for severe disciplinary action and are not intended to be all inclusive. In addition, such provisions apply only to classified, permanent, full-time employees who are not serving any type of probationary period. All other employees are employed at will and may be terminated at any time for any reason, with or without prior notice.

Except for probationary, part-time or temporary employees, a Department Head shall not discharge any employee without first having suspended the employee, without pay. In such event, the Department Head

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should notify the employee that the employee is being suspended with intent to discharge following a review period. Upon such notice, the employee must return all City property in the employee's possession to his or her Supervisor or Department Head.

Any suspension, demotion, reinstatement of probation or termination of a law enforcement officer as a result of a complaint shall be handled in accordance with Section 590.502, R.S.Mo.

ARTICLE X - LEAVES OF ABSENCE

SECTION 1. Holidays

All permanent, full-time employees shall be entitled to 11 holidays per year for which they shall receive full pay at their standard rate. In order for an employee to receive pay for a holiday, that employee must have been present at work on the work day immediately preceding and following the holiday, or have been on an approved leave of absence with pay for the day or days absent. Paid holiday leave shall count as eight (8) hours worked for overtime calculation purposes, unless the employee is subject to a regular work day or shift of ten hours or more, in which case the employee shall receive credit for hours worked consistent with the employee's regularly scheduled work shift for purposes of any overtime calculation.

Part-time employees who work at least 20 hours per week and have been employed by the City for at least six months shall be entitled to 11 holidays per year for which they shall receive partial compensation at their standard rate. The employee must have been present at work on the work day immediately preceding and following the holiday, assuming these days are regularly scheduled work days, or have been on an approved leave of absence with pay for the day or days absent. Part-time employees who meet the above criterion and who are not otherwise employed by the City on a full-time basis shall be compensated according to the average number of hours worked per week divided by five (for example, an employee working 20 hours per week would receive four hours of pay for a holiday). Part-time employees shall be entitled to holiday pay which is calculated by taking the average number of hours worked for the 13 pay periods immediately preceding January 1 of the current calendar year. Provided, however, if the position has seasonal or other variations that would significantly affect the ability of an employee to earn holiday pay as contemplated herein, a Department Head may request permission from the Assistant Chief Administrative Officer for a different period to be used in calculating holiday leave. For new hire employees who work part-time, holiday pay (after six months of employment) will be calculated by taking the average number of hours worked for the 13 pay periods immediately preceding each holiday until the employee has worked for 13 pay periods before January 1.

Authorized holidays shall include:

- | | |
|----------------------------------|---------------------------|
| 1. New Year's Day | 6. Independence Day |
| 2. Martin Luther King's Birthday | 7. Labor Day |
| 3. Presidents Day | 8. Thanksgiving |
| 4. Memorial Day | 9. Day after Thanksgiving |
| 5. Juneteenth | 10. Christmas Eve Day |
| | 11. Christmas Day |

The City will attempt to accommodate the religious observances and practices of its employees. Requests for time off for religious observances, except as provided on the City's holiday schedule, will be treated on an individual basis, and accommodation will be afforded so long as such can be accomplished without undue hardship to the City's operations.

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Notwithstanding the above provisions regarding holidays for City employees, law enforcement personnel who work on a rotating work schedule shall be allotted eleven (11) days of “paid time off” in lieu of “holidays” (referenced periodically as “PTO”) each calendar year, beginning with calendar year 2023. Such law enforcement personnel shall not participate in City holidays but shall be permitted to use eleven (11) days of paid leave, in lieu of holidays, during each calendar year, beginning with calendar year 2023. Such paid leave days shall be considered “hours worked” for purposes of any overtime calculation. Such paid leave days shall be used in full day increments only. For recordkeeping purposes only, any such PTO may be designated as “holiday leave.” No such paid leave shall be carried over from one calendar year to the next. To the extent that any such paid leave has not been exhausted by December 31 of each calendar year, law enforcement personnel shall be compensated for eight (8) hours of pay for each unused paid leave day at his or her then current rate of pay or, in the event of law enforcement personnel scheduled to work shift days of ten (10) or twelve (12) hours such compensation shall be for either the ten (10) hours or twelve (12) hours shift applicable as of December 31 of each calendar year. Payment for such unused paid leave days shall not count toward “hours worked” for overtime purposes. The accrual of such paid leave by law enforcement personnel shall be at the rate of 5/6 of a paid leave day per calendar month. New hires within the Police Department subject to this Policy shall accrue such paid leave at 5/6 of a paid leave day per month, starting with the first full month of employment with the City. If, during any calendar year, an employee of the Police Department is assigned to a position which results in a change from or to a rotating work schedule (such as from patrol officer to detective or vice versa), the City shall take appropriate measures to assure that such employee receives a combination of eleven (11) paid “days off in lieu of holidays” and City authorized holidays during the calendar year. Such measures may include, but not necessarily be limited to: allowing the employee to use vacation or earned compensatory time as a paid day on one (1) or more authorized City holidays; requiring that time off during one (1) or more authorized City holidays be unpaid; or altering the monthly accrual rate of “paid time off in lieu of holidays”. In no event shall any Police Department employee receive more or less than a total of eleven (11) paid leave days, during the calendar year under such circumstances.

In the event that any law enforcement employee utilizes such PTO during a calendar year in excess of that which has accrued and thereafter dies, terminates, retires or is discharged, or otherwise separates employment with the City of Kirkwood prior to the accrual of such paid leave, the City shall be entitled to assess and recoup the value of such utilized paid leave in excess of the accrued paid leave. Any such amount due shall be withheld from any final compensation due the employee and will be collected through appropriate legal action, if necessary. If legal action is necessary to recoup such amount, the employee will be responsible for the City’s costs and expenses, including attorneys’ fees. In the event that the law enforcement employee dies, terminates, retires, is discharged or otherwise separates employment with the City without utilizing accrued PTO in lieu of holiday pay, such employee shall be compensated for such paid leave accrued up to the maximum allowed accrual to the date of separation, unless such employee is discharged for misconduct connected with his or her work or fails to provide at least ten (10) business days notice of resignation. No leave time may be substituted for such notice. No “paid leave in lieu of holiday pay” may be used during any disciplinary suspension.

SECTION 2. Vacation

Vacation leave shall accrue to all permanent, full-time employees based upon their years of continuous service with the City and part-time employees who work at least 20 hours per week and have been employed by the City for at least six continuous months. Accrual of vacation shall commence on January 1 for that calendar year and shall be fully realized on December 31 of that calendar year, except during the first calendar year in which accrual of vacation shall commence on the first day of the first month following the date of employment.

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During the first calendar year of service, all full-time employees shall accrue vacation leave through such calendar year and may take vacation leave through such first calendar year, provided that the employee has completed six months of continuous employment. Accrued vacation is available for use on or after the first day of the first month following six months of continuous employment. The employee may also accrue ~~the~~ vacation leave and utilize such accrued vacation time during the following calendar year. In the event an employee has not completed six months of continuous, full-time employment during the first calendar year, then such employee is entitled to take the vacation leave accrued during the calendar year in which such employee has completed the six months of continuous, full-time employment. The rate of accrual of vacation leave for full-time employees shall be in accordance with Section (a) as follows:

<u>Employment Period</u>	<u>All Employees Other than Fire Shift Personnel</u>	<u>Fire Shift Personnel</u>
Less than 12 months	5/6 day per month	3 Shifts
1-4 years	2 weeks	6 Shifts
5-9 years	3 weeks	8 Shifts
10-16 years	4 weeks	10 Shifts
17 and thereafter	5 weeks	12 Shifts

For purposes of this vacation policy, a “fire shift” means 24 hours.

The amount of vacation for employees shall be identified on the basis of annual hours of vacation available during any calendar year to coincide with each employee’s regularly scheduled number of hours to be worked during each work week or during each work cycle for the Police Department.

Notwithstanding any other provision herein, the Chief Administrative Officer may set or modify the rate of accrual of vacation leave for any employee due to recruiting or other unique circumstances, although such discretion shall generally be reserved for a Department Head or management employee who is a direct report to a Department Head, subject to the maximum annual accrual rate of five (5) weeks. The Chief Administrative Officer shall also have discretion to award additional vacation leave to any employee as a supplement to or in lieu of a merit increase.

Part-time employees who work at least 20 hours per week and have been employed by the City for at least six months shall accrue one week of vacation leave. A part-time employee eligible for vacation pay shall be entitled to one week of vacation pay which is calculated by taking the average number of hours worked during the 13 pay periods immediately preceding January 1 of the current calendar year and multiplying that number by the part-time employee’s regular rate of pay. Provided, however, if the position has seasonal or other variations that would significantly affect the ability of an employee to earn vacation as contemplated herein, a Department Head may request permission from the Assistant Chief Administrative Officer for a different period to be used in calculating vacation leave. For example, an eligible part-time employee paid \$8.00 per hour, who averages 20 hours per week, would be entitled to one week off with vacation pay in the amount of \$160. For new hire employees who work part-time, vacation pay (after six months of employment) will be calculated by taking the average number of hours worked during the first 13 pay periods of employment for the calculation of such employee’s initial vacation pay.

At the recommendation of a Department Head and with written approval from the Chief Administrative Officer, a current part-time employee of the City who becomes a full-time employee may be provided vacation at an accrual rate greater than set forth above upon commencement of full-time employment. In making such recommendation, the Department Head shall consider the duration of prior part-time continuous employment with the City (which must be a minimum of five (5) years). The “credited” service

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from part-time employment toward vacation accrual as a full-time employee shall not exceed one-half of the period of continuous employment as a part-time employee.

Full-time employees who also work part-time and meet the above criterion will not receive additional vacation leave.

All employees shall be entitled to utilize vacation leave which could accrue during the calendar year. In the event that an employee utilized vacation leave during a calendar year in excess of that which has accrued and thereafter dies, terminates, retires, is discharged, or otherwise separates employment with the City of Kirkwood prior to the accrual of such vacation time, the City shall be entitled to assess and recoup the value of such utilized vacation leave which is in excess of the accrued vacation leave. Any such amount due shall be withheld from any final compensation due the employee and collected through appropriate legal action, if necessary. If legal action is necessary to recoup such amount, the employee will be responsible for the City's costs and expenses, including attorneys' fees. In the event that, after six months of continuous employment with the City, an employee dies, terminates, retires, is discharged, or otherwise separates employment with the City without utilizing accrued vacation leave, such employee shall be compensated for vacation leave accrued up to the maximum allowed accrual to the date of separation, unless such employee is discharged for misconduct connected with his or her work or fails to provide at least ten business days' notice of resignation. No leave time may be substituted for such notice. Accrued, but unused vacation, will not be paid to employees whose employment with the City ends after less than six months of continuous employment following the employee's most recent date of hire.

Full-time and part-time employees may carry over into the following year accrued vacation provided that it is not in excess of one-half of the vacation earned during the current calendar year. The maximum carry-over is one-half of the current year's vacation accrual. Vacation carry-over is not cumulative. In special situations, the carry-over limitation may be waived upon the review and written approval of the Assistant Chief Administrative Officer.

Vacation leaves normally shall be granted at such time as is deemed by the Department Head to be in the public interest and may be used in accordance with the rates set forth above, provided approval is given by the Department Head. Department Heads shall schedule vacation leaves with particular regard to the operating requirements, order of requests, and seniority of employees.

Vacation may not be used during any disciplinary suspension or during the first six months of any probationary period associated with initial employment with the City.

SECTION 3. Personal Sick Leave

Each full-time employee, with the exception of fire shift personnel, shall accrue one day, consisting of eight hours or ten (10) or twelve (12) hours for any law enforcement personnel subject to a scheduled shift day of ten (10) or twelve (12) hours, of personal sick leave for each full month of continuous service rendered. Accrual of sick leave shall commence on the first day of the first month following the date of employment. In the event that employment begins on the first day of the month, accrual of sick leave shall commence on the first day of employment. Sick leave accrual may be increased beyond eight hours per month for any employment position for which regularly scheduled hours are significantly more than 2080 during a full calendar year of employment. Fire shift personnel shall accrue 12.0 hours of personal sick leave for each full month of continuous service. Sick leave shall not count as "hours worked" for purposes of any overtime calculation for City employees.

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Holidays, vacation, personal sick leave, occupational illness, emergency leave, and funeral leave (all as provided for in Article X herein) shall not be deemed to be an interruption to the full month of continuous service as used herein.

Further, in no event shall any employee accrue more than 1040 hours (except for Fire Department personnel scheduled for 24-hour shifts in which event the maximum sick leave accrual shall be 1456 hours) of sick leave and at no time shall sick leave be considered a benefit convertible to compensation during employment or at the time of employment separation, except as described further below in this Personal Sick Leave policy or in any subsequent policy adopted by the City Council.

In addition, an employee may use up to a maximum of ten (10) earned sick leave days (except that fire shift personnel may use up to a maximum of five earned sick leave days, defined as 24-hour shift days) per calendar year to care for an ill or injured immediate family member, which shall include only the employee's spouse, child, mother, father or other relative permanently residing in the employee's residence.

At any time, a physician's certificate may be required to verify the employee's sickness or injury or to verify a family member's sickness or injury if personal sick leave is taken. Subsequent to an absence of any duration due to sickness or injury, a physician's certificate may be required to verify the employee's ability to return to work prior to assumption of duties by that employee. In addition, any employee may be required to complete a Work Steps Program before returning to work.

It is understood that an employee utilizing sick leave benefits pursuant to this section agrees that he or she will not accept or perform any work for any other employer or engage in any self-employment work activity during his or her leave of absence; if an employee does so, he or she acknowledges that in such circumstances his or her conduct will be deemed to be a violation of the terms of the leave of absence, and that his or her employment with the City will be considered to have been terminated voluntarily on his or her part as of the first day of such a violation.

All City employees who have accrued the maximum sick leave amount of 1040 hours and have not utilized any sick leave during the calendar year will be provided an additional 8 hours of vacation time the following January 1st as a Bonus Vacation Day. Any such Bonus Vacation Day is earned annually and must be re-earned each calendar year. As a Sick Leave Buy Back Option, employees who have accrued at least 520 hours of total sick leave as of December 31 and have not used any sick leave during the calendar year may sell back up to forty-eight (48) hours of sick leave at 50% of their value. Employees who have accrued at least 520 hours of total sick leave during the calendar year and have used no more than twelve (12) hours of sick leave during such calendar year may sell back up to thirty-two (32) hours of sick leave at 50% of their value. Employees must request in writing to use any such Sick Leave Buy Back Option by January 15. The City shall pay out the appropriate amount within 30 days of receiving such written request. For purposes of the Bonus Vacation Day and Sick Leave Buy Back Option described in this Section, Employees shall be entitled to use up to eight (8) hours per calendar year for preventive health care appointments, such as routinely scheduled annual or periodic medical, dental or vision examinations, which shall not be considered for purposes of eligibility for either a Bonus Vacation Day or the Sick Leave Buy Back Option. The City may require that appropriate documentation be submitted for any use of sick leave for such routine annual or periodic medical, dental or vision examination appointments.

The Sick Leave Buy Back Option and Bonus Vacation Day policies described herein shall not apply to any employees represented by an organized labor union. Any sick leave buy back and/or bonus vacation day policy for employees represented by any labor union, specifically including Fire Department employees represented by Local 2665 of the International Association of Fire Fighters, Police Department employees represented by the Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15 and Electric

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Department employees represented by Local Union No. 2 of the International Brotherhood of Electrical Workers, shall be governed exclusively by the terms of any collective bargaining agreement or memorandum of understanding in effect between the City and the union representing such employees of the City.

When an employee has advance notice of an impending physical disability, such as elective surgery or pregnancy, the employee shall notify the Personnel Department so that it can be determined whether an absence will qualify under the Family Medical Leave Act. Upon request, the employee will be required to complete and submit an FMLA Certification Form for such intended absence. If the employee is not eligible for FMLA leave, such employee shall, before commencing such leave, submit a statement from the attending physician which shall include:

1. A description of the reason leave is needed.
2. The anticipated date that the leave should begin.
3. The date on which the employee will be able to return to work.
4. Whether the employee will or is likely to be under any physical restrictions as a result of the illness or injury upon return to work.

Such employee shall obtain a physician's release prior to returning to work, and such release shall indicate whether or not the employee is under any physical restriction and the nature of such restriction.

Sick leave may not be used during any disciplinary suspension. Sick leave may be used as earned during any probationary period.

An employee on approved vacation leave who becomes ill or injured during such vacation leave cannot use sick leave in lieu of already approved vacation leave.

Nothing contained in this sick leave policy is to be construed as guaranteeing employment status throughout the availability or use of sick leave benefits or upon conclusion of any period of such leave. An employee who is medically unavailable for work for any extended duration may be separated from employment, consistent with applicable federal and state laws, regardless of whether the employee has exhausted all earned, unused sick leave. A separation for such reason is not appealable to the Kirkwood Civil Service Commission. Earned unused sick leave is not payable upon separation of employment, except as may be provided in the City's deferred compensation Section 457(b) Plan in effect and referenced in ARTICLE XI, Section 5 of these Personnel Rules and Regulations.

SECTION 4. Occupational Injury or Illness

In cases of occupational injury or illness incurred in the performance of such employee's City job, such employee may be granted "occupational injury pay" effective immediately. Such "occupational injury pay" shall be the regular salary of such employee less any amount received by the employee as workers compensation benefits. Such occupational injury pay shall continue until the happening of the earliest of the following events:

- a. The date such employee shall be determined to be permanently disabled pursuant to the City's pension plans.

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- b. The date such employee is determined to be able to return to work by the City's appointed physician.
- c. The date of any resolution or settlement of any workers' compensation claim.
- d. The elapse of 15 calendar weeks after the date of the occurrence of the disabling event.

In the event such employee remains unable to return to work after the 15 calendar weeks, such employee may use any accrued personal sick leave or vacation time while still employed. Upon the exhaustion of such paid leave time, such employee shall only receive worker's compensation payments, if any. Nothing contained in this occupational injury or illness policy is to be construed as guaranteeing employment status throughout the use of occupational injury or illness leave or upon conclusion of any period of such leave.

The Return to Work Program can assist with minimizing the cost of injuries by allowing injured employees to return to work as soon as possible. Every employee injured on the job and released to perform light duty work shall be considered for this program. However, light duty will not apply to any situation generally which would require the employee to perform duties that the employee is not currently qualified to perform. Light duty, if provided, is temporary and may be discontinued by the City at any time. Provided, however, no occupational injury or illness compensation shall be provided to any employee who rejects a light duty assignment offered by the City to the employee.

In addition, any employee may be required to complete a Work Steps Program before returning to work.

It is understood that any employee receiving workers' compensation benefits pursuant to this section agrees not to accept or perform any work for any other employer or engage in any self-employment work activity during the leave of absence; if an employee does so, the employee acknowledges that in such circumstances the employee's conduct will be deemed to be a violation of the terms of the leave of absence, and that employment with the City will be considered to have been terminated voluntarily on the employee's part as of the first day of such a violation.

Any leave of absence due to occupational injury or illness may also be designated as FMLA leave when appropriate and the employee, if so designated, shall comply with the City's FMLA policy as requested.

SECTION 5. Emergency Leave

Employees may, with the written approval of their Department Head, be given three (3) scheduled work shifts per calendar year with pay and without loss of other leave due to extreme extenuating circumstances which may threaten the health and/or family welfare of the immediate family, such as: household fire, storm damage, flooding, etc. This provision does not allow use for situations such as transportation problems, auto repairs, babysitting, or similar non-critical obligations of the employee.

Determination of eligibility shall be made by the Assistant Chief Administrative Officer based on strict interpretation of these Personnel Rules and Regulations.

SECTION 6. Funeral Leave

In the event of the death of an immediate family member, a full-time employee may be granted paid leave to attend the funeral of that family member. The purpose of this leave is for funeral attendance and related memorial services and is not to be used for attending to matters pertaining to settlement of the estate or business affairs of the deceased. In the event of the death of a spouse, child, step-child or parent, paid leave may be granted for up to four work days upon the recommendation of the Department Head. Other

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immediate family for the purpose of this section is defined as brother, sister, aunt, uncle, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparent, grandparent-in-law, grandchild, stepparent, stepbrother, stepsister, or relative permanently living in the same house and paid leave for the death of any of these family members shall be for no more than two days.

SECTION 7. Leave of Absence-without Pay

A Department Head, with the approval of the Chief Administrative Officer, may grant a permanent full-time employee an extended leave of absence without pay not to exceed 180 calendar days. Leave of absence may be granted for medical reasons. Such leave may be granted only after all of the employee's accrued sick leave and vacation leave has expired. If leave hereunder is granted because of an employee's medical condition, an employee must, before being considered for leave, submit a statement from his or her attending physician which shall include those items described in the Personal Sick Leave section, Article X, Section 3. Leaves under this section will only be granted when leave will not burden the Department affected and will not require that the employee be replaced during said leave. This section does not apply to the extent a leave is governed by the City's Family and Medical Leave Policy.

SECTION 8. Absence without Pay

An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these Personnel Rules and Regulations shall be deemed to be an absence without leave. Any such absence shall be without pay and, in addition, may be subject to disciplinary action. An employee may not utilize a leave of absence without pay if he or she has available emergency, vacation or sick leave. An absence of three working days which is not explained satisfactorily to the Department Head may be deemed cause for immediate discharge.

SECTION 9. Military Leave of Absence Under Federal Law

Any employee who is to perform active duty or training or inactive duty or training in the armed forces of the United States, including but not limited to the military reserves, shall be granted a leave of absence, as permitted by law. Further, an employee who leaves the City for such military service may be paid accrued vacation for which the employee is eligible from the City at the time of the leave of absence at the employee's option.

Any employee who leaves his or her job to serve in the armed forces is entitled to all rights provided for under state and federal law during the performance of military duty and, upon completion of the military duty, to reinstatement as provided by law. Reinstatement rights are conditioned upon the employee fulfilling the basic requirements for reinstatement under state and federal law.

Any employee who is reinstated following completion of military service shall be eligible to take accrued vacation 30 days after reinstatement.

SECTION 10. National Guard and Military Reserve Duty or Training Leave Under Missouri Law

Any employee of the City, who is or may become a member of the National Guard or of any reserve component of the Armed Forces of the United States and who is engaged in the performance of duty in the service of the United States under competent orders for an extended and indefinite period of time, shall be entitled to leave of absence from his or her respective duties as an employee until such military service is completed without loss of position, seniority, accumulated leave, impairment of performance appraisal, pay status, work schedule including shift, working days and days off assigned to the employee at the time leave

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commences, and any other right or benefit to which the employee is entitled, and no retirement benefit shall be diminished or eliminated because of such service.

In addition to a leave of absence otherwise authorized in these Personnel Rules and Regulations, any employee of the City who is or may become a member of the National Guard or of any reserve component of the Armed Forces of the United States shall be entitled to a leave of absence from his or her respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits, to which otherwise entitled, for all periods of military services during which he or she is engaged in the performance of duty or training in the service of Missouri at the call of the Governor and as ordered by the adjutant general without regard to length of time, and for all period of military services during which they are engaged in the performance of duty in the service of the United States under competent orders for a period not to exceed a total of one hundred twenty hours in any federal fiscal year (October 1 through September 30).

Before any payment of compensation is made covering the period of any such leave, the employee shall file with the City an official order from the appropriate military authority as evidence of such duty for which military leave pay is granted, which order shall contain the certification of the employee's commanding officer of performance of duty in accordance with the terms of such order.

Any employee entitled to military leave pursuant to this Policy of the City shall only be charged military leave for any hours which the employee would otherwise have been required to work had it not been for such military leave. The minimum charge for military leave shall be one hour and additional charges for military leave shall be in multiples of the minimum charge.

No member of the organized militia shall be discharged from employment by the City because of being a member of the organized militia, nor shall he or she be hindered or prevented from performing any militia service he or she may be called upon to perform by proper authority nor otherwise be discriminated against or dissuaded from enlisting or continuing his or her service in the militia by threat or injury to him or her in respect to his or her employment.

SECTION 11. Voting Time

Any employee eligible and registered to vote in any election held within this state, or any primary election held in preparation for such election shall, on the day of such election, be entitled to leave from duty (if on duty) which would allow three hours of voting time between the time of opening and the time of closing the polls. This section shall not apply to a voter on the day of election if there are three successive hours while the polls are open in which the employee is not on duty. The authorized Supervisor may specify any three hours between the time of opening and closing of the polls during which an employee may be granted voting leave. Employees may be required to show current eligible voter registration cards to their Supervisor prior to release for voting purposes; and no employee shall be granted time off with pay for voting who is not eligible to participate in a given election.

SECTION 12. Jury or Witness Leave with Pay

Employees may be granted leaves of absence for required jury duty or for any other required appearances before a court as a witness. Such employees shall receive that portion of their regular salary which will, together with their jury duty pay or fees, equal their total salary for the same period, subject to a maximum of 10 working days per calendar year. Witness leave with pay is not available to any employee who appears in court in connection with a case to which he or she is a party.

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SECTION 13. Procedure for Requesting Leave

Employees requesting leave of absence for any reason must fill out a request form. In order to receive consideration, the requested leave shall be approved by the employee's Department Head.

SECTION 14. Family and Medical Leave Policy

1. Except for the provisions of this Policy regarding "Servicemember Family Leave," an eligible employee is entitled to take up to 12 weeks of unpaid leave under this Policy in a 12-month period. Leave may be taken for any of the following reasons.
 - (a) to care for an adopted, foster care, or newborn child;
 - (b) to care for the employee's spouse, son, daughter, or parent with a serious health condition;
 - (c) because of an employee's own serious health condition that makes the employee unable to work at all or perform the essential functions of the employee's job; or
 - (d) a qualifying exigency arising out of the fact that the spouse, or a son, daughter or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.
2. An "eligible" employee is an employee who:
 - (a) has been employed by the City of Kirkwood for at least 12 months, and
 - (b) has worked for at least 1,250 hours during the 12-month period immediately preceding the commencement of the requested leave.
3. For purposes of this Policy, "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
 - (a) any period of incapacity or treatment in connection with or consequent to in-patient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility;
 - (b) any period of incapacity requiring absence from work, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; or
 - (c) continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or for prenatal care.
4. The 12-month period during which an eligible employee is entitled to a total of 12 weeks leave under this Policy begins on January 1st of each year. Except for the provisions of this Policy regarding Servicemember Family Leave, an eligible employee is only entitled to a total of 12 weeks leave in any given 12-month period regardless of the number of qualifying conditions that may arise in any 12-month period.
5. For any leave taken in accordance with this Policy that would otherwise be unpaid, each employee is required to use accrued paid vacation, accrued paid sick leave and accrued compensatory time to the extent available in the following manner:

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- (a) for any leave taken under this Policy as Servicemember Family Leave or any leave relating to the placement of a child for adoption or foster care, to care for a family member with a serious health condition, the employee is required to use all of his or her available accrued paid sick leave first (maximum of ten (10) paid days annually, except for fire shift personnel who have a maximum of five 24-hour work shifts annually), then use all of his or her accrued paid vacation and then use all of his or her accrued compensatory time while on leave; and
 - (b) for any leave taken under this Policy because of the employee's own serious health condition, the employee is required to use all of his or her accrued paid sick leave first, then use all of his or her accrued paid vacation leave, PTO with respect to law enforcement personnel of the City who receive paid time off in lieu of holidays, and then use all of his or her accrued compensatory time while on leave.
6. If the leave taken in accordance with this Policy is compensated at all, such as under the temporary total disability provisions of workers' compensation law, then no use of accrued paid vacation, accrued paid sick leave or accrued compensatory time will be required but such paid leave may be used at the employee's option.
7. An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered servicemember shall be entitled to a total of twenty-six (26) work weeks of leave during a twelve (12) month period to care for the servicemember ("Servicemember Family Leave"). The leave described in this paragraph shall only be available during a single twelve (12) month period. During such a single twelve (12) month period, an eligible employee shall be entitled to a combined total of twenty-six (26) work weeks of FMLA leave, regardless of the reason or reasons for taking FMLA leave. A "covered servicemember" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. The term "outpatient status," with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to:
- (a) a military medical treatment facility as an outpatient; or
 - (b) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

The term "serious injury or illness," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. For purposes of this Policy, the term "next of kin," used with respect to an individual, means the nearest blood relative of that individual.

8. For any leave taken under this Policy, an eligible employee may also take paid vacation leave which has not yet been earned but could accrue during the calendar year. The use of unearned vacation shall follow the use of earned sick leave and earned vacation leave as required in paragraph 5 of this Policy. If an employee chooses to use unearned vacation leave during an FMLA leave of absence, the request to use such leave must be made in writing and submitted to the Human Resources Manager prior to the exhaustion of all paid sick leave and paid earned vacation. In the event that an employee utilized vacation leave during a calendar year in excess of that which has accrued and thereafter dies, terminates, retires, is discharged, or otherwise separates employment

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with the City of Kirkwood prior to the accrual of such vacation time, the City shall be entitled to assess and recoup the value of such utilized vacation leave which is in excess of the accrued vacation leave. Any such amount due shall be withheld from any final compensation due employee or through appropriate legal action if necessary. If legal action is necessary to recoup such amount, the employee will be responsible for the City's costs and expenses, including attorney's fees.

9. An employee on leave in accordance with this Policy during any of the holidays designated in Article X, Section 1 of the Personnel Rules and Regulations for the City of Kirkwood, will receive pay as set forth in Article X, Section 1.
10. Spouses who are both employed by the City of Kirkwood are permitted to take only a combined total of 12 weeks leave during a 12 month period if the leave is taken: for the birth of a child or to care for the child after birth; for placement of a child for adoption or foster care, or to care for the child after placement; or to care for a parent with a serious health condition. Each spouse is entitled to his or her own 12 weeks of leave during a 12-month period if the leave is for his or her serious health condition, or the serious health condition of the other spouse or a child.
11. An employee's entitlement of leave to care for an adopted, foster care, or newborn child expires at the end of the 12-month period beginning on the date of the birth or placement.
12. Employees seeking to use leave under this Policy are required to provide 30 days advance notice of the need to take leave if the need for the leave is foreseeable based on an expected birth or placement of a child, or planned medical treatment for a serious health condition of the employee or of a family member. If 30 days notice is not practicable under the circumstances, such as because of the lack of knowledge of when leave will begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. The notice under this section must set forth the reason(s) for the requested leave, the anticipated duration of the leave and the anticipated start of the leave.

When planning medical treatment, the employee must consult with his or her Department Head and make a reasonable effort to schedule the leave so as not to disrupt unduly the Department's operations, consistent with the health care provider's medical judgment.

13. When leave is taken because of the birth or placement of a child or adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only upon approval of the employee's Department Head. When leave is taken to care for an employee's own serious health condition or for a sick family member, leave may be taken intermittently or on a reduced leave schedule when medically necessary at the employee's request.
14. An employee that takes leave under this Policy for a spouse, child, or parent with a serious health condition, or because of the employee's own serious health condition, must submit a sufficient and complete FMLA Certification Form, upon request. The Certification Form is due 15 days after the City's written request directed to the employee.

While on leave, the employee may be asked to periodically report on his or her status or the status of the family member and when the employee intends to return to work.

It is understood that any employee taking Family and Medical Leave pursuant to this section agrees that he or she will not accept or perform any work for any other employer or engage in any self-employment work activity during his or her leave of absence; if an employee does so, he or she acknowledges that in such circumstances his or her conduct will be deemed to be a violation of the

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terms of the leave of absence, and that his or her employment with the City will be considered to have been terminated voluntarily on his or her part as of the first day of such a violation.

15. Prior to being returned to work following a leave taken under this Policy, an employee whose leave was occasioned by his or her own serious health condition must obtain and present certification from the health care provider that the employee is able to return to work.
16. For the duration of any leave taken under this Policy, the City of Kirkwood will maintain the employee's health care coverage on the same basis as coverage would have been provided if the employee had not taken leave. If an employee fails to return to work for the City for at least 30 days upon conclusion of leave taken under this policy, the employee shall owe the City the cost of health insurance premiums provided by the City during such absence, except as otherwise limited by law.
17. When an employee takes leave, which would otherwise qualify as leave under this Policy except that the employee has not specifically requested Family and Medical Leave, including any leave due to occupational injury or illness, the time spent on such a leave may be designated as Family and Medical Leave and may be counted towards an employee's total number of weeks to which the employee is entitled as Family and Medical leave.
18. Extended leaves of absence without pay that are not governed by this Policy, (i.e. those for a reason other than those provided herein, or if of the type otherwise covered but which extends beyond the number of weeks allowed hereunder), will be governed by Article X, Section 7 (leave of absence without pay) of the Personnel Rules and Regulations for the City of Kirkwood.
19. Any interpretation of this Policy and of the benefits and obligations under the Family and Medical Leave Act of 1993 ("FMLA") shall be governed by appropriate federal law and regulations issued under the FMLA.

SECTION 15. Genetic Information Nondiscrimination Act

The Genetic Information and Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the City asks that employees not provide any genetic information when responding to a request for medical information. "Genetic information" as defined by GINA, includes an individual's family medical history, the results of genetic services sought or received by an individual (employee) or an individual's family member, and genetic information of a fetus carried by an individual (employee) or an individual's family member or an embryo lawfully held by an individual (employee) or family member receiving assistive reproductive services.

SECTION 16. Lactation Breaks

The City will provide reasonable breaks for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time such employee has a need to express the milk. The City will provide a place other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public which may be used by an employee to express breast milk. Any breaks taken for the purpose of expressing milk are not required to be compensated. However, any employee who uses existing compensated breaks to express milk will be compensated in the same manner that other City employees are compensated for any such break time. Any employee classified as exempt for purposes of overtime eligibility is not entitled to lactation breaks under applicable federal law but may be provided such breaks at

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the discretion of such employee's Department Head or the Chief Administrative Officer or Assistant Chief Administrative Officer of the City.

An employee should advise management if she needs break time and an area of privacy for purposes of expressing breast milk for a nursing child. No employee will be discriminated against or retaliated against for exercising such rights pursuant to this policy.

SECTION 17. Leave for Victims of Sexual or Domestic Violence

An employee who is a victim of domestic or sexual violence, or whose family or household member is a victim of domestic or sexual violence, may seek up to two weeks of unpaid leave during any twelve-month period for any of the following reasons:

- (1) Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
- (2) Obtaining services from a victim services organization for the employee or the employee's family or household member;
- (3) Obtaining psychological or other counseling for the employee or the employee's family or household member;
- (4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or to ensure economic security; or
- (5) Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

For purposes of leave under this Policy, "a family or household member" means a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household.

Employees seeking leave must provide at least 48 hours' advance notice of the intention to take leave, unless giving notice is not practicable. Leave may be taken intermittently or on a reduced work schedule.

When requesting leave under this Policy, employees also must certify that the employee or the employee's family or household member is a victim of domestic or sexual violence and that the leave is for a qualifying reason, and the employee must provide supporting documentation such as a police report, documentation from a victim services organization, or other corroborating documentation.

The twelve-month period during which an eligible employee is entitled to a total of two (2) weeks leave under this Policy begins on January 1 of each year. An eligible employee is only entitled to a total of twelve (12) weeks leave in any given twelve-month period regardless of the number of qualifying conditions that may arise in any twelve-month period, either under this Policy and/or the Family and Medical Leave Policy. This Policy does not create a right for an employee to take unpaid leave that exceeds the amount of unpaid leave time allowed under the Federal Family and Medical Leave Act of 1993 (29 U.S.C. §§ 2601, *et seq.*).

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For any leave taken in accordance with this Policy that would otherwise be unpaid, the employee is required to use accrued paid vacation, accrued paid sick leave and accrued compensatory time to the extent available in the following manner:

(1) For any leave taken to care for a family or household member who has been subjected to domestic or sexual violence, the employee is required to use all of the employee's available accrued paid sick leave first (maximum of ten (10) paid days annually, except for fire shift personnel who have a maximum of five (5) twenty-four-hour work shifts annually), then use all of the employee's accrued paid vacation and then use all of the employee's accrued compensatory time while on leave; and

(2) For any leave taken under this Policy because the employee has been subjected to domestic or sexual violence, the employee is required to use all of the employee's accrued paid sick leave first, then use all of the employee's accrued paid vacation leave, PTO with respect to law enforcement personnel of the City who receive paid time off in lieu of holidays, and then use all of employee's accrued compensatory time while on leave.

For the duration of any leave taken under this Policy, the City will maintain the employee's health care coverage on the same basis as coverage would have been provided if the employee had not taken leave. If an employee fails to return to work for the City for at least thirty (30) days upon conclusion of leave taken under this Policy, the employee shall owe the City the cost of health insurance premiums provided by the City during such absence, except as otherwise limited by law.

Additionally, employees who are victims of sexual or domestic violence, or who have a family or household member who is the victim of domestic or sexual violence, may request reasonable safety accommodations, in a timely manner, to the known limitations resulting from circumstances relating to being a victim of domestic or sexual violence, or a family or household member being a victim of domestic or sexual violence. The City is not required to make safety accommodation(s) under this Policy if such accommodation(s) would impose an undue hardship on the operations of the City. The City may require that the employee requesting a reasonable safety accommodation pursuant to this Policy provide the City a written statement signed by the employee, or an individual acting on the employee's behalf, certifying that the reasonable safety accommodation is for a purpose authorized under this Policy.

Any interpretation of this Policy shall be governed by appropriate Missouri law and regulations issued under the Victims Economic Safety and Security Act, Section 285.624, *et seq.* R.S. Mo.

SECTION 18. Paid Parental Leave

The City of Kirkwood provides paid parental leave to eligible employees following the birth of the employee's child or the placement of a child with the employee in connection with adoption or foster care. The purpose of paid parental leave is to enable eligible employees to care for and bond with a newborn or a newly adopted or newly placed child. Leave under this policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable. This policy will be in effect for births, adoptions or placements of foster children occurring on or after October 6, 2022.

Eligible employees must meet the following criteria:

- (a) Have been employed by the City of Kirkwood in a full-time capacity for at least 12 months; and,
- (b) Have worked at least 1,250 hours during the 12 consecutive months immediately preceding the date the leave would begin; and,

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- (c) Be a permanent, full-time employee (temporary employees and part-time employees are not eligible for this benefit).

In addition, employees must meet one of the following criteria:

- (a) Have given birth to a child; or,
- (b) Be a spouse or committed partner to a person who has given birth to a child; or,
- (c) Have adopted a child or been placed with a foster child (in either case, the child must be age 17 or younger). The adoption of a new spouse's child is excluded from this policy.

Eligible employees will receive a maximum of three (3) weeks (except that fire shift personnel will receive up to a maximum of six (6) days, defined as 24-hour shift days) of paid parental leave per birth, adoption or placement of a child/children. The fact that a multiple birth, adoption or placement occurs (*e.g.*, the birth of twins or adoption of siblings) does not increase the total amount of paid parental leave granted for that event. In addition, in no case will an employee receive more than three weeks (for fire shift personnel, no more than six (6) 24-hour shift days) of paid parental leave in a 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12-month time frame.

Approved paid parental leave may be taken at any time during the 6-month period immediately following the birth, adoption or placement of a child with the employee. Paid parental leave may not be used or extended beyond this 6-month time frame. Employees must take paid parental leave in one continuous period of leave. Any unused paid parental leave will be forfeited at the end of the 6-month time frame. Upon termination of employment with the City of Kirkwood, employees will not be paid for any unused paid parental leave for which the employee was eligible.

Paid parental leave taken under this policy will run concurrently with leave under the FMLA and the Family and Medical Leave Policy of the City of Kirkwood; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child through adoption or foster care will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether paid or unpaid—granted to the employee exceed 12 weeks during the 12-month FMLA period.

After the paid parental leave is exhausted, the balance of FMLA leave (if applicable) will be compensated through the employee's accrued paid vacation, accrued paid sick leave, and accrued compensatory time to the extent available in the manner set out in the City of Kirkwood's Family and Medical Leave Policy. If a holiday occurs while the employee is on paid parental leave, such day will be charged to holiday pay; however, such holiday pay will not extend the total paid parental leave entitlement. Upon exhaustion of accrued paid vacation, accrued paid sick leave, and accrued compensatory time, any remaining leave will be unpaid leave.

The City of Kirkwood will maintain employees' health care coverage during the paid parental leave period on the same basis as coverage would have been provided if the employee had not taken leave.

An employee who seeks paid parental leave will provide the employee's Department Head and the human resource department with notice of the request for paid parental leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary HR forms and provide all documentation as required by the HR department to substantiate the request.

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ARTICLE XI - OTHER EMPLOYEE BENEFITS

SECTION 1. Professional Dues Payment

Employees may, with the approval of their Department Head, have professional organization dues payment made by the City provided that the membership benefits the employee in completing assigned duties and responsibilities.

SECTION 2. Tuition Reimbursement Program

- a. Only permanent full-time employees shall be eligible to participate in the program.
- b. The maximum amount of reimbursement for tuition during any single fiscal year of the City, i.e. from April 1 through March 31, shall not exceed \$3,000 for undergraduate tuition reimbursement or \$4,000 for graduate class attendance tuition.
- c. The course of study must be job related and in the field of employment.
- d. All courses must be approved in advance by the appropriate Department Head and the Chief Administrative Officer.
- e. If letter grades are used by the educational institution, then a grade of “C” or better must be attained in order to qualify for reimbursement by the City. If a pass/fail or satisfactory/unsatisfactory system is used, “pass” or “satisfactory” will qualify for reimbursement.
- f. The City will pay the employee up to \$3,000 or \$4,000 as applicable, for the cost of tuition reimbursement and required fees during any single fiscal year; however, the employee will be responsible for any cost not covered by the tuition or required fees, such as books and parking.
- g. Notwithstanding the above provisions, tuition reimbursement is also available for academic courses which are not job related when such courses are taken at local community colleges approved by the Chief Administrative Officer or his or her designee.
- h. Any City employee who has received any payment for tuition reimbursement shall be obligated to repay such amount on a pro rata schedule, pursuant to a separate signed Tuition Reimbursement Agreement if such employee voluntarily leaves the employment of the City for any reason whatsoever or such employee is terminated for misconduct with the employee’s work at any time prior to completing 24 months of employment service from employee’s receipt of any tuition reimbursement payment pursuant to this policy.
- i. As a transition for the increased amount of tuition reimbursement available pursuant to this revised Tuition Reimbursement Program policy in 2018, the maximum amount of tuition reimbursement for the period of January 1, 2018 through March 31, 2019 shall be \$2,750 for undergraduate class attendance and reimbursement and \$3,500 for graduate class attendance and reimbursement. Effective April 1, 2019, the annual maximum amounts of \$3,000 and \$4,000 shall be in effect for the fiscal year of April 1, 2019 through March 31, 2020 and each fiscal year thereafter.

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- j. For avoidance of doubt, the maximum amount of \$3,000 for undergraduate class tuition reimbursement and \$4,000 for graduate class tuition reimbursement shall not be cumulative. No employee shall be entitled to tuition reimbursement in excess of \$4,000 during any City fiscal year regardless of whether the employee attends both undergraduate and graduate classes during any fiscal year.

SECTION 3. Uniforms and Clothing Allowances

Employees required to wear uniform clothing, specifically those individuals readily visible to the general public, will be provided with such clothing allocations as deemed appropriate by the Department Head. If allocations are provided, the employee shall be required to wear the uniform clothing and to return the full allocation of garments upon separation from City service. The City shall replace uniform clothing damaged through natural wear on the job, but not due to negligence by the employee. The employee shall wear uniform clothing only in route to and from work and while on duty.

The City Council may establish clothing allowances where deemed appropriate in lieu of providing uniforms. In such instances, the employee shall be fully responsible for all maintenance and replacement of uniforms or clothing.

SECTION 4. Treatment of Insurance Premiums

The City at its discretion may offer such benefits as health, dental, and vision insurance and share the cost of insurance premiums with employees. Premiums deducted from employee paychecks to pay for these benefits will be treated as pre-tax unless an employee specifically directs otherwise in writing to the Personnel Department.

SECTION 5. Deferred Compensation Program

The City provides a deferred compensation program, known as a Section 457(b) Plan, for City employees, including the matching of employee contributions, subject to any maximum matching amount established by the City. Any deferred compensation program shall be subject to the terms for such program in effect from time to time and may be modified or eliminated at the discretion of the City.

ARTICLE XII - EMPLOYMENT RESTRICTIONS

No person employed by the City, or seeking employment shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of political affiliation, age, race, color, genetic information, pregnancy, national origin, ancestry, religion, sex, sexual orientation, gender identity or expression or transgender status or disability unrelated to the ability to perform the job or any other classification protected under applicable state or federal law.

No person seeking employment or promotion shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for, or on account of, or in connection with an employment test, appointment, proposed appointment, promotion, or proposed promotion.

No City employee shall solicit any contribution for the campaign fund of any candidate for Kirkwood City office or take part in the political campaign of any candidate while on duty or in uniform or wearing any attire identifying the City of Kirkwood. All employees may exercise their rights as private citizens to express opinions and, if registered voters in Kirkwood, sign a nominating petition for any City candidate and vote in any City election. Political affiliation, participation, or contribution shall not be considered in making any City employment decision. No City officer, employee, or member of a board or commission

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shall use official authority or official influence for the purpose of interfering with or affecting the result of any election to or nomination for Kirkwood City office. No City officer, employee, or member of a board or commission shall directly or indirectly coerce, attempt to coerce, command, advise, or solicit a City employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political or electoral purposes.

No employee, either full or part-time of the City, while on duty or while in uniform that identifies the individual as an employee of the City shall:

- a. Canvass on behalf of any candidate, political party, or political issue.
- b. Display a political picture, sticker, badge, or button.
- c. Attend a political rally, fund raising function, or other political gathering.
- d. Circulate or sign a political petition, or
- e. Serve as an election judge or clerk.

No employee shall place, or allow to remain, upon a City vehicle used by the employee in the course of employment any political picture, sticker, badge, or button.

No person currently serving on any City Board or Commission may become a full-time or part-time employee of the City while so serving on any City Board or Commission and no full-time or part-time employee of the City shall be appointed to any City Board or Commission while employed with the City. This provision does not apply to any person classified by the City as a temporary employee.

Nothing in this article shall be construed to restrict an employee's freedom to express an opinion or exercise the right to vote.

No employee of the City shall use City equipment, personnel, facilities, or resources to promote or help promote any civic, social, business, or political candidate, or any non-City of Kirkwood purpose without the express written consent of the Chief Administrative Officer.

No employee shall accept or be influenced in his or her duties by an offer of any payment, gift or favor from any source, other than their regular compensation from the City. It is particularly important that employees refrain from accepting gifts where it might be construed as evidence of favoritism or unfair advantage relative to any supplier or vendor. These limitations are not intended to prohibit the acceptance of a) small gifts of no significant value, such as pens, pencils, note pads and other items which can be used in the performance of work duties, and b) non-alcoholic consumable items such as food, of no significant value, that can be shared equally on the City premises by all employees. Alcoholic beverages or gifts of significant value sent to the City or City employees shall remain unopened and be returned to the sender.

ARTICLE XIII - GRIEVANCES, COMPLAINTS, AND APPEALS

SECTION 1. Grievances and Complaints

All classified employees shall have the right, except as specified herein, to utilize the grievance and complaint procedures of this article. The grievance and complaint procedures of this article will be available only to law enforcement officers, as defined in Section 590.502, R.S.Mo., and other classified,

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permanent, full-time employees who are not serving a probationary period, whether imposed due to a new position or for disciplinary or performance reasons.

The City follows an “open door” policy. Employees are encouraged by the City to raise any work-related concerns with their immediate Supervisors or with any member of management.

In addition, it is the policy of the City that all employees be treated in a nondiscriminatory fashion. Accordingly, the City requires that all Supervisors discipline similarly situated employees in the same fashion. At the same time, inasmuch as no two conduct violations are identical in every detail, no exact pattern of corrective discipline is required and the City may deviate from its imposition of discipline whenever it determines that such action is warranted under the circumstances.

SECTION 2. Procedures for Handling Grievances and Complaints for Non-Law Enforcement Officers.

The grievance and complaint procedures set out in this Section are available only to classified, permanent, full-time employees who are not law enforcement officers as defined in Section 590.502, R.S.Mo. and who are not serving a probationary period, whether imposed due to a new position or for disciplinary or performance reasons.

- STEP A. A grievance or complaint must be taken to the immediate Supervisor within seven calendar days following knowledge of the occurrence. Where possible, the grievance should be settled at this level. If informal discussions do not resolve the issue, the matter shall be reduced to writing by the employee and be submitted to the immediate Supervisor within three working days. The immediate Supervisor shall have five working days to respond in writing. In departments such as Police, Fire and others where a more involved hierarchy chain of command system is utilized, the Department Head shall, through written, published departmental rules and regulations, establish which immediate supervisory level shall successively respond to a grievance.
- STEP B. In the event that Step A does not resolve the situation, the employee may forward the grievance or complaint in writing to the Department Head within three working days following receipt of the Supervisor’s response. The written documentation must include specific circumstances and state the remedial action requested. Such appeal must be signed personally by the employee, with the original delivered to the Department Head. Any other form of appeal, such as a facsimile transmission, email communication or an appeal unsigned by the employee, will not be considered by the Department Head. The Department Head or his or her designee shall investigate and document the matter and render a decision within 10 working days of receipt of the request, unless it is impracticable to do so in such a timeframe.
- STEP C. In the event that Step B does not resolve the problem and the grievance involves a suspension, demotion or termination, the employee may forward all written documentation and appeal to the Chief Administrative Officer within three working days of receipt of the Department Head’s decision. The Chief Administrative Officer will consider only an appeal involving a suspension, demotion or termination of employment, which results in economic loss to the employee. Such appeal must be signed personally by the employee, with the original delivered to the Chief Administrative Officer. Any other form of appeal, such as a facsimile transmission, email communication or an appeal unsigned by the employee, will not be considered by the Chief Administrative Officer. The Chief Administrative Officer will provide a decision to the employee within 10 working days of

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receipt of the request, unless it is impracticable to do within such a timeframe. For grievances that are not eligible to be appealed to the Civil Service Commission, the decision of the Chief Administrative Officer shall be final with respect to this grievance procedure. The Chief Administrative Officer may delegate to the Assistant Chief Administrative Officer the responsibility for reviewing and responding to the appeal.

- STEP D. If the grievance involves suspension for more than five working days, dismissal (unless an appeal to the Civil Service Commission is expressly prohibited under these Personnel Rules and Regulations) or disciplinary demotion, the employee may request a hearing before the Civil Service Commission. A written request for a formal hearing shall be filed with the City's liaison to the Civil Service Commission (Assistant Chief Administrative Officer) within seven calendar days from the date of receipt of the decision of the Chief Administrative Officer. The Civil Service Commission shall convene as soon as reasonably practicable after receipt of the request for appeal. If requested by either party, the Civil Service Commission shall conduct a closed hearing in accordance with procedures and rules established by the Civil Service Commission. Each party shall have the right to be heard in person and call witnesses. All parties, including the Civil Service Commission, may engage counsel. Technical rules of evidence shall not apply. After hearing and consideration of the evidence, the Commission shall render its decision in writing. The Commission's decision shall be final and binding.

Grievances which are not continued timely by the employee within the aforementioned procedure shall be considered as satisfied and not subject to further consideration.

SECTION 3. Procedures For Handling Grievances And Complaints for Law Enforcement Officers.

The grievance and complaint procedures set out in this Section are available only to law enforcement officers as defined in Section 590.502, R.S.Mo. To the extent any specific term or provision of the collective bargaining agreement or memorandum of understanding between the City and any unit of employees represented by a labor union is in conflict with any specific provision of this Section, the specific term or provision of the collective bargaining agreement or memorandum of understanding shall govern and supersede any conflicting provision of this Section, except as otherwise prohibited by applicable law.

- STEP A. A written grievance or complaint must be delivered to the Captain in the chain of command of the complaining law enforcement officer within five (5) working days following knowledge of the occurrence. Where possible, the grievance should be settled at this level. The Captain shall have five (5) working days to respond in writing, unless it is impracticable to do so in such timeframe.
- STEP B. In the event that Step A does not resolve the situation, the law enforcement officer may forward the grievance or complaint, in writing, to the Chief of Police within five (5) working days following receipt of the Captain's response. The Chief of Police shall consider the matter, shall investigate as may be appropriate in his/her discretion and render a decision within ten (10) working days of receipt of the request, unless it is impracticable to do so in such a timeframe.
- STEP C. In the event that Step B does not resolve the problem and the grievance involves a suspension without pay, demotion, termination, transfer or status resulting in economic loss to the law enforcement officer, the law enforcement officer shall be entitled to a

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full due process hearing before the Chief Administrative Officer. The Chief Administrative Officer will provide a written decision, including findings of fact, to the law enforcement officer within ten (10) working days of conclusion of the due process proceeding, unless it is impracticable to do within such a timeframe. The decision shall include the right of appeal to the Civil Service Commission, if the decision is eligible for such an appeal. For grievances that are not eligible to be appealed to the Civil Service Commission, the decision of the Chief Administrative Officer shall be final with respect to this grievance procedure.

- STEP D. If the grievance is made on behalf of a full-time, non-probationary law enforcement officer and involves suspension for more than five (5) shift days, dismissal (unless an appeal to the Civil Service Commission is expressly prohibited under these Rules and Regulations) or disciplinary demotion, the law enforcement officer may request an appeal hearing before the Civil Service Commission. A written request for this appeal shall be filed with the City's liaison to the Civil Service Commission (Assistant Chief Administrative Officer) within seven (7) calendar days from the date of receipt of the decision of the Chief Administrative Officer. The Civil Service Commission shall convene as soon as reasonably practicable after receipt of the request for appeal. If requested by either party, the Civil Service Commission shall conduct a closed hearing in accordance with procedures and rules established by the Civil Service Commission. Each party shall have the right to be heard in person and call witnesses. All parties, including the Civil Service Commission, may engage counsel. Technical rules of evidence shall not apply. After hearing and consideration of the evidence, the Commission shall render its decision in writing. The Commission's decision shall be final and binding.

ARTICLE XIV - EMPLOYMENT OF RELATIVES

The City discourages the employment of relatives with the City. The City will not hire on a full-time, part-time, or temporary basis a member of the immediate family of a City Council member, the Chief Administrative Officer, a Department Head or a Division Head. In addition, no person who is a member of the immediate family of an employee may be hired, transferred or promoted to work in the same work unit of the City. A work unit is defined as a work grouping where the possibility of one relative directly supervising another may occur. "Immediate family" for the purpose of this section is defined as spouse, child, stepchild, brother, stepbrother, sister, stepsister, parent, stepmother, stepfather, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, grandparent or grandchildren.

ARTICLE XV - NO SMOKING POLICY

To maintain a safe and comfortable working environment and to ensure compliance with applicable laws, smoking or use of any other tobacco products within City offices, facilities and vehicles is strictly prohibited. This policy applies to e-cigarettes and any other smoking device or product.

ARTICLE XVI - EQUAL EMPLOYMENT OPPORTUNITY, ANTI-HARASSMENT, AND NON-DISCRIMINATION POLICY

It is the policy and practice of the City of Kirkwood ("City") to provide and promote equal employment opportunities for all applicants and employees. It is the responsibility of all employees to ensure that the

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concepts of equal employment opportunity and nondiscrimination are understood, abided by, and carried out by everyone.

It is the policy of the City to hire, train, promote, compensate, and administer all employment practices without regard to age, race, color, genetic information, pregnancy, national origin, ancestry, religion, sex, sexual orientation, gender identity or expression or transgender status, disability unrelated to the ability to perform essential functions of the job or any other protected classification under applicable federal or state law. In short, discrimination or harassment on any of the grounds stated above is strictly forbidden and will not be tolerated. The City will take appropriate measures in response to any such incidents which are known by or reported to management or the Personnel Department.

The City believes that every employee has the right to work in an environment free of sexual or other prohibited harassment. Such conduct does not advance the purposes of the City; it is also morally wrong, and may subject the City to legal exposure. Consequently, any employee who engages in this prohibited conduct will be subject to disciplinary action, up to and including termination.

Conduct Constituting Prohibited Sexual Harassment

Under guidelines published by the Equal Employment Opportunity Commission, “unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature” constitute unlawful harassment in the following instances:

- a. when submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
- b. when submission to or rejection of such conduct by an individual is used as a basis for any employment decision (e.g. promotion, wage increase, termination) affecting such individual; or
- c. when such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creates an intimidating, hostile or offensive working environment.

For example, and without compiling an exhaustive list, the following are illustrative of conduct that the City condemns and prohibits under this policy:

(a) Conditioning a benefit such as a certain salary or promotion on the granting of sexual favors or the establishment or continuance of a personal relationship, or to imply to an employee that an award of such a benefit is conditioned upon the granting of sexual favors or the establishment or continuance of a personal relationship.

(b) Stating or implying that another employee’s performance is attributable in whole or in part to the sex of that employee.

(c) Stating or implying that a fellow employee’s promotion in the City hierarchy has resulted from the granting of a sexual favor or relationship.

Sexual harassment may involve such matters as crude sexual jokes or sexual names; sexually suggestive, profane language; offensive sexual flirtations and innuendos; a display of obscene or pornographic material; sexual advances; grabbing or touching another individual; or other, similar demeaning and insulting behavior based on sex. Employees of the City should be aware that the issue of whether conduct

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constitutes sexual harassment or discriminatory conduct may depend on how that conduct is viewed by the employee who is subjected to the conduct. Any employee who initiates or persists in this prohibited conduct assumes the risk of violating this policy in the event that the person who is the object of the conduct views it as offensive; accordingly, such an employee may be subject to discipline even if the conduct might not have been intended as offensive.

Prohibited Discriminatory Joking or Epithets **Based on Age, Race, Color, Genetic Information, Pregnancy, National Origin, Ancestry, Religion, Sex, Disability, Sexual Orientation or Gender Identity**

As examples, and without compiling an exhaustive list, the following are illustrative of conduct the City condemns and prohibits under this policy:

(a) It is prohibited for any employee to bring any item to the work premises for purposes of a joke or epithet based on age, race, color, genetic information, pregnancy, national origin, ancestry, religion, sex, disability, sexual orientation or gender identity.

(b) It is also prohibited for any employee to use City property, bulletin boards, e-mail or voice mail systems, or documents for purposes of a joke or epithet based on age, race, color, genetic information, pregnancy, national origin, ancestry, religion, sex, disability, sexual orientation or gender identity.

(c) It is also prohibited for any employee to deface City property or the personal property of anyone else for purposes of a joke or epithet based on age, race, color, genetic information, pregnancy, national origin, ancestry, religion, sex, disability, sexual orientation or gender identity.

(d) It is also prohibited for any employee to utter or use any slur, joke or epithet at work or when referring to or about any other person, be they an employee or a non-employee, based on age, race, color, genetic information, pregnancy, national origin, ancestry, religion, sex, disability, sexual orientation or gender identity.

Procedure Upon Occurrence of Prohibited Conduct

Any employee who believes they have been subjected or exposed to any harassment or other conduct prohibited by this Policy has the right to have such activity terminated immediately. Complaints must be made either to the employee's immediate Supervisor, Department Head, or to the City's Chief Administrative Officer, Assistant Chief Administrative Officer or Human Resources Manager. Complaints shall be treated in a confidential manner to the extent reasonable. Retaliation of any form against anyone who complains pursuant to this Policy is strictly prohibited. An investigation shall be made immediately concerning any complaint. If the investigation leads to a determination that the charges are true or there has been any improper conduct, corrective action will be taken immediately. Such action may include termination of employment for anyone violating this Policy. Any complaint against the Chief Administrative Officer or City Clerk should be made to the Human Resources Manager or Assistant Chief Administrative Officer, who shall do a prompt and thorough investigation. A report of such investigation shall be forwarded to the Mayor and City Council for their review and determination of appropriate action to be taken against the Chief Administrative Officer or City Clerk.

ARTICLE XVII - POLICY REGARDING REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS WITH A DISABILITY

The City stands committed to fulfilling its obligations under the Americans With Disabilities Act and all other applicable state and federal statutes governing the workplace. It is the policy of the City to hire, train,

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promote, compensate, and administer all employment practices without regard to a disability unrelated to the ability to perform a job with or without reasonable accommodation. Discrimination against job applicants or employees because they are disabled is prohibited and will not be tolerated.

GUIDELINES

When dealing with situations involving job applicants or employees with a disability, the City will endeavor to follow these guidelines:

1. It is against the policy of the City to discriminate against qualified individuals with disabilities who, with or without reasonable accommodation, can perform the essential functions of a job.

2. The City is committed to ensuring that qualified individuals with a disability are not discriminated against in applying for employment and once such individuals have been employed in the workplace. It is the policy of the City, where possible and readily achievable, to make existing facilities used by employees readily accessible to and usable by individuals with disabilities. However, there may be instances where the City is not aware that an employee has a disability which might impact on an aspect of his or her employment or whether an existing facility is accessible to and usable by individuals with disabilities. It is incumbent upon any job applicant or employee to alert the City or his or her Supervisor as to the existence of a disability which the job applicant or employee believes needs to be accommodated so that he or she will enjoy and be afforded equal employment opportunity in the workplace.

3. An individual may be considered disabled if he or she has a physical or mental impairment and the impairment substantially limits one or more of the individual's major activities in life, has a record or history of such an impairment, or is perceived as having such an impairment. The City is committed to making reasonable accommodations in job duties, the work environment, and the application process to enable a qualified person with a disability to enjoy equal employment opportunities, so long as such accommodations do not constitute an undue hardship.

4. At the same time, the City also has an obligation to provide a safe work environment for all employees and customers. Reasonable precautions will be taken to ensure that an employee's disability, or any attempted reasonable accommodations thereto, do not present a direct threat to the health and/or safety of the individual employee with a disability or to others.

PROCEDURAL CHANNELS

The employee should advise his or her Supervisor of the existence of a disability which the employee believes needs to be accommodated so that he or she will have equal employment opportunities in the workplace. The City will attempt to work with the employee to determine if the employee's disability can be reasonably accommodated. Employees also should advise their Department Head, the Chief Administrative Officer or Assistant Chief Administrative Officer of any facilities which they believe need to be made accessible and usable by individuals with disabilities. In addition, the employee may contact his or her Supervisor, Department Head, Chief Administrative Officer or Assistant Chief Administrative Officer if he or she believes that he or she has been discriminated against by reason of a disability. Any complaint of disability discrimination shall be investigated and treated in a confidential manner to the extent reasonable. If the investigation leads to a determination that the charges are true, corrective action will be taken immediately.

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ARTICLE XVIII - SAFETY POLICY

SECTION 1. STATEMENT OF POLICY AND OBJECTIVE

It is the policy of the City of Kirkwood to vigorously support an all-encompassing safety and property protection program. The City of Kirkwood maintains that its residents and employees are its most important asset. Therefore, their safety is our greatest concern and responsibility. In all assignments, the health and safety of all shall have the utmost consideration. Department heads and supervisory personnel at all levels of the municipal work force are directed to make safety a matter of continuing concern, equal in importance with all other operational considerations. Effective loss prevention is an integral part of management procedures designed to fully utilize municipal capital and personnel.

The Safety Procedures Manual is a supplement and extension of the City Safety Policy. It is a working document that provides the means of implementing the goal of a safe workplace and is to be used in conjunction with applicable codes and regulations.

Every employee is charged with the responsibility of supporting and cooperating with the City's Safety Manager and safety and property protection procedures. All employees are expected, as a condition of employment, to adopt the concept that the safe way to perform a task is the most efficient and the only acceptable way to perform it. Safety adherence and performance will be considered as an important measure of supervisory and employee performance evaluation.

SECTION 2. RESPONSIBILITIES

Chief Administrative Officer

The Chief Administrative Officer has the overall responsibility for formulating, implementing, and administrating the safety and property protection program of the City of Kirkwood.

Assistant Chief Administrative Officer

The Assistant Chief Administrative Officer will provide direction and guidance to the Safety Manager and advise the Chief Administrative Officer on the processes put in place and any barriers to success.

Safety Manager

The Safety Manager's responsibility is that of providing and following a well balanced safety and property protection program to guide the City in its safety and property protection efforts. He or she will serve as the Assistant Chief Administrative Officer's consultant, analyst, organizer and coordinator, and report on the adequacy of the total safety and property protection program.

City of Kirkwood Safety Committee

The City of Kirkwood Safety Committee will function as an administrative body to develop recommendations on matters of policy and procedure affecting the administration of the City's safety and property protection program. Membership shall consist of an employee from each department or division. These employees serve as a direct link between the Safety Committee and their own departments. Their responsibilities are provided in detail in the Safety Manual.

Department Heads

Each Department Head has the authority and responsibility for maintaining a safe and healthful working condition within his or her jurisdiction. Each department is responsible for: providing the type of work environment, work procedures, and service to the public that will promote, to the highest extent possible,

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the safety of all employees and the general public; communicating information about safety in a manner readily understandable by all workers; and encouraging workers to inform managers of workplace hazards without fear of reprisal.

Supervisory Personnel

Each Supervisor has the responsibility for the safe actions of his or her employees and the safe performance of machines and equipment within his or her operating area. The full potential of a safety and property protection program can only be realized when Supervisors accept and carry out their responsibilities on a day-to-day basis in all phases of the program.

Supervisors are responsible for making certain that there is an immediate investigation into any Preventable Accident, defined herein. A Preventable Accident is defined as any injury or accident involving a City vehicle or equipment, whether being used for City or personal use, that results in property damage and/or personal injury, and in which the employee in question failed to exercise every reasonable precaution to prevent the injury or accident. Each Supervisor must report all information regarding a Preventable Accident to the Safety Manager, which will then be reviewed for appropriate action pursuant to the Safety Discipline Policy below. Each Supervisor shall also be responsible to issue discipline to an employee who violates any safety policy, rule or regulation, other than discipline to be issued in the event of a Preventable Accident. Ensuring a safe workplace within the City is the responsibility of all Department Heads, Supervisors and employees, all of whom shall be held accountable to fulfill their obligations to provide the safest working environment feasible within the City.

Employees and Safety Discipline Policy

Every employee is required, as a condition of employment, to develop and exercise safe work practices in the course of his or her work to prevent injuries to themselves, fellow workers, and damage to property and to report any incidents or injuries to their Supervisor immediately.

All employees that operate City vehicles or equipment shall be subject to appropriate disciplinary action in the event of a Preventable Accident. A Preventable Accident determination will be made by the Safety Committee, taking into consideration the information contained in any Missouri Uniform Crash Report (Section 7d) conducted by the accident and investigation and any reviewing police officers. In the absence of any completion of a Missouri Uniform Crash Report, the Safety Committee shall make a determination as to whether a Preventable Accident has occurred.

If a Preventable Accident occurs, the employee responsible will at a minimum not qualify for the safety bonus for that year (if otherwise applicable) and be issued appropriate disciplinary action for the incident.

It will be the responsibility of the Department Head to issue appropriate discipline following a Preventable Accident in consultation with the Human Resources Manager.

If any subsequent Preventable Accident occurs within any 24 month period, the employee will be subject to further disciplinary action, which may include suspension without pay, demotion or employment termination, taking into consideration any aggravating circumstances as described below. The discipline for any such subsequent Preventable Accident shall be the responsibility of the Department Head in consultation with the City's Human Resources Manager, taking into consideration all applicable provisions of the City's Personnel Rules and Regulations.

Aggravating circumstances to be reviewed shall include, but not be limited to: the severity of injury or vehicular or other property damage; level of negligence or willful disregard of safety procedures or policy on the part of the employee; refusal to follow established traffic laws, safety rules or regulations; failure to

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pass a drug/alcohol screening; and any prior incidents of one or more Preventable Accident and any prior disciplinary action in the personnel file of the employee.

Any violation of a safety policy, rule or regulation shall also be subject to disciplinary action even if there is no Preventable Accident. Generally, a written warning should be issued to any employee for the first violation of any safety policy, rule or regulation which does not result in a Preventable Accident or any damage to property or person. Any safety violation thereafter shall result in more severe disciplinary action, including the possibility of employment termination.

SECTION 3. ENVIRONMENTAL CONTROL

Supervisors shall determine the designation and use of appropriate personal protective equipment through consideration of environmental factors, the task, and the individual employee. In order that safety devices or safeguards be acceptable as to proper type, design, strength and quality, they shall be at least equivalent to those complying with The American National Standards Institute (ANSI), Bureau of Standards, or other recognized authorities, where applicable. Detailed specifications for the design, purpose, and purchase of all protective equipment shall be the responsibility of the authorized department in conjunction with the Safety Manager.

The employee shall be responsible for the proper use of specialized equipment provided by the City for his or her safety. In addition, any employee-owned personal protective equipment must also comply with the standards and be maintained in a safe, sanitary condition at all times and available for inspection by the Supervisor.

When the use of personal protective equipment has been specified for hazardous work, its use shall be mandatory. Seat belts must be in use at all times. Supervisors shall be held accountable for training their employees in the proper use and wearing of the equipment when required, and the appropriate documentation of all training.

Proper Dress

Each employee shall wear clothing suitable for the job he or she is performing at all times. Suitable clothing means clothing that will minimize the possibility of damage from moving machinery, hot or injurious substances, or other harmful agents. Proper dress standards shall be governed by the discretion of the Department Head or Supervisor.

SECTION 4. FLEET SAFETY

Driver Training

All drivers shall receive training on good driving practices, proper care and adherence to maintenance schedules, good maintenance records, and prompt repair – all of which will aid in the safety of both driver and pedestrians. Each Department Head, in conjunction with the Safety Manager, shall determine the exact nature of the training, which may include the use of safety meetings, seminars, and defensive driving courses, with refresher courses as needed.

ARTICLE XIX - WORKPLACE VIOLENCE POLICY

Overview:

The City of Kirkwood is concerned about the increased violence in society, which has also filtered into many workplaces throughout the United States, and has taken steps to help prevent incidents of violence

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from occurring at the City. In this connection, it is the policy of the City to expressly prohibit any acts or threats of violence by any City employee against any other employee in or about the City's facilities or elsewhere at any time. The City also will not condone any acts or threats of violence against the City's employees, customers or visitors on the City's premises at any time or while they are engaged in business with or on behalf of the City, on or off the City's premises.

Objectives:

In keeping with the spirit and intent of this policy, it is the stated commitment of the City of Kirkwood:

1. To provide a safe and healthful work environment;
2. To take prompt remedial action up to and including immediate termination, against any employee who engages in any threatening behavior or acts of violence or uses any obscene, abusive or threatening language or gestures;
3. To take appropriate action when dealing with customers, former employees or visitors to the City's property who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law. The City intends to use all reasonable legal, managerial, administrative and disciplinary procedures to secure the workplace from violence and to reasonably protect employees from harm;
4. To prohibit employees, former employees, customers and visitors from bringing unauthorized firearms or other weapons onto the City's premises; and
5. To establish a procedure for reporting a complaint of workplace violence and investigating any complaint of workplace violence.

Description of Workplace Violence:

Workplace violence in this policy shall include but not be limited to an act or behavior that:

1. Is physically assaultive;
2. A reasonable person would perceive as obsessively or irrationally directed and reasonably likely to result in harm or threat to persons or property, such as conduct intensely focused because of a grudge, grievance or romantic interest in another person;
3. Consists of a communicated or reasonably perceived threat to harm another individual or to destroy property;
4. A reasonable person would perceive as menacing or which would be reasonably interpreted as carrying potential for physical harm to an individual; and
5. Involves carrying or displaying weapons, destroying property or throwing objects in a manner reasonably perceived to be threatening.

Reporting Workplace Violence:

Any employee who feels he or she has been subjected to workplace violence should immediately contact one or more of the persons below with whom the employee feels the most comfortable.

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1. The employee's Department Head.
2. The Human Resources Manager.
3. The Assistant Chief Administrative Officer.
4. The Chief Administrative Officer.

The employee should be prepared to provide the following information:

1. Your name, department and position title.
2. The name of the person(s) committing the alleged violence (including department, if an employee of the City).
3. The specific nature of the alleged violence and specific date and time of any and all incidents.
4. All witnesses to any incidents.

The City will not condone any form of retaliation against any employee for making a report under this policy.

Investigation of Workplace Violence Complaint:

The Human Resources Manager is the person designated by the City to be the investigator of any complaint of workplace violence. The Assistant to the Chief Administrative Officer may also investigate any complaint of workplace violence. If any complaint is directed against the Human Resources Manager, the Chief Administrative Officer shall investigate the complaint or determine an appropriate delegate to investigate the complaint.

All complaints of workplace violence shall be investigated promptly. If it is determined that the complaint is valid, appropriate action shall be taken. If the complaint is against an employee, disciplinary action shall be consistent with the nature and severity of the offense. The disciplinary action may include demotion, suspension, dismissal, warning, placement on probationary status and may also include mandatory referral to the City's EAP program. In the event of any complaint against the Chief Administrative Officer or City Clerk in which the Human Resources Manager recommends disciplinary action, a recommended disciplinary action and report of the complaint of workplace violence and summary of the investigation of the complaint shall be forwarded to the Mayor and City Council for their review and determination of appropriate action to be taken against the Chief Administrative Officer or City Clerk.

Obligations of Employees:

Employees shall report all instances of workplace violence in a timely manner.

Employees are obligated to cooperate in any investigation of a complaint of workplace violence, including but not necessarily limited to, coming forward with evidence, both favorable and unfavorable to a person accused of violence, and by fully and truthfully making a written report or verbally answering questions when required to do so during an investigation of a workplace violence complaint.

Disciplinary action shall be taken against any employee who fails or refuses to cooperate in an investigation of alleged workplace violence, or who intentionally files a false complaint of workplace violence.

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ARTICLE XX - POLICY AGAINST SUBSTANCE ABUSE

A. PROVISIONS APPLICABLE TO ALL EMPLOYEES AND APPLICANTS

Purpose

It is the policy of the City of Kirkwood, Missouri to maintain a safe, healthy, and productive work environment for all employees and the City's residents. To that end, the City will act to eliminate any use, possession, concealment, sale, or distribution of illegal or unauthorized drugs and alcoholic beverages which increases the potential for accidents, absenteeism, substandard performance, poor employee morale, or tends to undermine public confidence in the City's workforce. Generally, any substance which may affect the employee's senses, motor functions, or alter the individual's perception while working falls within this policy. This prohibition applies during working hours and non-working hours if the off-duty use impacts job performance.

This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of management and employees. All employees covered by this policy should be aware that violations of the policy may result in discipline, up to and including termination. Applicants in violation of this policy will not be hired.

In recognition of the serious duty entrusted to employees of the City and with the knowledge that drugs and alcohol do hinder a person's ability to perform duties safely and effectively, the following policy against drugs and alcohol is hereby adopted by the City of Kirkwood.

Policy

The use, possession, concealment, sale, or distribution of unauthorized drug or alcohol is absolutely prohibited. It is City policy that employees shall not: report to work with any detectable amount of an unauthorized drug or alcohol or be under the influence of alcohol or drugs; have the odor of alcohol or drugs on their breath during a regularly scheduled shift; possess drugs or alcohol on their person or property under their control, while on duty or on compensated standby time; sell or provide drugs or alcohol to any other employees or to any person while such employee is on duty; test positive for unauthorized drugs or alcohol; or work impaired as a result of the use of alcohol or drugs.

The use of any unauthorized drug by an employee where a state or other country considers such drug use lawful (such as a state in which either medical or recreational marijuana use is considered lawful, specifically including but not limited to the State of Missouri) does not excuse any violation of this policy.

The use of medically prescribed medications and drugs which are lawful under both federal and Missouri law is not per se a violation of this policy. However, failure by the employee to notify his or her Supervisor, before beginning work, when taking medication or drugs which may interfere with the safe and effective performance of duties or operation of City equipment may result in discipline, up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medication or drugs, clearance from a qualified physician may be required.

The City has established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems. Telephone numbers for the EAP are listed on posters in the workplace, on periodic payroll stuffers, and in the employee newsletter. Medical insurance coverage for drug and alcohol treatment is also included in the medical plan offered by the City. Employees wishing

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to obtain more information on any of these benefits should contact the Personnel Department, the City's health insurance carrier, or the Employee Assistance Program.

The City reserves the right to search, without employee consent, all areas and property in which the City maintains joint control with the employee or full control. All City vehicles are subject to search by appropriate management personnel. Warrants will be obtained should it become necessary to search areas beyond the City's immediate control.

Violations of this policy will be grounds for disciplinary action, up to and including discharge. Refusal to submit immediately to an alcohol and/or drug analysis when requested by management pursuant to provisions of this substance abuse policy will result in termination.

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work. The employee shall be instructed to wait for a reasonable time until an authorized City representative can transport the employee from the work site.

Application

- A. Personnel
 - 1. All employees and applicants who are selected for positions with the City of Kirkwood.
- B. Substances
 - 1. Alcohol;
 - 2. Illegal or unauthorized drugs or any other substances which may impair an employee's ability to effectively perform the functions of the job or as otherwise described elsewhere in this substance abuse policy.

Employee Responsibilities

An employee must:

- A. not report to work or be subject to duty while having any detectable prohibited drug or alcohol in his or her system or report to work or be subject to duty while his or her ability to perform any job duties is or has been impaired due to alcohol or drug use, on or off duty;
- B. not possess or use, or have the odor of alcohol or drugs on his or her breath during work hours, on breaks, during meal periods, while on City property in an official capacity, or while operating any City vehicle;
- C. not directly or through a third party sell or provide drugs or alcohol to any person or to any other employee while either employee or both employees are on duty or "on call";
- D. consent to and submit immediately to reasonable requests for alcohol and/or drug analysis when requested by a Department Head or his or her designee;
- E. notify his or her Supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of job duties or operation of City equipment; and

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- F. provide within twenty-four (24) hours of request a current valid prescription for any drug or medication identified when a drug screen/analysis is positive. The prescription must be in the employee's name.
- G. notify the Assistant Chief Administrative Officer in writing of any criminal drug statute or ordinances conviction or suspended imposition of sentence for a violation occurring in the workplace no later than five (5) calendar days after such conviction or suspended imposition of sentence.

Management Responsibilities and Guidelines

- A. Managers and Supervisors are responsible for consistent enforcement of this policy. Any Supervisor who knowingly permits a violation of this policy by employees under his or her direct supervision shall be subject to disciplinary action.
- B. Managers and Supervisors may request that an employee submit to a drug and/or alcohol analysis when a Manager or Supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol or is otherwise in violation of any provision of this Policy. "Reasonable suspicion" is a belief based on objective and articulable facts sufficient to lead a reasonably prudent Supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his or her job safely is reduced or that the employee is otherwise in violation of any provision of this Policy. For example, any of the following, alone or in combination, may constitute reasonable suspicion:
 - 1. Slurred speech;
 - 2. Alcohol on breath;
 - 3. Inability to walk a straight line;
 - 4. An accident involving City property;
 - 5. An accident that results in the injury of a person;
 - 6. Physical altercation;
 - 7. Verbal altercation;
 - 8. Behavior which is so unusual that it warrants summoning a Supervisor or anyone else with authority;
 - 9. Use or possession of alcohol or drugs;
 - 10. Information on use or possession of alcohol or drugs provided either by a reliable and credible source or independently corroborated;
 - 11. Arrest or conviction for a substance abuse offense or being the subject of a criminal investigation into illegal drug possession, use, or trafficking;
 - 12. Evidence that the employee has previously tampered with a previous drug test.

This list is not intended to be all inclusive of conduct which constitutes reasonable suspicion.

- C. Drug/alcohol tests shall be required for employees whenever there is a pattern of on-duty accidents, an accident resulting in property damage or any on the job injury.
- D. Any Supervisor who has reasonable suspicion that an employee is impaired on the job by alcohol or other substance or is otherwise in violation of any term of this Policy will, with the approval of the Department Head, immediately arrange for a substance screening through the Personnel Department. If a screening is required after normal business hours, the Supervisor will make direct

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contact with the facility that has been designated to perform screenings for the City. The following procedures shall be followed:

1. The Supervisor should document in writing the facts constituting reasonable suspicion that the employee in question is impaired on the job by alcohol or other substance or is otherwise in violation of any term of this Policy.
2. Any Supervisor requesting an employee to submit to a drug and/or alcohol analysis shall be responsible for the employee's transport to the City's designated facility where a drug and/or alcohol analysis will be performed.
3. Any Supervisor encountering an employee who refuses to submit to a drug and/or alcohol analysis upon request shall remind the employee of the requirements and consequences of this policy. Such continued refusal will constitute grounds for termination.
4. Supervisors shall not physically search employees.
5. Supervisors shall notify the Police Department when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the City.
6. Supervisors shall not confiscate, without consent, prescription drugs or medications from an employee.

E. Results of Drug and/or Alcohol Analysis

1. Upon a negative result, the employee shall return to work.
2. If the test result is positive, the employee will then be given the opportunity, at the employee's expense, to have an additional test performed on the retained specimen. If the additional test shows a negative result, it will be assumed that the individual is not in violation of this Policy, and the employee shall return to work. If negative, the City will reimburse the employee for the expense of the additional screen.
3. If all tests indicate a positive result, the employee's Department Head shall have the authority to determine appropriate discipline including termination, subject to the review or approval by the City's Chief Administrative Officer or his or her authorized administrative officer. A single offense may result in immediate termination of employment.

Pre-Employment Substance Screening and Procedure

- A. Prospective employees will be screened for a range of chemical substances. Any employment offer is conditional on a negative substance screening. Refusal to consent to and participate in such testing will automatically disqualify the applicant from further hiring considerations.
- B. The drug screen may test for any substance which could impair an employee's ability to effectively and safely perform the functions of his or her job. The type(s) of screening and the levels of substances which constitute a positive screen will be determined administratively after consultation with the City's medical services provider(s).
- C. An applicant whose initial substance screen shows a positive result will be given the opportunity, at the applicant's expense, to have an additional screen performed on the retained specimen. If the additional screen of the same sample shows a negative result, the individual will not be disqualified from City employment on account of the previous substance screen. If the additional screen of the same sample confirms the positive test result, the applicant will be disqualified from consideration for City employment for twelve months.

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Severability

The provisions of this policy are severable and, if any of its provisions shall be held unconstitutional or otherwise invalid by any competent jurisdiction, the decision of such court shall not affect any of the remaining provisions.

B. ADDITIONAL PROVISIONS APPLICABLE TO EMPLOYEES IN SAFETY SENSITIVE POSITIONS

All City employees who hold a Commercial Driver's License (CDL) or are otherwise employed in safety sensitive positions with the City, specifically including but not limited to bargaining unit employees of the City Police Department, City's Fire Department and City's Electric Department, and all supervisory and management employees of such City Departments, shall be subject to the substance abuse testing provisions set forth in this Section B below, regardless of whether such employees hold a CDL. All City employees who hold a CDL are also subject to the rules established under the guidelines of the Federal Motor Carrier Safety Administration (FMCSA). For avoidance of doubt, all employees engaged in safety sensitive employment positions with the City shall be subject to the substance abuse testing and procedures described below regardless of whether such safety sensitive employment position requires the employee to hold a CDL or whether the employee is a "driver" with the City. A summary of such rules, policies and procedures is as follows:

Employees Covered

All employees of the City who hold Commercial Driver's Licenses (CDL) and all applicants for positions with assigned duties that require a CDL are covered by the FMCSA rules and regulations.

Prohibited Alcohol and Substance Abuse Related Conduct

Employees required to have a CDL for their position are subject to the following prohibitions in addition to those defined elsewhere in the City's Substance Abuse Policy:

No driver shall report to duty or remain on duty with a blood alcohol concentration of 0.02% or greater.

No driver shall possess or use alcohol, including any medication with an alcohol component, while on duty or while operating a commercial motor vehicle;

No driver shall be allowed to drive within four hours of using alcohol;

A driver involved in an accident that requires an alcohol test may not use any alcohol until after the test is completed or eight hours has elapsed;

No driver shall refuse to submit to any required drug or alcohol test required by post-accident, random, reasonable suspicion or follow-up testing requirements as defined below.

No driver shall report for duty or remain on duty when using any controlled substances except those a physician has advised that the driver may use which will not adversely affect the driver's performance.

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Drug/Alcohol Tests Required by This Policy

The City is required to administer the following types of tests for persons operating commercial motor vehicles:

Pre-employment¹ testing for drugs. Offers of employment are made contingent on successfully passing drug screening tests.

Post-accident testing. Drivers will be given drug and alcohol tests within two hours of an accident involving property damage or bodily injury or an accident when the driver is cited for a moving traffic violation. In cases of post-accident testing, the employee will be transported to a medical facility or the City will request and conduct a breath test at the worksite.

Random testing. Drivers must participate in random drug and alcohol test pools. The random test rate of the alcohol testing pool and drug testing pool shall be determined annually in accordance with the current random drug testing and random alcohol testing percentage rates established under the guidelines of the FMCSA. The tests will be spread throughout the calendar year. Random selection means that an individual commercial driver may be selected for alcohol and/or drug testing several times in one calendar year, or not at all.

Reasonable suspicion testing. Drivers are subject to drug and/or alcohol testing at any time during, immediately prior to, or immediately after the driver's assigned working hours, when based upon reasonable suspicion as defined in this policy. In cases of reasonable suspicion testing, the employee will be transported to a medical facility or the City will request and conduct a breath test at the worksite.

Return to duty and follow-up testing. Before a worker who has violated the prohibited conduct of this policy may return to work, he or she must take and pass drug and/or alcohol tests. Follow-up tests are to be given at least 6 times within the first year after the employee returns to duty following completion of a rehabilitation program.

Additional tests for law enforcement officers. In addition to any other instances set forth above in this Policy, on-duty law enforcement officers will be subject to drug/alcohol tests (1) when an officer's use of force results in serious physical injury or death of any person or (2) when a firearm is discharged by an on-duty police officer, except when humanely killing an injured animal or during a sanctioned Police Department activity, such as range qualification.

Testing Procedures

Drug and alcohol testing procedures shall conform to those required by federal regulations governing the drug and alcohol testing mandated by the Department of Transportation. All drug tests shall be done by a National Institute on Drug Abuse (NIDA) certified laboratory.

¹ Includes testing when a current employee who is not required to hold a CDL transfers into a position requiring the operation of a commercial motor vehicle.

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Specimen Collection. The Personnel Department will instruct job applicants to report to the testing site. Current employees will be instructed by the Department Head where and when to report for drug and/or alcohol testing. In cases of post-accident or reasonable suspicion testing, the employee will be transported to a medical facility or the City will request and conduct a breath test at the worksite.

The procedure for collecting urine specimens will be designed to ensure the integrity and identity of the urine specimen that is produced. The procedure will also allow for individual privacy, provided, however, the City and employees shall abide by all current DOT Rules or Regulations, which provide additional safeguards against efforts of employees to cheat on substance abuse testing, including a required collection of urine under direct observation for certain return-to-duty and follow-up tests. Breath alcohol testing will follow federal procedures to ensure accuracy, reliability and confidentiality.

If testing under this policy is ever required of an employee who is in need of medical attention, necessary medical attention will not be delayed in order to collect the test specimen. However, such an employee shall promptly, upon request from the City, provide the necessary authorization for obtaining hospital reports and records and any other information at the time the need for medical attention and/or testing arose.

Nature of Tests. Drug testing. Drug testing will be performed on urine samples. The initial test will be done by the Enzyme Immunochemical Assay Method (EMIT) or a similarly approved testing method. All specimens identified as a positive test on the initial test will be confirmed using Gas Chromatography/Mass Spectrometry (GC/MS) techniques. A specimen will be treated as negative if the result of the initial test or the confirmatory test is negative. All urine samples will be split samples so that if the original specimen test is positive the employee may request the retained sample be tested. This request must be received by the MRO in writing within 72 hours of employee's notice of a positive result. The split sample will be tested at the employee's expense. If the second test is negative, the test will be deemed to be negative and the cost of the test for the split sample will be paid for by the City or reimbursed to the employee if already paid by the employee. Job applicants do not have the right to split samples.

Alcohol Testing. Alcohol testing will be done by using Evidential Breath Testing Devices (EBT) approved by the National Highway Traffic Safety Administration. Two breath tests are required to determine if a person has a prohibited alcohol concentration. Breath Alcohol testing requires the individual to provide a breath sample. Should the initial breath sample have a result of 0.02% blood alcohol content or greater, a confirmation test will be conducted within twenty (20) minutes using an EBT that prints out the results, date, and time, a sequential number, and the name and serial number of the EBT to ensure reliability of the results. A positive test will be reported to the City of Kirkwood only if the initial and confirmatory tests measure a blood alcohol concentration at or above 0.02% by weight.

Refusal to Test. All employees covered by this policy are required to submit to the alcohol or drug tests as provided herein. If an employee refuses to be tested or alters or attempts to alter the test sample, such actions shall be treated as a positive test in addition to being a violation of this policy. Such a refusal is grounds for immediate termination.

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Test Results

Drug Tests. The Medical Review Officer (MRO) will review positive drug test results with the employee before they are reported to the City to determine if there is a legitimate medical explanation to account for the laboratory results. The Medical Review Officer will report to the City whether an employee's drug test was positive or negative. If positive, the substance(s) for which the test was positive will be identified. The Medical Review Officer may advise the City of a positive test result without having communicated with the tested employee about the test results if the employee expressly declines the opportunity to discuss the results of the test, or if the employee cannot be reached after reasonable effort by the Medical Review Officer.

Following a positive test result, the employee will be removed from his or her safety sensitive function until, at a minimum, the employee undergoes evaluation and, when necessary, rehabilitation; after a Substance Abuse Professional (SAP) determines that the employee has successfully complied with any required rehabilitation; and after the employee takes a return-to-duty test with a verified negative test result.

If the Medical Review Officer determines there is a legitimate medical explanation for the positive test result, the Medical Review Officer will report the test result to the City as negative.

Alcohol Tests. If an alcohol breath test results in a reading of 0.02 - 0.039% blood alcohol content, the individual shall not return to duty but shall be taken off-duty and not returned to work for at least twenty-four (24) hours. If an alcohol breath test results in a reading of 0.04% blood alcohol content or greater, in addition to the above, the employee must meet with a Substance Abuse Professional (SAP). The SAP will determine what assistance, if any, the employee needs in resolving problems associated with alcohol use and when the employee may return to work. Provided, however, nothing contained in this paragraph shall in any way limit the right of the City to take disciplinary action as it deems appropriate for any positive alcohol (or drug) test, including immediate termination of employment.

Confidentiality. The results of any positive test shall be kept confidential from the general City work force and public. The results may be known to the employee, test facility, the Medical Review Officer and Substance Abuse Professional and those Department Heads necessary. The City may use the results to determine the appropriate response to employee drug and/or alcohol use and to support its disciplinary or other actions or to defend the City in a Court or Administrative Hearing.

The Medical Review Officer, Substance Abuse Professional and the City shall not release the individual test results of any employee to any unauthorized party without first obtaining written authorization from the tested individual.

Actions Taken in Response to Test Results: Refusal to be Tested

Refusal/What Constitutes Refusal. An employee who refuses to be tested will be treated as having had a positive test. Failure to report to a collection site on a timely basis, sign any required consent form or otherwise fail to fully cooperate with the testing procedure shall be treated as a refusal to be tested. Employees refusing to be tested shall be subject to immediate termination.

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Positive Drug Test. An employee whose drug test result is reported to the City as positive shall be immediately referred to a Substance Abuse Professional for evaluation and may be subject to disciplinary action up to and including dismissal.

Alcohol Test. An employee whose breath test results in a reading of 0.02 - 0.039% blood alcohol content shall be removed from duty and not returned to work for at least twenty-four (24) hours, and all hours not worked shall be recorded as lost time. An employee who has a continuing pattern of breath test results between 0.02 - 0.039% blood alcohol content shall be referred to a Substance Abuse Professional for evaluation and may be subject to disciplinary action up to and including dismissal.

An employee whose breath test results in a reading of 0.04% blood alcohol content or greater shall be removed from duty and not returned to work for at least twenty-four (24) hours, and all hours not worked shall be recorded as lost time. Additionally, the employee shall be referred to a Substance Abuse Professional for evaluation and may be subject to disciplinary action up to and including dismissal.

Provided, however, nothing contained in this paragraph shall in any way limit the right of the City to take disciplinary action as it deems appropriate for any positive alcohol (or drug) test, including immediate termination of employment.

Subsequent Positive Test(s). An employee whose drug test result is reported to the City as positive or whose breath test result is 0.04% blood alcohol content or greater and who has previously had positive drug tests or previous breath tests with a result greater than 0.04% blood alcohol content or who has previously been referred to a rehabilitation program under the provisions of this Policy shall be subject to disciplinary action up to and including dismissal.

Rehabilitation. Failure to immediately begin an approved rehabilitation program, successfully complete the program and/or participate in required or recommended after-care may result in disciplinary action up to and including dismissal.

City's Right to Discipline. Regardless of any provision of this Policy, the City has the right to take immediate disciplinary action for any violation of this Policy, including termination.

Return To Work -- Conditions. An employee who tests positive for illegal drug/alcohol use cannot return to work until he or she meets all of the following conditions:

Successfully completes a City approved rehabilitation program as directed by the Substance Abuse professional or as required by this Policy;

No further use of a controlled substance as indicated by a negative drug/alcohol test result at the time of release;

Obtains a full, written release and recommendation to return to duty from the treatment facility doctor and/or counselor;

Continues to participate in any program of after-care required by the rehabilitation facility doctor and/or counselor;

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Agrees to be subject to post-rehabilitation unannounced follow-up testing as determined by the Substance Abuse Professional after consultation with the City, for twelve (12) months after reinstatement.

Department Heads (or Supervisors) have the following specific duties.

Department Heads must produce drivers for post accident drug and alcohol testing within two hours of the accident or explain in writing why the driver was not produced. The driver may be given necessary medical treatment and if such treatment prevents normal drug or alcohol testing, the Supervisor shall immediately inform the City's Human Resources Manager.

Whenever drug or alcohol tests are required under this policy, Department Heads must produce the driver for those tests, and when current impairment is reasonably suspected, the Department Head shall not allow the employee to drive.

Observations supporting a Department Head's reasonable suspicion of drug or alcohol use must be made just before, during or just after the employee operates a commercial motor vehicle. These observations must be reduced to writing within 24 hours of the observation.

Whenever drug or alcohol tests are required by this policy and the employee is not tested within eight hours of notice of the need to test, the Department Head shall explain in writing why the test or tests were not performed.

Review of Test Results. The City will employ a Medical Review Officer (MRO) to review the drug test results. The MRO shall be a licensed physician with knowledge of drug abuse disorders.

Return to Work; Drug Test. In order to recommend return to work after a positive drug test, the MRO shall ensure the employee has subsequently tested drug free, been evaluated by a rehabilitation program counselor, and ensure the employee is in compliance with rehabilitation conditions.

The MRO shall determine whether and when a return to duty recommendation shall be made for an employee who has failed a drug test or refused to be tested and shall determine the schedule for return to work drug testing.

Only the Medical Review Officer may review and interpret each positive drug test and after conferring with the employee, report the results to the City.

Substance Abuse Professional. The City will also employ a Substance Abuse Professional (SAP). The SAP shall be a licensed physician (M.D. or D.O.) or a licensed psychologist, social worker, employee assistance professional or an addiction counselor (certified by MHADACCC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders.

Return to Work; Alcohol Test. In order to recommend return to work after an alcohol test which indicates a blood alcohol content greater than 0.04%, the SAP must first evaluate the employee to determine whether the employee has an alcohol problem.

If it is determined by the SAP that an employee has an alcohol problem which requires assistance, the employee shall be subject to counseling, treatment and follow-up alcohol testing as directed by

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the SAP. Follow-up testing shall only occur just before, during or just after the employee operates a commercial motor vehicle.

Consequences. Besides the penalties set out by the City for violations of this policy, the following consequences are required by the FMCSA which was established within the Department of Transportation (DOT) on January 1, 2020 and formerly been a part of the Federal Highway Administration (FHA) rules:

No driver may drive if they have used a listed drug², and no driver may drive within four hours of using alcohol or at any time when an alcohol test indicates an alcohol concentration of 0.04% or greater.

A driver violating these rules may not return to work until evaluated and released by a Substance Abuse Professional, and subsequently tested for alcohol and drugs with negative results.

A driver tested with an alcohol concentration greater than 0.02% and less than 0.04% may not drive or perform other safety sensitive functions for 24 hours after the test.

Federal Civil penalties for breach of the Federal rules range between \$1,000 to \$10,000 for each offense. Federal criminal penalties for violations of the Federal rules range between \$1 and \$25,000 for each offense or up to 1 year imprisonment for each offense.

Prior Testing Histories. All applicants for or seeking a transfer to a safety sensitive position shall be required to provide information on any prior testing as required by applicable federal law.

C. EMPLOYEE DRUG/ALCOHOL EDUCATION (All Employees)

Each employee shall be given educational materials that explain the City policies. CDL drivers will receive this information before the implementation of the drug and alcohol testing program begins. All new employees shall receive this information upon being hired. Employees receiving this information shall sign a statement certifying they have received this information and this receipt shall be retained by the Personnel Department.

Employee Drug and Alcohol Educational materials shall have at least the following content:

- a. The identity of the person(s) designated to answer employee questions about the City's rules and testing programs.
- b. Information explaining the effects of alcohol and drugs on health, work and personal life, the symptoms of alcohol or drug problems and available methods of intervention including confrontation, referral to EAP and discipline.
- c. Information explaining when CDL drivers are subject to Federal Drug and Alcohol testing rules.

² Marijuana (THC metabolite), Cocaine, Amphetamines, Opiates (including heroin) and Phencyclidine (PCP).

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- d. Explanations of employee conduct which is prohibited by these Personnel Rules and Regulations and the circumstances under which an employee will be tested.
- e. The drug and alcohol test procedures.
- f. An explanation of when testing is required by Federal rules.
- g. An explanation of what constitutes a refusal to test.
- h. An explanation of the consequences of violations of these Personnel Rules and Regulations.
- i. An explanation of the consequences of having an alcohol concentration greater than 0.02% but less than 0.04%.

Supervisors shall receive, in addition to the general employee information, training in alcohol misuse and training in drug use. The training shall cover physical, behavioral, speech and performance indicators of drug use and alcohol use and may also cover the physiologic and psychological aspects of addiction, how to detect and document early deterioration of job performance, the issues of drug testing and prevention and educational strategies, including how to implement them.

D. FMCSA DRUG AND ALCOHOL CLEARINGHOUSE PROVISIONS

1. General Information

Effective January 6, 2020 FMCSA Regulations establishing a database that will contain information about violations of DOT/FMCSA Drug and Alcohol programs for holders of CDL's went into effect. This database is called the Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse. Under these Regulations, the City, the MRO and SAP's are required to report violations of DOT Drug and Alcohol testing regulations by applicants and Employees.

2. Clearinghouse Searches

The City is required to conduct a search or "query" of the Clearinghouse for all applicants and on an annual basis for all current Employees. As a condition to be considered for employment (applicants) or in order to continue to be employed (Employees), applicants and Employees must provide the necessary consent, including electronic consent when applicable, to allow for the City to conduct the query.

3. Personal Information to be Reported by City to the Clearinghouse

Applicants and Employees should be aware that the City is required to collect, maintain and report information to the Clearinghouse as to the following:

- A verified positive, adulterated, or substituted Drug test result;
- An Alcohol confirmation test with a concentration of 0.04 or higher;
- A refusal to submit to any Drug or Alcohol test;

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- The City’s actual knowledge, as defined in 49 CFR §382.107, of
On duty Alcohol use pursuant to §382.205;
Pre-duty Alcohol use pursuant to §382.207;
Alcohol use following an accident pursuant to §382.209; and
Controlled Substance use pursuant to §382.213.
- A Substance Abuse professional’s report of the successful completion of the Return-to-Duty process;
- A negative Return-to-Duty test; and
- The City’s report of completion of Follow-Up testing.

ARTICLE XXI - TRAVEL POLICY

PURPOSE

To establish a uniform policy for reimbursing City employees for travel [outside the St. Louis Metropolitan Statistical Area](#) and related expenses incurred while conducting City business.

TERMS

“Expenses” shall refer only to expenses actually and necessarily incurred in the performance of the official business of the City.

“Employee” shall include all persons employed by the City and all elected and appointed officials of the City.

RESPONSIBILITIES

The Assistant Chief Administrative Officer shall be responsible for promulgating any further Personnel Rules and Regulations regarding the Travel Policy. Further, the Assistant Chief Administrative Officer shall provide all departments with uniform travel and expense forms.

Any employee incurring any expense as defined herein and seeking reimbursement of same shall submit to the Director of Finance a voucher of such expenses which has been certified as being true and accurate. The Director of Finance shall then review such expense vouchers and shall reimburse the employee only for those expenses which have been properly incurred.

Each Department Head is also responsible for ensuring that expenses incurred for travel and other activities by employees under his or her supervision are essential to their functions and expenses are reasonable and justified. In order to maintain cost control, the Department Head shall:

1. Approve in advance each proposed trip or activity.
2. Obtain the approval of the Chief Administrative Officer for all out-of-town travel and training.

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3. Review and approve all expenses reported for reimbursement in accordance with the specific provisions outlined below.
4. Review and evaluate these expenses as a guide for future authorization.

The City reserves the right to perform an in-depth audit of any expenses submitted by an employee for reimbursement. The Finance Department has the responsibility for performing such audits from time to time. Any findings of misrepresentation will be forwarded to the Department Head for appropriate action. It is the responsibility of the Director of Finance or his or her designee to:

1. Ensure full compliance by all departments with the procedures set forth in this policy.
2. Have all expense reports reviewed for mathematical accuracy, required receipts, and authorized approval.
3. Review reported expenses for reasonableness and to make inquiries as deemed appropriate.
4. Return all expense reports that are not in compliance with this policy or that require additional substantiation to the responsible Department Head for appropriate action/response.

Employees are required to submit expense reports within ten (10) days of the completion of any business trip or activity.

TRANSPORTATION

Selection of the mode of transportation should be based on the distance, costs, time involved, and the purpose of the trip. Whenever the airfare (coach or economy) would be less than the mileage reimbursement for use of a personal vehicle, air transportation must be used. Air transportation expenses must be supported by documentation which reflects the destination, dates of travel, and cost.

On occasion, the employee may wish to drive a vehicle to his or her destination. The City has City owned vehicles that may be used, or an employee may take advantage of an agreement the City has with a rental car company. If the employee wishes to use his or her personal vehicle [for travel outside the St. Louis Metropolitan Statistical Area](#) in lieu of air transportation; [or use of a](#) City vehicle or rental vehicle, the employee will only receive the “cash equivalent” for use of his or her personal vehicle; the “cash equivalent” will be based on the lowest cost of either the lowest airfare in effect 30 days prior to the employee’s departure date, or the cost of the rental vehicle for the number of days the employee is involved on City business. Generally, a rental vehicle will be cheaper than mileage reimbursement for any trip involving more than 70 miles of travel per day. If the employee elects to use his or her personal vehicle or a rental vehicle when air transportation is more cost effective, driving time will be the responsibility of the employee (i.e. vacation time).

The use of buses, limousines, or taxis should be governed by the local ground transportation available between the airport and the hotel/motel and the most economical cost and/or availability; receipts should be obtained for these charges. Tips for taxi drivers, baggage handlers, etc. should be reported separately.

LODGING

It is expected that all employees will endeavor to return to their permanent residence as soon as possible after the conclusion of the conference, business meeting, or other purposes of the trip. On one-day trips or at the conclusion of an extended trip, lodging will be reimbursed only in connection with travel which would preclude the employee from arriving home before 10 p.m.

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The City expects its employees to stay in a hotel/motel which is reasonably close and convenient to the place where the conference, business meeting, or seminar is held and that such accommodations will be modestly priced for the local market. To the extent possible, lodging costs should be paid directly to the vendor by using a City procurement card. Lodging costs will be based at the “one person, one bed” rate. Receipts for lodging costs must be submitted to substantiate the cost.

MEALS

The cost of all meals while away on City business will be reimbursed. In most situations, the maximum daily cost should not exceed \$65.00. It is expected that employees will exercise good judgment when dining and such meals should generally meet the same standards as if the employee were bearing the cost. All meal costs must be supported by receipts.

On all travel beyond the local area (i.e., greater than a 50-mile radius from Kirkwood) reimbursement will be made on meals on the following basis:

1. When travel commences before 7:00 a.m., breakfast will be reimbursed.
2. When travel extends over the period 12 noon to 1:30 p.m., lunch will be reimbursed.
3. When travel extends after 6:00 p.m., dinner will be reimbursed.

No reimbursement will be made for meals which are provided in conjunction with air transportation or which are included in the conference/meeting cost.

The cost of snacks, beverages, etc. are not eligible for reimbursement.

As deemed appropriate by the Department Head, meal costs for local training may be eligible for reimbursement. The appropriateness and reasonableness of the expense will be reviewed by the Director of Finance.

REGISTRATION COSTS

Conference registration costs will be paid directly to the sponsoring institution; the request for payment submitted to the Finance Department should include a copy of the completed registration form.

TRAVEL ADVANCES

Travel advances should be limited to those items which cannot be pre-paid, such as meal costs and transportation costs, and for projected expenses which would pose a financial burden on the employee. Requests for travel advances must be submitted to the Finance Department at least two weeks prior to the employee's departure date. The Director of Finance may then advance payment of projected expenses if the projected expenses to be incurred by particular employees would pose a financial burden on such employees. If such advance is authorized, then the voucher for the expenses actually and necessarily incurred and the balance of the advance remaining after the expenditures shall be submitted to the Director of Finance within ten (10) days after such expenses are actually incurred.

COMMUNICATION CHARGES

All telephone, internet and postage costs incurred during the travel which are necessary for City purposes are reimbursable. The employee should use the most economical means of communication.

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PERSONAL ITEMS

No reimbursement will be made for miscellaneous reading material, shoe shines, or items relating to personal hygiene. The cost of handling any clothes or equipment carried by an employee for personal enjoyment or activities are not reimbursable. Repairs to personal briefcases and luggage will not be reimbursed unless damaged when being used on City business and when the employee is not repaid by the carrier responsible for the damage. A copy of the damage claim and a copy of the refusal to reimburse for such claim must be submitted.

ARTICLE XXII - PERSONAL VEHICLE USE POLICY

Unless agreed to as a condition of employment, employees will not be required to use their personal vehicles to conduct City business. However, employees may voluntarily use their own personal vehicles for City business. In such instances, employees should keep track of mileage and may apply for mileage reimbursement when mileage exceeds 70 miles in any pay period. Mileage reimbursement for travel inside the St. Louis Metropolitan Statistical Area is in the Finance Director's sole discretion and, if made, will be in an amount set by the Finance Director. De minimus mileage incurred on a personal vehicle will not be reimbursed. Use of a personal vehicle for trips out of the St. Louis Metropolitan ~~St. Louis area~~ Statistical Area or overnight will be governed by the City's Travel Policy.

It is the employee's responsibility to pay for gas, insurance and maintenance of his or her personal vehicle. It is further the employee's responsibility to disclose to his or her insurer the uses to which he or she chooses to put his or her vehicle which may affect his or her coverage. Except as may be provided specifically within any insurance policy maintained by the City, should an accident occur while on City business, the employee's own vehicle insurance policy shall provide applicable coverage and the City will not be responsible for any insurance deductible or damages.

ARTICLE XXIII - PERSONAL APPEARANCE AND BUSINESS CASUAL DRESS CODE

Business casual dress attire may be permitted at the discretion of the Chief Administrative Officer. When business casual dress is permitted, ~~the following shall apply:~~ all employees are expected to dress professionally and appropriately for their work duties with the City. Polo shirts, dress shirts, dress pants and dresses are examples of appropriate business casual attire. Exceptions to this policy may be permitted at the discretion of the Chief Administrative Officer, such as team jerseys and blue jeans.

<i>MEN</i>	<i>WOMEN</i>
<u><i>Acceptable Dress</i></u>	<u><i>Acceptable Dress</i></u>
Shirts—Polo or dress (shirts must have collar)	Shirts—Polo, knit collarless
Pants—Cotton slacks (Dockers, etc.), dress or polyester slacks	Pants—Cotton slacks, culottes (no higher than knee length)
Shoes—Closed type (loafers, deck shoes, etc.)	Dresses—Denim dresses and jumpers
socks must be worn	Shoes—Loafers or similar shoes, sandals

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<i>MEN</i>	<i>WOMEN</i>
<i><u>Unacceptable Dress</u></i>	<i><u>Unacceptable Dress</u></i>
Shirts— T-shirts or v-neck, tank tops	Shirts— Halter, tube tops, T-shirts, tank tops
Pants— Shorts, jeans	Pants— Shorts, jeans
Shoes— Athletic shoes, sandals (nothing open)	Skirts— Short skirts
	Dresses— Sun dresses, short dresses
	Shoes— Athletic, thongs

Casual dress does not apply to employees who typically wear uniforms or those who ~~work~~are working in an ~~outdoor~~ environment necessitating non-office attire.

Clothing should not be excessively tight or loose fitting, but shall fit the individual reasonably well. Clothing shall not be revealing or suggestive. Clothing must appear neat, shall not have excessive wrinkles, wear, fading, stains, dirt, etc.

Certain lettering or logos on shirts may be allowed including “City of Kirkwood”, manufacturers’ logos, or other appropriate lettering of symbols. Inappropriate symbols, lettering, or advertisement of a local business is not acceptable.

Dress chosen by individual employees must be appropriate for that day’s activities (i.e., business meetings, etc.).

Unacceptable dress may include any attire ~~which is political or that may~~ be deemed reasonably offensive and/or inconsistent with the City’s Equal Employment Opportunity, Anti-Harassment and Non-Discrimination Policy or other policies. Disputes will be resolved by the Department Head. Any employee who reports to work in unacceptable dress will be sent home immediately to change and will not be paid for the absence.

The City expects all employees to maintain an appropriate personal appearance and follow reasonable grooming standards. Toward that end, employees shall maintain a professional and neat appearance with respect to their personal grooming including hair, uniform (as appropriate) and visible body parts. For all employees, tattoos that are visible to the public and deemed offensive, immoral or presenting an unprofessional appearance shall require the employee to cover said tattoo with a bandaging type material or ~~a long-sleeve shirt~~clothing in accordance with any requirements of the Department Head. ~~No visible and offensive facial or body piercing shall be permitted.~~

ARTICLE XXIV - EMPLOYEE PRIVATE PURCHASING

No personal purchases shall be placed through the City’s purchasing department for any reason. The City’s name shall not be used by employees in making purchases in an attempt to avoid sales tax or discounts not otherwise available to the employee.

ARTICLE XXV - INCLEMENT WEATHER

There is no provision for snow or other inclement weather leave and employees are expected to make it into work regardless of weather conditions or if in the opinion of the employee it is too dangerous to travel, a vacation day may be used. Generally, Department Heads are encouraged to grant considerable latitude as to tardiness caused by weather conditions.

APPENDIX E – PERSONNEL RULES AND REGULATIONS

As a general rule, City Hall never closes due to weather conditions. Should City Hall or any office of the City need to be closed because of extreme weather, heating failure or some other mechanical problem, employees would be notified either directly by a Supervisor or through the media.

ARTICLE XXVI - WIRELESS TELECOMMUNICATIONS USAGE POLICY

The City may provide wireless telecommunications equipment to employees who as part of their employment have a regular and continuing business need for its use. Such wireless telecommunications equipment may include cellular telephones, pagers and PDA's. Employees may be assigned wireless telecommunication equipment by a Department Head when their duties are determined to require frequent mobility but be readily accessible and/or when their duties require them to be available for emergency responses or consultation after normal business hours. Assignment of wireless telecommunication equipment to an employee may be withdrawn at any time at the discretion of the Chief Administrative Officer or Department Head.

Wireless telecommunication equipment should be obtained through the Purchasing Department. Only the Purchasing Department has the authority to enter into contracts for service. Department Heads should work with the Purchasing Director to determine the type of equipment that best suits the need, identify the appropriate service vendor, and take advantage of the most cost effective service contract and features. Typically, wireless telecommunication providers are offering contracts that permit calls under certain circumstances to be made at no additional charge. Employees should remain aware of the terms of their contract so as to take advantage of no cost calling opportunities rather than calling with land line charges. Contracts may also place a maximum on the number of minutes that can be used without incurring additional costs. The service level should be set based solely on business needs and the employee must reimburse the city for any personal use that results in additional charges.

Personal use of City assigned wireless telecommunication equipment is permitted. During normal business hours personal use should be subject to the same limitations as that of a land line. Such calls, emails or texts should be infrequent and brief and made on the employee's own time, such as during breaks or lunch. Any other personal use during business hours may not interfere with being productive or performing expected job duties. Personal use outside of normal business hours is permitted so long as the employee reimburses the City for any additional charges incurred.

Employee communication via City-issued wireless telecommunication equipment at all times cannot be considered private. No employee shall have any expectation of privacy in the use of the equipment and no employee shall use the equipment for any type of communication that is offensive, illegal, inappropriate, or in violation of any City or departmental policy.

Employees may be financially responsible for assigned wireless telecommunication equipment if the equipment is lost or damaged as a result of the employee's negligence or not returned within a specified period of time.

Wireless telecommunications equipment use should not occur while driving a City vehicle unless it is an emergency. This does not apply to employees whose job responsibilities include being in contact with dispatch. Where possible, employees should send or receive communications when the vehicle is not in motion. Telecommunications equipment features such as pre-programming numbers, speed dial functions, and voice mail should be set up. Under no circumstances shall any employee while driving a City vehicle review any text message or create or send any text message when a vehicle is in motion.

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Departments may restrict employee owned wireless telecommunications equipment during the work day and ban them from job sites. Departments may develop additional wireless telecommunications equipment policies and procedures for City assigned equipment to meet specific departmental needs.

Employees whose job responsibilities may require them to be contacted after hours in emergency situations should supply the City with contact information, including the numbers of any wireless telecommunications devices they might regularly carry. Such information should not be considered to make the employee “on call” or result in additional compensation outside of what may be required under state or federal law.

ARTICLE XXVII - COMPUTER/INTERNET/E-MAIL/TEXT POLICY

APPLICABILITY

The computer system, network, Internet and E-mail access is the backbone of City operations and as such is an expensive infrastructure that needs to be monitored and protected. This policy applies to all employees and any other individuals who are provided access to the City’s computer system. Third parties should only be provided access to the computer system as necessary for their business purpose with the City and only if they abide by all applicable Personnel Rules and Regulations.

COMPUTERS

The hardware and software that make up the City’s computer system and all data on the system is the property of the City of Kirkwood. All data, including electronic messages within the system, is the property of the City and may be public records for the purpose of retention or accessible via Missouri’s Sunshine Law and Public Records Law. The City purchases, owns, and administers the necessary software and licenses and employees may not rent, copy or loan the software, or its documentation.

Computers may not be relocated to another office without the permission of the MIS Department. Employees may not bring in any personal computer or other device including MP3 players to connect to the system without the permission of the MIS Department.

Even the most innocuous games, screen savers, and popular software have the capability of unknowingly introducing spyware, viruses, and backdoor access to our system. As a result, no software, applications, or modifications may be downloaded or made to City-owned equipment. The MIS Department may approve screen savers upon request. No instant messaging software may be downloaded and streaming audio (using the computer to listen to the radio) is prohibited unless authorized by the CAO as it reduces available bandwidth.

Employees should have no expectation of privacy in their use of any City-owned equipment or computer system. The City may at any time monitor, retrieve or recreate any files, calendars or computer communications of any employee. Employees should expect that their activities on computer devices or telephone devices can be reviewed at any time.

Employees who leave employment with the City have no property rights to contents of their E-mail messages or computer files. Supervisors or managers may access an employee’s computer system and E-mail at any time.

APPENDIX E – PERSONNEL RULES AND REGULATIONS

E-MAIL/TEXTS

The E-mail system is provided by the City for the purpose of internal and external business related communication. The system and all electronic messages within the system are the property of the City of Kirkwood. Texts sent through City provided cell phones are also the property of the City of Kirkwood and employees should have no expectation of privacy regarding such messages.

E-MAIL/TEXT ETIQUETTE

Employees should be aware that while E-mail and texting is a quick and convenient method of communication, once sent the E-mail/text can be viewed potentially by the public so sending or forwarding of E-mail/text messages should be carefully considered for appropriateness and good judgment. Humor is often contextual and augmented by body language and so E-mail/texts may not be the most appropriate method of transmission. Electronic discussion of topics internally that begin to become controversial or involve significant differences of opinion should be discontinued in favor of face-to-face discussion.

With over 200 internal users of the E-mail system employees receive frequent E-mails. The system offers the availability of addressing all users with a group address entitled all-users. No employee is permitted to use the all-users email address without prior approval by the Department Head. Such approval shall be granted only when strictly necessary to conduct City business.

PROHIBITED USES OF E-MAIL/TEXTS

The following E-mail/text uses including sending or forwarding communications are expressly prohibited:

- Communications that are disruptive, offensive, abusive, threatening or exceed the bounds of generally accepted standards of good taste and ethics.
- Communications of sexually explicit images or messages.
- Communications that contain anything that might be reasonably construed as harassment or disparagement of others based on race, national origin, color, pregnancy, ethnicity, sex, sexual orientation, age, ancestry, disability or religious beliefs (except as may be specifically required as part of police reporting procedures including the statements of other parties).
- Solicitation for commercial ventures, religious or political causes.
- Any other use that may harm or compromise the integrity of the City or be otherwise inappropriate to the City's organizational philosophy.
- Intercepting, eavesdropping, recording, or altering another person's E-mail/text message without authority.
- Attempting to send E-mail/texts anonymously or adopting the identity of another person on any E-mail/text message, or using another person's login, other than with permission.
- Sending, downloading, or using information or software in violation of copyright law.
- Engaging in personal commercial activities including offering services or merchandise for sale.
- Engaging in any E-mail/text activity that would create liability for the City of Kirkwood.

RETENTION

Depending on the content of an E-mail message, it may be considered a formal record and should be retained pursuant to a departmental, City, or Missouri record retention schedule. Accordingly, E-mail messages should be written with care with the understanding they may be public records. Employees should be aware that when they have deleted a message from their workstation mailbox it may not have been deleted from the server. The message may be residing in the recipient's mailbox or forwarded to other recipients. Unless there is a reason for archiving or retaining an E-mail, employees should delete sent and received messages regularly as accumulation of files will degrade system performance and response times.

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Employees and departments are responsible for retaining and archiving their own documents, E-mails and other records and should not rely on system back-ups as an appropriate retention method. Since space is limited and costly, employees should not be retaining personal E-mails, documents, spreadsheets, or photos on the system.

INTERNET

Access to the Internet is provided for work related information gathering and communication.

PROHIBITED INTERNET USAGE

Accessing sites that are pornographic or sites that promulgate violence or terrorism (also commonly known as “hate” sites), or sites that allow gambling are inappropriate and expressly prohibited using City-owned equipment (except in the course of law enforcement purposes).

PERSONAL USE

The City recognizes that occasional personal use of computer equipment, cell phones, E-mail and Internet is desirable to employees and overly tight restrictions are detrimental to morale and unproductive to enforce. Such use should generally be limited to lunch and outside of (before or after) work time and only if the equipment is not needed for City business. Employees should consider the personal use of City E-mail privileges in the same manner as use of a City telephone or personal cell phone. Limited personal use is expected to occur but should not interfere with being productive or performing expected job duties. Prohibited uses of E-mail and Internet browsing are violations regardless of whether they occur during work time, non-work time or during occasional personal use and are subject to discipline up to and including termination. All uses of City equipment, whether business or occasional personal use, are subject to monitoring. Excessive personal use will be subject to discipline. Employees should address questions on what constitutes excessive personal use to their department heads.

IMPLEMENTATION AND ADMINISTRATION OF POLICY

It is the responsibility of each individual employee to understand and comply with this policy. To ensure the safety and uncompromised integrity of the system employees have the responsibility for reporting inappropriate use or activities to their supervisor. Department Heads are responsible for ensuring compliance with the policy within their departments.

Upon hire the Personnel Department will be responsible for distributing this policy as part of the City’s Personnel Rules and Regulations. The MIS Department will provide training on how to access the system. Training on specific applications is regularly available and Department Heads and employees should arrange opportunities for taking advantage of those sessions. Employees with E-mail access should at minimum take the introductory course for GroupWise and be competent in its basic use, archiving, and use of the scheduling and calendar function.

ARTICLE XXVIII - CONFLICT OF INTEREST

All employees of the City must avoid any conflicts of interest in performing their duties and abide by the conflict of interest restrictions set forth in the City’s Charter and Code of Ordinances. Copies of any such restrictions may be obtained by contacting the Assistant Chief Administrative Officer.

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ARTICLE XXIX - UNAUTHORIZED ALIEN POLICY

The City will not knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the State of Missouri. “Unauthorized alien” means an alien who does not have the legal right or authorization under federal law to work in the United States, as defined in 8 U.S.C. Section 1324a(h)(3).

ARTICLE XXX - CITY PROPERTY

All property owned or maintained by the City shall at all times be subject to the City’s control and inspection. This includes, but is not limited to, City vehicles, offices, work stations, desks and lockers. No employee shall have any expectation of privacy with respect to such property and the City reserves the right at any time to search or inspect any such property. No expectation of privacy exists regarding the contents of City lockers even if such lockers are secured by an employee owned lock.

ARTICLE XXXI - SOCIAL MEDIA POLICY

A. Overview. With the rise of new media and next generation communication tools, the manner in which employees of the City can communicate, both internally and externally, continues to evolve. While this creates new opportunities for communication and collaboration, it also creates new responsibilities for our employees. This Social Media Policy applies to all employees who use the following (which is not intended to be an exhaustive list):

- Social networking websites, examples of which include MySpace, Facebook, LinkedIn, Twitter and YouTube;
- Blogs;
- Instant messaging sites;
- Wikis, such as Wikipedia and any other site where text can be posted;
- Web bulletin boards or chat rooms.

All of these activities are referred to as “Social Media Postings” in this Policy.

B. Scope of Policy. This Social Media Policy covers an employee’s personal use of Social Media Postings and the sanctioned use of Social Media Postings for City business purposes.

C. Personal Use of Social Media.

1. This Policy section applies when an employee is using personal/home computers or other personal devices. The City takes no position on employees’ decision to participate in the use of Social Media Postings. In general, employees who participate in Social Media are free to publish their own personal information. Any use of City computers or other City issued devices for personal Social Media Postings should generally be limited to lunch and outside (before or after) work time and only if the equipment is not needed for City business. Limited personal use is expected to occur but should not interfere with being productive or performing expected job duties.
2. Responsible Social Media Postings. Ultimately, an employee is responsible for what is posted online. Before creating online content, an employee should consider the risks and rewards that are involved, including how Social Media Postings may affect others who perform services for or are employed with the City. Harassment, intimidation or demeaning comments against such persons on social networking sites may result in

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discipline up to and including dismissal. Thus, the City encourages an employee to always be fair and courteous to co-workers, citizens, suppliers, vendors or other people who work on behalf of the City. Also, an employee should keep in mind that he or she is more likely to resolve work-related complaints by speaking directly with co-workers or by addressing the issue or problem with the Department Head than by posting complaints to a social media outlet. Nevertheless, if an employee decides to post complaints or criticism, he or she should avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparages guests, co-workers, citizens, suppliers or vendors, that might constitute harassment or bullying or might violate any applicable law. Examples of such conduct include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, age, national origin, ethnicity, pregnancy, religion or any other status protected by law or City policy.

3. Identification. If an employee chooses to identify himself or herself as a City employee on any Social Media network or site, either in words or in image, he or she must state in clear terms within any specific social media posting that the views expressed are the employee's alone and that they do not reflect the views of the City. No personal use of social media shall include any pictures or photographs of the employee wearing any City uniform or operating any City equipment. Employees are prohibited from acting as a spokesperson for the City or posting comments as a representative of the City.
4. Honesty and Accuracy. An employee should ensure that he or she is always honest and accurate when posting information or news. If an employee makes a mistake, it should be corrected quickly. An employee should be open about any previous posts that have been altered. It is important to remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that are known to be false about the City, co-workers, vendors or others working on behalf of the City. In short, the City expects its employees, when commenting on matters related to the City's business, services or programs, to exercise good judgment and common sense, consistent with the City's values of honesty, integrity and ethical behavior. Each employee should be mindful that any Social Media Posting may remain public for a long time if not indefinitely.
5. Right to Access. The City reserves the right to monitor Social Media Postings of employees. Any information that employees post on any social media may be accessed by the City at any time, without prior notice. The City prohibits taking negative employment action against any employee for reporting a possible deviation from this Policy or for cooperating in an investigation. Any employee who retaliates against a co-worker for reporting a possible deviation from this Policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.
6. Prohibited Activity. Employees may not disclose confidential information of any department, specifically including confidential information relating to ongoing investigations, or disclose confidential information of third parties who have provided information to any department, including federal, state or local security/safety information, or disclose private personnel information or Protected Health Information as defined in the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").

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D. Use of Social Media For City Business Purposes.

1. Social Media Uses. Social Media provides a new and potentially valuable means of assisting City departments and their personnel in community outreach for problem solving, investigations, crime prevention, recruiting, training, safety education and providing public awareness of the activities of City personnel in serving and protecting the interests of the City's residents and community.
2. Specific uses for City sanctioned Social Media include but are not limited to:
 - a. Time sensitive notifications related to road closures, special events and weather emergencies.
 - b. Investigative tool for law enforcement when seeking evidence or information about missing persons, wanted persons, crimes perpetrated online such as cyber bullying or cyber stalking, unsolved crimes through solicitation of tips and posting of photos or videos of a crime by a participant or observer.
 - c. Alerting the public to the effective law enforcement services of the police department and the effective rescue and fire protection services provided by the City's fire department.
 - d. Obtaining information as a recruitment mechanism for persons seeking employment or volunteer positions with the City.
3. Rules Applicable to City Sanctioned Use of Social Media.
 - a. All Social Media Postings are subject to all existing City policies, including, for example, the City's Equal Employment Opportunity, Non-Discrimination and Anti-Harassment Policy, Workplace Violence Policy, Computer/Internet/E-mail/Text Policy and Wireless Telecommunications Usage Policy.
 - b. Social Media Postings containing obscene or sexually explicit language, images or acts and statements or other forms of speech that ridicule, malign, disparage or otherwise express bias or are harassing, demeaning toward City employees, City officials, vendors or others who perform services and work with the City is prohibited.
 - c. There is no expectation of privacy with Social Media Postings sanctioned by the City. The City reserves the right to monitor use of its devices or networks and to retrieve all Social Media Postings. The City reserves the right to block access from its networks for Social Media Postings at its sole discretion.
 - d. Employees may not disclose confidential information of any department, specifically including confidential information relating to ongoing investigations, or disclose confidential information of third parties who have provided information to any department, including federal, state or local security/safety information, or disclose private personnel information or Protected Health Information as defined in the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").

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- e. No employee shall divulge information gained by reason of his or her authority, make any statements or publish any materials that could reasonably be considered to represent the views or positions of any department, without express authorization to do so.
- f. No information shall be disclosed which is likely to identify the specific location or identification of any person subject to an emergency call for law enforcement assistance.
- g. No employee shall disseminate or transmit in any fashion photographs or images of individuals receiving emergency medical assistance. The City is the owner of any photographs or electronic images taken by the fire department or law enforcement personnel within the scope of employment. Any such photographs or electronic images must be turned into the proper department authority.
- h. The use of social media does not alter or change the emergency or life safety report protocols currently in place. Social Media should not be used in place of the Emergency Operations Center (9-1-1).
- i. The establishment and use of any City-sanctioned Social Media sites are subject to approval by the Chief Administrative Officer and applicable Department Head. All City Social Media sites shall be administered by authorized administrators of the respective department.
- j. City Social Media sites should explicitly state they are maintained by the City and that they follow the City's Social Media Policy, with links to such Policy on the official City web site.
- k. Wherever possible, City Social Media sites should link back to the official City and departmental websites for forms, documents, online services and other information necessary to conduct business with the City.
- l. The authorized administrators will monitor content on City Social Media sites to ensure adherence to both the City's Social Media Policy and the interests and goals of the City.
- m. The City reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law. Comments on topics or issues not considered to be within the relevant concerns of the City may be removed.
- n. The City will approach the use of Social Medial tools as consistently as possible among different departments.
- o. The City's website at www.kirkwoodmo.org will remain the City's primary and predominant internet repository of accessible online information.
- p. All City Social Media sites shall adhere to applicable federal, state and local laws, regulations and policies.

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- q. Any content maintained in a Social Media format that is related to City business may be considered a public record subject to public disclosure. This may include a list of subscribers (excluding any information of a personal nature), posted communication and communication submitted for posting.
 - r. No employee should conduct political activities or private business through any Social Media Posting.
 - s. No employee should post private facts or personal information about someone without his or her permission that has not been previously revealed to the public, is not of legitimate public concern or would be offensive to a reasonable person.
 - t. No employee shall use someone else's name, likeness or other personal attributes without that person's permission for an exploitative purpose; or publish the creative work of another, trademarks or certain confidential business information without the permission of the owner.
 - u. This Social Media Policy may be revised at any time.
4. Designation of Employees.
- a. The following guidelines apply to designation of employees to use any sanctioned City Social Media site.
 - i. Designated employees representing the City government via City Social Media sites must conduct themselves at all times as a representative of the City and in accordance with all City policies. Any such designated City employee who alters, comments or accesses any City Social Media site is to conduct himself at all times as a representative of the City and, accordingly, shall adhere to all City/department standards of conduct and observe conventionally accepted protocols and proper decorum.
 - ii. Employees designated to represent individual department's interests on the City site are to be approved by the Department Head and submitted to the Chief Administrative Officer for approval.
 - iii. The use of department computers by designated department personnel to access Social Media for personal use is prohibited.
 - iv. Designated department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is permitted.
 - v. Such designated employees are to identify themselves as a member of the applicable department within the City.

E. Public Comment Policy.

- 1. As a public entity the City must abide by certain standards to serve all its constituents in a civil and unbiased manner.

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2. The intended purpose behind establishing City Social media sites is to disseminate information about the City to its citizens.
3. Public comments containing any of the following inappropriate forms of content shall not be permitted on City Social Media sites and are subject to removal and/or restriction by the authorized administrators:
 - a. Comments not related to the original topic, including random or unintelligible comments;
 - b. Profane, obscene, violent or pornographic content and/or language;
 - c. Content that promotes, fosters or perpetuates discrimination on the basis of race, ethnicity, ancestry, sexual orientation, pregnancy, disability, color, age, religion, sex or national origin;
 - d. Defamatory or personal attacks;
 - e. Threats to any person or organization;
 - f. Comments in support of, or in opposition to, any political campaigns or ballot measures;
 - g. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
 - h. Conduct in violation of any federal, state or local law;
 - i. Encouragement of illegal activity;
 - j. Information that may tend to compromise the safety or security of the public or public systems; or
 - k. Content that violates a legal ownership interest, such as a copyright of any party.
4. A comment posted by a member of the public on any City Social Media site is the opinion of the commentator or poster only. Publication of a comment does not imply endorsement of, or agreement by, the City or that such comments reflect the opinions or policies of the City.
5. The City reserves the right to deny access to City Social Media sites for any individual who violates the City's Social Media Policy, at any time without prior notice.
6. City employees are not permitted to respond to any public comment on behalf of the City without prior approval of the Chief Administrative Officer.

ARTICLE XXXII - FRAUD AND WHISTLE-BLOWER POLICY

Scope of Policy

All employees of the City must observe high standards of business and personal ethics performing their duties and responsibilities and fraud in any form will not be tolerated. This Policy is designed to enable all

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employees of the City to raise any complaint of unethical, fraudulent or unlawful conduct in an appropriate manner and to protect any employee of the City raising such a good faith complaint from any retaliatory action.

By way of example, conduct which is prohibited by this Policy and complaints which should be reported pursuant to this Policy include without limitation:

- Embezzlement, misappropriation or use of City funds or property for any illegal, improper or unethical purpose;
- Forging, altering, tampering with or destroying any City accounting, payroll or audit-related records or documents, such as checks, timesheets, contractor agreements, purchase orders or any other financial documents of the City, whether in hard copy or electronically stored, except as otherwise permitted or required in accordance with record retention policies, as applicable;
- Any violation of the City's Conflict of Interest restrictions in the City Charter and Code of Ordinances;
- Fraud or deliberate error in the preparation, evaluation, review or audit of any of the City's budget, accounting or financial statements or any other purposeful conduct resulting in inaccurate financial reporting of any sort;
- Obtaining any benefit through deception or fraudulent activity, such as receiving compensation for hours not worked or services not performed;
- Unauthorized use of City logos or trademarks; and
- Deficiency and/or non-compliance with the City's internal accounting controls.

This Policy is not designed to address financial or business decisions taken by the City or to provide a complaint procedure for matters covered by other specific policies in these Personnel Rules and Regulations, such as under the City's Equal Employment Opportunity, Anti-Harassment and Non-Discrimination Policy, Workplace Violence Policy or Policy Regarding Reasonable Accommodations for Qualified Individuals with a Disability.

Employee Protection

This Policy is designed to offer protection to any employee who discloses a complaint, provided the disclosure is made in good faith. It is a violation of this Policy for any supervisor, manager, department head or other employee of the City to retaliate against any City employee who makes a complaint pursuant to this Policy. Prohibited retaliation against any employee "whistle-blower" under this Policy includes disciplining, demoting or suspending the employee or threatening to do so, terminating or threatening to terminate the employee or in any other manner intimidating the employee as a form of retaliation for any complaint made pursuant to this Policy. Any City employee engaging in retaliatory conduct will be subject to disciplinary action by the City, which may include termination of employment.

Confidentiality

The City will treat all good faith complaints under this Policy in a confidential and sensitive manner to the extent feasible consistent with the City's obligation to fully investigate any complaint filed or made under

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this Policy. A report of a complaint will only be disclosed to those persons who have a need to know and in order to properly conduct an investigation of the complaint. Any report or complaint shall be kept in a file that is separate from the personnel file of the employee making the complaint and the person or persons to whom it relates, although any disciplinary action that may be issued due to a complaint under this Policy shall be part of the personnel file of the disciplined employee.

Procedure for Making a Complaint and Investigation

Any complaint by a City employee pursuant to this Policy must be made in writing to the Assistant Chief Administrative Officer, the Chief Administrative Officer or the Audit Committee of the City, with all factual details supporting any such complaint. The complaint should be made immediately upon discovery of any facts showing unethical, fraudulent or unlawful conduct as described in this Policy. Any employee may also submit a complaint anonymously under this Policy. The City's Chief Administrative Officer, Assistant Chief Administrative Officer and/or the City's Audit Committee shall be responsible for investigating any such complaint. The City's Chief Administrative Officer shall determine who shall investigate any such complaint depending upon the nature of the complaint, unless the complaint is against the City's Chief Administrative Officer, in which event the City's Audit Committee shall investigate any such complaint. Any such complaint shall be investigated in consultation with legal counsel or other expert resources deemed necessary to conduct a full and complete investigation of the allegations of such complaint, and making decisions for appropriate corrective action, as applicable, to be implemented. The investigative action by the Chief Administrative Officer, Assistant Chief Administrative Officer or Audit Committee may include referral fully or in part to a law enforcement agency or City law enforcement personnel for appropriate investigation of any suspected criminal activity. Unless the employee has submitted or made a complaint anonymously under this Policy, the complainant will be informed of the final outcome of the City's investigation as deemed appropriate under the circumstances.

Effect of Unsubstantiated Allegations

If an employee makes an allegation in good faith under this Policy, which is not substantiated or confirmed by a subsequent investigation, no action will be taken against the individual making the complaint. However, if an employee makes a complaint maliciously without any reasonable factual foundation against another employee of the City, the employee making such complaint may be subject to discipline by the City as deemed appropriate.

ARTICLE XXXIII - EMPLOYEE OBLIGATION TO ABIDE BY CITY PERSONNEL RULES AND REGULATIONS

All employees of the City are required to read and abide by these Personnel Rules and Regulations of the City, which must be read and reviewed by all employees by accessing these Personnel Rules and Regulations on the City's website at www.kirkwoodmo.org. The City's Personnel Rules and Regulations do not constitute a contract, provide for any private cause of action or guarantee employment for any definite duration. The specific benefit plan documents govern the terms of any employee benefit policy or program. The City reserves the right to change or eliminate any provision of the City's Personnel Rules and Regulations at any time, with or without prior notice.

BILL 10976

ORDINANCE

AN ORDINANCE VACATING AN 10' WIDE EASEMENT THAT EXISTS ON LOT 1 OF WOODLAWN COUNTY CLUB GROUNDS, AS RECORDED IN PLAT BOOK 37, PAGE 3 OF THE ST. LOUIS COUNTY RECORDER OF DEEDS, LOCATED IN THE CITY OF KIRKWOOD, ST. LOUIS COUNTY, MISSOURI, AND MORE PARTICULARLY DESCRIBED ON EXHIBITS A AND B (ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN).

WHEREAS, the property owners at 449 Par Lane wish to vacate the existing 10' wide easement, and

WHEREAS, the property owners have obtained a letters of approval to vacate the easement from Spire, AT&T, Charter Communications, Metropolitan St. Louis Sewer District, Kirkwood Water Department, and Kirkwood Electric Department, and

WHEREAS, the Engineering Department recommends approval of the vacation of the 10' wide easement that exists on Lot 1 of Woodlawn County Club Grounds, as recorded in Plat Book 37, Page 3 of the St. Louis County Recorder of Deeds, located in the City of Kirkwood, St. Louis County, Missouri, and more particularly described on exhibits A and B (attached hereto and incorporated by reference herein).

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

SECTION 1. There is hereby vacated a 10' wide easement that exists on Lot 1 of Woodlawn County Club Grounds, as recorded in Plat Book 37, Page 3 of the St. Louis County Recorder of Deeds, located in the City of Kirkwood, St. Louis County, Missouri, and more particularly described on exhibits A and B (attached hereto and incorporated by reference herein):

A tract of land located in Lot 1 of Woodlawn County Club Grounds, a subdivision in St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 37 Page 3 of the St. Louis County records, and being more particularly described as follows: Beginning at the Northwest corner of said Lot 1; thence South 88 degrees 28 minutes 30 seconds East, along the North line of said Lot 1; a distance of 50.14 feet; thence 25.23 feet along a curve to the right having a radius of 30.00 feet and a chord bearing South 64 degrees 22 minutes 49 seconds East, a chord length of 24.49 feet; thence North 88 degrees 28 minutes 30 seconds West, a distance of 72.46 feet to a point on the West line of said Lot 1; thence North 01 degree 15 minutes 02 seconds East, a distance of 10.00 feet to the point of beginning.

SECTION 2. A certified copy of this ordinance shall be recorded with the Recorder of Deeds, St. Louis County.

SECTION 3. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS DAY OF.

Mayor, City of Kirkwood

ATTEST:

City Clerk
1st Reading:
2nd Reading:

Legislation Request

Ordinance

Place On The Agenda Of: 4/20/2023

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:

A 10' wide easement exists as a general utility easement to all utilities along the south right of way of Seekamp Avenue as shown on the exhibit and legal descriptions of Exhibits "A" and "B" at 449 Par Lane. A petition has been received to vacate the existing easement on 449 Par Lane in order to construct a detached garage. The petitioner has obtained no objection letters from Kirkwood Water, Kirkwood Electric, Spire, MSD, Charter, and AT&T.

Recommendations and Action Requested:

It is recommended the City Council approve the vacation of the easement as depicted in Exhibit "A" and as defined in legal description in Exhibit "B".

Alternatives Available:

Does this project have a public information component? Yes No

Cost: \$0.00 Account #: 0 Project #: Budgeted: YES

If YES, Budgeted Amount: If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

BY: Christopher Krueger

Date: 4/5/2023

Authenticated: Ckrueger

You can attach up to 3 files along with this request.



Application.pdf
Adobe Acrobat Document
1.14 MB



Exhibit and Legal
Description.pdf
Adobe Acrobat Document
1.36 MB



Water, Electric, Spire, MSD,
Charter, and AT&T
Releases.pdf
Adobe Acrobat Document
12.6 MB

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Select...

Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

Authenticated:

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY:



Date:

4-14-23

CITY OF KIRKWOOD
APPLICATION FOR CITY COUNCIL ACTION

DATE: 3/1/23

PROJECT ADDRESS: 449 Par Lane

ACTION REQUESTED

Right-of-Way Encroachment

Right-of-Way Vacation

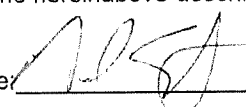
Other _____

Easement Vacation

Comments: _____

PETITIONER INFORMATION

I (We) hereby certify that I (we) have legal interest in the hereinabove described property and that all information given herein is true and a statement of fact

Name (Print): Daniel Stauder Signature:  Phone No.: 314-737-8808

Mailing Address: 334 George Ave City: Kirkwood State: MO Zip: 63122

E-mail Address: dan@stauderarchitecture.com

Petitioner's Status: Corporation Partnership Individual

Relationship of Petitioner to Property: Owner Option Holder (Attach Copy of Contract)

AGENT INFORMATION

Agent's Name: _____ Signature: _____ Phone No.: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

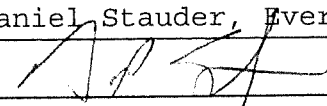
E-mail Address: _____

(NOTE: The petitioner's agent, if listed, shall receive the official notice of public hearing)

PROPERTY OWNERS

Signature **required** or submit proof petitioner has legal interest in property.

Name: Daniel Stauder, Evergreen Homes Name: _____

Signature:  Signature: _____

Address: 334 George Ave Address: _____

City/State/Zip: Kirkwood, MO 63122 City/State/Zip: _____

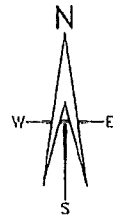
Phone: 314-737-8808 Phone: _____

FOR CITY USE ONLY

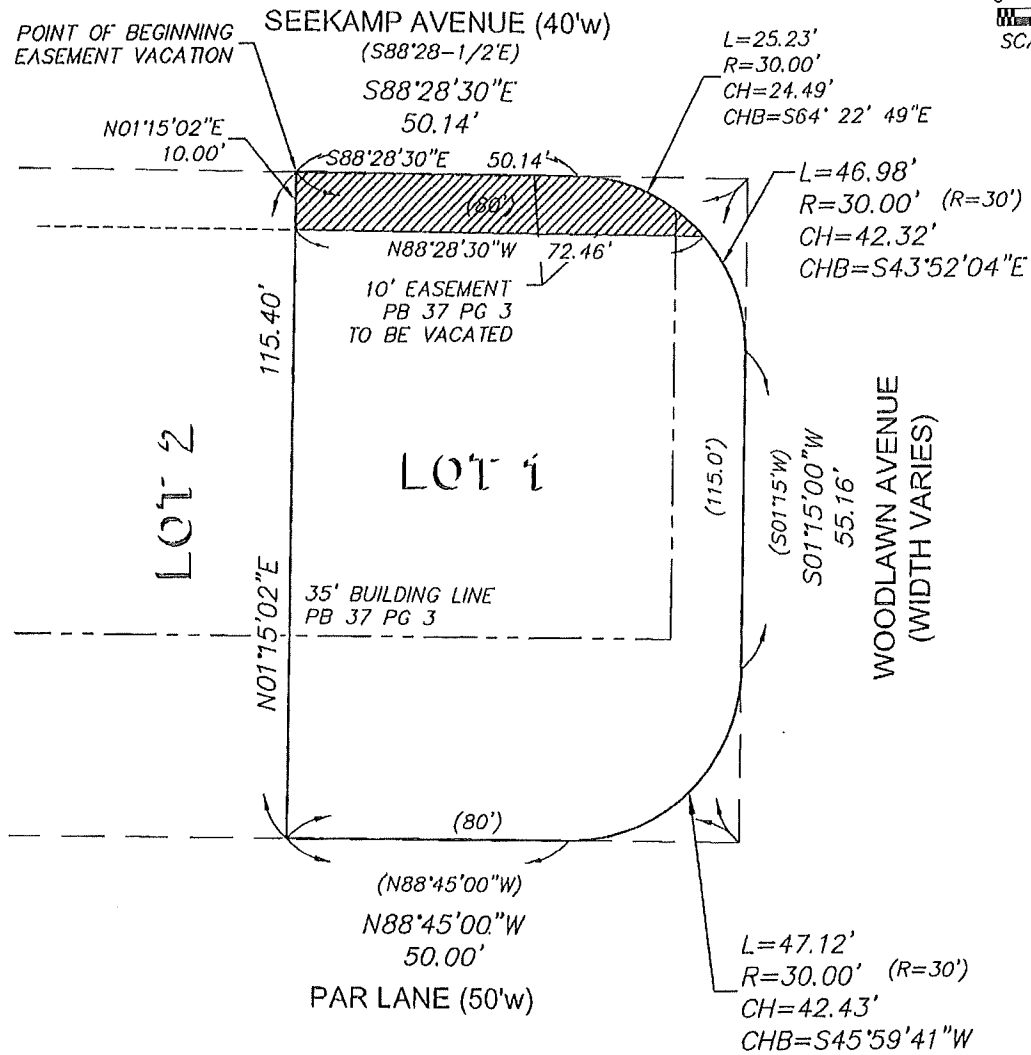
Date Received: 3/3/23 Total Received: \$ 100 Agenda Date: 4-20-23

Easement Vacation: \$100

Right-of-Way Vacation: \$200



0' 15' 30'
SCALE : 1"=30'



EASEMENT VACATION PLAT

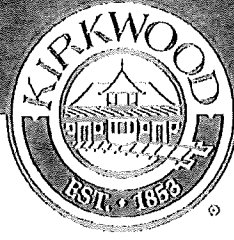
LOT 1 OF WOODLAWN COUNTRY CLUB GROUNDS, A SUBDIVISION IN ST. LOUIS COUNTY, MISSOURI, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 37 PAGE 3 OF THE ST. LOUIS COUNTY RECORDS.

EXHIBIT "A"

EASEMENT VACATION LEGAL DESCRIPTION

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EXHIBIT "B"



March 9, 2023

WHERE COMMUNITY AND SPIRIT MEET

Dan Stauder, Stauder Architecture/ Evergreen Homes
334 George Ave.
Kirkwood, MO 63122
Phone: (314)966-4774

RE: 449 Par Lane, Vacation Easement Request

Dear Mr. Stauder,

The City of Kirkwood Water Department has examined the request for vacation of easement located at 449 Par Lane and has determined there to be no water utility conflicts present in Exhibits A and B. This vacation would only apply to the easement as depicted in Exhibit A's Easement Vacation Plat, and as defined in Exhibit B's Easement Vacation Legal Description in Plat Book 37, Page 3 of the St. Louis County records.

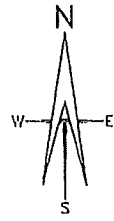
If you have any questions and/or comments regarding this letter, please contact me at 314-822-5810.

Sincerely,

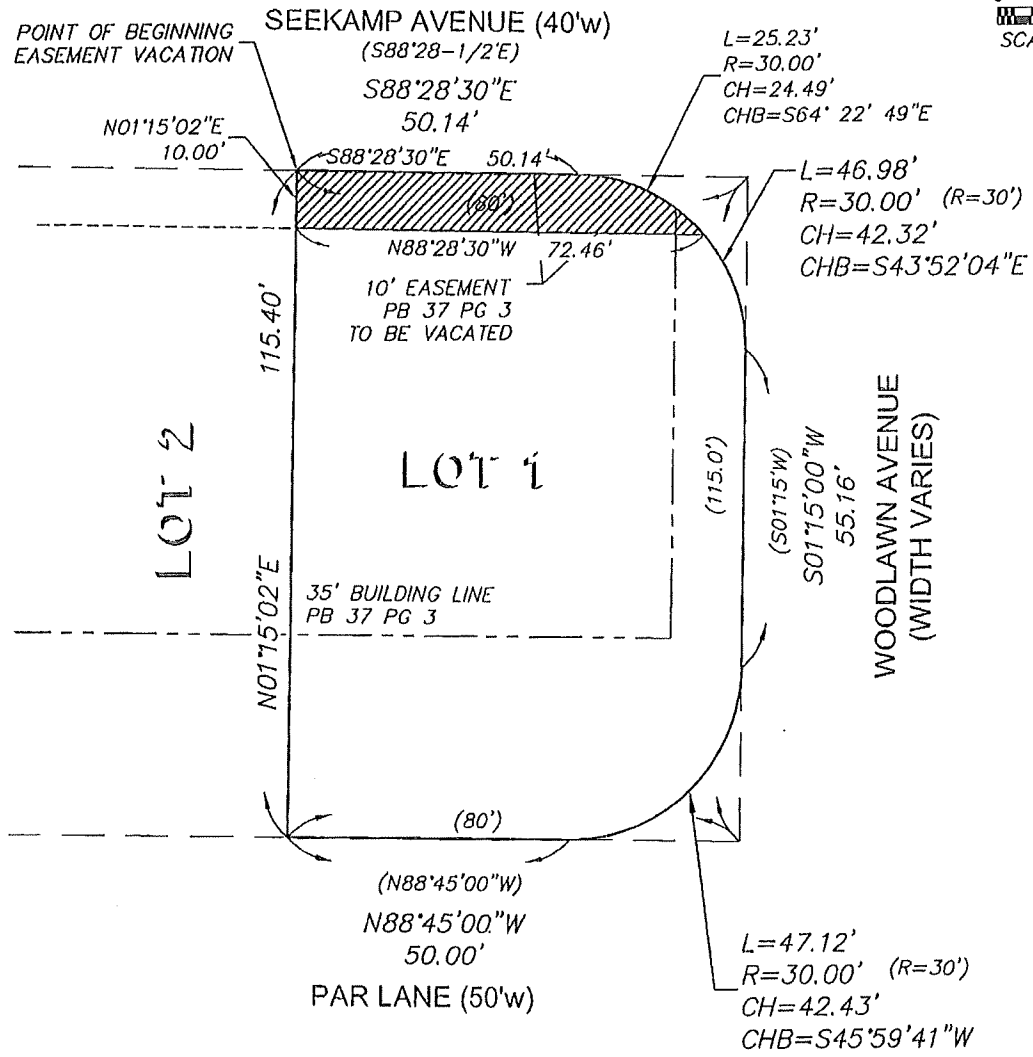
Clarence A. Patterson

Superintendent, Kirkwood Water Department

Cc: Chris Krueger, City Engineer



0' 15' 30'
SCALE : 1"=30'



EASEMENT VACATION PLAT

LOT 1 OF WOODLAWN COUNTRY CLUB GROUNDS, A SUBDIVISION IN ST. LOUIS COUNTY, MISSOURI, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 37 PAGE 3 OF THE ST. LOUIS COUNTY RECORDS.

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EXHIBIT "B"

2023031400050

CERTIFIED-FILED FOR RECORD
3/14/2023 7:05:05AM

GERALD E. SMITH
RECORDER OF DEEDS
COUNTY OF ST. LOUIS, MISSOURI

PAGES: 5
RECORDING FEE: \$33.00

THIS DOCUMENT WAS ERECORDED

GERALD E. SMITH, RECORDER OF DEEDS
ST. LOUIS COUNTY MISSOURI
41 S. CENTRAL AVE., CLAYTON, MO 63105-1799

Type of Instrument: RELEASE
Grantor: SPIRE MISSOURI
Grantee: EVERGREEN HOMES LLC

NOTE: I, the undersigned Recorder of Deeds, do hereby certify that the information shown on this Certification Sheet as to the **TYPE OF INSTRUMENT**, the **NAMES of the GRANTOR and GRANTEE** as well as the **DESCRIPTION of the REAL PROPERTY** affected is furnished merely as a convenience only, and in the case of any discrepancy of such information between this Certification Sheet and the attached Document, **the ATTACHED DOCUMENT governs**. Only the **DOCUMENT NUMBER**, the **DATE** and **TIME** of filing for record of the recorded Document is taken from this **CERTIFICATION SHEET**.

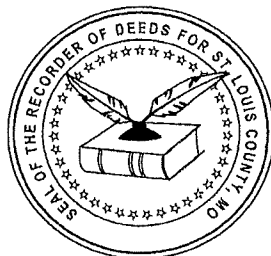
RECORDER OF DEEDS DOCUMENT CERTIFICATION

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

I, the undersigned Recorder of Deeds for said County and State, do hereby certify that the following and annexed instrument of writing, which consists of 5 pages, (this page inclusive), was filed for record in my office on the 14 day of March 2023 at 7:05 am and is truly recorded as the document number printed above.

In witness whereof I have hereunto set my hand and official seal the day, month and year aforesaid.

JDK
Deputy Recorder



Gerald E. Smith
Recorder of Deeds
St. Louis County, Missouri

RELEASE OF PLATTED EASEMENT

THIS INSTRUMENT, made this 13TH day of March, 2023,

WITNESSETH THAT:

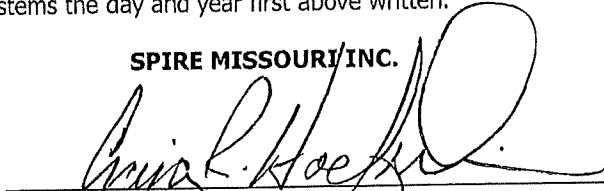
WHEREAS, there has heretofore been granted to SPIRE MISSOURI INC., a Missouri corporation, ("**GRANTOR**"), a platted easement ("Easement") in certain land located upon Lot 1 of Woodlawn Country Club Grounds, a subdivision filed for record in Plat Book 37 at Page 3 of the St. Louis County, Missouri Records wherein the nature and extent of the Easement and the lands affected are described; and

WHEREAS the present owner, EVERGREEN HOMES LLC. ("**GRANTEE**") of the lands so affected, has requested that **GRANTOR** release the Easement and **GRANTOR** is willing to do so to the extent hereinafter described.


NOW THEREFORE, in consideration of One Dollar (\$1.00) in hand paid to **GRANTOR** by said **GRANTEE**, the receipt of which is hereby acknowledged, **GRANTOR** hereby RELEASES AND QUITCLAIMS to said GRANTEE all of **GRANTOR'S** right, title and interest in and to that Easement as depicted and shown hachured on the attached exhibit designated as "Exhibit A" and titled 'Easement Vacation Plat' and further described on "Exhibit B" titled 'Easement Vacation Legal Description'.


IN WITNESS WHEREOF, **GRANTOR** has caused this instrument to be signed by its Vice President, Operations Services and Safety Management Systems the day and year first above written.

SPIRE MISSOURI INC.




Craig R. Hoefler
Vice President, Operations Services and
Safety Management Systems

Legal Dept. Approval to Form: 

Engineering Dept. Approval: 

System Planning Approval: 

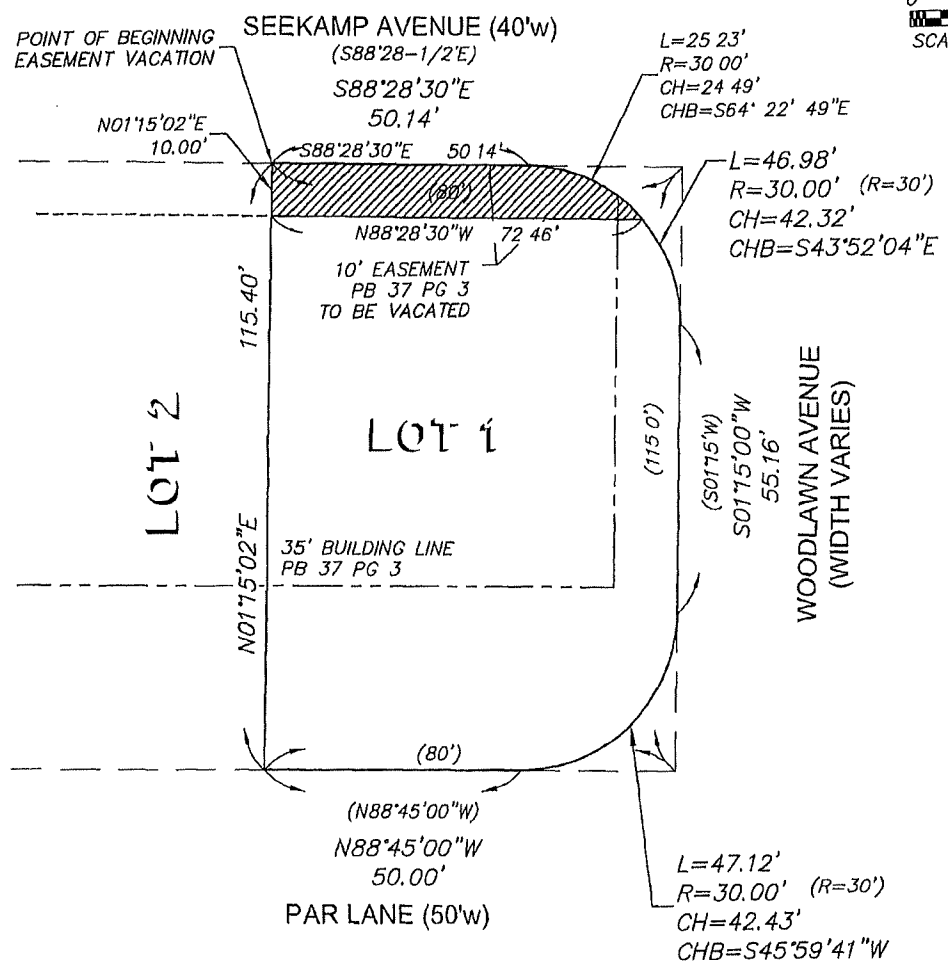
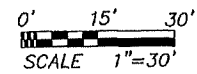
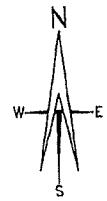
Right of Way Dept. Approval: 

STATE OF MISSOURI)
) ss.
CITY OF ST. LOUIS)

On the 13 day of March, 2023,
before me, (insert Notary's name) John Lair, a notary
public in and for said state, appeared Craig R. Hoferlin, to me personally known, who being by me duly
sworn, did say that he is the Vice President, Operations Services and Safety Management Systems of
SPIRE MISSOURI INC., and that said instrument was signed and sealed on behalf of said corporation by
authority of its Board of Directors and said Craig R. Hoferlin acknowledged said instrument to be the
free act and deed of said corporation.

My Commission expires: March 2026
[Signature]
Notary Public
John Lair
Printed Name

JOHN LAIR
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: Jan. 29, 2026
Commission #18103602



EASEMENT VACATION PLAT

LOT 1 OF WOODLAWN COUNTRY CLUB GROUNDS, A SUBDIVISION IN ST LOUIS COUNTY, MISSOURI, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 37 PAGE 3 OF THE ST LOUIS COUNTY RECORDS

EXHIBIT "A"

EASEMENT VACATION LEGAL DESCRIPTION

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EXHIBIT "B"

Dan Stauder

From: Nick Safdari <NHSAFD@stlmsd.com>
Sent: Thursday, March 2, 2023 9:57 AM
To: 'Dan Stauder'
Subject: RE: easement vacation 449 par lane
Attachments: 449 Par Road.pdf

Dan-

Per our phone conversation & my research on MSD base map (see attachment), MSD has no storm/sanitary within the property of 449 Par Lane, Kirkwood. If in the future a new main line (Public- sanitary/storm) is placed within the subject area, MSD will require easements to be recorded.

Currently MSD has no objection for redevelopment on this property.

Thanks,

Nick Safdari, P.E.
Civil Engineer, Engineering / Planning Dept.

Metropolitan St. Louis Sewer District
2350 Market Street | St. Louis, MO. 63103 | T(314) 768-2714 | nhsafd@stlmsd.com | www.stlmsd.com

Information about the new MSD project tracking system.

The MSD Development Review, Permitting, and Construction Inspection customer website is now live. Please click on the link below and Register for an Account. Please be sure to enter your email address. With this website, you will be able to submit and view development plans and obtain permits online.

<https://aca3.accela.com/STLMUSD>

If you have any questions please contact MSD Development Review at 314-768-6272.

Thank you

From: Dan Stauder <dan@stauderarchitecture.com>
Sent: Thursday, March 2, 2023 9:47 AM
To: Nick Safdari <NHSAFD@stlmsd.com>
Subject: easement vacation 449 par lane

Nick,

Here is easement vacation we spoke about.
Let me know if you have any questions.

Thank you,

Daniel Stauder



WHERE COMMUNITY AND SPIRIT MEET™

March 1, 2023

Daniel Stauder
Stauder Architecture/Evergreen Homes
334 George Ave.
Kirkwood, MO 63122
314-737-8808
Dan Stauder <dan@stauderarchitecture.com>

RE: Vacation of a utility easement at 449 Par Lane

Daniel,

We have investigated the request for the vacation and have no objection to the vacation as proposed in the attached drawing entitled "Exhibit A". Please feel free to contact me via phone at 314-822-5847 or by email @Pettyma@Kirkwoodmo.org if you have any further questions regarding this matter.

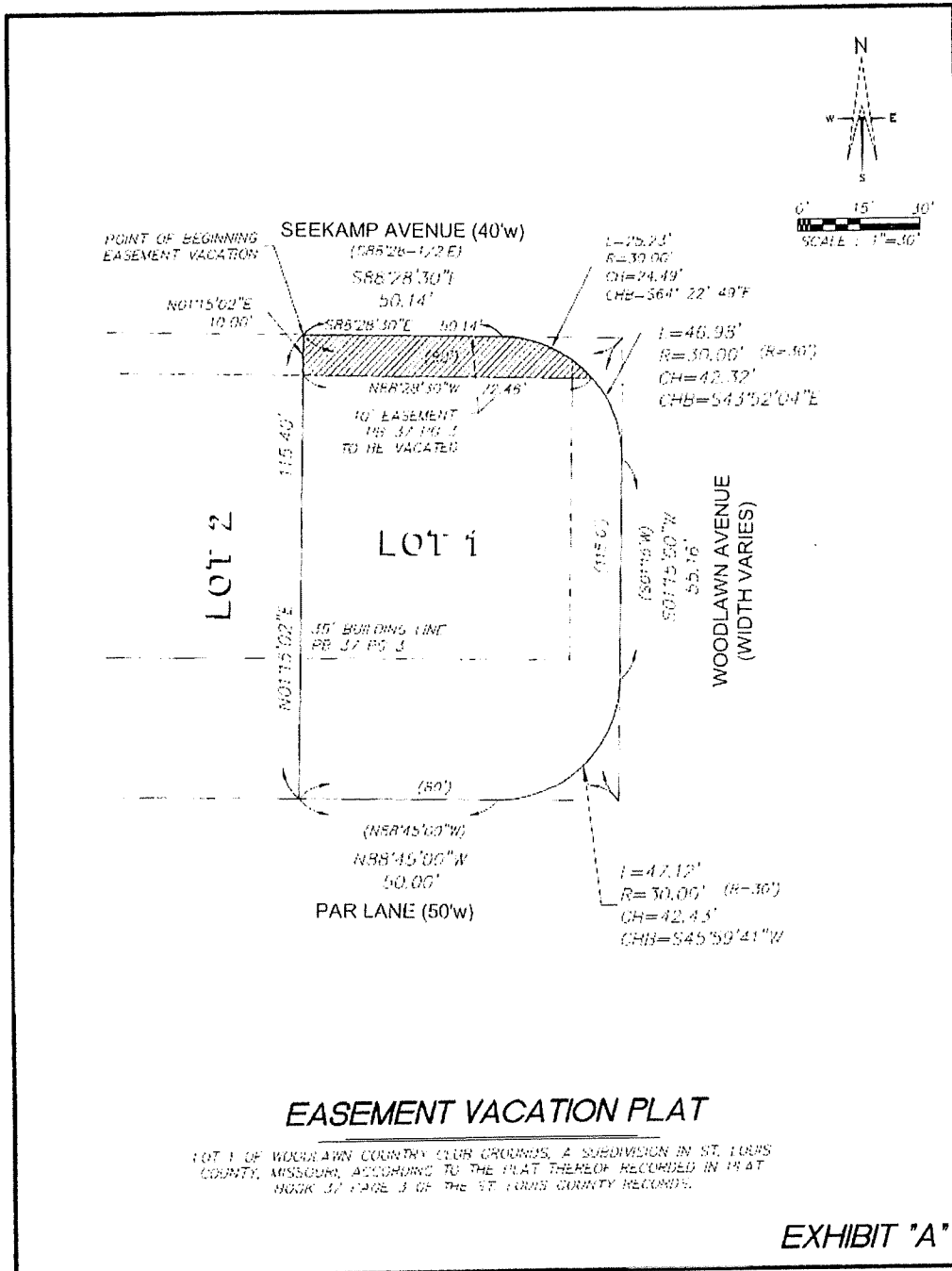
Regards,

Mark Petty, Electric Director
Kirkwood Electric



WHERE COMMUNITY AND SPIRIT MEET

Exhibit A





Robert Burton
Field Operations AVP
Charter Communications

VACATION OF EASEMENT

WHEREAS, an easement for broadband cable communications placement within the dedicated utility easement has been granted to Charter Communications Entertainment I, LLC ("Charter"), **The Grantor** located at 941 Charter Commons Town & Country, MO 63017 by St. Louis County, Missouri for a Tract of land Located in Lot 1 of Woodlawn Country Club Grounds, a subdivision in St Louis County Missouri as shown in Plat book 37 page 3 of the St Louis County Recorder of Deeds Office; and it is the purpose and intent of Charter to release a portion of such easement rights.

NOW THEREFORE, Charter does hereby relinquish and release that portion of its easement rights to **Grantee**, Evergreen Homes, to place or maintain permanent facilities within the noted area of the easement shown on **Exhibit A**. Except for the release of the hatched area described herein, the remaining easement rights and interests granted to Charter pursuant to the aforementioned plat shall remain in full force and effect.

IN WITNESS THEREOF, Charter has caused this document to be executed as of the 21st day of March 2023.

Charter Communications Entertainment I, LLC, a Delaware limited liability company
By its manager: Charter Communications, Inc., a Delaware corporation

By: _____

Robert Burton

Title: Field Operations AVP, Charter Communications Entertainment I, LLC

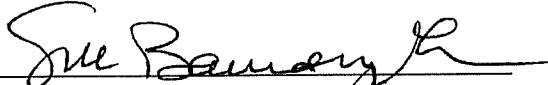


STATE OF MISSOURI)

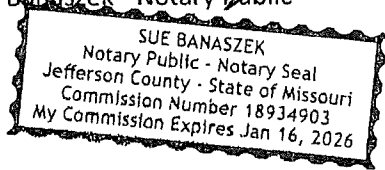
COUNTY OF ST. LOUIS)

On this 21st day of January 2023, before me appeared Robert Burton, who being by me duly sworn, did say that he is an Area Vice President of Charter Communications Inc., a Delaware corporation, that this instrument was signed on behalf of said company by authority of its board of directors, and that Robert Burton declared that his signature placed hereon was the free act and deed of said company.

IN TESTIMONY WHEREOF, I have here unto set my hand on the day and year and in the County and State last written above.


Sue Banaszek - Notary Public

My Commission Expires:





**SOUTHWESTERN BELL TELEPHONE COMPANY
RELEASE OF EASEMENT**

Executed: 3/28/2023

THIS RELEASE OF EASEMENT, entered into by **SOUTHWESTERN BELL TELEPHONE COMPANY, d/b/a AT&T MISSOURI**, (12930 OLIVE BLVD, CREVE COEUR, MO 63141), **GRANTOR**, City Of Kirkwood, **GRANTEE**, wherein **GRANTOR** in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does by these presents **ABANDON, RELEASE, RELINQUISH AND DISCLAIM** to **GRANTEE**, as is, all or a specific portion of a certain easement for telecommunication purposes hereinafter described that affects land owned by **GRANTEE** situated in The City of St. Louis, **ST. LOUIS COUNTY, MISSOURI**, and described as follows:

449 PAR LANE, ST. LOUIS, MO 63122

Said land of GRANTEE being subject to: A TRACT OF LAND LOCATED IN LOT 1 OF WOODLAWN COUNTY CLUB GROUNDS, A SUBDIVISION IN ST. LOUIS COUNTY, MISSOURI, ACCORDING TO THE PLAT THEROF RECORDED IN PLAT BOOK 37 PAGE 3 OF THE ST. LOUIS COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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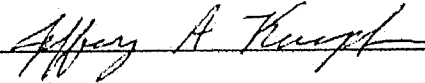
THENCE NORTH 01 DEGREE 15 MINUTES 02 SECONDS EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

The area of said easements to be hereby released is described as follows: The area depicted as hachured (//////////) on the Easement Release Plat, marked Exhibit "A" and Exhibit "B", attached hereto and made a part thereof.

TO HAVE AND TO HOLD same, together with all rights and appurtenances to the same belonging, unto GRANTEE(S), their heirs, successors and assigns forever.

IN WITNESS WHEREOF, GRANTOR has caused this Release of Easement to be executed by its duly authorized officers this 28th day of March, 2023.

SOUTHWESTERN BELL TELEPHONE COMPANY (d/b/a AT&T MISSOURI)




Name: JEFFREY A. KEMPFER

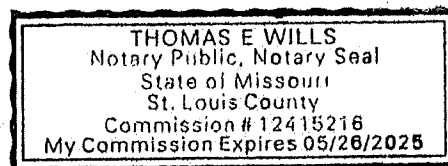
Title: MGR., OSP PLNG & ENGRG DESIGN

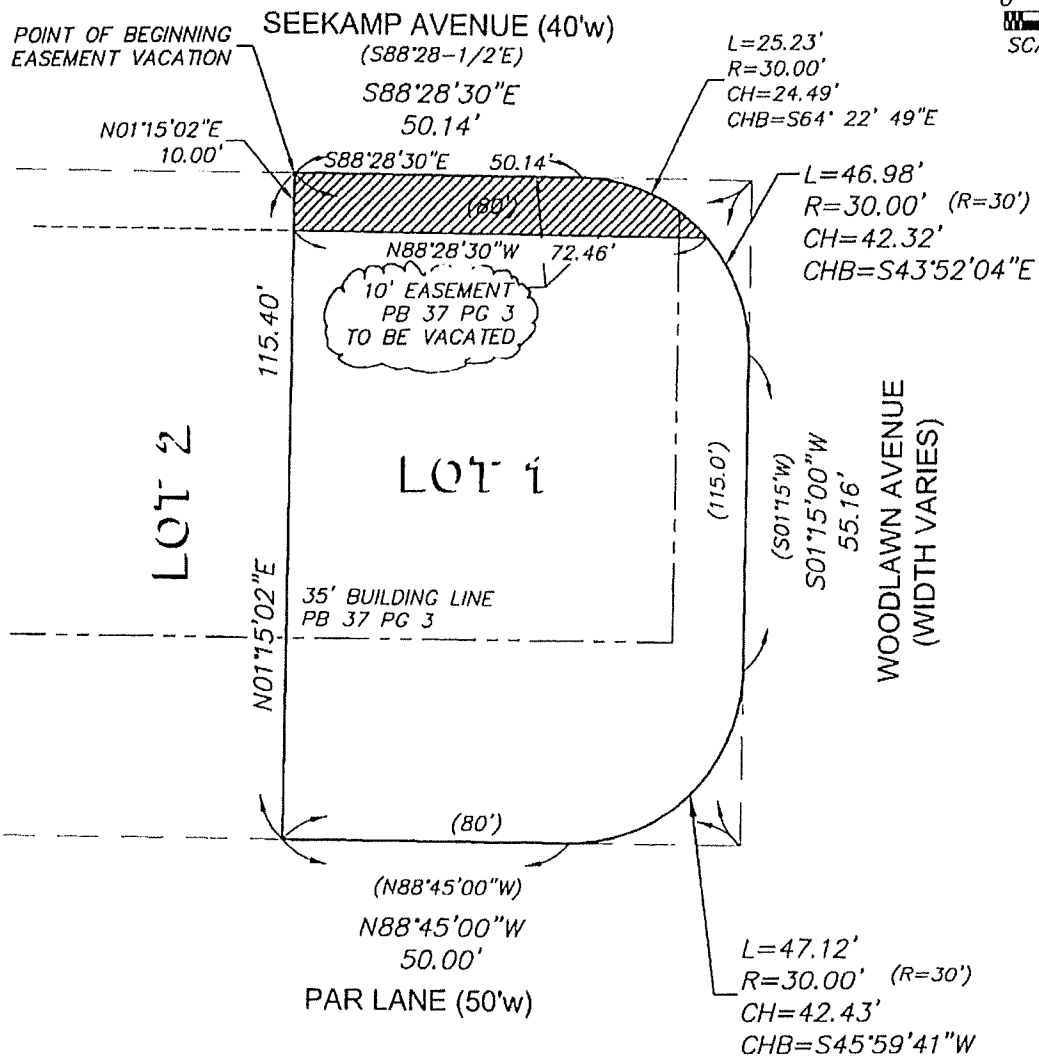
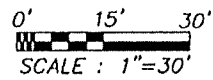
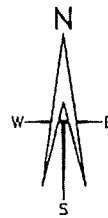
THE STATE OF MISSOURI
CITY OF ST. LOUIS *County of Jefferson*

BEFORE ME, the undersigned authority, on this day personally appeared JEFFREY A. KEMPFER, known to me to be the person whose name is subscribed to the foregoing instrument as the MGR., OSP PLANNING AND ENGINEERING DESIGN of SOUTHWESTERN BELL TELEPHONE COMPANY (d/b/a AT&T Missouri), a corporation, and acknowledged to me that he executed the same for purposes and considerations therein expressed in the capacity stated, and as the act and deed of said corporation.

Given under my hand and seal of office this the 28th day of March, 2023.


Notary Public





EASEMENT VACATION PLAT

LOT 1 OF WOODLAWN COUNTRY CLUB GROUNDS, A SUBDIVISION IN ST. LOUIS COUNTY, MISSOURI, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 37 PAGE 3 OF THE ST. LOUIS COUNTY RECORDS.

EXHIBIT "A"

EASEMENT VACATION LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN LOT 1 OF WOODLAWN COUNTY CLUB GROUNDS, A SUBDIVISION IN ST. LOUIS COUNTY, MISSOURI, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 37 PAGE 3 OF THE ST. LOUIS COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 88 DEGREES 28 MINUTES 30 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 50.14 FEET; THENCE 25.23 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET AND A CHORD BEARING SOUTH 64 DEGREES 22 MINUTES 49 SECONDS EAST, A CHORD LENGTH OF 24.49 FEET; THENCE NORTH 88 DEGREES 28 MINUTES 30 SECONDS WEST, A DISTANCE OF 72.46 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1; THENCE NORTH 01 DEGREE 15 MINUTES 02 SECONDS EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

BILL 10977

ORDINANCE

AN ORDINANCE VACATING A VARIABLE WIDTH EASEMENT THAT EXISTS ON THE TRACT OF LAND ON THE 10230 AND 10240 MANCHESTER ROAD CONSOLIDATION PLAT IN THE CITY OF KIRKWOOD, AS RECORDED IN PLAT BOOK 370, PAGE 409 OF THE ST. LOUIS COUNTY RECORDER OF DEEDS, LOCATED IN THE CITY OF KIRKWOOD, ST. LOUIS COUNTY, MISSOURI, AND MORE PARTICULARLY DESCRIBED ON EXHIBIT A (ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN).

WHEREAS, the property owners at 10230 Manchester Road wish to vacate the existing variable width easement, and

WHEREAS, the property owners have obtained a letters of approval to vacate the easement from Spire, AT&T, Charter Communications, Metropolitan St. Louis Sewer District, Kirkwood Water Department, and Kirkwood Electric Department, and

WHEREAS, the Engineering Department recommends approval of the vacation of a variable width easement that exists on the tract of land on the 10230 and 10240 Manchester Road Consolidation Plat in the City of Kirkwood, as recorded in Plat Book 370, Page 409 of the St. Louis County Recorder of Deeds, located in the City of Kirkwood, St. Louis County, Missouri, and more particularly described on exhibit A (attached hereto and incorporated by reference herein).

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

SECTION 1. There is hereby vacated a variable width easement that exists on the tract of land on the 10230 and 10240 Manchester Road Consolidation Plat in the City of Kirkwood, as recorded in Plat Book 370, Page 409 of the St. Louis County Recorder of Deeds, located in the City of Kirkwood, St. Louis County, Missouri, and more particularly described on exhibit A (attached hereto and incorporated by reference herein):

A utility easement as recorded in Deed Book 4360 Page 410 of the St. Louis County records being part of a Consolidation Plat of 10230 and 10240 Manchester Consolidation Plat as recorded in Plat Book 370 Page 409 of said records, located in Part of Section 31, Township 45 North, Range 6 East, of the Fifth Principal Meridian, City of Kirkwood, St. Louis County, Missouri, and being more particularly described as follows:

Commencing at the northwest corner of above said Consolidation Plat, being on the south right of way line of Manchester Road, variable width, thence North 88 degrees 03 minutes 00 seconds East, along said right of way line, 120.00 feet to the POINT OF BEGINNING of herein described tract: thence continuing along said right of way line North 88 degrees 03 minutes 00 seconds East, 5.00 feet, to the east line of said easement: thence the following courses and distances along said east line: South 01 degrees 57 minutes 00 seconds East, 69.87 feet; South 88 degrees 03 minutes 00 seconds West, 5.68 feet; and South 00 degrees 49 minutes 07 seconds East, 107.41 feet to the south line of above Consolidation Plat; thence along the south line of said Consolidation Plat, South 87 degrees 55 minutes 59 seconds West, 8.00 feet; thence leaving said line, North 01 degrees 32 minutes 07 seconds East, 177.60 feet to the POINT OF BEGINNING.

Containing 1,120 square feet, more or less. According to the calculations performed by Stock and Associates in December 2022.

SECTION 2. A certified copy of this ordinance shall be recorded with the Recorder of Deeds, St. Louis County.

SECTION 3. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS DAY OF.

Mayor, City of Kirkwood

ATTEST:

City Clerk
1st Reading:
2nd Reading:

Legislation Request

Ordinance

Place On The Agenda Of: 4/20/2023

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:

A easement exists as shown on the plat of Exhibit "A" on the tract of land on the 10230 and 10240 Manchester Road Consolidation Plat in the City of Kirkwood, St. Louis County, Missouri as recorded in plat book 370, page 409. The property owners wish to vacate the existing easement recorded in deed book 4360, page 410 for the new Audi Dealership. The petitioner have obtained letters of approval to vacate the easement from Kirkwood Water, Kirkwood Electric, AT&T, MSD, Charter, and Spire.

Recommendations and Action Requested:

It is recommended the council approve the vacation of the easement as depicted in Exhibit "A".

Alternatives Available:

Does this project have a public information component? Yes No

Cost: \$0.00 Account #: 0 Project #: Budgeted: YES

If YES, Budgeted Amount: If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

BY: Christopher Krueger

Date: 4/5/2023

Authenticated: Ckrueger

You can attach up to 3 files along with this request.



Application and Easement
Exhibit.pdf
Adobe Acrobat Document
4.12 MB



Utility Release Letters.pdf
Adobe Acrobat Document
1.77 MB

File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Select...

Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

Authenticated:

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 4-14-23

CITY OF KIRKWOOD
APPLICATION FOR CITY COUNCIL ACTION

DATE: 2/28/23

PROJECT ADDRESS: 10230 Manchester Rd.

ACTION REQUESTED

- | | |
|--|---|
| <input type="checkbox"/> Right-of-Way Encroachment | <input type="checkbox"/> Right-of-Way Vacation |
| <input type="checkbox"/> Other _____ | <input checked="" type="checkbox"/> Easement Vacation |
| Comments: _____ | |

PETITIONER INFORMATION

I (We) hereby certify that I (we) have legal interest in the hereinabove described property and that all information given herein is true and a statement of fact

10230-40 Manchester, LLC
by Ernie D. Semersky, as Trustee of the Ernie D. Semersky Declaration of Trust, its sole member

Name (Print): _____ Signature: [Signature] Phone No.: 847-432-5020
Mailing Address: 2490 Skokie Valley Rd City: Highland Park State: IL Zip: 60035
E-mail Address: chris@semerskyent.com

Petitioner's Status: Corporation Partnership Individual
Relationship of Petitioner to Property: Owner Option Holder (Attach Copy of Contract)

AGENT INFORMATION

Alison Gauch-
Agent's Name: Stock & Associates Signature: _____ Phone No.: 636-530-9100
Mailing Address: 257 Chesterfield Business Parkway City: Chesterfield State: MO Zip: 63005
E-mail Address: alison.gauch@stockassoc.com

(NOTE: The petitioner's agent, if listed, shall receive the official notice of public hearing)

PROPERTY OWNERS

Signature required or submit proof petitioner has legal interest in property.
10230-40 Manchester, LLC
Name: by Ernie D. Semersky, as Trustee of the Ernie D. Semersky Declaration of Trust, its sole member
Signature: _____ Signature: _____
Address: 2490 Skokie Valley Rd Address: _____
City/State/Zip: Highland Park, IL 60035 City/State/Zip: _____
Phone: 847-702-5020 Phone: _____

FOR CITY USE ONLY

Date Received: 2/27/2023 Total Received: \$ 75.00 Agenda Date: 4/20/2023

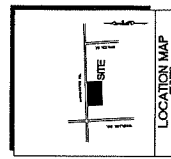
- Easement Vacation: \$75
 Right-of-Way Vacation: \$100

10230 & 10240 MANCHESTER CONSOLIDATION PLAT

A LOT CONSOLIDATION PLAT OF TRACTS OF LAND BEING LOCATED IN THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 48 NORTH, RANGE 8 EAST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF KIRKWOOD, ST. LOUIS COUNTY, MISSOURI

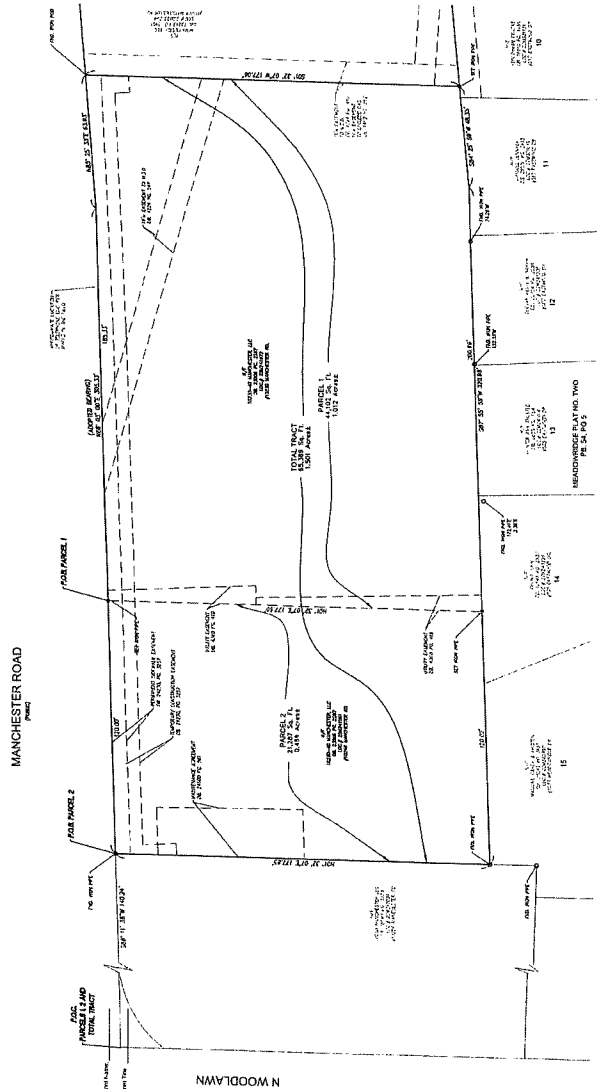
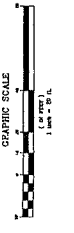
STOCK & ASSOCIATES
 CONSULTING ENGINEERS, INC.
 10000 DELAWARE DRIVE
 ST. LOUIS, MISSOURI 63132
 PREPARED BY:

LOT CONSOLIDATION PLAT
 PART OF SECTION 31
 10230 & 10240 MANCHESTER RD.
 1 OF 1



ST. LOUIS COUNTY BENCHMARKS
 BENCHMARK NO. 1
 BENCHMARK NO. 2
 BENCHMARK NO. 3

LEGEND
 1. 100' WIDE RIGHT OF WAY
 2. 50' WIDE RIGHT OF WAY
 3. 25' WIDE RIGHT OF WAY
 4. 12.5' WIDE RIGHT OF WAY
 5. 6.25' WIDE RIGHT OF WAY



477

GENERAL NOTES:
 1. The plat is based on the 1983 survey of the subject property.
 2. The plat is based on the 1983 survey of the subject property.
 3. The plat is based on the 1983 survey of the subject property.

CONVEYANCE:
 This plat is based on the 1983 survey of the subject property.
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GENERAL NOTES:
 1. The plat is based on the 1983 survey of the subject property.
 2. The plat is based on the 1983 survey of the subject property.
 3. The plat is based on the 1983 survey of the subject property.

PUBLIC NOTICE:
 The undersigned hereby certifies that the foregoing plat is a true and correct representation of the actual conditions of the land as shown on the ground and as shown on the plat.
 I, the undersigned, do hereby certify that the foregoing plat is a true and correct representation of the actual conditions of the land as shown on the ground and as shown on the plat.

PROFESSIONAL CERTIFICATION:
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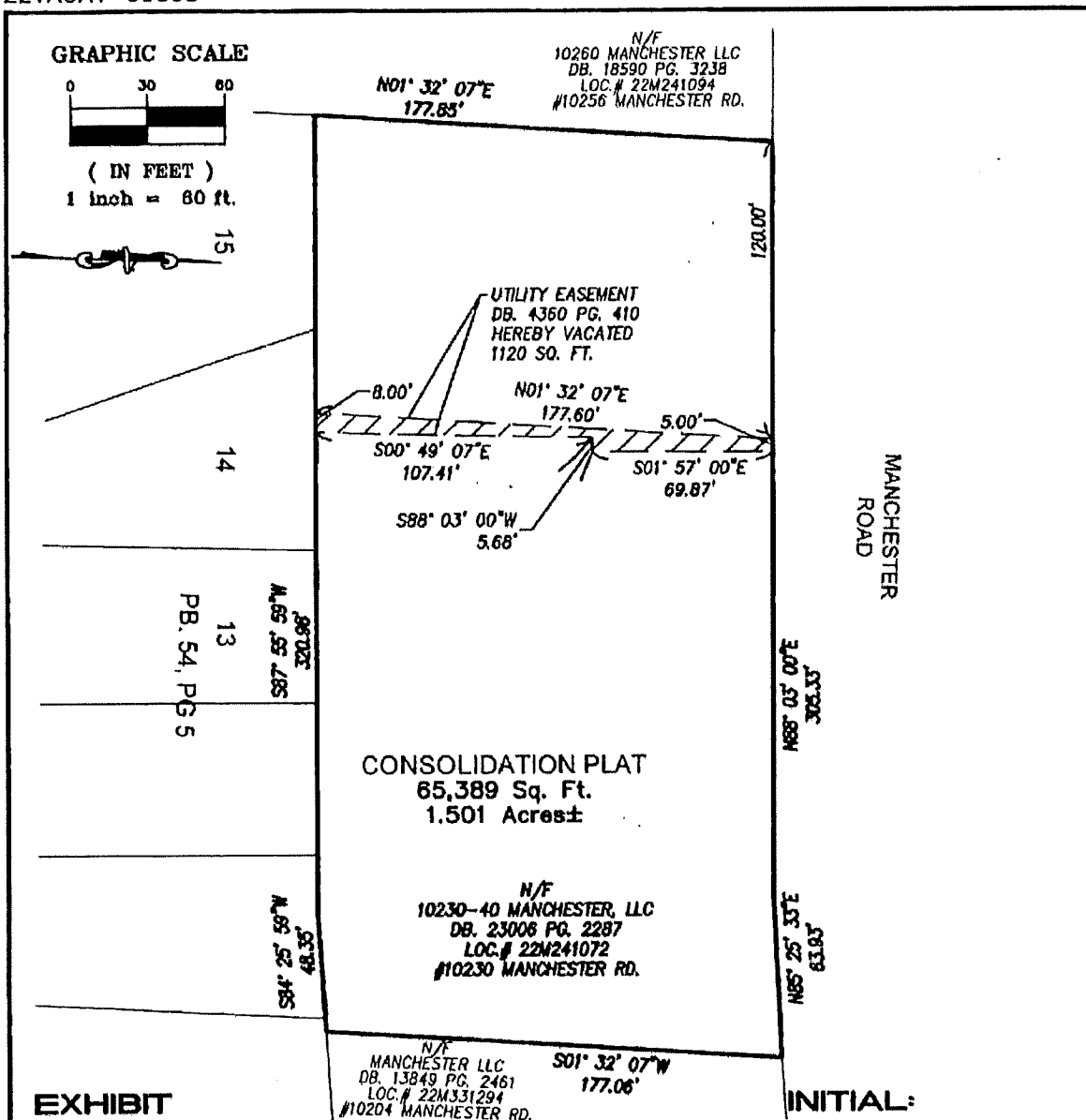
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Exhibit "A"

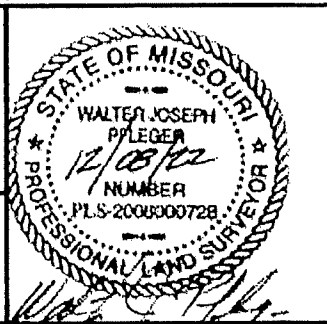
10230 & 10240 MANCHESTER UTILITY EASEMENT VACATION
22VACAT-00068



VACATION EXHIBIT
A TRACT OF LAND BEING PART OF 10230 AND 10240
MANCHESTER CONSOLIDATION, PLAT BOOK 370, PAGE 409
AND LOCATED IN SECTION 31, TOWNSHIP 45 NORTH, RANGE 6
EAST OF THE 5TH PRINCIPAL MERIDIAN, KIRKWOOD
ST. LOUIS COUNTY, MISSOURI

Stock & Associates
Consulting Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO. 63005
(636) 530-9100

WALTER J. PFLEGER
MO. P.L.S. # 2008-000728



STOCK & ASSOCIATES
Consulting Engineers, Inc.

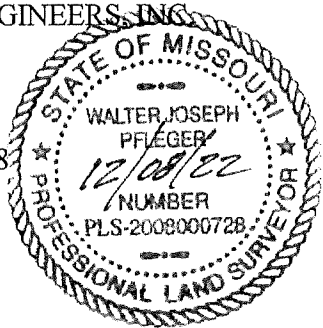
Utility Easement vacation description of Deed Book 4360 Page 410

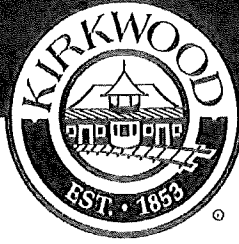
A utility easement as recorded in Deed Book 4360 Page 410 of the St. Louis County records being part of a Consolidation Plat of 10230 and 10240 Manchester Consolidation Plat as recorded in Plat Book 370 Page 409 of said records, located in Part of Section 31, Township 45 North, Range 6 East, of the Fifth Principal Meridian, City of Kirkwood, St. Louis County, Missouri, and being more particularly described as follows:

Commencing at the northwest corner of above said Consolidation Plat, being on the south right of way line of Manchester Road, variable width, thence North 88 degrees 03 minutes 00 seconds East, along said right of way line, 120.00 feet to the POINT OF BEGINNING of herein described tract: thence continuing along said right of way line North 88 degrees 03 minutes 00 seconds East, 5.00 feet, to the east line of said easement: thence the following courses and distances along said east line: South 01 degrees 57 minutes 00 seconds East, 69.87 feet; South 88 degrees 03 minutes 00 seconds West, 5.68 feet; and South 00 degrees 49 minutes 07 seconds East, 107.41 feet to the south line of above said Consolidation Plat; thence along the south line of said Consolidation Plat, South 87 degrees 55 minutes 59 seconds West, 8.00 feet; thence leaving said south line, North 01 degrees 32 minutes 07 seconds East, 177.60 feet to the POINT OF BEGINNING. Containing 1,120 square feet, more or less. According to calculations performed by Stock and Associates in December 2022.

STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC.
LC NO. 222-D

By: Walter J. Pfeleger
Walter J. Pfeleger, Missouri P.L.S. No. 2008-000728





WHERE COMMUNITY AND SPIRIT MEET

December 1, 2022

Mr. Norbert Wildhaber, P.E., P.L.S.
Stock & Associates Consulting Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO 63005

RE: Proposed Vacation of 5770 Easement to the City of Kirkwood as established by Deed Book 4360, Page 410.

Dear Mr. Wildhaber,

The City of Kirkwood Water Department has examined the request for vacation of easement located on 10230 & 10240 Manchester Road and has determined there to be no water utility conflicts present in attachments 1023 and 10240 Manchester Road Consolidation Plat, Vacation Exhibit, and Deed Book 4360, Page 410. This vacation would only apply to the easement as defined in Deed Book 4360, Page 410, and as depicted in 1023 and 10240 Manchester Road Consolidation Plat and the Vacation Exhibit.

If you have any questions and/or comments regarding this letter, please contact me at 314-822-5810.

Sincerely,

A handwritten signature in cursive script that reads "Clarence A. Patterson".

Clarence A. Patterson

Superintendent, Kirkwood Water Department

Cc: Chris Krueger, City Engineer



WHERE COMMUNITY AND SPIRIT MEET[®]

March 3, 2023

Chris Krueger
City Engineer, City of Kirkwood
139 S. Kirkwood Rd.
Kirkwood, MO 63122
314-822-5820
Chris Krueger <kruegeca@kirkwoodmo.org>

RE: Vacation of a utility easement at 10230 and 10240 Manchester

Chris,

We have investigated the request for the vacation and have no objection to the vacation as proposed in the attached drawing entitled "Exhibit A". Please feel free to contact me via phone at 314-822-5847 or by email @Pettyma@Kirkwoodmo.org if you have any further questions regarding our position regarding this matter.

Regards,

Mark Petty

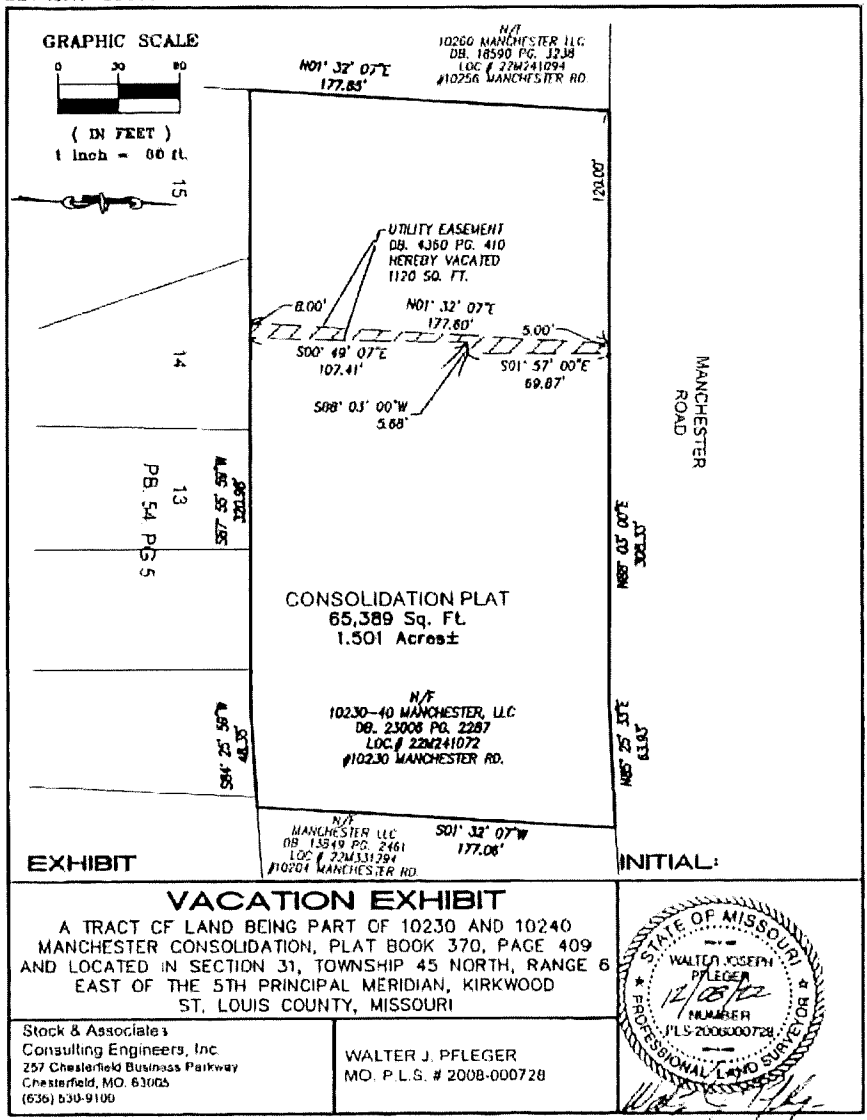
Mark Petty, Electric Director
Kirkwood Electric



WHERE COMMUNITY AND SPIRIT MEET[®]

Exhibit A

10230 & 10240 MANCHESTER UTILITY EASEMENT VACATION
22VACAT-0006B



2022121400126

CERTIFIED-FILED FOR RECORD
12/14/2022 8:45:22AM

GERALD E. SMITH
RECORDER OF DEEDS
COUNTY OF ST. LOUIS, MISSOURI

PAGES: 4
RECORDING FEE: \$30.00

THIS DOCUMENT WAS RECORDED

GERALD E. SMITH, RECORDER OF DEEDS
ST. LOUIS COUNTY MISSOURI
41 S. CENTRAL AVE., CLAYTON, MO 63105-1799

Type of Instrument: RELEASE
Grantor: SPIRE MISSOURI INC
Grantee: 10230-40 MANCHESTER LLC

NOTE: I, the undersigned Recorder of Deeds, do hereby certify that the information shown on this Certification Sheet as to the TYPE OF INSTRUMENT, the NAMES of the GRANTOR and GRANTEE as well as the DESCRIPTION of the REAL PROPERTY affected is furnished merely as a convenience only, and in the case of any discrepancy of such information between this Certification Sheet and the attached Document, the ATTACHED DOCUMENT governs. Only the DOCUMENT NUMBER, the DATE and TIME of filing for record of the recorded Document is taken from this CERTIFICATION SHEET.

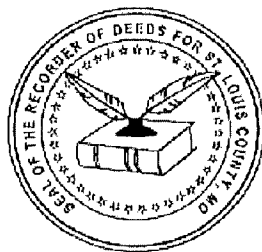
RECORDER OF DEEDS DOCUMENT CERTIFICATION

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

I, the undersigned Recorder of Deeds for said County and State, do hereby certify that the following and annexed instrument of writing, which consists of 4 pages, (this page inclusive), was filed for record in my office on the 14 day of December 2022 at 8:45 am and is truly recorded as the document number printed above.

In witness whereof I have hereunto set my hand and official seal the day, month and year aforesaid.

SV
Deputy Recorder



Gerald E. Smith

Recorder of Deeds
St. Louis County, Missouri

FULL RELEASE OF EASEMENT

THIS INSTRUMENT, made this 13TH day of December, 2022

WITNESSETH THAT

WHEREAS, there has heretofore been granted to SPIRE MISSOURI INC , a Missouri corporation, ("GRANTOR"), easements ("Easements") in certain land located within Parts of 10230 and 10240 Manchester Consolidation recorded in Plat Book 370 at Page 409 being in Part of Section 31, Township 45 North, Range 6 East and further described in Deed Book 4360 at Page 410 of the St. Louis County, Missouri Records wherein the nature and extent of the Easements and the lands affected are described, and

WHEREAS the present owner, 10230 - 40 MANCHESTER LLC ("GRANTEE") of the lands so affected, has requested that GRANTOR release the Easement, and GRANTOR is willing to do so to the extent hereinafter described

NOW THEREFORE, in consideration of One Dollar (\$1.00) in hand paid to GRANTOR by said GRANTEE, the receipt of which is hereby acknowledged, GRANTOR hereby RELEASES AND QUITCLAIMS to said GRANTEE all of GRANTOR'S right, title and interest in and to the Easements as shown hatched on the attached plat designated "Vacation Exhibit"

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be signed by its Vice President, Operations Services and Safety Management Systems the day and year first above written

Legal Dept. Approval to Form: [Signature]

SPIRE MISSOURI INC.
[Signature]
Craig R. Hoeflerlin
Vice President, Operations Services and
Safety Management Systems

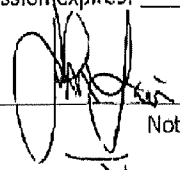
Engineering Dept. Approval: WBL

System Planning Approval: MAR

Right of Way Dept. Approval: AG

STATE OF MISSOURI)
) ss.
CITY OF ST. LOUIS)

On the 13 day of December, 2022, before
me, John Lair, a notary public in and for said state,
appeared Craig R. Hoeflerlin, to me personally known, who being by me duly sworn, did say that he is the
Vice President, Operations Services and Safety Management Systems of SPIRE MISSOURI INC., and that
said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors
and said Craig R. Hoeflerlin acknowledged said instrument to be the free act and deed of said corporation.

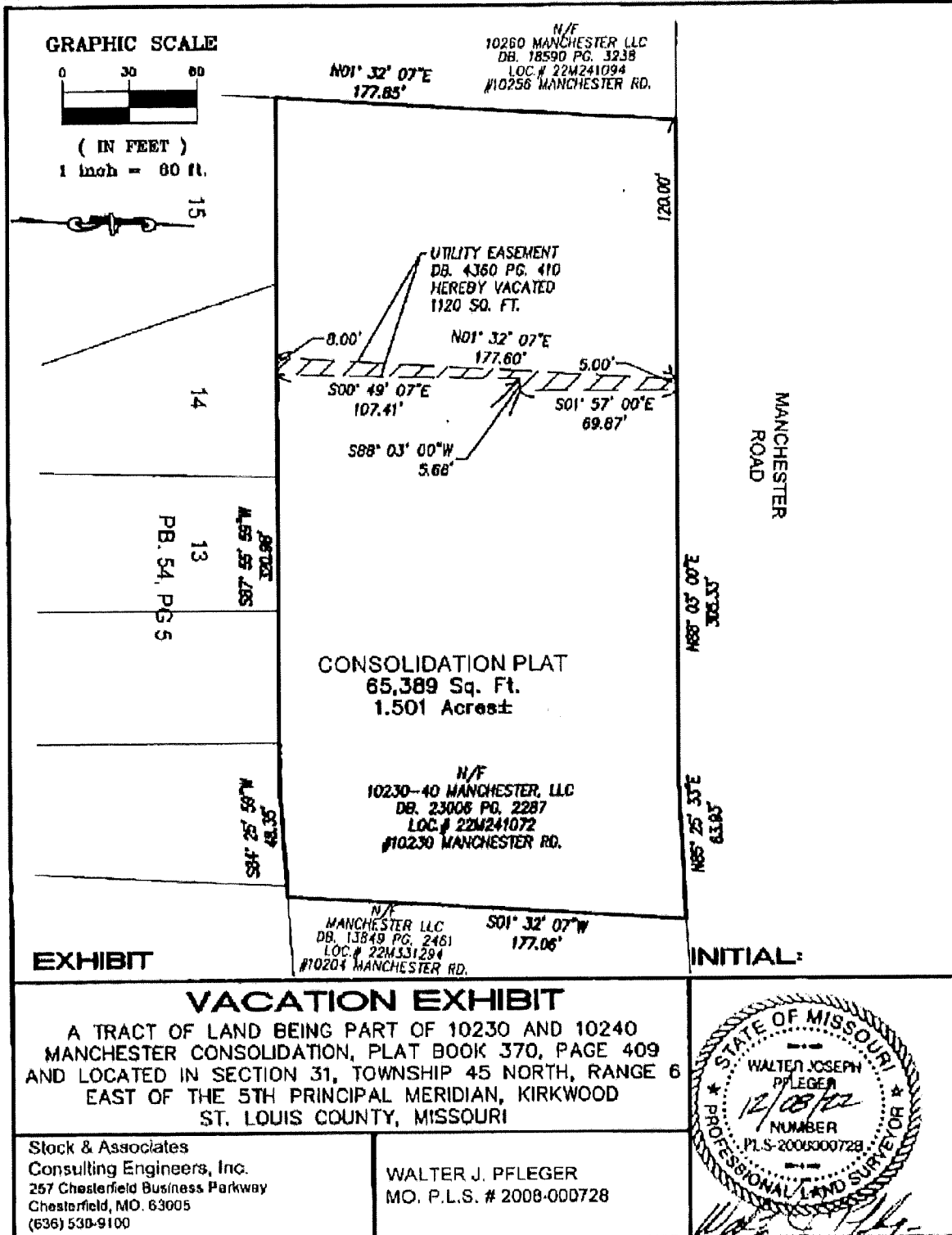
My Commission expires: 1/29/2026


Notary Public
John Lair

Printed Name

JOHN LAIR
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: Jan. 29, 2026
Commission #18103602

10230 & 10240 MANCHESTER UTILITY EASEMENT VACATION
22VACAT-00068



DATE 12-07-2022

5770\EASEMENT VAC.DWG

2023012300318

CERTIFIED-FILED FOR RECORD
1/23/2023 1:29:51PM

GERALD E. SMITH
RECORDER OF DEEDS
COUNTY OF ST. LOUIS, MISSOURI

PAGES: 5
RECORDING FEE: \$33.00

THIS DOCUMENT WAS ERECORDED

GERALD E. SMITH, RECORDER OF DEEDS
ST. LOUIS COUNTY MISSOURI
41 S. CENTRAL AVE., CLAYTON, MO 63105-1799

Type of Instrument: VACATION

Grantor: CHARTER COMMUNICATIONS ENTERTAINMENT I LLC

Grantee: KIRKWOOD AUDI

NOTE: I, the undersigned Recorder of Deeds, do hereby certify that the information shown on this Certification Sheet as to the **TYPE OF INSTRUMENT**, the **NAMES of the GRANTOR and GRANTEE** as well as the **DESCRIPTION of the REAL PROPERTY** affected is furnished merely as a convenience only, and in the case of any discrepancy of such information between this Certification Sheet and the attached Document, the **ATTACHED DOCUMENT** governs. Only the **DOCUMENT NUMBER**, the **DATE** and **TIME** of filing for record of the recorded Document is taken from this **CERTIFICATION SHEET**.

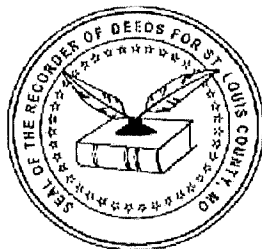
RECORDER OF DEEDS DOCUMENT CERTIFICATION

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

I, the undersigned Recorder of Deeds for said County and State, do hereby certify that the following and annexed instrument of writing, which consists of 5 pages, (this page inclusive), was filed for record in my office on the 23 day of January 2023 at 1:29 pm and is truly recorded as the document number printed above.

In witness whereof I have hereunto set my hand and official seal the day, month and year aforesaid.

BTG
Deputy Recorder



Gerald E. Smith

Recorder of Deeds
St. Louis County, Missouri

(3-Inch Area above – Leave Blank (for Recorder’s Office Use Only))

DOCUMENT TYPE: Easement Vacation

DATE OF DOCUMENT : January 23, 2023

GRANTOR : Charter Communications
941 Charter Commons
Town and Country, Missouri 63017

GRANTEE : Kirkwood Audi
10230 Manchester Road
Kirkwood, MO 63122

PROPERTY ADDRESS: 10230 Manchester Road
Kirkwood, MO 63122

LOCATOR NO.: 22M241072

CITY/MUNICIPALITY : Kirkwood, MO

LEGAL DESCRIPTION: Part of a Consolidation Plat as recorded in PB 370 Pg 409
in the NW 1 / 4 Sec 31, Township 45 North, Range 6 East,
City of Kirkwood, St. Louis County, Missouri



Robert Burton
Field Operations AVP
Charter Communications

VACATION OF EASEMENT


WHEREAS, an easement for broadband cable communications placement within the dedicated utility easement has been granted to Charter Communications Entertainment I, LLC ("Charter"), **The Grantor** located at 941 Charter Commons Town & Country, MO 63017 by St. Louis County, Missouri for a tract of land being part of 10230 & 10240 Manchester Consolidation, Plat Book 370, Page 409 and located in Section 31, Township 45 North, Range 6 East of the 5th Principal Meridian, Kirkwood, St Louis Missouri; and it is the purpose and intent of Charter to release a portion of such easement rights.

NOW THEREFORE, Charter does hereby relinquish and release that portion of its easement rights to **Grantee**, Kirkwood Audi, to place or maintain permanent facilities within the blue area of the easement shown on **Exhibit A**. Except for the release of the hatched area described herein, the remaining easement rights and interests granted to Charter pursuant to the aforementioned plat shall remain in full force and effect.

IN WITNESS THEREOF, Charter has caused this document to be executed as of the 22th day of December 2022

Charter Communications Entertainment I, LLC, a Delaware limited liability company
By its Manager: Charter Communications, Inc., a Delaware corporation

By: _____


Robert Burton

Title: Field Operations AVP, Charter Communications Entertainment I, LLC

Charter

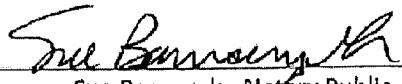
COMMUNICATIONS

STATE OF MISSOURI)

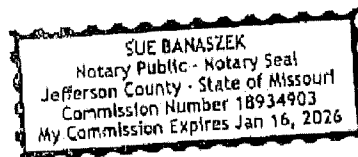
COUNTY OF ST. LOUIS)

On this 22nd day of December 2022, before me appeared Robert Burton, who being by me duly sworn, did say that he is an Area Vice President of Charter Communications Inc., a Delaware corporation, that this instrument was signed on behalf of said company by authority of its board of directors, and that Robert Burton declared that his signature placed hereon was the free act and deed of said company.

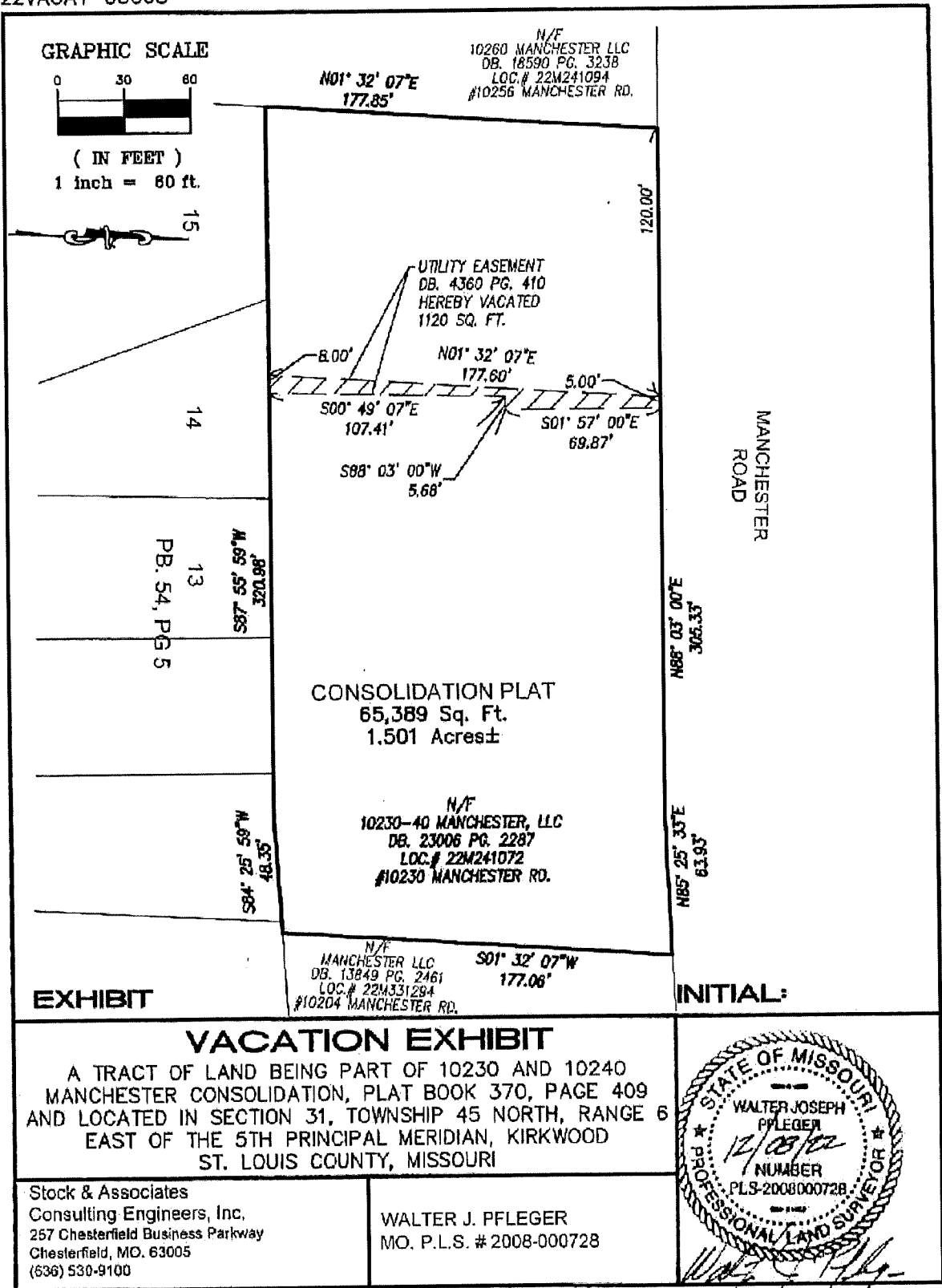
IN TESTIMONY WHEREOF, I have here unto set my hand on the day and year and in the County and State last written above.


Sue Banaszek - Notary Public

My Commission Expires:



10230 & 10240 MANCHESTER UTILITY EASEMENT VACATION
22VACAT-00068



DATE 12-07-2022

5770 EASEMENT VAC.DWG

2023011700431

CERTIFIED-FILED FOR RECORD
1/17/2023 1:28:36PM

GERALD E. SMITH
RECORDER OF DEEDS
COUNTY OF ST. LOUIS, MISSOURI

PAGES: 5
RECORDING FEE: \$33.00

THIS DOCUMENT WAS ERECORDED

GERALD E. SMITH, RECORDER OF DEEDS
ST. LOUIS COUNTY MISSOURI
41 S. CENTRAL AVE., CLAYTON, MO 63105-1799

Type of Instrument: VACATION
Grantor: SOUTHWESTERN BELL TELEPHONE COMPANY
Grantee: CARSON PONTIAC INC

NOTE: I, the undersigned Recorder of Deeds, do hereby certify that the information shown on this Certification Sheet as to the TYPE OF INSTRUMENT, the NAMES of the GRANTOR and GRANTEE as well as the DESCRIPTION of the REAL PROPERTY affected is furnished merely as a convenience only, and in the case of any discrepancy of such information between this Certification Sheet and the attached Document, the ATTACHED DOCUMENT governs. Only the DOCUMENT NUMBER, the DATE and TIME of filing for record of the recorded Document is taken from this CERTIFICATION SHEET.

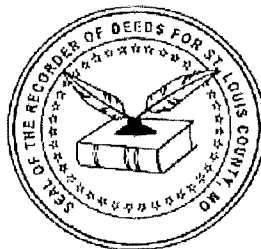
RECORDER OF DEEDS DOCUMENT CERTIFICATION

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

I, the undersigned Recorder of Deeds for said County and State, do hereby certify that the following and annexed instrument of writing, which consists of 5 pages, (this page inclusive), was filed for record in my office on the 17 day of January 2023 at 1:28 pm and is truly recorded as the document number printed above.

In witness whereof I have hereunto set my hand and official seal the day, month and year aforesaid.

BTG
Deputy Recorder



Gerald E. Smith

Recorder of Deeds
St. Louis County, Missouri

(3-Inch Area above – Leave Blank (for Recorder's Office Use Only))

DOCUMENT TYPE: Easement Vacation

DATE OF DOCUMENT : January 17, 2023

GRANTOR : Southwestern Bell D/B/A AT&T.
12930 Olive Blvd
Creve Coeur, Missouri 63141

GRANTEE : Carson Pontiac Inc.
10230 Manchester Road
Kirkwood, MO 63122

PROPERTY ADDRESS: 10230 Manchester Road
Kirkwood, MO 63122

LOCATOR NO.: 22M241072

CITY/ MUNICIPALITY : Kirkwood, MO

LEGAL DESCRIPTION: Part of a Consolidation Plat as recorded in PB 370 Pg 409
in the NW 1 / 4 Sec 31, Township 45 North, Range 6 East,
City of Kirkwood, St. Louis County, Missouri



**SOUTHWESTERN BELL TELEPHONE COMPANY
RELEASE OF EASEMENT**

Executed: 12/12/2022

THIS RELEASE OF EASEMENT, entered into by **SOUTHWESTERN BELL TELEPHONE COMPANY, d/b/a AT&T MISSOURI**, (12930 OLIVE BLVD, CREVE COEUR, MO 63141), *Carson Pontiac Inc.* GRANTEE, wherein GRANTOR in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does by these presents ABANDON, RELEASE, RELINQUISH AND DISCLAIM to GRANTEE, as is, all or a specific portion of a certain easement for telecommunication purposes hereinafter described that affects land owned by GRANTEE situated in Kirkwood, Missouri, ST. LOUIS COUNTY, MISSOURI, and described as follows:

1023 & 10240 Manchester Road, 63131

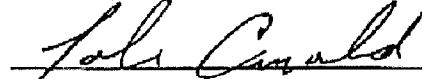
Said land of GRANTEE being subject to: A TRACT OF LAND BEING PART OF 10230 AND 10240 MANCHESTER CONSOLIDATION, PLAT BOOK 370, PAGE 409 AND LOCATED IN SECTION 31, TOWNSHIP 45 NORTH, RANGE 6 EAST OF THE 5TH PRINCIPAL MERIDIAN, KIRKWOOD ST. LOUIS COUNTY, MISSOURI

The area of said easements to be hereby released is described as follows: The area depicted as hachured (//////////) on the Easement Release Plat, marked Exhibit "A", attached hereto and made a part thereof.

TO HAVE AND TO HOLD same, together with all rights and appurtenances to the same belonging, unto GRANTEE(S), their heirs, successors and assigns forever.

IN WITNESS WHEREOF, GRANTOR has caused this Release of Easement to be executed by its duly authorized officers this 12 day of December, 2022.

SOUTHWESTERN BELL TELEPHONE
COMPANY (d/b/a AT&T MISSOURI)



Name: JOHN J. ARNOLD

Title: MGR., OSP PLNG & ENGRG DESIGN

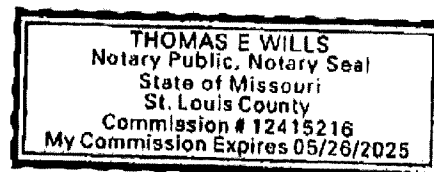
THE STATE OF MISSOURI
CITY OF ST. LOUIS

BEFORE ME, the undersigned authority, on this day personally appeared JOHN J. ARNOLD, known to me to be the person whose name is subscribed to the foregoing instrument as the MGR., OSP PLANNING AND ENGINEERING DESIGN of SOUTHWESTERN BELL TELEPHONE COMPANY (d/b/a AT&T Missouri), a corporation, and acknowledged to me that he executed the same for purposes and considerations therein expressed in the capacity stated, and as the act and deed of said corporation.

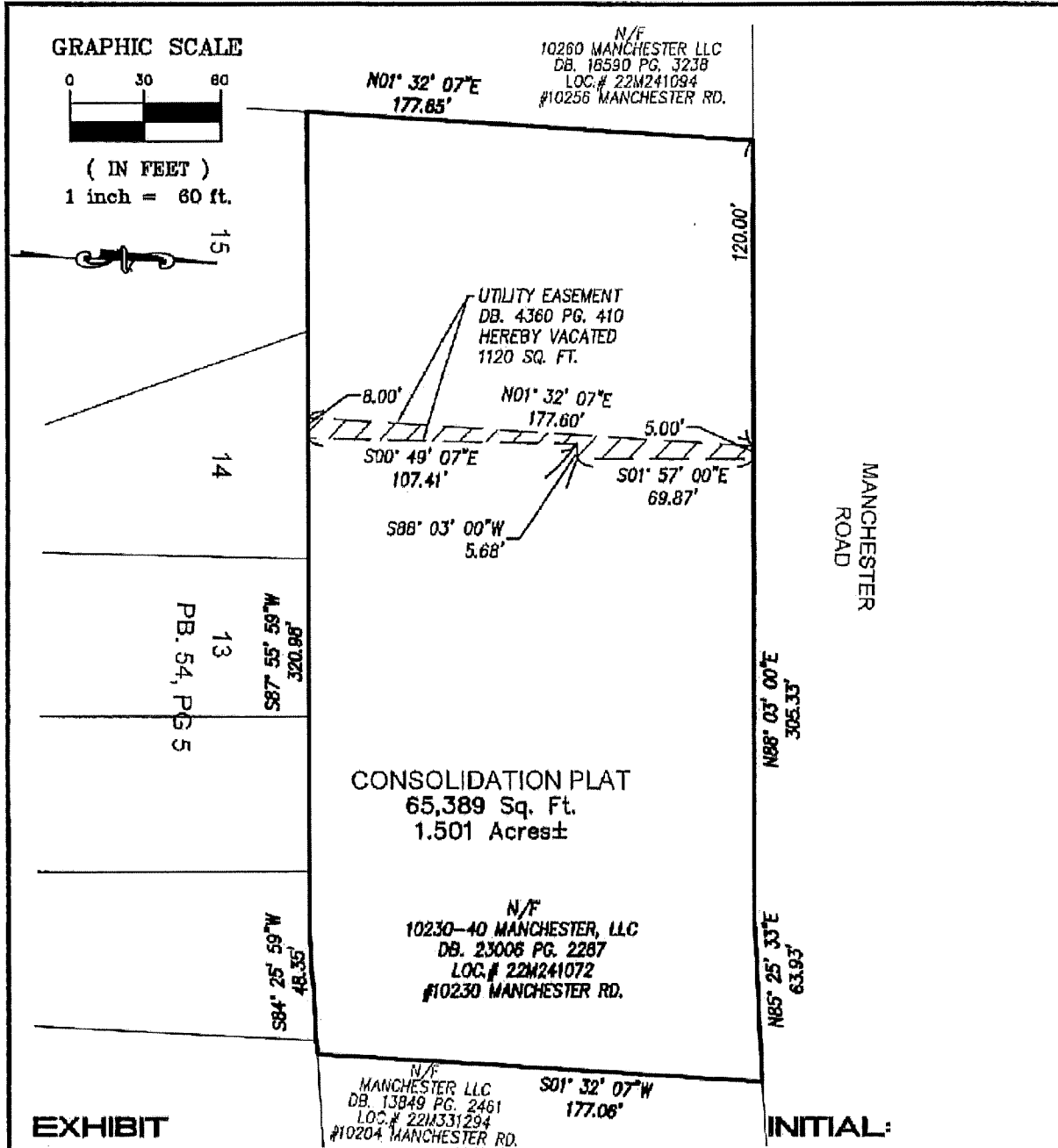
Given under my hand and seal of office this the 12th day of December, 2022.



Notary Public



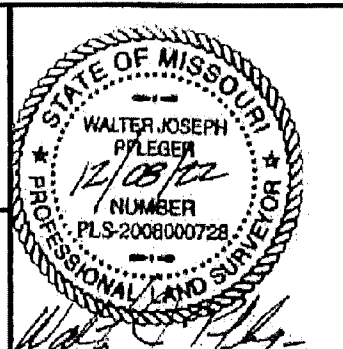
10230 & 10240 MANCHESTER UTILITY EASEMENT VACATION
22VACAT-00068



VACATION EXHIBIT
A TRACT OF LAND BEING PART OF 10230 AND 10240
MANCHESTER CONSOLIDATION, PLAT BOOK 370, PAGE 409
AND LOCATED IN SECTION 31, TOWNSHIP 45 NORTH, RANGE 6
EAST OF THE 5TH PRINCIPAL MERIDIAN, KIRKWOOD
ST. LOUIS COUNTY, MISSOURI

Stock & Associates
Consulting Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO. 63005
(636) 530-9100

WALTER J. PFLEGER
MO. P.L.S. # 2008-000728



DATE 12-07-2022

5770\EASEMENT VAC.DWG

2022121200387

CERTIFIED-FILED FOR RECORD
12/12/2022 1:09:42PM

GERALD E. SMITH
RECORDER OF DEEDS
COUNTY OF ST. LOUIS, MISSOURI

PAGES: 4
RECORDING FEE: \$30.00

THIS DOCUMENT WAS ERECORDED

GERALD E. SMITH, RECORDER OF DEEDS
ST. LOUIS COUNTY MISSOURI
41 S. CENTRAL AVE., CLAYTON, MO 63105-1799

Type of Instrument: VACATION
Grantor: METROPOLITAN ST L SEWER DISTRICT
Grantee:

NOTE: I, the undersigned Recorder of Deeds, do hereby certify that the information shown on this Certification Sheet as to the **TYPE OF INSTRUMENT**, the **NAMES of the GRANTOR and GRANTEE** as well as the **DESCRIPTION of the REAL PROPERTY** affected is furnished merely as a convenience only, and in the case of any discrepancy of such information between this Certification Sheet and the attached Document, the **ATTACHED DOCUMENT** governs. Only the **DOCUMENT NUMBER**, the **DATE** and **TIME** of filing for record of the recorded Document is taken from this **CERTIFICATION SHEET**.

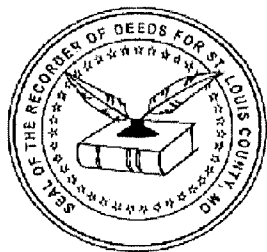
RECORDER OF DEEDS DOCUMENT CERTIFICATION

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

I, the undersigned Recorder of Deeds for said County and State, do hereby certify that the following and annexed instrument of writing, which consists of 4 pages, (this page inclusive), was filed for record in my office on the 12 day of December 2022 at 1:09 pm and is truly recorded as the document number printed above.

In witness whereof I have hereunto set my hand and official seal the day, month and year aforesaid.

EAR
Deputy Recorder



Gerald E. Smith

Recorder of Deeds
St. Louis County, Missouri

3 INCH AREA ABOVE - LEAVE BLANK (FOR RECORDERS OFFICE USE ONLY)

DOCUMENT TYPE: Easement Vacation

DATE OF DOCUMENT: 12/12/2022

GRANTOR: Metropolitan St. Louis Sewer District
Address: 2350 Market Street
St. Louis, Missouri 63103

GRANTEE: MANCHESTER 10230 LLC
Address: 10230 Manchester Rd
St. Louis, MO 63122

PROPERTY ADDRESS: 10230 and 10240 Manchester Rd
St. Louis, MO 63122

COUNTY LOCATOR #: 22M241061 & 22M241072

CITY/MUNICIPALITY: St Louis, Missouri

LEGAL DESCRIPTION: A tract of land being part of 10230 and 10240 Manchester Consolidation, Plat Book 370, Page 409 and located in Section 31, Township 45 North, Range 6 East of the 5th Principal Meridian, Kirkwood, St. Louis County, Missouri, recorded in the St. Louis County Recorder's Office

MSD/RCP 10/01

EASEMENT VACATION

TO WHOM IT MAY CONCERN:

KNOW ALL MEN BY THESE PRESENTS, that Metropolitan St. Louis Sewer District (MSD) does hereby vacate any right, title, or interest to the portions of the easements as recorded in DB 4360 PG 410, of the St. Louis County Recorder's Office and shown hachured on the attached "VACATION EXHIBIT" and marked Exhibit "A" and made a part hereof. The owners of the subject property have requested MSD to vacate the portions of the subject easements, and this District has no further use for said portions of easements as shown on the attached plat.

IN WITNESS WHEREOF, the said Metropolitan St. Louis Sewer District has caused these presents to be signed by its Director of Engineering this 12th day of December, 2022.

Metropolitan St. Louis Sewer District

By [Signature]

Richard L. Unverferth PE
Director of Engineering

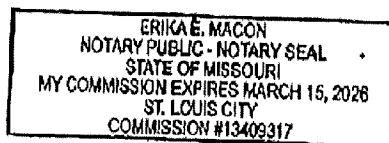
STATE OF MISSOURI)
) SS.
COUNTY OF ST. LOUIS)

On this 12th day of December, 2022, before me appeared Richard L. Unverferth, to me personally known, who being by me duly sworn, did say he is Director of Engineering of The Metropolitan St. Louis Sewer District and that said instrument was signed on behalf of said corporation by authority of its Board of Trustees, and said Richard L. Unverferth acknowledged said instrument to be the free act and deed of said corporation.

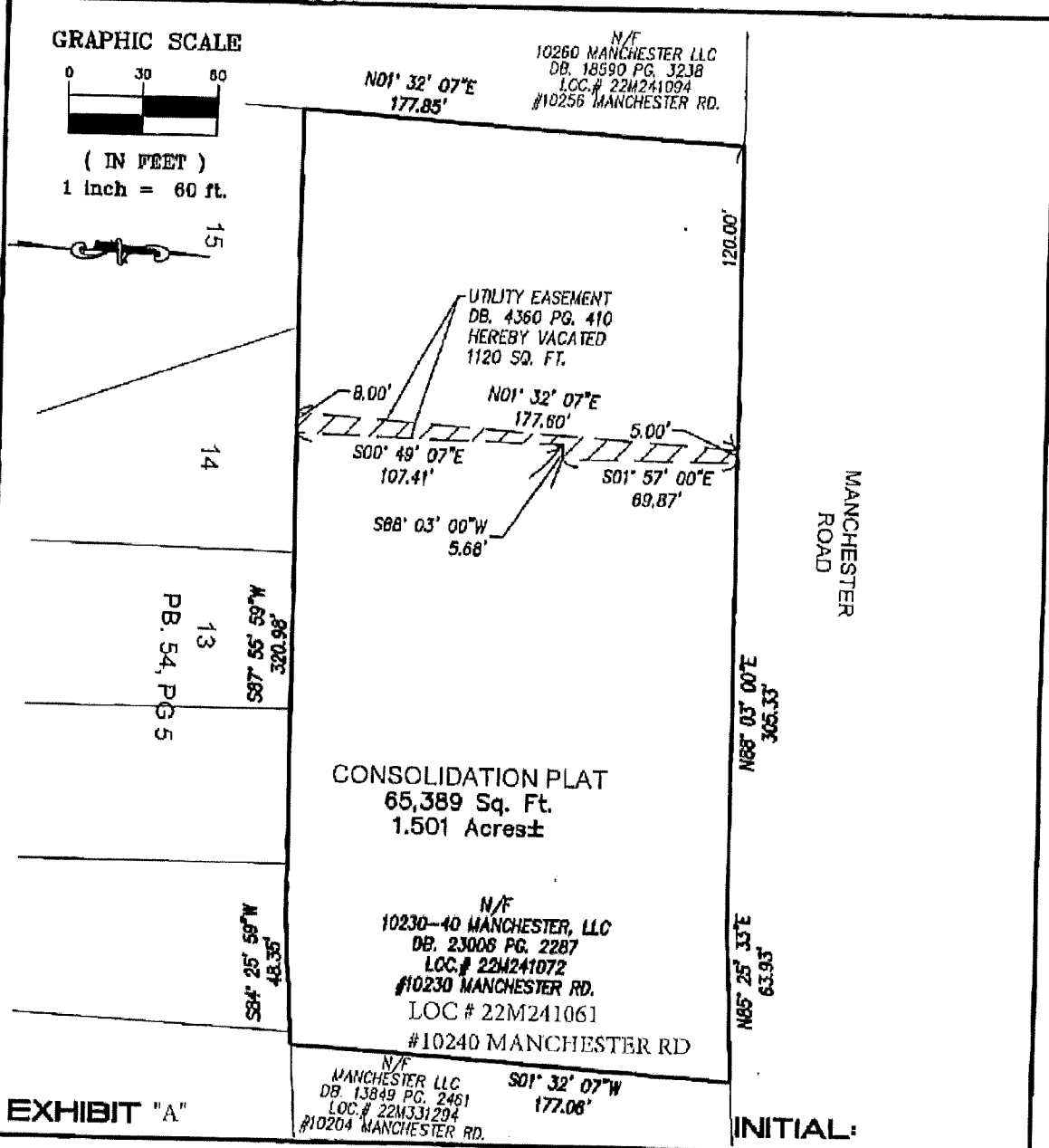
IN TESTIMONY WHEREOF, I have herewith set my hand and affixed my notarial seal the day and year first above written.

My Commission expires 3/15/2026.

[Signature]
Notary Public



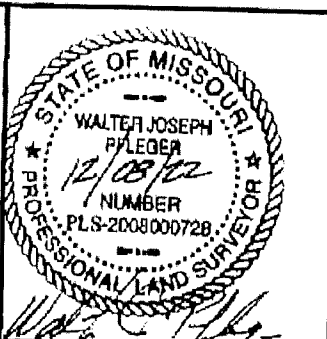
10230 & 10240 MANCHESTER UTILITY EASEMENT VACATION
22VACAT-00068



VACATION EXHIBIT
A TRACT OF LAND BEING PART OF 10230 AND 10240
MANCHESTER CONSOLIDATION, PLAT BOOK 370, PAGE 409
AND LOCATED IN SECTION 31, TOWNSHIP 45 NORTH, RANGE 6
EAST OF THE 5TH PRINCIPAL MERIDIAN, KIRKWOOD
ST. LOUIS COUNTY, MISSOURI

Stock & Associates
Consulting Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO. 63005
(636) 630-9100

WALTER J. PFLEGER
MO. P.L.S. # 2008-000728



DATE 12-07-2022

5770 \EASEMENT VAC.DWG

BILL 10978

ORDINANCE

AN ORDINANCE AMENDING THE KIRKWOOD CODE OF ORDINANCES, CHAPTER 3, ARTICLE II. "INTOXICATING LIQUOR", DIVISIONS 1 AND 2.

WHEREAS, after receiving inquiries from various existing businesses regarding the City of Kirkwood's current liquor license regulations, Staff presented initial information for City Council consideration at a work session on November 17, 2022, and

WHEREAS, staff received initial direction from the City Council during the November 17, 2022 work session and drafted potential ordinance revisions under three separate topics related to these licenses; 1) limit all types of liquor by the drink license categories to businesses that are considered a "restaurant or food store" or "craft brewery, winery, or distillery", 2) include non-alcoholic beverages and non-prepared food into the 50% food sale requirement, and 3) add a new license category that will allow the sale of intoxicating liquor by the drink specifically for a craft brewery, craft winery, or craft distillery subject to restrictions, and

WHEREAS, staff recommends the City Council approve the proposed amendments to the Kirkwood Code of Ordinances, Chapter 3, Article II. "Intoxicating Liquor", Divisions 1 and 2.

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

SECTION 1. The Kirkwood Code of Ordinances, Chapter 3, Article II. "Intoxicating Liquor", Divisions 1 and 2 is hereby amended by revising certain sections as follows (omitted language indicated as red strikethrough and added language shown in red text):

Amend: **Section 3-31 Definitions.**

Restaurant ~~or Food Store~~

A business establishment at which at least 50% of the gross income is derived from the sale of ~~non-alcoholic beverages~~, prepared ~~meals or~~ food, ~~or non-prepared food consumed on the premises where sold.~~

Add to: **Section 3-31 Definitions.**

Craft brewery, winery, or distillery

A small-scaled, licensed manufacturing establishment that produces, processes, ferments, rectifies or blends craft brews, wines, or distilled spirits. This use may include tastings and/or on-site sale and consumption of intoxicating liquor by the drink as an accessory use that accounts for less than 50% of the business's gross income. If sale for on-site consumption is conducted, said business must derive at least 15% of its gross income from the sale of non-alcoholic beverages or prepared food.

Amend: **Section 3-59. Food service on premises prerequisite to ~~certain liquor licenses to sell intoxicating liquor by the drink~~**

No person, other than a "restaurant ~~or food store~~" or "Craft brewery, winery, or ~~distillery~~", shall be granted a license as provided in this division for the sale of intoxicating liquor by the drink; malt liquor by the drink; ~~or wine containing not in excess of 14% alcohol by weight and malt liquor containing alcohol not in excess of 5% by weight by the drink.~~

Add to: **Section 3-61 Licenses and fees.** as a new subsection (c), and renumbering all other subsections accordingly

(c) Intoxicating liquor by the drink for malt liquor, wine, or other intoxicating liquor served at a properly licensed craft brewery, winery, or distillery.

SECTION 2. This Ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS DAY OF .

Mayor, City of Kirkwood

ATTEST:

City Clerk

1st Reading:

2nd Reading:

Legislation Request

Ordinance

Place On The Agenda Of: 4/20/2023

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:

After receiving inquiries from various existing and potential businesses regarding the City's current liquor license regulations, Staff presented initial information for City Council consideration at a work session on November 17, 2022. The main discussion topic was the types of businesses that are permitted to sell intoxicating liquor by the drink.

Staff received initial direction from the City Council at the November 17, 2022 meeting and drafted potential ordinance revisions under three separate topics related to these licenses. Additional information about these revisions can be found in the attached Staff memo dated December 15, 2022 which was presented to and discussed by the City Council at their December 15, 2022 work session. At this meeting, the City Council gave the final direction needed for Staff to draft the attached proposed legislation.

After the December meeting, Staff reviewed the provisions and made final adjustments to ensure the various revisions were coordinated between sections. A memo dated April 3, 2022 summarizing the final recommendations is attached to this legislation request. The proposed legislation will do the following: 1) limit all types of liquor by the drink license categories to businesses that are considered a "restaurant or food store" or "craft brewery, winery, or distillery"; 2) include non-alcoholic beverages and non-prepared food into the 50% food sale requirement; and 3) add a new license category that will allow the sale of intoxicating liquor by the drink specifically for a craft brewery, craft winery, or craft distillery subject to restrictions.

Recommendations and Action Requested:

Staff recommends approval of the proposed legislation.

Alternatives Available:

The City Council could choose to leave the liquor licensing regulations in their current form.

Does this project have a public information component? Yes No

Cost: \$0.00

Account #: 0

Project #:

Budgeted: YES

If YES, Budgeted Amount: \$0.00

If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

BY: Jonathan Raiche

Date:

Authenticated:

You can attach up to 3 files along with this request.



2022-12-15 Liquor License
Memo.pdf
Adobe Acrobat Document
3.65 MB



2023-04-03 Liquor License
Memo.pdf
Adobe Acrobat Document
1.24 MB

File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Select...

Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

You can attach up to 3 files along with this request.

File Attachment

File Attachment

File Attachment

Step #3: If budgetary approval is required **(Must have Finance Department's approval).**

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

Authenticated:

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY:

A handwritten signature in blue ink, written over a horizontal line. The signature is stylized and cursive.

Date:

4-14-23

MEMORANDUM

TO: MAYOR & CITY COUNCIL

FROM: JONATHAN D. RAICHE, PLANNING & DEVELOPMENT SERVICES DIRECTOR *JDR*

SUBJECT: LIQUOR LICENSE & FOOD REQUIREMENT

DATE: DECEMBER 15, 2022

CC: RUSS HAWES, CAO
SANDY STEPHENS, FINANCE DIRECTOR
JOHN HESSELL, CITY ATTORNEY



WHERE COMMUNITY AND SPIRIT MEET[®]

Staff has prepared the following information for consideration based upon the initial direction provided by the Mayor and Council at the November 17th City Council Work Session.

Topic 1 – Food Service Requirement (Sec. 3-59)

After consultation with the City Attorney, Staff has identified that there is a lack of clarity with the current language of Section 3-59. City Staff has interpreted and administered this section in a way that would prohibit any classification of liquor license for sale by the drink from being issued to an establishment that is not considered to be a restaurant as defined in Chapter 3 of the Code. Alternatively, this provision could be interpreted to mean that a specific liquor license to sell “Intoxicating liquor by the drink” (license category “a.” in Section 3-61) is the only category of license that would require an establishment to be a restaurant. In this second interpretation, it would allow any other business to be eligible to receive other types of liquor licenses which would include the ability to sell beer and wine by the drink but not spirits (license categories “c.”, and “f.”). Staff recommends that the City Council revise Section 3-59 to one of two redlined options provided below to provide clarity as to the intent of the provision:

Option 1 – Allow all liquor by the drink categories only in restaurants

Sec. 3-59. Food service on premises prerequisite to ~~certain liquor licenses to sell intoxicating liquor by drink~~

No person, other than a restaurant, shall be granted a license as provided in this division for the sale of intoxicating liquor by the drink; malt liquor by the drink; or wine containing not in excess of 14% alcohol by weight and malt liquor containing alcohol not in excess of 5% by weight by the drink.

Option 2 – Allow beer and/or wine by the drink in any business and all liquor only in restaurants

Sec. 3-59. Food service on premises prerequisite to ~~intoxicating liquor by the drink license to sell intoxicating liquor by drink~~

No person, other than a restaurant, shall be granted an intoxicating liquor by the drink license as provided in this division ~~for the sale of intoxicating liquor by the drink.~~

If option 1 is chosen, this would keep the status quo and only allow various alcohol by the drink licenses at establishments that can meet the definition of a restaurant found in Chapter 3 of the Code. If option 2 is chosen, this will provide any business establishment to obtain a license to sell beer and/or wine by the drink which would address some of the business inquiries that Staff has received including, but not limited to, a wine store and a pet store/lounge; however, these establishments would be limited to beer and/or wine by the drink. It is important to note that if option 2 is chosen, the Zoning Code still prohibits a “bar/tavern” which is a building or structure that is “...devoted primarily to the selling, serving or dispensing and drinking of malt, vinous, or other alcoholic beverages...”. This would mean that businesses would still be required to have a primary activity that is something other than selling beer and/or wine by the drink.

Topic 2 – 50% Food Sales Requirement (Sec. 3-31)

Regardless of which option is chosen in Topic 1, the Council should also consider potential revisions to the requirements in Section 3-31 which currently requires that a restaurant, as defined in Chapter 3, derives at least 50% of its gross income from the sale of prepared meals or food consumed on the premises where sold. On November 17th, the Council indicated interest in revising this requirement to include non-alcoholic beverages (coffee, soda, etc.) in the portion of gross income that would be counted toward meeting the 50% requirement. As such, Staff has drafted an option to address this specifically and also an option to address the category of stores that sell non-prepared food items:

Option 1 – Include non-alcoholic beverages in the 50% calculation in Sec. 3-31

Restaurant

A business establishment at which at least 50% of the gross income is derived from the sale of non-alcoholic beverages and/or prepared meals or food consumed on the premises where sold.

Option 2 – Include non-alcoholic beverages in the 50% calculation, add reference to non-prepared food, and remove “consumed on premises” clause in Sec. 3-31

Restaurant or Food Store

A business establishment at which at least 50% of the gross income is derived from the sale of non-alcoholic beverages, prepared meals or food, or non-prepared food consumed on the premises where sold.

AND Revise Section 3-59 (as previously revised) to reference “Restaurant or Food Store”

Sec. 3-59. Food service sales on premises prerequisite to intoxicating liquor by the drink license to sell intoxicating liquor by drink

No person, other than a restaurant or food store, shall be granted an intoxicating liquor by the drink license as provided in this division.

Both options would accommodate establishments like coffee shops, but option 2 would also accommodate grocery stores or other stores that specialize in packaged/non-prepared food items. This topic is different than Topic 1 because it would include the ability to sell all types of liquor, not just beer and wine.

Topic 3 – Craft brewery, craft winery, craft distillery license

During the 2021 Zoning Code amendments, a new land-use category of “Craft brewery, winery, or distillery” was added to the Code which includes the ability to provide on-site sale and consumption. This was identified as a land-use that was not specifically addressed by our Code but that has become common in many communities and desirable in Kirkwood. To fully address this use, the liquor licensing regulations must also be revised. If a craft brewery or winery generated a minority of its revenue from sale of beer and/or wine by the drink, Option 2 under Topic 1 discussed earlier would provide an avenue for these establishments to be licensed for the sale of beer and/or wine by the drink in addition to being licensed as a wholesaler. However, this does not address the ability for a craft distillery that might want to sell their product for consumption by the drink. Additionally, if Option 2 of Topic 1 is not supported by City Council, then a new license category would need to be created to allow a craft brewery, winery, or distillery the ability to sell any of their product for on-site consumption by the drink. In order to achieve the ability for the various combination of activities mentioned above, Staff offers the following code amendments for consideration:

Revise Section 3-31 to add a definition for “Craft brewery, winery, or distillery”

Craft brewery, winery, or distillery

A small-scaled, licensed manufacturing establishment that produces, processes, ferments, rectifies or blends craft brews, wines, or distilled spirits. This use may include tastings and/or on-site sale and consumption of intoxicating liquor by the drink as an accessory use that accounts for less than 50% of the business’s gross income. If sale for on-site consumption is conducted, said business

must derive at least 15% of its gross income from the sale of non-alcoholic beverages or prepared food.

AND Revise Section 3-61 to add a new license category as follows:

Intoxicating liquor by the drink for malt liquor, wine, or other intoxicating liquor served at a properly licensed craft brewery, winery, or distillery.

MEMORANDUM

TO: RUSS HAWES, CHIEF ADMINISTRATIVE OFFICER

FROM: JONATHAN D. RAICHE, PLANNING & DEVELOPMENT SERVICES DIRECTOR

SUBJECT: LIQUOR LICENSE & FOOD REQUIREMENT

DATE: APRIL 3, 2022

CC: LAURIE ASCHE, CITY CLERK
SANDY STEPHENS, FINANCE DIRECTOR
JOHN HESSELL, CITY ATTORNEY



WHERE COMMUNITY AND SPIRIT MEET®

Based upon the direction provided by City Council at their December 15, 2022 work session, I've prepared a summary of the revisions to Chapter 3 of the Municipal Code regarding liquor licensing. Let me know if you have questions or if you would like me to complete a legislation request to get these revisions to the Mayor and Council for their consideration.

Topic 1 – Allow all liquor by the drink license categories only in restaurants; food stores; and craft breweries, wineries, or distilleries (Sec. 3-59)

Sec. 3-59. Food service on premises prerequisite to ~~certain liquor licenses to sell intoxicating liquor by drink~~

No person, other than a "restaurant or food store" or "Craft brewery, winery, or distillery", shall be granted a license as provided in this division for the sale of intoxicating liquor by the drink; malt liquor by the drink; or wine containing not in excess of 14% alcohol by weight and malt liquor containing alcohol not in excess of 5% by weight by the drink.

Topic 2 – Include non-alcoholic beverages in the 50% food sale requirement, add reference to non-prepared food, and remove "consumed on premises" clause (Sec. 3-31)

Sec. 3-31 Definitions.

Restaurant or Food Store

A business establishment at which at least 50% of the gross income is derived from the sale of non-alcoholic beverages, prepared ~~meats or~~ food, or non-prepared food ~~consumed on the premises where sold.~~

Topic 3 – Add a definition for "Craft brewery, winery, or distillery" and a corresponding new license category (Sec. 3-31 & 3-61)

Sec. 3-31 Definitions.

Craft brewery, winery, or distillery

A small-scaled, licensed manufacturing establishment that produces, processes, ferments, rectifies or blends craft brews, wines, or distilled spirits. This use may include tastings and/or on-site sale and consumption of intoxicating liquor by the drink as an accessory use that accounts for less than 50% of the business's gross income. If sale for on-site consumption is conducted, said business must derive at least 15% of its gross income from the sale of non-alcoholic beverages or prepared food.

Section 3-61 Licenses and fees.

Intoxicating liquor by the drink for malt liquor, wine, or other intoxicating liquor served at a properly licensed craft brewery, winery, or distillery.

BILL 10979

ORDINANCE

AN ORDINANCE APPROPRIATING \$25,221 FROM THE EQUITABLE SHARING FUND BALANCE TO THE POLICE DEPARTMENT MACHINERY AND EQUIPMENT ACCOUNT, ACCEPTING THE BID OF PUBLIC SAFETY SOLUTIONS MO, LLC IN THE AMOUNT OF \$25,221 (PURSUANT TO NCPA COOPERATIVE CONTRACT) FOR THE PURCHASE OF A CAD ROUTER SYSTEM FOR THE POLICE DEPARTMENT AND AUTHORIZING AND DIRECTING THE DIRECTOR OF PROCUREMENT TO ISSUE A PURCHASE ORDER.

WHEREAS, the City may purchase items and services that have been competitively bid and awarded by NCPA Cooperative Contract, and

WHEREAS, staff recommends that the City purchase a CAD Router System for the Police Department from Public Safety Solutions MO, LLC in the amount of \$25,221 under NCPA Cooperative Contract #01-97, and

WHEREAS, funds in the amount of \$25,221 needs to be appropriated from the Equitable Sharing Fund Balance to Account #202-02-050-000-000-620040 (Machinery & Equipment).

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

SECTION 1. Funds in the amount of \$25,221 are hereby appropriated from the Equitable Sharing Fund Balance to Account #202-02-050-000-000-620040 (Machinery & Equipment)

SECTION 2. The Director of Procurement is hereby authorized and directed to issue a Purchase Order to Public Safety Solutions MO, LLC under NCPA Cooperative Contract #01-97 in the amount of \$25,221 for the purchase of a CAD Router System for the Police Department.

SECTION 3. This Ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS DAY OF.

Mayor, City of Kirkwood

ATTEST:

City Clerk
1st Reading:
2nd Reading:

Legislation Request

Ordinance

Place On The Agenda Of: 4/20/2023

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:

The Police and Fire Departments are working with REJIS and Motorola on the development and installation of a new Motorola CAD platform for Kirkwood PD, which will connect Kirkwood PD's 911 public safety communications center with emergency vehicles. Ensuring adequate wireless connection between the PD communications center and FD/EMS units is part of that process.

Recommendations and Action Requested:

The Police Department requests that the City Council appropriate \$25,221 in equitable sharing funds for the purchase and installation of router systems from Public Safety Solutions. This purchase will be made via cooperative purchasing contract NCPA: 01-97 and will ensure adequate connectivity with the new PD CAD.

Alternatives Available:

Use different connectivity

Does this project have a public information component? Yes No

Cost: \$25,221.00 Account #: 620040 Project #: Budgeted: NO

If YES, Budgeted Amount: If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

BY: Brian Murphy

Date: 4/10/2023

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Approve

Purchasing Director's Comments:

BY: Sara Foan-Oliver

Date: 4/12/2023

Authenticated: sfo

You can attach up to 3 files along with this request.



500859 Resolution Letter.pdf
Adobe Acrobat Document
181 KB

File Attachment

File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Appropriation

From Account # or Fund Name: Equitable Sharing Fund Balance

To Account # or Fund Name: 2050205000000620040

Finance Director's Comments:

Equitable Sharing fund balance is available and sufficient to appropriate \$25,221 to account 205-02-050-000-000-620040, Machinery & Equipment to approve the above as requested.

BY: Sandra Stephens

Date: 4/12/2023

Authenticated: stephesf

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 4-14-23

April 11, 2023

To: Russel B. Hawes, Chief Administrative Officer

For Your Consideration: CAD Router System; Cooperative Bid # 500859

The Kirkwood Police and Fire Departments are currently working with REJIS to implement the Motorola Premier One CAD system. As part of this system, it is required that a router system is installed in order to ensure adequate wireless connection between the Kirkwood Communication Center and Kirkwood emergency vehicles.

Kevin Campe, MIS Director, has reviewed the proposal for this installation to ensure the City's has adequate capacity to support this router system.

The purchase and installation of the requested router is available via cooperative contract NCPA 01-97.

The Police Department is requesting that Council approve the appropriation from Equitable sharing in the amount of \$25,221.00 for this purchase.

Attached is a request from Brian Murphy, Police Chief, for a resolution authorizing a purchase order be issued to Public Safety Solutions MO, LLC in the amount of \$25,221.00 for the purchase of a router system to support the City's new CAD system.

Respectfully,



Sara Foan-Oliver
Procurement Director

BILL 10980

ORDINANCE

AN ORDINANCE APPROPRIATING \$16,800 FROM THE EQUITABLE SHARING FUND BALANCE TO THE POLICE DEPARTMENT MACHINERY AND EQUIPMENT ACCOUNT, ACCEPTING THE SINGLE SOURCE PROPOSAL OF FILEONQ IN THE AMOUNT OF \$16,800 FOR EVIDENCE MANAGEMENT SOFTWARE FOR THE POLICE DEPARTMENT AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT.

WHEREAS, the Police Department is seeking to purchase upgraded evidence management software with barcoding capability, and

WHEREAS, this new software will greatly assist in entry, retrieval, evidence audit capabilities, accountability and efficiency for the Police Department, and

WHEREAS, the current Evidence Management Software utilized by the Police Department is provided by FileOnQ, and

WHEREAS, FileOnQ submitted a proposal in the amount of \$16,800 for the Evidence Management Software for the Police Department and is the single source provider of the Evidence Management Software, and

WHEREAS, funds in the amount of \$16,800 needs to be appropriated from the Equitable Sharing Fund Balance to Account #202-02-050-000-000-620040 (Machinery & Equipment).

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

SECTION 1. Funds in the amount of \$16,800 are hereby appropriated from the Equitable Sharing Fund Balance to Account #202-02-050-000-000-620040 (Machinery & Equipment)

SECTION 2. The single source proposal of FileOnQ in the amount of \$16,800 for Evidence Management Software for the Police Department is hereby accepted and approved.

SECTION 3. The Mayor is hereby authorized and directed to enter into a contract with FileOnQ in the amount of \$16,800 for Evidence Management Software for the Police Department.

SECTION 4. This Ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS DAY OF.

Mayor, City of Kirkwood

ATTEST:

City Clerk
1st Reading:
2nd Reading:

Legislation Request

Ordinance

Place On The Agenda Of: 4/20/2023

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:

The Police Department wishes to purchase upgraded evidence management software with barcoding capability. This will greatly assist in entry, retrieval, evidence audit capabilities, accountability and efficiency. The department would like to purchase the EvidenceOnQ property and evidence management system, a public safety platform manufactured by FileOnQ. This program is currently in use by many St. Louis County Police departments and has been customized to integrate with the St. Louis County Police laboratory. FileOnQ is the sole developer and owner of EvidenceOnQ and is the sole distributor of the product.

Recommendations and Action Requested:

The Police Department requests City Council approve the purchase of the EvidenceOnQ system from FileOnQ via the appropriation of \$16,800.00 from the equitable sharing account. This total amount includes the initial purchase price of the system and necessary hardware for implementation and usage, and one year of subscription costs.

Alternatives Available:

Remain with present system.

Does this project have a public information component? Yes No

Cost: \$16,800.00 Account #: 205620040 Project #: Budgeted: NO

If YES, Budgeted Amount: If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

BY: Brian Murphy

Date: 4/4/2023

Authenticated: Doug Raymond

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Approve

Purchasing Director's Comments:

BY: Sara Foan-Oliver

Date: 4/12/2023

Authenticated: sfo

You can attach up to 3 files along with this request.



File Attachment

File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Appropriation

From Account # or Fund Name: Equitable sharing funds balance

To Account # or Fund Name: 205-02-050-000-000-620040

Finance Director's Comments:

Equitable Sharing fund balance is available and sufficient to appropriate \$16,800 to account 205-02-050-000-000-620040, Machinery and Equipment to approve the above as requested.

BY: Sandra Stephens

Date: 4/12/2023

Authenticated: stephesf

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY:

Date: 4-14-23

April 11, 2023

To: Russell B. Hawes, Chief Administrative Officer

For Your Consideration: Evidence Management Software; Kirkwood Police Department, Single Source Bid # 500855.

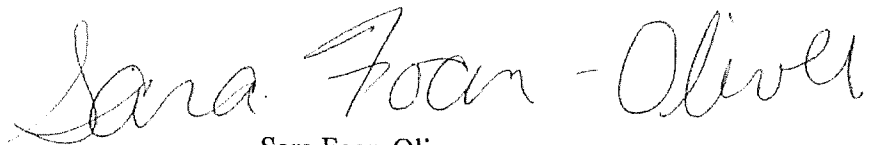
The City of Kirkwood Police Department is seeking approval to purchase an upgraded evidence management software with barcoding capabilities. The barcoding capabilities of this new software will greatly assist in evidence entry, retrieval, audits, accountability and efficiency. The Police Department would like to continue with the purchase of EvidenceOnQ property and evidence management system, a public safety platform manufactured by FileOnQ. FileOnQ is the sole developer and owner of this software. Many of the St. Louis County Police departments utilize the EvidenceOnQ software, which has been customized to integrate with the St. Louis County laboratory.

The Police Department is requesting that Council approve the appropriation from Equitable sharing in the amount of \$16,800.00 for this purchase.

Monthly Subscription	\$775.00
One-Time Implementation Fee	\$7500.00
Total First Year Cost	\$16,800.00

Attached is a request from Brian Murphy, Police Chief, authorizing funds to be appropriated from equitable sharing to enter into an agreement with FileOnQ for the purchase of an upgraded evidence management software.

Respectfully,



Sara Foan-Oliver
Procurement Director

RESOLUTION 46-2023

A RESOLUTION ACCEPTING THE BID OF RTM CONTRACTING AT THE RATES PROVIDED IN THE BID TAB SHEET (A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN), AMOUNT NOT TO EXCEED BUDGETED FUNDS, FOR INFRASTRUCTURE RESTORATION AND REPAIR SERVICES FOR THE WATER AND ENGINEERING DEPARTMENTS, FOR AN INITIAL TERM OF 12 MONTHS WITH THE OPTION TO RENEW FOR UP TO FOUR ADDITIONAL 12 MONTH TERMS PENDING BUDGETARY APPROVAL, AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT.

WHEREAS, pursuant to law, the City solicited bids for Infrastructure Restoration and Repair Services for the Water and Engineering Departments, and

WHEREAS, the most responsible bid received was that of RTM Contracting at the rates provided in the bid tab sheet (a copy of which is attached hereto and incorporated by reference herein), amount not to exceed budgeted funds, for an initial term of 12 months with the option to renew for up to four additional 12 month terms pending budgetary approval, and which bid acceptance is approved by the Chief Administrative Officer and recommended by the Director of Procurement and the Director of Public Services, and

WHEREAS, funds are available in Account #505-30-300-302-000-520075 (Water Professional Services), and in Account 301-05-070-000-000-620060 (Engineering Sidewalk Account) Project #PW2402.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. The bid of RTM Contracting at the rates provided in the bid tab sheet (a copy which is attached hereto and incorporated by reference herein), amount not to exceed budgeted funds, for Infrastructure Restoration and Repair Services for the Water and Engineering Departments, for an initial term of 12 months with the option to renew for up to four additional 12 month terms pending budgetary approval, is hereby accepted and approved.

SECTION 2. The Mayor is hereby authorized and directed to enter into a contract with RTM Contracting at the rates provided in the bid tab sheet (a copy of which is attached hereto and incorporated by reference herein), amount not to exceed budgeted funds for Infrastructure Restoration and Repair Services e for the Water and Engineering Departments, for an initial term of 12 months with the option to renew for up to four additional 12 month terms pending budgetary approval,.

SECTION 3. This Resolution shall be in full force and effect after its passage and approval.

PASSED AND APPROVED THIS 20TH DAY OF APRIL 2023.

Mayor, City of Kirkwood

ATTEST:

City Clerk

Legislation Request

Resolution

Place On The Agenda Of: 4/20/2023

Step #1:

Strategic Plan YES

Goal # & Title Quality of Life: Goal 3

Background To Issue:

The City's Water Department performs emergency water main repairs throughout the year, many occurring under streets and sidewalks which require the pavements to be restored to City standards. The Engineering Department also repairs hazardous public sidewalks reported by the public. The Engineering and Water Department sought unit price bids from qualified contractors to perform the work as part of the same solicitation for the north area of Kirkwood, as the previous contractor and the City terminated the previous contract. The southern boundary for the north area is Adams Avenue as shown on the attached map. The lowest, responsive, and responsible bidder is RTM Contracting. RTM Contracting has successfully completed similar type work for other utilities. The term of the contract is proposed to be twelve (12) months with the option to renew up to four (4) additional twelve (12) month terms.

Recommendations and Action Requested:

It is recommended the City Council accept unit price bid proposal in the amount of \$711,860.00 submitted by RTM Contracting for restoration services for the north area of Kirkwood and authorize payment at the rates provided not to exceed the available funds in the account.

Alternatives Available:

Does this project have a public information component? Yes No

Cost: \$711,860.00 Account #: 520075 Project #: Budgeted: YES

If YES, Budgeted Amount: \$711,860.00 If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

Repair of Roadway, Driveway, Sidewalk and Other Surfaces from Water Main Breaks

Account #: 505-30-300-302-000-520075 Project #: NA

Public Sidewalk Repairs

Account#: 301-05-070-000-000-620060 Project #: PW2402

BY: Christopher Krueger

Date: 4/11/2023

Authenticated: kruegeca

You can attach up to 3 files along with this request.



Infrastructure Repair Program
North-South Area Map.pdf
Adobe Acrobat Document
454 KB

File Attachment

File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Approve

Purchasing Director's Comments:

BY: Sara Foan-Oliver

Date: 4/11/2023

Authenticated: sfo

You can attach up to 3 files along with this request.



13948 Resolution 13948.pdf
Adobe Acrobat Document
45.1 KB

File Attachment

File Attachment

Step #3: If budgetary approval is required **(Must have Finance Department's approval).**

Budgetary Approval

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

Budgetary appropriations are available in account 505-30-300-302-000-520075, Water Professional Services and 310-05-070-000-000-620060, Sidewalks, Project PW2402, Sidewalk 2024 to approve staff recommendation as requested above.

BY: Sandra Stephens

Date: 4/12/2023

Authenticated: stephesf

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

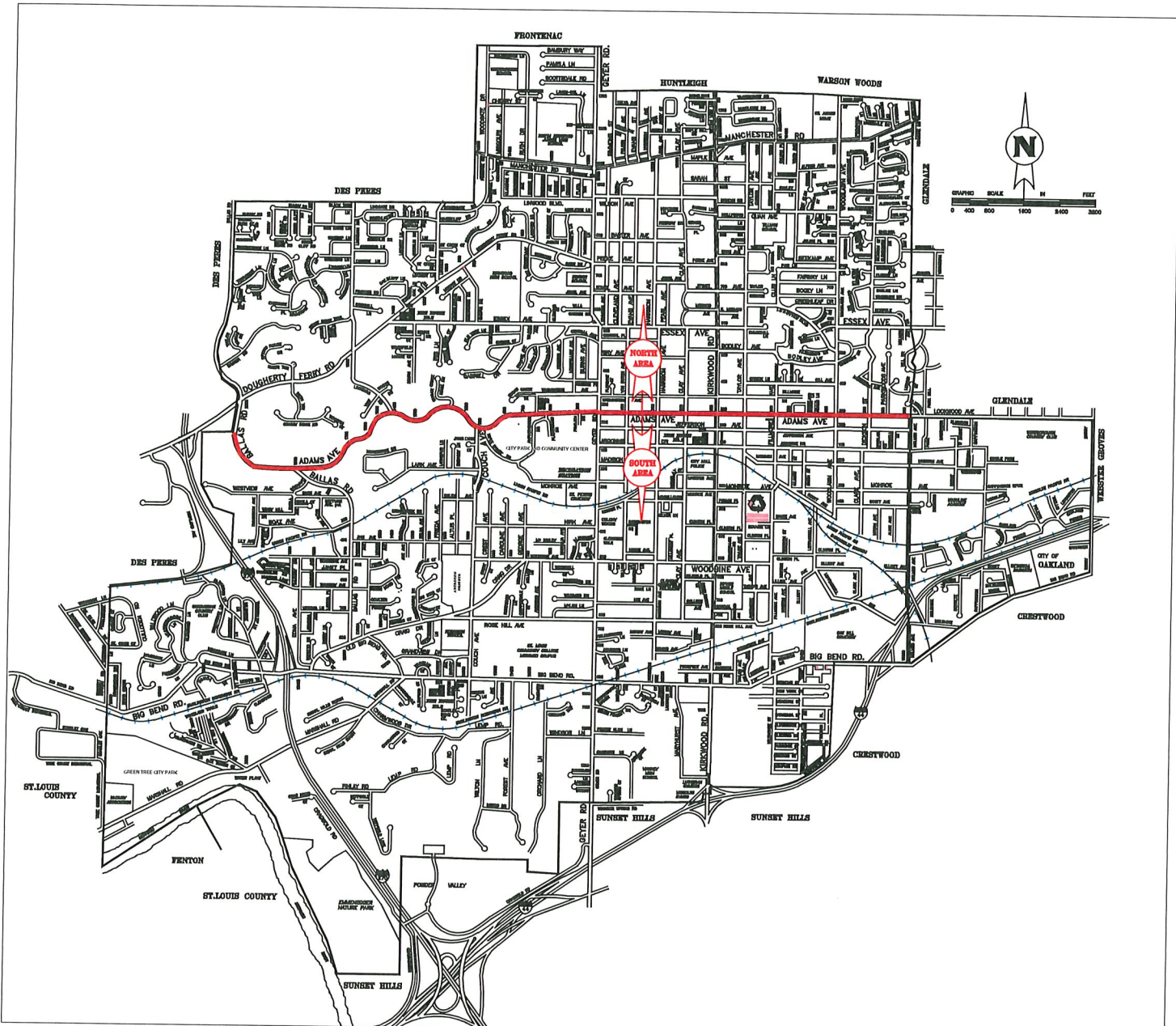
Chief Administrative Officer's Comments:

BY:

A handwritten signature in blue ink, appearing to be "Paul J. ...", written over a horizontal line.

Date:

4-14-23



SHEET NO. MAP 1 OF 1	Infrastructure Repair Program North/South Area Map CITY OF KIRKWOOD Infrastructure Repair Program 139 S. KIRKWOOD ROAD ST. LOUIS, MISSOURI 63143	DATE: 2/16/2021 CHECKED: DW DRAWN: CAK SCALE: NO SCALE		<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REMARKS</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	REMARKS															
	NO.	DATE		REMARKS																		
ISSUE / REVISION DESCRIPTIONS																						

April 11, 2023

To: Russell B. Hawes, Chief Administrative Officer

For Your Consideration: Infrastructure Restoration and Repair, North Half of Kirkwood
13948

Sealed bids were opened on April 6, 2023. The bid tabulation is as follows:

<u>Vendor</u>	<u>Total (Based on Estimated Quantities)</u>
RTM Contracting	\$711,860.00
JL Contracting	\$1,016,850.00

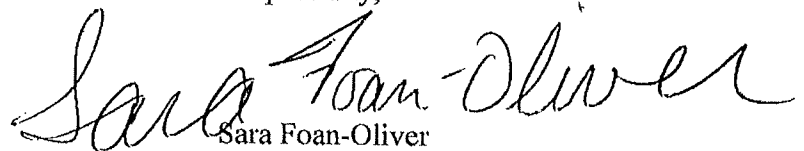
Bid requests were also sent to an additional 248 contractors; however, they did not submit bids.

The rate based bid was provided to Bill Bensing, Public Services Director, Chris Krueger, City Engineer and Clarence Patterson, Water Superintendent, for review. It is recommended that the bid be awarded to RTM Contracting for the north half of Kirkwood, as their bid is the lowest responsive and responsible bid meeting specifications. The dividing line for the 2 territories is Adams Avenue. RTM Contracting will be responsible for restoration and repairs north of Adams Avenue.

The anticipated contract term will be 12 months with an option to renew annually thereafter 1 term at a time, up to 4 consecutive 12 month terms.

Attached is a request from Chris Krueger for a resolution authorizing a contract to be issued to RTM Contracting in the amount of \$711,860.00 not to exceed budgeted funds for Infrastructure Restoration Repair Program.

Respectfully,



Sara Foan-Oliver
Director of Procurement

RESOLUTION 47-2023

A RESOLUTION ACCEPTING THE BID OF JL CONTRACTING, LLC IN THE NOT TO EXCEED AMOUNT OF \$571,876.80 (WHICH INCLUDES A CONTINGENCY OF \$51,988.80) FOR THE CLAY AVENUE BRIDGE REHABILITATION PROJECT AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT.

WHEREAS, pursuant to law, the City solicited bids for the purchase of the Clay Avenue Bridge Rehabilitation Project, and

WHEREAS, the most responsible bid received were that of JL Contracting, LLC in the not to exceed amount of \$571,876.80 (which includes a contingency of \$51,988.80), which bid acceptance is approved by the Chief Administrative Officer and recommended by the Director of Procurement and the City Engineer, and

WHEREAS, funds are available in Account #301-05-070-000-000-620070 (Streets), Project #PW2306.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. The proposal of JL Contracting, LLC in the not to exceed amount of \$571,876.80 (which includes a contingency of \$51,988.80) for the Clay Avenue Bridge Rehabilitation Project is hereby accepted and approved.

SECTION 2. The Mayor is hereby authorized and directed to enter into a contract with JL Contracting, LLC in the not to exceed amount of \$571,876.80 (which includes a contingency of \$51,988.80) for the Clay Avenue Bridge Rehabilitation Project.

SECTION 3. This Resolution shall be in full force and effect after its passage and approval.

PASSED AND APPROVED THIS 20TH DAY OF APRIL 2023.

Mayor, City of Kirkwood

ATTEST:

City Clerk

Legislation Request

Resolution

Place On The Agenda Of: 4/20/2023

Step #1:

Strategic Plan YES

Goal # & Title Goal 5. Invest for the future through public infrastructure

Background To Issue:

The Engineering Department has selected the Clay Avenue Bridge for rehabilitation . The project includes pavement and sidewalk removal and replacement, removal and replacement of expansion joints in sidewalk at each end of bridge; coordinate work within Union Pacific Railroad Right-of-Way with railroad as necessary; clean, repair, spot-replacement of MSE block wall, and application of decorative shotcrete to spalling block MSE retaining walls at various locations; furnish, fabricate and install drainage system on structure; and other maintenance items. Bid Advertisements for construction of the project were sent to contractor's through the Purchasing Department. JL Contracting LLC (JL Contracting & Landscaping LLC) submitted the low and responsive bid in the amount of \$741,755.50. JL Contracting LLC (JL Contracting & Landscaping LLC) has successfully completed projects for the City of Kirkwood. Engineering staff is recommending the reduction in the contracted amount (see attached) to \$519,888 that does not include pavement and sidewalk repairs at this time.

Recommendations and Action Requested:

It is recommended the City Council accept the reduction in bid submitted by JL Contracting LLC (JL Contracting & Landscaping LLC) for construction services in the amount not to exceed \$571,876.80, which includes a contingency of \$51,988.80.

Alternatives Available:

Does this project have a public information component? Yes No

Cost: \$571,876.80 Account #: 6200070 Project #: PW2306 Budgeted: YES

If YES, Budgeted Amount: \$571,876.80 If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

New Account Number - 301-05-070-000-000-620070

BY: Christopher Krueger

Date: 3/28/2023

Authenticated: kruegeca

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Approve

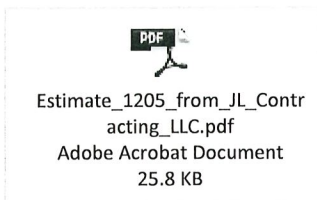
Purchasing Director's Comments:

BY: Sara Foan-Oliver

Date: 4/3/2023

Authenticated: sfo

You can attach up to 3 files along with this request.



Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Budgetary Approval

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

Budgetary appropriations are available and sufficient for \$571,876.80 in account 301-05-070-000-000-620070, Streets, Project PW2306, Clay Avenue Bridget to approve the above as requested.

BY: Sandra Stephens

Date: 4/12/2023

Authenticated: stephesf

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 4-14-23

JL Contracting LLC
 1724 Janet Place
 SAINT LOUIS, MO 63122 US
 3145685215
 jlbuilds@live.com

Estimate



ADDRESS
 City of Kirkwood
 139 South Kirkwood Road
 Kirkwood, MO 63122

ESTIMATE #	DATE
1205	03/27/2023

P.O. NUMBER
 Clay Ave Bridge Repair

DATE	DESCRIPTION	QTY	RATE	AMOUNT
	02.10 Demo			
	Demo removal of Improvements	1	4,500.00	4,500.00
	01 Plans and Permits			
	Plans and Permits Land Disturbance	1	1,000.00	1,000.00
	Fenceing			
	Temporary Fence	321	11.00	3,531.00
	Traffic Control			
	Traffic control, cones, signs	1	15,400.00	15,400.00
	Mobilization			
	Mobilization	1	65,000.00	65,000.00
	Surveying and Staking			
	Surveying and Staking	1	6,500.00	6,500.00
	02.10 Demo			
	Removal of joint filler	1	8,200.00	8,200.00
	04 Concrete			
	Sculped Shotcrete Repair	295	1,225.00	361,375.00
	Drain Tile			
	Drainage system on structure	1	5,600.00	5,600.00
	Retaining Wall			
	Build retaining wall small block repair	130	75.00	9,750.00
	Power washing			
	Clean small block wall	1	2,350.00	2,350.00
	04 Concrete			
	Weep Holes	46	142.00	6,532.00
	22 Specialty			
	Impervious Membrane behind wall	1	7,650.00	7,650.00
	01 Plans and Permits			
	Flagger	1	22,500.00	22,500.00

Clay Ave Bridge Repair

TOTAL

\$519,888.00

Accepted By

Accepted Date

April 11, 2023

To: Russell B. Hawes, Chief Administrative Officer

For Your Consideration: Clay Avenue Bridge Rehabilitation Project - 13847

Sealed bids were opened on March 21, 2023. The bid tabulation is as follows:

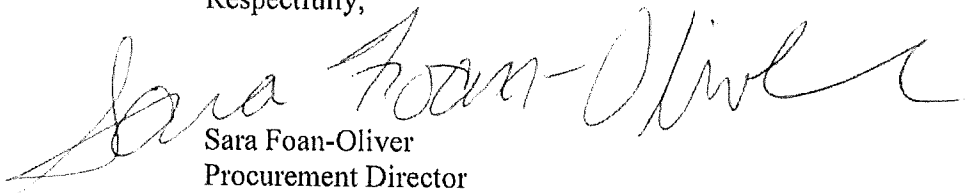
<u>Vendor</u>	<u>Extended Total</u>
JL Contracting LLC	\$741,755.50 (now - \$519,888.00)
Concrete Strategies, LLC	\$1,060,092.80

Bid requests were also sent to an additional 225 suppliers; however, they did not submit bids.

The bids were sent to Bill Bensing, Public Services Director, Chris Krueger, City Engineer and Richard Holesinger, Assistant City Engineer for review. After review of the bid, Engineering took out the pavement and sidewalk repair bringing the total down to \$519,888.00.

Attached is a request from Chris Krueger for a resolution authorizing a contract to be issued to JL Contracting, LLC for \$519,888.00 plus a contingency of \$51,988.80 for a total amount not to exceed \$571,876.80.

Respectfully,



Sara Foan-Oliver
Procurement Director

RESOLUTION 48-2023

A RESOLUTION ACCEPTING THE BID OF J.W. BOMMARITO CONSTRUCTION IN THE NOT TO EXCEED AMOUNT OF \$1,203,589 (WHICH INCLUDES A CONTINGENCY OF \$109,417) FOR THE WEST ESSEX WATER MAIN REPLACEMENT AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT.

WHEREAS, pursuant to law, the City solicited bids for the purchase of the West Essex Water Main Replacement, and

WHEREAS, the most responsible bid received were that of J.W. Bommarito Construction in the not to exceed amount of \$1,203,589 (which includes a contingency of \$109,417), which bid acceptance is approved by the Chief Administrative Officer and recommended by the Director of Procurement and the Director of Public Services, and

WHEREAS, funds are available in Account #505-30-300-304-00-620080 (Distribution System Improvements), Project #WA2401.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. The proposal of J.W. Bommarito Construction in the not to exceed amount of \$1,203,589 (which includes a contingency of \$109,417) for the West Essex Water Main Replacement is hereby accepted and approved.

SECTION 2. The Mayor is hereby authorized and directed to enter into a contract with J.W. Bommarito Construction in the not to exceed amount of \$1,203,589 (which includes a contingency of \$109,417) for the West Essex Water Main Replacement.

SECTION 3. This Resolution shall be in full force and effect after its passage and approval.

PASSED AND APPROVED THIS 20TH DAY OF APRIL 2023.

Mayor, City of Kirkwood

ATTEST:

City Clerk

Legislation Request

Resolution

Place On The Agenda Of: 4/20/2023

Step #1:

Strategic Plan NO

Goal # & Title

Background To Issue:

In the Water Division's FY24 budget funds have been allocated for the replacement of deteriorating 4",6" and 8" cast iron water main with a new 12" PVC main on W. Essex Ave. from Kirkwood Rd. to Geyer Rd. This project would replace 0.45% of the water distribution system.

Recommendations and Action Requested:

It is recommended that the City Council accepted the proposal from J.W. Bommarito Construction in the amount of \$1,203,589 which includes a 10% construction contingency for the replacement of water mains on W. Essex Ave. from Kirkwood Rd. to Geyer Rd.

Alternatives Available:

Does this project have a public information component? Yes No

Cost: \$1,203,589.00 Account #: 50530300304 Project #: WA2401 Budgeted: YES

If YES, Budgeted Amount: \$1,525,600.00 If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

Account No. 505-30-300-304-000-620080

BY: Bill Bensing

Date: 4/11/2023

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Select...

Purchasing Director's Comments:

BY: Sara Foan-Oliver

Date: 4/12/2023

Authenticated: sfo

You can attach up to 3 files along with this request.



13935 Resolution Letter.pdf
Adobe Acrobat Document
170 KB

File Attachment

File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Budgetary Approval

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

Budgetary appropriation is available and sufficient for \$1,203,589 in account 505-30-300-304-00-620080, Distribution System Improvements, Project WA2401, Water Main Replacement to approve the above as requested.

BY: Sandra Stephens

Date: 4/12/2023

Authenticated: stephesf

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 4-14-23

April 11, 2023

To: Russell B. Hawes, Chief Administrative Officer

For Your Consideration: W. Essex Water Main Replacement #13935

Sealed bids were opened on March 28, 2023. The bid tabulation is as follow:

<u>Vendor</u>	<u>Total</u>
J.W. Bommarito Construction	\$1,094,172.00
Excel Utility Contractors	\$1,568,535.00

Bid requests were sent to a total of 271 contractors utilizing the City's e-Procurement platform, Ionwave; however, only those listed above submitted a bid.

The bid was provided to Bill Bensing, Public Works Director, and Clarence Patterson, Water Superintendent, for review. It is recommended that the bid be awarded to J.W. Bommarito Construction, as their bid of \$1,094,172.00 is the lowest responsive and responsible bid meeting specifications.

Attached is a request from Bill Bensing, Public Works Director, for a resolution authorizing a contract to be issued to J.W. Bommarito Construction for \$1,094,172.00 with a contingency of \$109,417.00 for a total not to exceed contract value of \$1,203,589.00.

Respectfully,



Sara Foan-Oliver
Director of Procurement

RESOLUTION 49-2023

A RESOLUTION GRANTING THE CHIEF ADMINISTRATIVE OFFICER WITH THE AUTHORITY TO EXECUTE CONTRACTS FOR THE PROCUREMENT OF PROFESSIONAL SERVICES FOR THE KIRKWOOD PERFORMING ARTS CENTER, NOT TO EXCEED THE ADOPTED BUDGETARY APPROPRIATION.

WHEREAS, the Kirkwood Performing Arts Center (KPAC) is working to book the KPAC facility to the maximum potential, and

WHEREAS, in order to accomplish this goal, the procurement of professional service contracts need to be reviewed and executed quickly to guarantee the booking dates, and

WHEREAS, staff is recommending that the City Council grants the Chief Administrative Officer the authority to execute contracts for the procurement of professional services for the Kirkwood Performing Arts Center, not to exceed the adopted budgetary appropriation for the KPAC division.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. The Chief Administrative Officer the authority to execute contracts for the procurement of professional services for the Kirkwood Performing Arts Center, not to exceed the adopted budgetary appropriation for the KPAC division.

SECTION 2. This Resolution shall be in full force and effect after its passage and approval.

PASSED AND APPROVED THIS 20TH DAY OF APRIL 2023.

Mayor, City of Kirkwood

ATTEST:

City Clerk

Legislation Request

Ordinance

Place On The Agenda Of: 4/20/2023

Step #1:

Strategic Plan Select... Goal # & Title

Background To Issue:

The Kirkwood Performing Arts Center (KPAC) is working to book the KPAC facility to the maximum potential. In order to accomplish this goal, the procurement of professional service contracts need to be reviewed and executed quickly to guarantee the booking dates.

Recommendations and Action Requested:

Finance Department is recommending City Council grants the Chief Administrative Officer the authority to execute contracts for the procurement of professional services for the Kirkwood Performing Arts Center not to exceed the adopted budgetary appropriation for the KPAC division.

Alternatives Available:

Does this project have a public information component? Yes No

Cost: \$0.00 Account #: KPAC Revenues Project #: Budgeted: YES

If YES, Budgeted Amount: If NO, or if insufficient funding (Complete Step #3).


Department Head Comments:


BY: Sandra Stephens

Date: 4/12/2023

Authenticated: stephesf

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Select...

Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #3: If budgetary approval is required (Must have Finance Department's approval).

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

Authenticated:

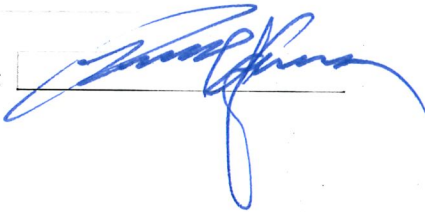
Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve

Disapprove

Chief Administrative Officer's Comments:

BY:



Date:

4-14-23



CITY OF KIRKWOOD
 139 S. Kirkwood Road
 Kirkwood, MO 63122

Approved: _____

Date: _____

- NEW
- RENEWAL

APPLICATION FOR LIQUOR LICENSE

Type of License Requested:

All applicants must pay \$20 Background check made out to: Mo Highway Patrol

- Intoxicating Liquor by the Drink, Not including Sunday \$450.00
- Intoxicating Liquor by the Drink, Plus Sunday \$550.00
- Intoxicating Liquor in Original Package, Not including Sunday \$150.00
- Intoxicating Liquor in Original Package, Plus Sunday \$450.00
- Malt Liquor by Drink, Not Including Sunday \$200.00
- Malt Liquor by Drink, Plus Sunday \$500.00
- Malt Liquor in Original Package, Not including Sunday \$22.50
- Malt Liquor in Original Package, Including Sunday \$322.50
- Malt Liquor and Wine by the Drink, Not including Sundays \$225.00
- Malt Liquor and Wine by the Drink, Including Sundays \$525.00
- Wholesaler/Distributor Intoxicating Liquor, All Kinds \$375.00
- Wholesaler/Distributor Intoxicating Liquor, =<22% Alcohol by Weight \$150.00
- Wholesaler/Distributor Intoxicating Liquor, =<5% Alcohol by Weight \$75.00

PAID
APR 10 2023

Picnic License (\$25.00 for first day, \$10.00 for each additional day) No organization shall obtain permits for more than 7 days per year. Date of event: 4.29.2023 Place event will be held: Kirkwood Beer Run
 **Establishments licensed to sell intoxicating liquor in the original package may apply for and obtain a license to conduct wine tasting on the premises of the licensed establishment for an additional fee of \$25.00.

Name of Company: 4 Hands Brewing Co.
 Location Address: 1720 S. 8th St. Phone: 314-324-0986 call
 Name of Owner of Business: Kevin Lemp Phone: 314-308-7414
 Address of Owner: 1720 S. 8th St. St. Louis, MO 63104
 Name of Managing Officer: Chris Trunk Phone: 314-322-3213
 Address of Managing Officer: 1720 S. 8th St. St. Louis, MO 63104
 Date of Birth: _____ Street _____ City _____ State _____ Zip _____
 Place of Birth: St. Louis
 Driver's License #: _____ Social Security _____

Do you have an interest in any liquor license which is now in NO
 If so, give details _____

Have you previously held a liquor license of any type? NO
 If so, give details _____

Have you ever had a liquor license suspended or revoked? NO
 If so, give details _____

Have you ever been convicted of any violation of a federal law, state statute or local ordinance relating to toxicating liquor? NO
 If so, give details _____

Chris Trunk
 Signature of Applicant

Chris Trunk
 Print Applicant's Name

**APPLICATION FOR TEMPORARY
OUTDOOR PROMOTIONAL VARIANCE**

Business or Organization Seeking Variance:

Walmart Stores Inc

Name of Business Owner or Manager Seeking Variance:

Walmart Stores Inc.

Address or Location of Variance Site:

1202 S Kirkwood Rd, Kirkwood, MO 63122

Description of Activity Needing Variance Including Dates and Times:

We are placing mulch, sand, soil, and plants on
parking lot north side. We will be using 10
parking spaces.

April 22, 2023 through September 22, 2023

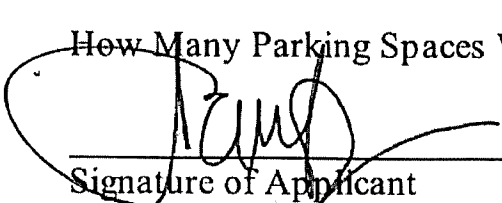
Applicant's Telephone Number: 3142673900

Email Address, if applicable: jtolber.502694.us@walmart.com

If Applicant is not the Property Owner Provide Name and Contact Phone Number
of Owner or Property Manager*: Fernan W...

*Approval from the Property Owner or Property Manager, prior to submittal to City of Kirkwood.

How Many Parking Spaces Will Be Affected: 10


Signature of Applicant
Or Applicant's Representative

4/3/2023
Date

If Possible, please sketch an approximate location of the event in relation to closest buildings.

*Return this completed form to Laurie Asche, City Clerk, via fax (314-822-5863) or email:
aschelb@kirkwoodmo.org*

Laurie Asche

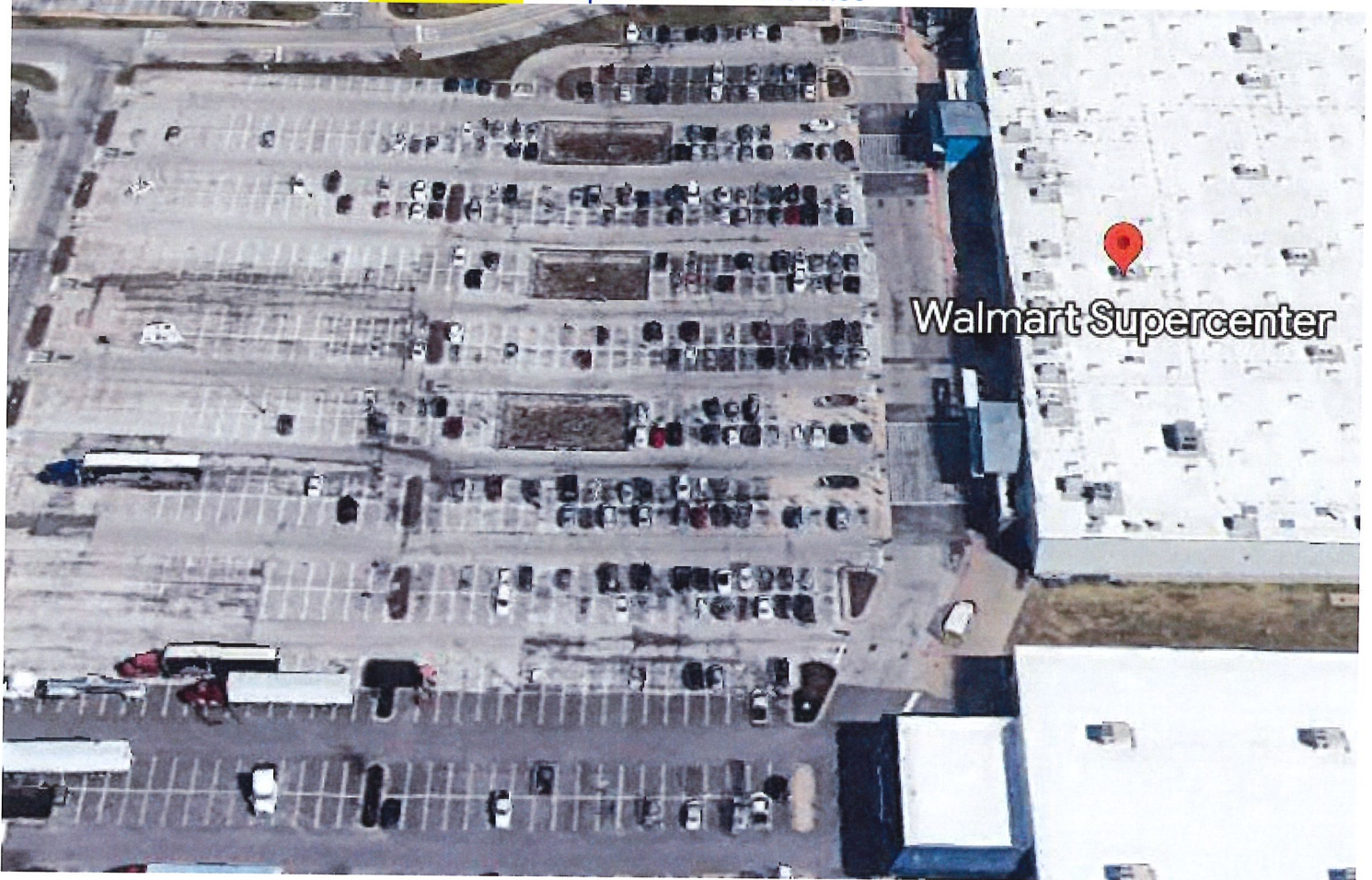
From: Jamarr Tobler - jtobler.s02694 <jtobler.s02694.us@wal-mart.com>
Sent: Tuesday, April 4, 2023 5:58 PM
To: Laurie Asche
Subject: Walmart 2694
Attachments: image2023-04-04-175530 (1).pdf

Caution! This message was sent from outside your organization.

Hello,

Please find attached the paper work requested for our seasonal outside sales. We would like to use the 10 parking spaces on the north side of the parking lot.

We would like to use these  10 spaces below the lines



Thanks for your consideration in this matter!

Jamarr Tobler

GM Coach
jtobler.s02694.us@wal-mart.com